



**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE  
SPECIAL MEETING**

**MONDAY, JANUARY 11, 2021**

**2:30 P.M.**

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Lori Droste

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

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council Agenda & Rules Committee will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL <https://us02web.zoom.us/j/88332004696>. 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 on the screen.

To join by phone: Dial **1-669-900-9128 or 1-877-853-5257 (Toll Free)** and Enter Meeting ID: **883 3200 4696**. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized by the Chair.

Written communications submitted by mail or e-mail to the Agenda & Rules Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record. City offices are currently closed and cannot accept written communications in person.

# **AGENDA**

**Roll Call**

**Public Comment**

## **Review of Agendas**

- 1. Approval of Minutes: January 4, 2021**
- 2. Review and Approve Draft Agenda:**
  - a. 1/26/21 – 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 of Legislative Bodies**

## Referred Items for Review

**9. Support Affirming the Right to Boycott as a Tactic for Social and Political Change**

**From: Councilmember Davila (Author)**

**Referred: November 30, 2020**

**Due: May 23, 2021**

**Recommendation:** Adopt a Resolution with the following actions: 1. Support Affirming the Right to Boycott as a Tactic for Social and Political Change, and celebrate the People of Berkeley for their commitment to Peace, Justice and Equity; 2. The City of Berkeley affirms the right of all people to participate in boycotts of any entity when they have conscientious concerns with the entity's policies or actions; 3. The City of Berkeley condemns attempts by governments to infringe upon the right to peaceful boycotts by criminalizing that participation, denying participants state contracts, or otherwise impeding the freedom of advocacy for all; 4. The City Council encourages City Commissions to recommend boycott policies to the City Council when appropriate, so that the City Council may be well informed in its oversight of City resources 5. Send a copy of this resolution to Governor Gavin Newsom, Attorney General Xavier Becerra, State Assemblymember Buffy Wicks, State Senator Nancy Skinner, United States Senators Bernie Sanders, Kamala Harris, Dianne Feinstein, and United States Congressional Representatives Barbara Lee, Ro Khanna, Alexandria Ocasio-Cortez, Ilhan Omar, Ayanna Pressley, Rashida Harbi Tlaib, and Pramila Jayapal.

**Financial Implications:** None

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

## Unscheduled Items

*These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.*

**10. Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts; Amending BMC Chapter 2.12 (Item contains supplemental material)**

**From: Fair Campaign Practices Commission**

**Referred: July 28, 2020**

**Due: January 29, 2021**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt first reading of an ordinance amending the Berkeley Election Reform Act, Berkeley Municipal Code Chapter 2.12, to prohibit Officeholder Accounts (See Section 18531.62. Elected State Officeholder Bank Accounts, Regulations of the Fair Political Practices Commission).

**Financial Implications:** None

Contact: Sam Harvey, Commission Secretary, (510) 981-6950

## Unscheduled Items

- 11. Relinquishments and grants from Councilmembers' office budgets**  
**From: Open Government Commission**  
**Referred: August 31, 2020**  
**Due: February 15, 2021**  
**Recommendation:** Adopt a Resolution creating a temporary advisory committee consisting of three (3) members each of the City Council and the Open Government Commission ("OGC") to enable discussion between the Council and the OGC to make recommendations governing relinquishments and grants from Councilmembers' office budgets.  
**Financial Implications:** None  
Contact: Sam Harvey, Commission Secretary, (510) 981-6950
- 12. Commission Reorganization for Post-COVID19 Budget Recovery**  
**From: Councilmember Droste (Author), Councilmember Robinson (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)**  
**Referred: June 15, 2020**  
**Due: March 1, 2021**  
**Recommendation:** 1. Reorganize existing commissions with the goal of achieving 20 total commissions; 2. Reorganize existing commissions within various departments to ensure that no single department is responsible for more than five commissions; 3. Reorganize commissions within the Public Works Department to ensure Public Works oversees no more than three commissions; 4. Refer to the City Manager and every policy committee to agendaize at the next meeting available to discuss commissions that are in their purview and make recommendations to the full Council on how to reorganize and address the various policy areas. Commission members should be notified and chairs should be invited to participate. Policy committee members are encouraged to consider the renaming of some commissions in order to ensure that all policy areas are addressed.  
**Financial Implications:** See report  
Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

## Items for Future Agendas

- Discussion of items to be added to future agendas

**Adjournment – Next Meeting Monday, January 25, 2021**

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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 prior to the meeting.*

*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 this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.*



**COMMUNICATION ACCESS INFORMATION:**

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

\* \* \*

I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on January 7, 2020.



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@cityofberkeley.info](mailto:policycommittee@cityofberkeley.info).*



**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE  
SPECIAL MEETING MINUTES**

**MONDAY, JANUARY 4, 2021**

**2:30 P.M.**

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Lori Droste

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

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**Roll Call:** 2:32 p.m. All present.

**Public Comment** – 7 speakers

## **Review of Agendas**

**1. Approval of Minutes: November 30, 2020**

**Action:** M/S/C (Wengraf/Hahn) to approve the Minutes of 11/30/2020.

**Vote:** All Ayes.

**2. Review and Approve Draft Agenda:**

a. 1/19/21 – 6:00 p.m. Regular City Council Meeting

**Action:** M/S/C (Wengraf/Hahn) to approve the 1/19/21 Agenda with the revisions noted below.

- *Item Added: Labor MOU (City Manager) – Added to Consent Calendar*
- *Item Added: AB15 and AB16 (Robinson) – Added to Consent Calendar; Councilmembers Harrison and Taplin added as co-sponsors*
- *Item 16 Sale of Vehicles (Davila) – Moved to Action Calendar*
- *Item 18 Lobbyist Ordinance (OGC) – Moved to Consent Calendar*
- *Item 20 Task Force (Arreguin) – Revised item submitted; moved to Consent Calendar*
- *Item 21 Honor Black Panther Party (Taplin) – Revised item submitted; Mayor Arreguin and Councilmember Bartlett added as co-sponsors; scheduled for 1/19 Consent Calendar*
- *Item 22 Grocery Store Workers (Taplin) (Taplin) – Revised item submitted; Mayor Arreguin and Councilmember Bartlett added as co-sponsors; scheduled for 1/19 Action Calendar*
- *Item 23 Child Care Providers (Hahn) – Councilmembers Harrison and Wengraf and Mayor Arreguin added as co-sponsors; scheduled for 1/19 Consent Calendar*
- *Item 24 Parklets and Sidewalk Seating (Hahn) – Councilmembers Harrison and Bartlett added as co-sponsors; scheduled for 1/19 Action Calendar*
- *Item 25 Roe v. Wade (Wengraf) – Scheduled for 1/19 Consent Calendar*

Order of Action Items

Item 16 Sale of Vehicles

Item 17 Proposition 12 Implementation

Item 19 Racism as a Public Health Crisis

Item 22 Grocery Store Workers

Item 24 Parklets and Sidewalk Seating

**Vote:** All Ayes.

**3. Selection of Item for the Berkeley Considers Online Engagement Portal**

- None selected

**4. Adjournments In Memory**

- Tom Guarino, PG&E Governmental Affairs Representative
- Harry Brill, Labor Activist
- Ted Edlin, City Commissioner



## Scheduling

**5. Council Worksessions Schedule**

- Homeless Outreach item added to 2/16/21

**6. Council Referrals to Agenda Committee for Scheduling**

**Action:** M/S/C (Arreguin/Wengraf) to schedule #3 Report on Homeless Outreach for February 16 Worksession agenda.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Hahn) to schedule #4 Police Chief for February 9 Action Calendar.

**Vote:** All Ayes.

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

## Referred Items for Review

**8. Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings of Legislative Bodies**

**Action:** 4 speakers. Discussion held. No action taken.

## Referred Items for Review

9. **Commission Reorganization for Post-COVID19 Budget Recovery**  
**From: Councilmember Droste (Author), Councilmember Robinson (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)**

**Referred: June 15, 2020**

**Due: March 1, 2021**

**Recommendation:** 1. Reorganize existing commissions with the goal of achieving 20 total commissions; 2. Reorganize existing commissions within various departments to ensure that no single department is responsible for more than five commissions; 3. Reorganize commissions within the Public Works Department to ensure Public Works oversees no more than three commissions; 4. Refer to the City Manager and every policy committee to agendaize at the next meeting available to discuss commissions that are in their purview and make recommendations to the full Council on how to reorganize and address the various policy areas. Commission members should be notified and chairs should be invited to participate. Policy committee members are encouraged to consider the renaming of some commissions in order to ensure that all policy areas are addressed.

**Financial Implications:** See report

Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

**Action:** 3 speakers. Discussion held. Item moved to Unscheduled Items for the January 11 agenda. Mayor Arreguin will call a special meeting of the committee to hear this item.

## Referred Items for Review

**10. Support Affirming the Right to Boycott as a Tactic for Social and Political Change**

**From: Councilmember Davila (Author)**

**Referred: November 30, 2020**

**Due: May 23, 2021**

**Recommendation:** Adopt a Resolution with the following actions: 1. Support Affirming the Right to Boycott as a Tactic for Social and Political Change, and celebrate the People of Berkeley for their commitment to Peace, Justice and Equity; 2. The City of Berkeley affirms the right of all people to participate in boycotts of any entity when they have conscientious concerns with the entity's policies or actions; 3. The City of Berkeley condemns attempts by governments to infringe upon the right to peaceful boycotts by criminalizing that participation, denying participants state contracts, or otherwise impeding the freedom of advocacy for all; 4. The City Council encourages City Commissions to recommend boycott policies to the City Council when appropriate, so that the City Council may be well informed in its oversight of City resources 5. Send a copy of this resolution to Governor Gavin Newsom, Attorney General Xavier Becerra, State Assemblymember Buffy Wicks, State Senator Nancy Skinner, United States Senators Bernie Sanders, Kamala Harris, Dianne Feinstein, and United States Congressional Representatives Barbara Lee, Ro Khanna, Alexandria Ocasio-Cortez, Ilhan Omar, Ayanna Pressley, Rashida Harbi Tlaib, and Pramila Jayapal.

**Financial Implications:** None

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

**Action:** No action taken. Held over to January 11 agenda.

## Unscheduled Items

*These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.*

**11. Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts; Amending BMC Chapter 2.12 (Item contains supplemental material)**

**From: Fair Campaign Practices Commission**

**Referred: July 28, 2020**

**Due: January 29, 2021**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt first reading of an ordinance amending the Berkeley Election Reform Act, Berkeley Municipal Code Chapter 2.12, to prohibit Officeholder Accounts (See Section 18531.62. Elected State Officeholder Bank Accounts, Regulations of the Fair Political Practices Commission).

**Financial Implications:** None

Contact: Sam Harvey, Commission Secretary, (510) 981-6950

**Action:** No action taken.

**12. Relinquishments and grants from Councilmembers' office budgets**

**From: Open Government Commission**

**Referred: August 31, 2020**

**Due: February 15, 2021**

**Recommendation:** Adopt a Resolution creating a temporary advisory committee consisting of three (3) members each of the City Council and the Open Government Commission ("OGC") to enable discussion between the Council and the OGC to make recommendations governing relinquishments and grants from Councilmembers' office budgets.

**Financial Implications:** None

Contact: Sam Harvey, Commission Secretary, (510) 981-6950

**Action:** No action taken.

## Items for Future Agendas

- None

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 4:50 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on January 4, 2021.

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Mark Numainville  
City Clerk

## Communications

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## DRAFT AGENDA



### BERKELEY CITY COUNCIL MEETING

Tuesday, January 26, 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

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*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 <<INSERT URL HERE>>. 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: <<INSERT MEETING ID HERE>>. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*To submit an e-mail comment during the meeting to be read aloud during public comment, email [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.*

*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.*

*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:

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

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

**Public Comment on Non-Agenda Matters:** *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

## 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 for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".*

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

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

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

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

## Consent Calendar

- 1. Contract No. 32000129 Amendment: Resource Development Associates for Planning and Project Coordination Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000129 with Resource Development Associates through January 31, 2022, adding \$49,000 for a total not to exceed amount of \$97,850, to fund Mental Health Services Act (MHSA) Innovations (INN) Planning and “Help@Hand” Technology Suite Project Coordination services.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 2. Contract No. 32000106 Amendment: Easy Does It for Provision of Wheelchair Van Service for Seniors & Disabled**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000106 with Easy Does It in an amount not to exceed \$150,000 for the period April 1, 2021 through June 30, 2023 for the provision of accessible wheelchair van services to clients of the Aging Services Division’s Berkeley Rides for Seniors & the Disabled program.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 3. Resolution Accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code**  
*(Continued from November 10, 2020) (Note: On November 16, 2020, the Agenda & Rules Committee scheduled this item for the December 1, 2020 Council meeting agenda. The item was unintentionally omitted from the December 1, 2020 agenda, and is now being included on the next available regular meeting agenda.)*  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting the Surveillance Technology Report for Automatic License Plate Readers, GPS Trackers, Body Worn Cameras, and the Street Level Imagery Project Pursuant to Chapter 2.99 of the Berkeley Municipal Code  
**Financial Implications:** None  
Contact: Andrew Greenwood, Police, (510) 981-5900, Savita Chaudhary, Director of Information Technology (510) 981-6541, Dave White, City Manager's Office, (510) 981-7000

## Consent Calendar

**4. Contract: Sposeto Engineering Inc. for Central Berkeley Transportation & Infrastructure Improvements Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for the Central Berkeley Transportation & Infrastructure Improvements Project, (“Project”), Specification Nos. 21-11411-C, 21-11416-C, and 21-11417-C; 2. Accepting the bid of Sposeto Engineering Inc., the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract with Sposeto Engineering Inc. and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$3,477,475, which includes a contingency of fourteen percent for unforeseen circumstances.

**Financial Implications:** See report

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

**5. Contract: Cratus, Inc. for Sanitary Sewer Rehabilitation at Various Locations**  
**From: City Manager**

**Recommendation:** Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project, located on Cedar Street, Virginia Gardens, Sacramento Street, Lincoln Street, Spaulding Avenue Backline, Roosevelt Avenue Backline, Martin Luther King Jr. Way and Backline, Walker Street Backline, Telegraph Avenue Backline, Atherton Street, Fulton Street, Bancroft Way, Shattuck Avenue, and Kittredge Street; accepting the bid of the lowest responsive and responsible bidder, Cratus, Inc.; and 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 \$2,074,469, which includes a 10% contingency of \$188,588.

**Financial Implications:** See report

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

**6. Contract: Toole Design Group for Planning, Design, and Engineering of the Southside Complete Streets Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Toole Design Group for Planning, Design, and Engineering of the Southside Complete Streets Project, for a not-to-exceed amount of \$979,349 for the period February 1, 2021 through March 31, 2024.

**Financial Implications:** See report

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



## Consent Calendar

7. **Approval of Berkeley Strategic Transportation Plan Second Addendum**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the Berkeley Strategic Transportation Plan Second Addendum. 2. Authorizing the City Manager to submit unfunded Five-Year Priority Projects from the Berkeley Strategic Transportation Plan Second Addendum to the Alameda County Transportation Commission for inclusion and funding in the County's Fiscal Year (FY) 2022 – FY 2026 Comprehensive Investment Plan. 3. Authorizing the City Manager to execute agreements as needed for accepting the awarded grant funds.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300
8. **Opposition of New U.S. Base Construction in the Henoko-Oura Bay of Okinawa**  
**From: Peace and Justice Commission**  
**Recommendation:** Adopt a Resolution opposing new U.S. base construction in the Hemoko-Oura Bay of Okinawa.  
**Financial Implications:** Minimal  
Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000
9. **Public Works Commission Recommendation for the Five-Year Paving Plan**  
**From: Public Works Commission**  
**Recommendation:** Adopt a resolution that recommends approval of the first three years of the Five-Year Paving Plan, for FY2021 to FY2025, as proposed by Staff, with special advisories regarding prioritization of permeable paving on select streets.  
**Financial Implications:** See report.  
Contact: Joe Enke, Commission Secretary, (510) 981-6300

## Council Consent Items

10. **Budget Referral to Reinstate Partial Funding for the Gun Buyback Program Previously Authorized by City Council** *(Continued from November 10, 2020) (Note: On November 16, 2020, the Agenda & Rules Committee scheduled this item for the December 1, 2020 Council meeting agenda. The item was unintentionally omitted from the December 1, 2020 agenda, and is now being included on the next available regular meeting agenda.)*  
**From: Councilmember Kesarwani (Author), Mayor Arreguin (Co-Sponsor), Councilmember Davila (Co-Sponsor)**  
**Recommendation:** Refer to the FY 2020-21 November Amendment to the Annual Appropriations Ordinance (AAO #1) \$40,000 to reinstate partial funding for the Gun Buyback Program—originally proposed by Councilmember Cheryl Davila and authorized by the City Council on Nov. 27, 2018.  
**Financial Implications:** \$40,000  
Contact: Rashi Kesarwani, Councilmember, District 1 (510) 981-7110

## 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.*

### **11a. Public Hearing: ZAB Appeal: 1850 Arch Street, Use Permit #ZP2019-0212**

**From: City Manager**

**Recommendation:** Conduct a public hearing on the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2019-0212 to reconfigure the interior of the existing building to add 18 bedrooms to an existing 10-unit, 12-bedroom multi-family residential building at 1850 Arch Street.

**Financial Implications:** None

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

### **11b. Public Hearing: ZAB Appeal: 1862 Arch Street, Use Permits #ZP2019-0213**

**From: City Manager**

**Recommendation:** Conduct a public hearing on the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2019-0213 to reconfigure the interior of the existing building to add 15 bedrooms to an existing 10-unit, 10-bedroom multi-family residential building at 1862 Arch Street.

**Financial Implications:** None

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

## Action Calendar – Public Hearings

**11c. ZAB Appeals: 1850 and 1862 Arch Street, Use Permits #ZP2019-0212 and ZP2019-0213**

**From: City Manager**

**Recommendation:** Upon conclusion of the agendaized public hearings, adopt two Resolutions affirming the Zoning Adjustments Board (ZAB) decisions to approve Use Permits #ZP2019-0212 and ZP2019-0213 to reconfigure the interiors of the existing buildings to add 18 bedrooms to an existing 10-unit, 12-bedroom multi-family residential building at 1850 Arch Street, to add 15 bedrooms to an existing 10-unit, 10-bedroom multi-family residential building at 1862 Arch Street, and dismiss the appeals.

**Financial Implications:** None

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

**12. Amend BMC Chapter 14.52 Authorizing goBerkeley Parking Program at All Parking Meters**

**From: City Manager**

**Recommendation:** Conduct a public hearing, and upon conclusion adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 14.52 to add all parking meter areas to the goBerkeley parking program, thereby authorizing the use of demand-responsive parking management citywide under the existing goBerkeley fee structure and program guidelines.

**Financial Implications:** See report

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

## Action Calendar – Old Business

**13. Support Community Refrigerators** *(Continued from November 10, 2020)*

**From: Councilmember Davila (Author)**

**Recommendation:**

1. Adopt a Resolution to create an allocation of the homeless budget towards the purchasing of community refrigerators to be distributed in Council districts to provide access to food for those who have no refrigeration or may be food insecure.
2. Allocate \$8,000 of the budget for the purchasing of the refrigerators.

**Financial Implications:** See report.

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

## Action Calendar – New Business

**14. Berkeley 2020 Pedestrian Plan**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the Berkeley 2020 Pedestrian Plan, and directing the City Manager to pursue implementation of the Plan as funding and staffing permit.

**Financial Implications:** See report

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

## Action Calendar – New Business

**15. Amendments to the Berkeley Election Reform Act (BERA) to Regulate Officeholder Accounts and Proposed Changes to City Council Office Budget Expenditure and Reimbursement Policies (Resolution 67,992-N.S.)**

**From: Fair Campaign Practices Commission**

**Recommendation:** Form a joint subcommittee of members of the City Council and members of the Fair Campaign Practices and Open Government Commissions to (1) prepare an ordinance amending the Berkeley Election Reform Act (BMC Chapter 2.12) to prohibit or regulate officeholder accounts and (2) prepare a change in City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.) to have donations to nonprofit organizations made in the name of the entire Berkeley City Council on behalf of the citizens of Berkeley rather than from individual Council members.

**Financial Implications:** None

Contact: Sam Harvey, Commission Secretary, (510) 981-6950

**16a. A People's First Sanctuary Encampment** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

**From: Homeless Commission**

**Recommendation:** The City Council to adopt the People's First Sanctuary Encampment Model incorporating all text in this report, urging best practices for Sanctuary Homeless Encampments with an oversight agency to be named by members of the encampment community and refer to the City Manager to fund liability insurance for the agency chosen by the encampment community.

*(On December 14, 2020, the Health, Life Enrichment, Equity & Community Committee moved the Companion Report with a qualified positive recommendation to the City Council to take the following action: 1. Direct the City Manager to incorporate parts of the Commission's recommendations, including: providing clean water, sanitation, accessible toilets and trash removal services; and requiring that homeless services providers obtain input from clients when developing rules and ensure that the privacy and security of clients is respected and maintained at all times; 2. In addition, the City Manager shall receive the Homeless Commission's recommendations and retain them for future guidance when developing homeless services programs and models; and 3. That the City Council reaffirms its commitment to dignified and client-centered homeless services.)*

**Financial Implications:** See report

Contact: Brittany Carnegie, Commission Secretary, (510) 981-5400

## Action Calendar – New Business

- 16b. Companion Report: A People’s First Sanctuary Encampment** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

**From: City Manager**

**Recommendation:** As part of the referral adopted by City Council on January 21, 2020, the City Manager will direct staff to incorporate parts of the Commission’s recommendations which do not conflict with guidance already approved by City Council including: providing clean water, sanitation, accessible toilets and trash removal services for the sanctioned encampment, requiring that a future provider of services for the encampment obtain input from residents of the encampment when developing rules for the outdoor shelter and ensure that the privacy and security of residents is respected and maintained.

*(On December 14, 2020, the Health, Life Enrichment, Equity & Community Committee moved the Companion Report with a qualified positive recommendation to the City Council to take the following action: 1. Direct the City Manager to incorporate parts of the Commission’s recommendations, including: providing clean water, sanitation, accessible toilets and trash removal services; and requiring that homeless services providers obtain input from clients when developing rules and ensure that the privacy and security of clients is respected and maintained at all times; 2. In addition, the City Manager shall receive the Homeless Commission’s recommendations and retain them for future guidance when developing homeless services programs and models; and 3. That the City Council reaffirms its commitment to dignified and client-centered homeless services.)*

**Financial Implications:** Staff time

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

## Council Action Items

- 17. Declare Juneteenth as a City Holiday for the City of Berkeley** *(Reviewed by the Budget & Finance Policy Committee)*

**From: Councilmember Davila (Author)**

**Recommendation:**

1. Adopt a resolution declaring Juneteenth as a City Holiday for the City of Berkeley
2. Send copies of this resolution to State Assemblywoman Buffy Wicks, State Senator Nancy Skinner, and United States Congresswoman Barbara Lee.

*(This item expired on December 14, 2020, and is returning to Council with no action taken by the Budget and Finance Policy Committee.)*

**Financial Implications:** See report

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

## Action Calendar – Policy Committee Track Items

### 18. Confirming Community Appointments to Reimagining Public Safety Task Force

**From: Mayor Arreguin (Author)**

**Recommendation:** Adopt a Resolution: 1. Confirming the appointment of by the Associated Students of the University of California (ASUC) External Affairs Vice President to the Reimagining Public Safety Task Force. 2. Confirming the appointment of by the Steering Committee of the Berkeley Community Safety Coalition (BCSC) to the Reimagining Public Safety Task Force

**Financial Implications:** No direct fiscal impacts

Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Information Reports

### 19. Report for Phase 3 Study to Underground Utility Wires in Berkeley

**From: Public Works Commission, Disaster and Fire Safety Commission, Transportation Commission**

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

## 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 posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.cityofberkeley.info/citycouncil>

COMMUNICATION ACCESS INFORMATION:

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Peace and Justice Commission

CONSENT CALENDAR  
January 26, 2021

To: Honorable Mayor and Members of the City Council  
 From: Peace and Justice Commission  
 Submitted by: Igor Tregub, Chairperson, Peace and Justice Commission  
 Subject: Opposition of New U.S. Base Construction in the Henoko-Oura Bay of Okinawa

RECOMMENDATION

Adopt a Resolution opposing new U.S. base construction in the Hemoko-Oura Bay of Okinawa.

FISCAL IMPACTS OF RECOMMENDATION

Minimal to negligible.

CURRENT SITUATION AND ITS EFFECTS

At its March 2, 2020 meeting, the Peace and Justice Commission took the following action:

**Recommend to the City Council a resolution opposing new U.S. base construction in the Hemoko-Oura Bay of Okinawa.**

M/S/C: Bohn/Meola  
 Ayes: al-Bazian, Askary, Bohn, Gussman, Lippman, Maran, Meola, Morizawa, Pancoast, Perry, Pierce, Rodriguez, Taplin, Tregub  
 Noes: None  
 Abstain: None  
 Absent: None

BACKGROUND

A new U.S. military base is being constructed in the Pacific Ocean, in Okinawa's Oura Bay<sup>1</sup> in the Henoko region of Okinawa. Oura Bay is one of the most biodiverse ecosystems on the planet with over 5,300 species and world-renowned coral reef systems. Fully 262 of the species in Oura Bay are endangered, including the dugong,<sup>2</sup> a medium-sized marine mammal, which has been closely monitored internationally by

<sup>1</sup> "We shall overcome (戦場ぬ止み Ikusaba Nu Tudumi)," Trailer, YouTube video, October 3, 2015, [https://www.youtube.com/watch?v=FEc\\_D\\_meOBY&list=PL55Jwk9JymqyuApWq7gi08uWQKyZhK3cH&index=20&t=0s](https://www.youtube.com/watch?v=FEc_D_meOBY&list=PL55Jwk9JymqyuApWq7gi08uWQKyZhK3cH&index=20&t=0s)

<sup>2</sup> <https://www.youtube.com/watch?v=jgJ46Gzkzfk&t=1s>

environmental groups due to its diminishing numbers as well as its status as a designated of indigenous historical value.<sup>3</sup>

On August 21, 2017, the 9th Circuit U.S. Court of Appeals affirmed the right of American and Japanese conservation groups and Okinawan citizens to sue to compel the U.S. military to fully consider the impacts of a new U.S. military base in Okinawa, Japan.<sup>4</sup> The base would pave over some of the last remaining habitat for endangered Okinawa dugongs, ancient cultural icons for the Okinawan people. The lawsuit is part of a long-running controversy over the expansion of a U.S. Marine air base at Okinawa's Henoko Bay. The court remanded the case to the district court for further proceedings.<sup>5</sup>

On January 9, 2020, American conservation groups and residents of Okinawa filed the opening brief in an appeal of a court ruling allowing construction of a US Marine Corps air base in the Japanese island's coastal waters. The brief, filed in the 9th Circuit Court of Appeals in San Francisco, highlights the base's threat to the Okinawa dugong, a critically endangered marine mammal related to manatees. Building the base will involve filling in and paving over hundreds of acres of rich coral and seagrass habitat crucial to the last surviving Okinawa dugongs. The Turtle Island Restoration Network, The Center for Biological Diversity, and the Japanese co-plaintiffs are represented in the case by Earthjustice, which filed the appeal. The 9th Circuit ruled in 2017 that Okinawa residents deserved a full hearing on their concerns. "The Okinawa dugong, sea turtles, coral reefs, humans and the ocean environment need the U.S. justice system to guard our genuine national security by rejecting this ecologically horrendous project," said Todd Steiner, founder and executive director of Turtle Island Restoration Network, at the time.<sup>6</sup>

It is noteworthy that Okinawa has been forced to host almost 70% of U.S. military facilities in Japan<sup>7</sup> despite consisting only 0.6% of national land mass. Still, the Japanese government, in partnership with the U.S. government, continues building this U.S. base in the ocean – dropping concrete blocks on top of precious coral and

<sup>3</sup> Expansion of US Military base puts endangered Henoko Bay Dugong at risk on Okinawa, Japan," May, 1, 2019 (last update), <https://ejatlas.org/conflict/henoko-bay-dugong-or-us-base-for-okinawa>

<sup>4</sup> Okinawa Dugong Lawsuit Judge asks why US govt did not consult with environmental experts and Okinawans about Landfill, Construction Impact on Okinawa Dugong Cultural Heritage," June 28, 2018, <https://tenthousandthingsfromkyoto.blogspot.com/2018/06/okinawa-dugong-lawsuit-judge-asks-why.html>

<sup>5</sup> Court Affirms Right to Sue U.S. Military Over New Base's Threats to Endangered Okinawa Dugong. *Rare Japanese Dugongs One Step Closer to Finally Getting Their Day in Court*, [https://www.biologicaldiversity.org/news/press\\_releases/2017/okinawa-dugong-08-21-2017.php](https://www.biologicaldiversity.org/news/press_releases/2017/okinawa-dugong-08-21-2017.php)

<sup>6</sup> Court Affirms Right to Sue U.S. Military Over New Base's Threats to Endangered Okinawa Dugong. *Rare Japanese Dugongs One Step Closer to Finally Getting Their Day in Court*, [https://www.biologicaldiversity.org/news/press\\_releases/2017/okinawa-dugong-08-21-2017.php](https://www.biologicaldiversity.org/news/press_releases/2017/okinawa-dugong-08-21-2017.php) and Dugong Defenders to Rally Today at S.F. Hearing on U.S. Airbase's Threat to Endangered Animals 2/3/2020)," <https://biologicaldiversity.org/w/news/press-releases/dugong-defenders-to-rally-today-at-sf-hearing-on-us-airbases-threat-to-endangered-animals-2020-02-03/>

<sup>7</sup><https://www.pref.okinawa.jp/site/chijiko/kichitai/documents/us%20military%20base%20issues%20in%20okinawa.pdf>

suffocating the marine habitat with dirt and concrete – causing irreversible harm to the ecosystem. It is already adversely impacting the region; contributing to species collapse and furthering environmental damage already sustained from rapid climate change.<sup>8</sup>

The Okinawan people have exhausted all legal and peaceful means of opposing this new base from being forced upon them – from elders staging nonviolent protests and sit-ins to Okinawan governors challenging the Japanese government through the legal system, only to be disregarded in Tokyo and Washington, D.C.<sup>9</sup> Okinawan Diaspora members of Global Uchinanchu Alliance (GUA)<sup>10</sup> have come together to reach out for support in this international crisis. Most recently, the City of Berkeley has expressed its solidarity with the Okinawan people by passing a resolution in support of the immediate halting of new U.S. military base construction at Henoko, Okinawa on September 9, 2015.

In addition to environmental concerns, there are significant financial uncertainties associated with this project. Construction of the replacement facility in Okinawa for U.S. Marine Corps Air Station Futenma will take nearly twice as long and cost three times as much as the initial estimates. This makes it certain that shutting down Futenma will now be delayed into the 2030s at the earliest due to additional work to improve the soft ground on the seafloor in the site's offshore areas — which was found in a boring survey three years ago. The entire cost of the project will be estimated to balloon from the initial forecast of \$350 billion to \$930 billion.<sup>11</sup> The opportunity costs of this enormous outlay of taxpayer dollars are even more acute in the wake of the COVID-19 pandemic than ever before.

The construction of this base has been repeatedly opposed by the Okinawan people.<sup>12</sup> Most recently on February 24, 2019, over 70% of Okinawans voted in opposition to the construction of this U.S. Marine Corps base.<sup>13</sup>

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<sup>8</sup> On A Firm Foundation of Mayonnaise: Human and Natural Threats to the Construction of a New U.S. Base at Henoko, Okinawa," 3/15/18, <https://apjif.org/2018/10/Lummis.html>

<sup>9</sup> Message to Obama from a Veteran in Okinawa," YouTube video, February 29, 2016, <https://www.youtube.com/watch?v=6p5kXBod1gg&list=PL55Jwk9JymqyuApWq7gi08uWQKyZhK3cH&index=4&t=11s>

<sup>10</sup> <https://uchinanchu.com/>

<sup>11</sup> Cost of Destructive U.S. Airbase Project in Japan Nearly Triples: Revised Estimate Sparks New Questions About Project That Threatens Okinawa Dugongs," <https://www.commondreams.org/newswire/2020/01/06/cost-destructive-us-airbase-project-japan-nearly-triples>

<sup>12</sup> [https://www.youtube.com/watch?v=FEc\\_D\\_meOBY&list=PL55Jwk9JymqyuApWq7gi08uWQKyZhK3cH&index=20&t=0s](https://www.youtube.com/watch?v=FEc_D_meOBY&list=PL55Jwk9JymqyuApWq7gi08uWQKyZhK3cH&index=20&t=0s)

<sup>13</sup> <https://www.reuters.com/article/us-japan-okinawa/japan-to-push-ahead-with-u-s-base-relocation-despite-okinawa-referendum-result-idUSKCN1QE06Q>

ENVIRONMENTAL SUSTAINABILITY

While there may be no identifiable direct environmental impacts or opportunities associated with the subject of this report, this resolution is a statement against U.S. involvement in grave environmental destruction in the Pacific Ocean off the coast of Okinawa.

RATIONALE FOR RECOMMENDATION

While the Peace and Justice Commission recommends adopting the resolution for a number of reasons, environmental reasons are at the core of this recommendation. On January 21, 2020, the City Council, by a 4-0-5 vote, took no action on a previous version of this resolution.<sup>14</sup> It was noted at the time by some members of the City Council who abstained that a stronger environmental nexus was needed for them to consider supporting this resolution. This resolution is responsive to these concerns by highlighting the destructive environmental impacts of this project.

ALTERNATIVE ACTIONS CONSIDERED

The Peace and Justice Commission considered the alternative of not taking further action on this topic, but chose to address the concerns of these members by recommending a resolution with a more direct environmental nexus.

CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission's Report.

CONTACT PERSON

Igor Tregub, Chairperson, Peace and Justice Commission  
Melissa McDonough, Senior Management Analyst, City Manager's Office, 510-981-7402

Attachments:

1: Resolution

Exhibit A: Resolution Opposing New U.S. Base Construction in Henolo-Oura Bay of Okinawa

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<sup>14</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/01\\_Jan/Documents/01-21\\_Annotated\\_Agenda\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/01_Jan/Documents/01-21_Annotated_Agenda_pdf.aspx)

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

RESOLUTION OPPOSING NEW U.S. BASE CONSTRUCTION IN HENOKO-OURA  
BAY OF OKINAWA

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); and

WHEREAS, [a new U.S. military base is being constructed in the ocean of Oura Bay](#). This bay is in the Henoko region of Okinawa. It is one of the most bio-diverse ecosystems on the planet with over 5,300 species and world-renown coral reef systems. 262 of the species in Oura Bay are endangered, including the [dugong](#) which have been closely monitored internationally by environmental groups due to its diminishing numbers as well as its status as a designated [cultural property](#) of indigenous historical value; and

WHEREAS, on August 21, 2017, the 9th Circuit U.S. Court of Appeals affirmed the right of American and Japanese conservation groups and Okinawan citizens to sue to compel the U.S. military to fully consider the impacts of a new U.S. military base in Okinawa, Japan. The base would pave over some of the last remaining habitat for endangered Okinawa dugongs, ancient cultural icons for the Okinawan people. The lawsuit is part of a long-running controversy over the expansion of a U.S. Marine air base at Okinawa's Henoko Bay. The court remanded the case to the district court for further proceedings; and

WHEREAS, on January 9, 2020, American conservation groups and residents of Okinawa filed the opening brief in an appeal of a court ruling allowing construction of a US Marine Corps air base in the Japanese island's coastal waters; and

WHEREAS, construction of the replacement facility in Okinawa for U.S. Marine Corps Air Station Futenma will take nearly twice as long and cost three times as much as the initial estimates. This makes it certain that shutting down Futenma will now be delayed into the 2030s at the earliest due to additional work to improve the soft ground on the seafloor in the site's offshore areas — which was found in a boring survey three years ago. The entire cost of the project will balloon from the initial forecast of \$350 billion to \$930 billion; and

WHEREAS, the construction of this [base has been opposed by the Okinawan people repeatedly](#). Most recently on February 24, 2019, over 70% of Okinawans voted in opposition to the construction of this particular U.S. Marine Corps base outside of Camp Schwab. Still, the Japanese government, in partnership with the U.S. government, continues building this U.S. base in the ocean – dropping concrete blocks on top of precious coral and suffocating the marine habitat with dirt and concrete – causing irreversible harm to the ecosystem. It is already adversely impacting the region;

contributing to species collapse and furthering environmental damage already sustained from rapid climate change; and

WHEREAS, already, [Okinawa has been forced to host almost 70% of U.S. military facilities in Japan](#) despite consisting only 0.6% of national landmass; and

WHEREAS, this treatment of Okinawa as a colonial military outpost has continued since the Japanese annexation of the once sovereign nation of the Ryūkyū Kingdom. Then during WWII, Okinawan land was destroyed in a war between U.S. and Japan, taking almost a third of the entire Okinawan population. From there, the U.S. construction of military bases began against the will of the Okinawan people and [continues today](#); and

WHEREAS, the Okinawan people have exhausted all legal and peaceful means of opposing this new base from being forced upon them – from elders staging nonviolent protests and sit-ins to Okinawan governors challenging the Japanese government through the legal system, only to be disregarded in Tokyo and Washington, D.C. Okinawan Diaspora members of Global Uchinanchu Alliance ([GUA](#)) have come together to reach out for support in this international crisis; and

WHEREAS, the City of Berkeley has expressed its solidarity with the Okinawan people by passing a resolution in support of the immediate halting of new U.S. military base construction at Henoko, Okinawa, passed through the Berkeley City Council on September 9, 2015.

THEREFORE BE IT RESOLVED that the Council of the City of Berkeley directs the City Clerk to send the following message to the U.S. House Armed Services Committee:  
The City of Berkeley, California stands in solidarity with the people of Okinawa in demanding the immediate and complete halt of the U.S. Marine Corps base construction in Henoko, Okinawa.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley asks the City Clerk to send a copy of this resolution to Representative Barbara Lee and Senator Dianne Feinstein.



Public Works Commission

CONSENT CALENDAR

January 26, 2021

To: Honorable Mayor and Members of the City Council

From: Public Works Commission

Submitted by: Matthew Freiberg, Chair, Public Works Commission

Subject: Public Works Commission Recommendation for the Five-Year Paving Plan

RECOMMENDATION

Adopt a resolution that recommends approval of the first three years of the Five-Year Paving Plan, for FY2021 to FY2025, as proposed by Staff, with special advisories regarding prioritization of permeable paving on select streets.

SUMMARY

This Report to council is comprised of two sections:

1. A recommendation on the City's Proposed 5-Year Paving Plan
2. An update from the Public Works Commission (PWC) on the approach to address the on-going paving condition deficit through the creation and implementation of a Long-Term Paving Master Plan.

(1) The City of Berkeley's Street Rehabilitation and Repair Policy (Street Policy) requires that a 5-year paving plan be reviewed each year and adopted formally by the City Council, with advice from the PWC. The Rehabilitation Plan (commonly called the Paving Plan) for FY 2021 to FY2025 has been reviewed by the PWC and it is recommending adoption of the first three years of the plan. It is worth noting that streets that are prioritized as part of the Vision Zero high injury streets, Pedestrian Plan, and Bicycle Plan only include the paving of these streets, they do not include any of the associated roadway improvements that are recommended as part of this plan. It is recommended that City Council secure additional funding to ensure that these improvements are funded and incorporated into the redesign of these roads.

(2) Berkeley's streets are in an "at-risk" condition, far from the City's target of having our streets in "good" condition, and continue to decline year on year. In January 2020, City Council directed the Public Works Department and the PWC to develop a long-term Paving Master Plan. Due to the suspension of commissions and the continued suspension of subcommittee activities, limited progress has been made developing this plan. Currently Staff and the PWC are collaborating on an update of the Paving Policy

that will provide guidance for the future of paving in the City and the development of the Paving Master Plan.

**FISCAL IMPACTS OF RECOMMENDATION**

This Paving Plan is based on the Adopted Biennial Budget for Fiscal Years 2021 & 2022, and on the following estimated available funding levels from all sources, including State Transportation (Gas) Tax, Measure B, Measure BB, Measure F, and the General Fund.

| Five-Year Paving Program Funding Sources by Year, in \$ |                  |                  |                  |                  |                  |
|---------------------------------------------------------|------------------|------------------|------------------|------------------|------------------|
| Fund Description                                        | FY 2021          | FY 2022          | FY 2023          | FY 2024          | FY 2025          |
| State Transportation Tax                                | 495,303          | 495,303          | 495,303          | 495,303          | 495,303          |
| State Transportation Tax –SB1                           | 1,230,000        | 1,310,000        | 2,000,000        | 2,000,000        | 2,000,000        |
| Measure B - Local Streets & Roads                       | 660,000          | 330,000          | 0                | 0                | 0                |
| Measure BB – Local Streets & Roads                      | 1,380,000        | 1,654,000        | 2,700,000        | 2,700,000        | 2,700,000        |
| Measure F Vehicle -Registration Fee                     | 155,000          | 155,000          | 155,000          | 155,000          | 155,000          |
| Capital Improvement Fund                                | 1,925,000        | 1,925,000        | 1,925,000        | 1,925,000        | 1,925,000        |
| <b>TOTAL</b>                                            | <b>5,845,303</b> | <b>5,869,303</b> | <b>7,272,303</b> | <b>7,272,303</b> | <b>7,272,303</b> |

In addition to the City’s program funding, additional grant and bond funding has been made available for paving in FY 2023, summarized below.

| Other Funding for Paving by Year, in \$                               |          |          |                  |          |          |
|-----------------------------------------------------------------------|----------|----------|------------------|----------|----------|
| Funding Source                                                        | FY 2021  | FY 2022  | FY 2023          | FY 2024  | FY 2025  |
| Grants (South Side Complete Streets – Bancroft, Telegraph, and Dana)* | 0        | 0        | 1,200,000        | 0        | 0        |
| <b>TOTAL</b>                                                          | <b>0</b> | <b>0</b> | <b>1,200,000</b> | <b>0</b> | <b>0</b> |

\*The grant funded projects are not included in the five-year paving plan

**CURRENT SITUATION AND ITS EFFECTS**

The City’s streets continue to be evaluated as “at risk,” and do not meet the City’s target to be in “good” condition. The latest pavement condition analysis conducted by PEI, identifies the city-wide average Pavement Condition Index (PCI) to be 57, ranging across council districts from 52.8% to 61.9%. The average PCI is down from 58 in 2019. The lack of resources available to the Paving Program are resulting in a continual decline in the condition of the City’s streets.

| District | Area (sqft) | Mileage | Percent of Total | PCI in 2020 |
|----------|-------------|---------|------------------|-------------|
|----------|-------------|---------|------------------|-------------|



|            |           |      |       |      |
|------------|-----------|------|-------|------|
| District 1 | 7,652,427 | 38.6 | 19.6% | 55.3 |
| District 2 | 6,164,641 | 32.7 | 15.8% | 52.8 |
| District 3 | 5,132,474 | 24.3 | 13.1% | 58.8 |
| District 4 | 3,411,318 | 16.1 | 8.7%  | 53.7 |
| District 5 | 6,209,611 | 37.1 | 15.9% | 61.9 |
| District 6 | 4,750,199 | 35.3 | 12.2% | 56.5 |
| District 7 | 1,672,660 | 7.8  | 4.3%  | 55.9 |
| District 8 | 4,053,495 | 23.0 | 10.4% | 58.1 |

This report addresses the following topics:

- Review of the new 5-year paving plan for fiscal years 2021 – 2025.
- An update on the progress towards updating the City's Paving Policy and for a master plan to improve the condition of Berkeley's streets.

### Review of 5-year Paving Plan

Staff prepared a list of paving projects for the new 5-year planning period (FY2021 – 2025). This was prepared using, StreetSaver program analysis, knowledge of what has been accomplished in recent years, and available funding. The proposed plan is summarized as follows.

|                                                                 | FY2021         | FY2022         | FY2023         | FY2024         | FY2025         | Total            | % of Total    |
|-----------------------------------------------------------------|----------------|----------------|----------------|----------------|----------------|------------------|---------------|
| <b><u>Square Footage of Paving</u></b>                          |                |                |                |                |                |                  |               |
| Arterials, sqft                                                 | 0              | 0              | 7,200          | 0              | 54,910         | 62,110           | 2.3%          |
| Collectors, sqft                                                | 61,700         | 128,340        | 177,040        | 194,515        | 37,500         | 599,095          | 22.0%         |
| Residential, sqft                                               | 351,450        | 464,628        | 395,067        | 549,901        | 304,620        | 2,065,666        | 75.8%         |
| <b>Total Area</b>                                               | <b>413,150</b> | <b>592,968</b> | <b>579,307</b> | <b>744,416</b> | <b>397,030</b> | <b>2,726,871</b> | <b>100.0%</b> |
| <b><u>Miles</u></b>                                             |                |                |                |                |                |                  |               |
| Arterials, miles                                                | 0.00           | 0.00           | 0.04           | 0.00           | 0.21           | 0.31             | 2.1%          |
| Collectors, miles                                               | 0.10           | 0.68           | 0.95           | 0.94           | 0.21           | 2.88             | 19.2%         |
| Residential, miles                                              | 2.08           | 2.65           | 2.05           | 3.41           | 1.60           | 11.79            | 78.7%         |
| <b>Total miles</b>                                              | <b>2.18</b>    | <b>3.33</b>    | <b>3.04</b>    | <b>4.35</b>    | <b>2.04</b>    | <b>14.98</b>     | <b>100.0%</b> |
| <i>Total Bikeways</i>                                           | <i>0.76</i>    | <i>1.31</i>    | <i>1.34</i>    | <i>2.21</i>    | <i>1.38</i>    | <i>7.01</i>      | <i>53%</i>    |
| <i>Bicycle, Pedestrian, and Vision Zero High Injury Streets</i> | <i>0.58</i>    | <i>1.32</i>    | <i>2.29</i>    | <i>2.22</i>    | <i>1.38</i>    | <i>7.79</i>      | <i>52%</i>    |
| <b><u>Cost</u></b>                                              |                |                |                |                |                |                  |               |
| Arterials, \$millions                                           | \$0            | \$0            | \$0.102        | \$0.000        | \$0.683        | \$0.785          | 2.6%          |
| Collectors, \$millions                                          | \$0.269        | \$1.519        | \$1.987        | \$2.685        | \$0.634        | \$7.095          | 23.6%         |

|                                                                         |                                                                                                                                                                                       |                |                |                |                |                 |             |
|-------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|----------------|----------------|-----------------|-------------|
| Residential,<br>\$millions                                              | \$5.189                                                                                                                                                                               | \$3.654        | \$3.934        | \$4.005        | \$4.509        | \$22.212        | 73.8%       |
| Discretionary,<br>\$millions                                            | <i>Staff intends to use all of the Discretionary Fund to comply with the City Council referral to use 50% of funding on Bicycle, Pedestrian, and Vision Zero High Injury Streets.</i> |                |                |                |                |                 |             |
| Curb Ramps                                                              | \$0.150                                                                                                                                                                               | \$0.348        | \$0.240        | \$0.474        | \$0.126        | \$1.344         | 5%          |
| <b>Total cost,<br/>\$millions</b>                                       | <b>\$5.845</b>                                                                                                                                                                        | <b>\$5.869</b> | <b>\$7.275</b> | <b>\$7.275</b> | <b>\$7.275</b> | <b>\$30.092</b> | <b>100%</b> |
| <i>Total Bikeways</i>                                                   | <i>\$1.267</i>                                                                                                                                                                        | <i>\$2.922</i> | <i>\$3.340</i> | <i>\$4.373</i> | <i>\$4.509</i> | <i>\$16.412</i> | <i>55%</i>  |
| <i>Bicycle, Pedestrian,<br/>and Vision Zero<br/>High Injury Streets</i> | <i>\$1.181</i>                                                                                                                                                                        | <i>\$2.922</i> | <i>\$4.291</i> | <i>\$4.373</i> | <i>\$4.510</i> | <i>\$17.277</i> | <i>57%</i>  |

The above summary does not include \$1.2 million in grant funding in FY2023.

The PWC paving subcommittee discussed the plan with Public Works Department staff and we have the following comments.

1. Many of the City's streets with the lowest PCI are on residential streets. The proposed plan by staff shifts more focus of the paving plan to residential streets. While this prioritization of residential streets falls outside of the City's Paving Policy for allocation of paving funds by street type, this plan helps address the roads that are in the greatest need and will do the most to improve the citywide average PCI. The PWC agrees with this approach in the near term but recommends shifting focus back to the primary transportation network streets (arterials, collectors, bus routes, and the low stress bike network).

The following table provides a breakdown of the cost allocated to different street types in the current five-year paving plan compared to the Paving Policy:

|                     | <b>Cost Breakdown<br/>Per Paving Policy<sup>1</sup></b> | <b>Cost Breakdown<br/>Per 5-Year Paving Plan<br/>(FY2021-2025)</b> |
|---------------------|---------------------------------------------------------|--------------------------------------------------------------------|
| Arterial streets    | 10%                                                     | 2.6%                                                               |
| Collector streets   | 50%                                                     | 23.6%                                                              |
| Residential streets | 25%                                                     | 73.8%                                                              |
| Discretionary       | 15%                                                     | 0%                                                                 |

2. The plan reviewed against the council referral to Develop a Bicycle Lane and Pedestrian Street Improvements Policy, which recommends that at least 50 percent of the repaving budget be allocated to Vision Zero pedestrian high injury streets and bikeways between 2022 to 2025. The 5-year paving plan was reviewed against the

<sup>1</sup> This allocation is specific to Measure B Sales Tax and Gas Tax revenues, but as a matter of practice has been applied to all sources of revenues in recent years.

council referral figures in addition to the May 2017 Bike Plan, the March 2020 Vision Zero Action Plan, and the October 2020 Draft Pedestrian Plan.

Between 2022 - 2025, approximately 58 percent of the paving dollars (\$16.1 million) and 56 percent of the paved miles (7.2 miles) are allocated to the bikeway and vision zero high injury streets, so the requirement in the council referral is met. However, there are no funds allocated towards the “Prioritized High-Injury Streets” identified in the Draft Pedestrian Plan. The high priority bikeways (Tier 1 & 2 in the bike plan) make up slightly more than half of the bikeway miles & slightly less than half of the bikeway dollars allocated in the paving plan. The lower priority (Tier 3) bikeways account for the balance. Inclusion of some of the high priority projects in the pedestrian plan and shifting some of the Tier 3 bikeway projects to Tier 1 bikeway projects should be considered to better meet the intent of the council referral.

It is worth noting that the five year paving plan does not include any of the additional roadway improvements that are intended to improve bike and pedestrian safety that are recommended in the Bicycle Plan, Pedestrian Plan, and Vision Zero. It is recommended that City Council secure additional funding to ensure that these improvements are funded and incorporated into the redesign of these roads.

3. The PWC has reviewed the plan for contiguous streets and that the work is bundled for cost effective implementation. While there are multiple short sections of paving in the current five-year plan, staff has made every effort to bundle projects to the maximum extent practicable, with consideration of other extenuating factors such as subsurface utility maintenance and funding limitations. This is balanced with having the paving work be spread equitably across all Council Districts of the City. Over the 5-year Paving Plan, financial resources and miles of roads surfaced are allocated fairly equally across all council districts. This allocation is very much in line with the historic interpretation of equity that has been practiced by the City.

| District   | Mileage | Percent of Total | PCI in 2020 | FY 2021 – 25 Investment (\$) | FY 2021 – 25 Miles Surfaced | Projected PCI in 2025 |
|------------|---------|------------------|-------------|------------------------------|-----------------------------|-----------------------|
| District 1 | 38.6    | 19.6%            | 55.3        | \$4,046,266 (13%)            | 1.69 (11%)                  | 47                    |
| District 2 | 32.7    | 15.8%            | 52.8        | \$4,590,248 (15%)            | 1.73 (12%)                  | 46                    |
| District 3 | 24.3    | 13.1%            | 58.8        | \$4,620,579 (15%)            | 2.38 (16%)                  | 52                    |
| District 4 | 16.1    | 8.7%             | 53.7        | \$4,073,349 (14%)            | 1.36 (9%)                   | 50                    |
| District 5 | 37.1    | 15.9%            | 61.9        | \$3,911,654 (13%)            | 1.68 (11%)                  | 55                    |
| District 6 | 35.3    | 12.2%            | 56.5        | \$2,382,033 (8%)             | 2.06 (14%)                  | 49                    |
| District 7 | 7.8     | 4.3%             | 55.9        | \$3,576,655 (12%)            | 2.39 (16%)                  | 58                    |
| District 8 | 23.0    | 10.4%            | 58.1        | \$2,891,269 (10%)            | 1.7 (11%)                   | 53                    |

The Public Works Commission is currently evaluating an update to the definition of equity. The leading definition would move the Public Works Department towards a results oriented performance evaluation, where investment of resources are

allocated in a way that seeks to provide equivalent PCI outcomes across all planning areas, rather than focusing purely on the monetary inputs.

4. The PWC agrees that 15% of available funding should be reserved for discretionary and/or demonstration projects. The PWC is in the process of developing a recommendation for how to manage this reserve as well as criteria to help prioritize projects to be funded with the discretionary reserve. Over the next five years, Staff intends to use the entirety of this funding source to comply with the October 29, 2019 City Council Referral that requires 50 percent of funding to be allocated towards priority bicycle paths and high injury vision zero streets. As a result, there are not any permeable paving projects included in the five-year plan. The PWC encourages City Council and Staff to consider incorporating pervious roadway surfaces as part of the Southside Complete Streets Project.
  
5. The PWC would also like to make note that the current plan does not include the paving of Derby and Ward Streets between Shattuck Avenue and Telegraph Avenues. The Public Works Commission only became aware of this council resolution from September 2019 on November 2020. This note in our report is highlight that these streets will be brought up for consideration in next year’s five-year plan for years three, four, or five of that plan.

Master Plan to Improve the Condition of Berkeley’s Streets

The current citywide average PCI is 57 on a scale of 100, and is firmly in the “at risk,” category. Streets in this category tend to degrade at a more accelerated rate than those in a “good” or “fair” condition. Under the proposed paving plan, the PCI is estimated to dip to 52 by 2023. This is far from the City’s target of having our streets in “good” condition (PCI of 70 -79), and it is clear that action is needed to reverse this trend before our roads fall into “failing” condition where massive reconstructs will be needed for roads city-wide. Below is a summary of the current conditions of Berkeley’s streets by road type that has been prepared by staff and PEI.

| Section/Area        | PCI in 2020 | PCI in 2019 | Total Center Lane Miles |
|---------------------|-------------|-------------|-------------------------|
| Overall system      | 57          | 58          | 214.2                   |
| Arterial streets    | 63          | 66          | 21.9                    |
| Collector streets   | 60          | 64          | 37.1                    |
| Residential streets | 55          | 55          | 155.3                   |
| Bus routes          | 62          | 66          | 39.2                    |
| Bike lanes          | 61          | 62          | 63.6                    |

In January 2020, Council provided direction for the Public Works Department and the PWC to develop a long-term Paving Master Plan to develop a road map and understand the funding and resources needed to improve Berkeley’s streets to a “good” condition. Due to the suspension of the City Commissions during COVID, little progress has been

made today. However, with the PWC re-authorized to commence meetings, we are re-engaging in this process, addressing the following items starting with items 1 and 2.

1. Update the Street Policy – The policy was last updated in 2009. The policy should be reviewed and updated to incorporate current thinking about using life cycle cost analysis, Vision Zero, equity, sustainable multi-benefit technologies, and other factors. With these considerations in mind, the updated policy should include new performance metrics that capture the diversity objective the City holds for our road network.
2. Equity – Historically, it has been the practice of the City to evaluate equity in roadway investment in terms of equivalent allocation of financial resources and miles of roadway surfaced among the Council Districts. However, this does not result in equal outcomes across the City.  
The Public Works Commission is currently evaluating an update to the definition of equity. The leading definition would move the Public Works Department towards a results oriented performance evaluation, where investment of resources are allocated in a way that seeks to provide equivalent PCI outcomes across all planning areas, rather than focusing purely on the monetary inputs.
3. A long-term paving capital plan – The Master Plan should include a 40-year paving plan to help the City identify the most efficient path to move the current PCI from “at risk” to “good.” This approach spans two cycles of a typical asphalt road’s expected useful life, and allows for decisions on street paving to be optimized for the greatest bang for our buck over the full life of our assets, rather than the current short-term approach.
4. Financing Strategy -- Lack of funding for street paving plays a major role in the overall condition of the City’s streets. As part of the Master Plan, the work should include a long-term funding gap analysis, a financial plan to address the funding gap, a cost-of-service rate study to develop recommended rates needed to sustainably finance the Paving Program, and an impact fee analysis to allow the City to recoup the cost of accelerated wear on our roads imposed by heavy vehicles. We also recommend the master plan include an evaluation of grant funding opportunities.
5. Public Engagement -- Public feedback is critical to the successful development and implementation of any City Plan. The Master Plan should provide guidance for public engagement strategies that will allow the collection and synthesis of public feedback regarding the future of the City streets.

The recommendation to approve the 5-year paving plan and to forward it to Council was discussed by the Public Works Commission at its November 12, 2020 meeting. Motion to approve made by Krpata and seconded by Hitchen. Ayes: Freiberg, Humbert, Schueler, Erbe, Constantine; Noes: Nesbitt; Abstain: none; Absent: Brennan,

ENVIRONMENTAL SUSTAINABILITY

Permeable pavers provide a way of reducing the volume of storm water entering the City storm drain system; improving the quality of urban runoff from the roadway that is conveyed to local creeks and the Bay; and reducing greenhouse gas emissions by installing a durable product that requires less maintenance than traditional asphalt concrete.

Full Depth Reclamation (FDR), a cost-effective alternative to traditional street reconstruction methods, is planned for use in several of the streets selected for rehabilitation. It recycles much of the existing pavement on site, and incorporates it into the pavement subgrade, thereby reducing truck trips to and from construction sites. In addition, the Paving Plan includes repair of the City's deteriorating storm drain infrastructure that minimizes degradation of water quality in local creeks and the Bay. These repairs are consistent with the City of Berkeley's 2011 Watershed Management Plan. Furthermore, the Paving Plan also proposes approximately 5.8 miles of improvements to bicycle routes, and improvements to sidewalk and curb ramps adopted from the Bicycle and Pedestrian Plans. These steps result in lower emissions of greenhouse gases into the environment, which is consistent with the goals of the 2009 Berkeley Climate Action Plan.

RATIONALE FOR RECOMMENDATION

It is the policy of the City of Berkeley that there shall be a Five-year Street Rehabilitation Plan for the entire City to be adopted by the City Council. Further, the proposed plan provides for much needed street infrastructure improvements that are consistent with the City's Street Policy.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER REPORT

Staff recommends the City Council approve the first three years of the paving plan, per the Commission's recommendation. In addition, to respond to the recent recommendations of the City Audit, staff updated the [Street Repair Program's webpage](#) to identify the level of funding necessary to move our street conditions from at-risk to good, and to identify funding sources to achieve and maintain our streets in good condition.

CONTACT PERSON

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Liam Garland, Director of Public Works, (510) 981-6402  
Joe Enke, Acting Manager of Engineering (510) 981-6411

## Attachments:

1. Resolution
2. Five-Year Street Rehabilitation Plan for FY 2021 to FY 2025

3. Map of proposed roadway surfacing projects

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

APPROVAL OF THE FIRST THREE YEARS OF THE FIVE-YEAR PAVING PLAN FOR  
FY 2021 TO FY2025

WHEREAS, the Street Rehabilitation Policy, Resolution No. 55,384-N.S. approved on May 22, 1990, requires there be a Five-Year Street Paving Plan for the entire City to be adopted by the City Council, and

WHEREAS, the City Council requests advice from the Public Works Commission on the Five-Year Paving Plan; and

WHEREAS, on November 12, 2020, the Public Works Commission voted to approve the first three years of the Five-Year Paving Plan, submitting the FY 2021 to FY2025 Five-year Paving Plan to City Council, attached as Exhibit A;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the first three years of the FY 2021 to FY2025 Five-Year Paving Plan attached as Exhibit A hereof, is hereby adopted.

Exhibit A: Five-Year Paving Plan for FY2021 to FY2025



EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2021 TO FY 2025

Revised: 10/30/2020

| Fiscal Year | Street ID | Section ID | Street Name   | From               | To            | Class | Treatment (from StreetSaver) | Updated Total Cost            | District | P         | Mileage | Current PCI | Last M&R Date | Last Paved                  |
|-------------|-----------|------------|---------------|--------------------|---------------|-------|------------------------------|-------------------------------|----------|-----------|---------|-------------|---------------|-----------------------------|
| 2021        | 319006    | 45         | ADA ST        | SACRAMENTO ST      | ORDWAY ST     | R     | Reconstruct                  | \$ 780,000                    | 1, 5     | N         | 0.26    | 25          | 10/1/1992     | MILL AND OVERLAY W/FABRIC   |
| 2021        | 932042    | 30         | BANCROFT WAY  | 6TH ST             | 8TH ST        | R     | Heavy Mtce                   | \$ 70,800                     | 2        | 3A        | 0.13    | 55          | 11/1/1986     | MILL AND OVERLAY W/FABRIC   |
| 2021        | 932042    | 35         | BANCROFT WAY  | 8TH ST             | SAN PABLO AVE | R     | Heavy Mtce                   | \$ 86,000                     | 2        | 3A        | 0.19    | 59          | NA            |                             |
| 2021        | 829104    | 60         | CHANNING WAY  | MARTIN LUTHER KING | MILVIA ST     | R     | Reconstruct                  | \$ 462,920                    | 4        | 2A to 2B* | 0.13    | 15          | 5/1/1995      | THIN AC OVERLAY(1.5 INCHES) |
| 2021        | 729104    | 63         | CHANNING WAY  | MILVIA ST          | SHATTUCK AVE  | R     | Heavy Rehab                  | \$ 267,640                    | 4        | 2A to 2B* | 0.13    | 34          | 9/1/1991      | MILL AND OVERLAY W/FABRIC   |
| 2021        | 319129    | 38         | CURTIS ST     | HOPKINS ST         | CEDAR ST      | R     | Reconstruct                  | \$ 202,267                    | 1        | N         | 0.07    | 11          | 12/1/1992     | MILL AND OVERLAY W/FABRIC   |
| 2021        | 322129    | 40         | CURTIS ST     | CEDAR ST           | VIRGINIA ST   | R     | Reconstruct                  | \$ 360,800                    | 1        | N         | 0.13    | 16          | 10/1/1992     | MILL AND OVERLAY W/FABRIC   |
| 2021        | 729152    | 64         | DURANT AVE    | SHATTUCK AVE       | FULTON ST     | C     | Heavy Rehab                  | \$ 268,880                    | 4        | N         | 0.10    | 32          | 8/12/1997     | MILL AND OVERLAY W/FABRIC   |
| 2021        | 739186    | 60         | EMERSON ST    | ADELINE ST         | SHATTUCK AVE  | R     | Light Rehab                  | \$ 192,320                    | 3        | N         | 0.15    | 59          | 4/1/2001      | RECONSTRUCT STRUCTURE (AC)  |
| 2021        | 839191    | 60         | ESSEX ST      | ADELINE ST         | TREMONT ST    | R     | Heavy Mtce                   | \$ 88,160                     | 3        | N         | 0.06    | 68          | 4/1/2001      | RECONSTRUCT STRUCTURE (AC)  |
| 2021        | 739191    | 62         | ESSEX ST      | TREMONT ST         | SHATTUCK AVE  | R     | Light Rehab                  | \$ 141,920                    | 3        | N         | 0.11    | 64          | 4/1/2001      | RECONSTRUCT STRUCTURE (AC)  |
| 2021        | 418290    | 30         | HOLLY ST      | ROSE ST            | CEDAR ST      | R     | Reconstruct                  | \$ 596,960                    | 1        | N         | 0.17    | 7           | 10/1/1992     | MILL AND OVERLAY W/FABRIC   |
| 2021        | 115550    | 25         | SPRUCE ST     | ARCH ST            | EUNICE ST     | R     | Heavy Rehab                  | \$ 379,834                    | 5, 6     | 3C*       | 0.19    | 47          | 11/1/1990     | MILL AND THIN OVERLAY       |
| 2021        | 920528    | 50         | 2ND ST        | UNIVERSITY AVE     | ADDISON ST    | R     | Heavy Rehab                  | \$ 560,000                    | 2        | N         | 0.09    | 32          | 8/27/1997     | MILL AND OVERLAY W/FABRIC   |
| 2021        | 320686    | 10         | SPINNAKER WAY | BREAKWATER DR      | MARINA BLVD   | R     | Reconstruct                  | \$ 1,000,000                  | 1        | N         | 0.28    | 22          | 8/1/1991      | OVERLAY                     |
| 2021        |           |            | CONTINGENCY   |                    |               |       | \$ 386,802                   |                               |          |           |         |             |               |                             |
|             |           |            | TOTAL FUNDING |                    |               |       | \$ 5,845,303                 |                               |          |           | 2.18    |             |               |                             |
|             |           |            |               |                    |               |       | 22%                          | bike/ped                      |          |           |         |             |               |                             |
|             |           |            |               |                    |               |       | 23%                          | bike/ped not incl contingency |          |           |         |             |               |                             |

FISCAL YEAR 2021 TOTALS

Total Estimated Cost and Miles

\$5,845,303 2.18 miles

|              | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost        | Miles |
|--------------|---------|----------------|--------|-----------|----------|-------------|-------|
| Arterials    | 0.00    | \$0            | 0%     | 0%        | 1        | \$2,550,027 | 0.78  |
| Collectors   | 0.10    | \$268,880      | 5%     | 5%        | 2        | \$716,800   | 0.40  |
| Residentials | 2.08    | \$5,189,621    | 95%    | 95%       | 3        | \$422,400   | 0.33  |
|              |         |                |        |           | 4        | \$999,440   | 0.36  |
| Bikeways     | 0.76    | \$1,267,194    | 23%    | 35%       | 5        | \$579,917   | 0.22  |
| Curb Ramps   |         | \$150,000      | 3%     |           | 6        | \$189,917   | 0.09  |
| Total        |         | \$1,417,194    | 26%    |           | 7        | \$0         | 0.00  |
|              |         |                |        |           | 8        | \$0         | 0.00  |
|              |         |                |        |           |          | \$5,458,501 | 2.18  |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; and N for none.

\*Proposed bike facilities from 2017 Bike Plan.

EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2021 TO FY 2025

Revised: 10/30/2020

| Fiscal Year | Street ID | Section ID | Street Name   | From             | To            | Class | Treatment (from StreetSaver) | Updated Total Cost | District                                     | P   | Mileage | Current PCI | Last M&R Date | Last Paved                   |
|-------------|-----------|------------|---------------|------------------|---------------|-------|------------------------------|--------------------|----------------------------------------------|-----|---------|-------------|---------------|------------------------------|
| 2022        | 931073    | 50         | BROWNING ST   | ADDISON ST       | DWIGHT WAY    | R     | Heavy Rehab                  | \$ 953,600         | 2                                            | N   | 0.50    | 35          | 10/1/1995     | MILL AND OVERLAY W/FABRIC    |
| 2022        | 213119    | 10         | COLUSA AVE    | NORTH CITY LIMIT | SOLANO AVE    | C     | Heavy Rehab                  | \$ 1,518,904       | 5                                            | 2B  | 0.68    | 44          | 11/1/1986     | MILL AND OVERLAY W/FABRIC    |
| 2022*       | 728180    | 50         | ELLSWORTH ST  | BANCROFT WAY     | DWIGHT WAY    | R     | Reconstruct                  | \$ 319,661         | 7                                            | N   | 0.25    | 22          | 11/1/1992     | MILL AND OVERLAY W/FABRIC    |
| 2022*       | 736180    | 60         | ELLSWORTH ST  | DWIGHT WAY       | WARD ST       | R     | Light Mtce                   | \$ 113,356         | 7                                            | N   | 0.38    | 92          | 5/11/2011     | RECONSTRUCT SURFACE (AC)     |
| 2022*       | 736180    | 65         | ELLSWORTH ST  | WARD ST          | STUART ST     | R     | Light Mtce                   | \$ 22,671          | 3                                            | N   | 0.05    | 92          | 5/11/2011     | RECONSTRUCT SURFACE (AC)     |
| 2022*       |           |            | ELLSWORTH ST  | STUART ST        | ASHBY AVE     | R     | Light Mtce                   | \$ 113,356         | 3                                            | N   | 0.24    | 92          | 5/11/2011     | RECONSTRUCT SURFACE (AC)     |
| 2022        | 736227    | 60         | FULTON ST     | DWIGHT WAY       | BLAKE ST      | R     | Heavy Mtce                   | \$ 82,628          | 3                                            | 3E* | 0.06    | 60          | 6/1/1993      | MEDIUM AC OVERLAY (2 INCHES) |
| 2022        | 736227    | 61         | FULTON ST     | BLAKE ST         | PARKER ST     | R     | Heavy Mtce                   | \$ 27,840          | 3                                            | 3E* | 0.07    | 69          | 6/1/1993      | MEDIUM AC OVERLAY (2 INCHES) |
| 2022        | 736227    | 63         | FULTON ST     | PARKER ST        | STUART ST     | R     | Heavy Mtce                   | \$ 382,092         | 3                                            | 3E* | 0.25    | 58          | 2/1/1992      | THIN AC OVERLAY(1.5 INCHES)  |
| 2022        | 920275    | 40         | HEINZ AVE     | 7TH ST           | SAN PABLO AVE | R     | Reconstruct                  | \$ 910,408         | 2                                            | 3E  | 0.26    | 22          | 11/1/1992     | MILL AND OVERLAY W/FABRIC    |
| 2022*       |           |            | STUART ST     | FULTON ST        | ELLSWORTH ST  | R     | Heavy Rehab                  | \$ 196,000         | 3                                            | N   | 0.12    | 39          | 11/13/1998    | RECONSTRUCT STRUCTURE (AC)   |
| 2022*       | 736561    | 70         | STUART ST     | ELLSWORTH        | HILLEGASS AVE | R     | Heavy Rehab                  | \$ 319,661         | 7                                            | N   | 0.35    | 39          | 11/13/1998    | RECONSTRUCT STRUCTURE (AC)   |
| 2022*       | 636561    | 78         | STUART ST     | HILLEGASS AVE    | BENVENUE AVE  | R     | Heavy Rehab                  | \$ 79,915          | 8                                            | N   | 0.07    | 33          | 11/13/1998    | RECONSTRUCT STRUCTURE (AC)   |
| 2022*       |           |            | STUART ST     | BENVENUE AVE     | COLLEGE AVE   | R     | Heavy Rehab                  | \$ 132,400         | 8                                            | N   | 0.07    | 33          | 11/13/1998    | RECONSTRUCT STRUCTURE (AC)   |
| 2022        |           |            | CONTINGENCY   |                  |               |       |                              | \$ 696,811         |                                              |     |         |             |               |                              |
|             |           |            | TOTAL FUNDING |                  |               |       |                              | \$ 5,869,303       |                                              |     | 3.32    |             |               |                              |
|             |           |            |               |                  |               |       |                              | 50%                | bike/ped                                     |     |         |             |               |                              |
|             |           |            |               |                  |               |       |                              | 56%                | bike/ped not incl contingency                |     |         |             |               |                              |
|             |           |            |               |                  |               |       |                              | 73%                | bike/ped not incl contingency or ebmud share |     |         |             |               |                              |

\* in Fiscal Year column denotes coordination and/or cost sharing with EBMUD project

FISCAL YEAR 2022 TOTALS

| Total Estimated Cost and Miles |         |                |        |           |          | \$5,869,303 | 3.32  | miles |
|--------------------------------|---------|----------------|--------|-----------|----------|-------------|-------|-------|
|                                | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost        | Miles |       |
| Arterials                      | 0.00    | \$0            | 0%     | 0%        | 1        | \$0         | 0.00  |       |
| Collectors                     | 0.68    | \$1,518,904    | 29%    | 20%       | 2        | \$1,864,008 | 0.76  |       |
| Residentials                   | 2.65    | \$3,653,588    | 71%    | 80%       | 3        | \$824,587   | 0.78  |       |
|                                |         |                |        |           | 4        | \$0         | 0.00  |       |
| Bikeways                       | 1.31    | \$2,921,872    | 56%    | 39%       | 5        | \$1,518,904 | 0.68  |       |
| Curb Ramps                     |         | \$348,000      | 7%     |           | 6        | \$0         | 0.00  |       |
| Total                          |         | \$3,269,872    | 63%    |           | 7        | \$752,678   | 0.97  |       |
|                                |         |                |        |           | 8        | \$212,315   | 0.14  |       |
|                                |         |                |        |           |          | \$5,172,492 | 3.32  |       |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; and N for none.

\*Proposed bike facilities from 2017 Bike Plan.

EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2021 TO FY 2025

Revised: 10/30/2020

| Fiscal Year | Street ID | Section ID | Street Name   | From          | To             | Class | Treatment (from StreetSaver) | Updated Total Cost | District                      | P         | Mileage | Current PCI | Last M&R Date | Last Paved                 |
|-------------|-----------|------------|---------------|---------------|----------------|-------|------------------------------|--------------------|-------------------------------|-----------|---------|-------------|---------------|----------------------------|
| 2023        | 729042    | 65         | BANCROFT WAY  | SHATTUCK AVE  | FULTON ST      | C     | Heavy Rehab                  | \$ 341,126         | 4                             | 4*        | 0.09    | 41          | 8/7/1997      | MILL AND OVERLAY W/FABRIC  |
| 2023        | 729042    | 60         | BANCROFT WAY  | MILVIA WAY    | SHATTUCK AVE   | C     | Heavy Rehab                  | \$ 418,348         | 4                             | 4*        | 0.13    | 34          | 12/1/1989     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 728042    | 76         | BANCROFT WAY  | TELEGRAPH AVE | BOWDITCH ST    | C     | Heavy Mtce                   | \$ 133,325         | 7                             | 4*        | 0.13    | 63          | 12/1/1990     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 628042    | 78         | BANCROFT WAY  | BOWDITCH ST   | COLLEGE AVE    | C     | Heavy Mtce                   | \$ 161,036         | 7                             | 3C*       | 0.13    | 56          | 12/1/1990     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 627042    | 80         | BANCROFT WAY  | COLLEGE AVE   | PIEDMONT AVE   | C     | Heavy Rehab                  | \$ 254,076         | 7                             | 3C*       | 0.13    | 28          | 12/1/1990     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 728140    | 50         | DANA ST       | BANCROFT WAY  | DWIGHT WAY     | R     | Heavy Rehab                  | \$ 458,900         | 7                             | 2A to 2B* | 0.25    | 45          | 12/1/1989     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 736140    | 60         | DANA ST       | DWIGHT WAY    | BLAKE ST       | R     | Light Rehab                  | \$ 91,440          | 7                             | 3E        | 0.06    | 44          | 12/1/1989     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 736140    | 65         | DANA ST       | BLAKE ST      | WARD ST        | R     | Light Rehab                  | \$ 466,580         | 7                             | 3E*       | 0.25    | 65          | 7/30/2008     | RECONSTRUCT STRUCTURE (AC) |
| 2023*       | 627155    | 85         | DWIGHT WAY    | HILLSIDE AVE  | DEAD END ABOVE | R     | Reconstruct                  | \$ 387,040         | 8                             | N         | 0.11    | 22          | 9/1/1993      | RECONSTRUCT SURFACE (AC)   |
| 2023*       | 627155    | 83         | DWIGHT WAY    | PIEDMONT AVE  | HILLSIDE AVE   | R     | Reconstruct                  | \$ 501,840         | 7, 8                          | N         | 0.14    | 12          | 9/1/1993      | MILL AND OVERLAY W/FABRIC  |
| 2023*       | 637217    | 80         | FOREST AVE    | COLLEGE AVE   | CLAREMONT BLVD | R     | Heavy Rehab                  | \$ 618,000         | 8                             | N         | 0.36    | 45          | 8/1/1996      | RECONSTRUCT STRUCTURE (AC) |
| 2023        | 835431    | 65         | OTIS ST       | RUSSELL ST    | ASHBY AVE      | R     | Heavy Rehab                  | \$ 224,000         | 3                             | N         | 0.13    | 49          | 4/1/2001      | RECONSTRUCT STRUCTURE (AC) |
| 2023        | 728584    | 50         | TELEGRAPH AVE | BANCROFT WAY  | DWIGHT WAY     | C     | Heavy Rehab                  | \$ 473,060         | 7                             | 3C*       | 0.25    | 39          | 7/1/1988      | MILL AND OVERLAY W/FABRIC  |
| 2023        | 319293    | 47         | HOPKINS ST    | GILMAN ST     | SACRAMENTO ST  | R     | Heavy Rehab                  | \$ 233,942         | 5                             | 3A, C     | 0.10    | 32          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 213293    | 50         | HOPKINS ST    | HOPKINS CT    | MONTEREY AVE   | C     | Light Rehab                  | \$ 87,193          | 5                             | 3A, C     | 0.05    | 59          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 213293    | 52         | HOPKINS ST    | MONTEREY AVE  | MC GEE AVE     | C     | Heavy Rehab                  | \$ 119,167         | 5                             | 2A, C     | 0.05    | 47          | 12/1/1989     | RECONSTRUCT STRUCTURE (AC) |
| 2023        | 319293    | 45         | HOPKINS ST    | NORTHSIDE AVE | PERALTA AVE    | R     | Light Mtce                   | \$ 239,587         | 1                             | N         | 0.10    | 78          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 319293    | 46         | HOPKINS ST    | PERALTA AVE   | GILMAN ST      | R     | Heavy Mtce                   | \$ 493,031         | 1, 5                          | N         | 0.27    | 58          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 319293    | 49         | HOPKINS ST    | SACRAMENTO ST | HOPKINS CT     | A     | Heavy Rehab                  | \$ 101,755         | 5                             | 3A, C     | 0.04    | 38          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 319293    | 40         | HOPKINS ST    | SAN PABLO AVE | STANNAGE AVE   | R     | Light Mtce                   | \$ 37,188          | 1                             | N         | 0.09    | 74          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        | 319293    | 42         | HOPKINS ST    | STANNAGE AVE  | NORTHSIDE AVE  | R     | Heavy Mtce                   | \$ 181,658         | 1                             | N         | 0.17    | 69          | 9/13/2002     | MILL AND OVERLAY W/FABRIC  |
| 2023        |           |            | CONTINGENCY   |               |                |       |                              | \$ 1,253,011       |                               |           |         |             |               |                            |
|             |           |            | TOTAL FUNDING |               |                |       |                              | \$ 7,275,303       |                               |           | 3.04    |             |               |                            |
|             |           |            |               |               |                |       |                              | 46%                | bike/ped                      |           |         |             |               |                            |
|             |           |            |               |               |                |       |                              | 55%                | bike/ped not incl contingency |           |         |             |               |                            |

\* in Fiscal Year column denotes coordination and/or cost sharing with EBMUD project

FISCAL YEAR 2023 TOTALS

| Total Estimated Cost and Miles |         |                |        |           |          |             | \$7,275,303 | 3.04 | miles |
|--------------------------------|---------|----------------|--------|-----------|----------|-------------|-------------|------|-------|
|                                | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost        | Miles       |      |       |
| Arterials                      | 0.04    | \$101,755      | 2%     | 1%        | 1        | \$704,948   | 0.51        |      |       |
| Collectors                     | 0.95    | \$1,987,331    | 33%    | 31%       | 2        | \$0         | 0.00        |      |       |
| Residentials                   | 2.05    | \$3,933,206    | 65%    | 67%       | 3        | \$224,000   | 0.13        |      |       |
|                                |         |                |        |           | 4        | \$759,474   | 0.23        |      |       |
| Bikeways                       | 1.34    | \$3,339,948    | 55%    | 44%       | 5        | \$788,573   | 0.37        |      |       |
| Curb Ramps                     |         | \$240,000      | 4%     |           | 6        | \$0         | 0.00        |      |       |
| Total                          |         | \$3,579,948    | 59%    |           | 7        | \$2,289,337 | 1.27        |      |       |
|                                |         |                |        |           | 8        | \$1,255,960 | 0.54        |      |       |
|                                |         |                |        |           |          | \$6,022,292 | 3.04        |      |       |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; and N for none.

\*Proposed bike facilities from 2017 Bike Plan.

EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2021 TO FY 2025

Revised: 10/30/2020

| Fiscal Year | Street ID | Section ID | Street Name       | From              | To                  | Class | Treatment (from StreetSaver) | Updated Total Cost | District                      | P     | Mileage | Current PCI | Last M&R Date | Last Paved                 |
|-------------|-----------|------------|-------------------|-------------------|---------------------|-------|------------------------------|--------------------|-------------------------------|-------|---------|-------------|---------------|----------------------------|
| 2024        | 830104    | 57         | CHANNING WAY      | ROOSEVELT AVE     | MARTIN LUTHER KING  | R     | Reconstruct                  | \$ 695,500         | 4                             | 3E    | 0.19    | 1           | 9/1/1991      | MILL AND OVERLAY W/FABRIC  |
| 2024        | 830104    | 50         | CHANNING WAY      | SACRAMENTO ST     | ROOSEVELT AVE       | R     | Heavy Rehab                  | \$ 696,780         | 4                             | 3E    | 0.31    | 22          | 9/1/1991      | MILL AND OVERLAY W/FABRIC  |
| 2024        | 111127    | 10         | CRESTON RD        | GRIZZLY PEAK BLVD | SUNSET LANE         | R     | Heavy Mtce                   | \$ 93,378          | 6                             | N     | 0.36    | 63          | 6/1/1995      | RECONSTRUCT STRUCTURE (AC) |
| 2024        | 115127    | 20         | CRESTON RD        | SUNSET LANE       | GRIZZLY PEAK BLVD   | R     | Heavy Mtce                   | \$ 116,258         | 6                             | N     | 0.36    | 64          | 11/1/1988     | RECONSTRUCT SURFACE (AC)   |
| 2024        | 322142    | 48         | DELAWARE ST       | ACTON ST          | SACRAMENTO ST       | C     | Heavy Mtce                   | \$ 108,175         | 1                             | 4*    | 0.13    | 61          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2024        | 636146    | 78         | DERBY ST          | HILLEGASS AVE     | COLLEGE AVE         | R     | Reconstruct                  | \$ 577,560         | 8                             | 3E*   | 0.14    | 25          | 8/8/1997      | MILL AND OVERLAY W/FABRIC  |
| 2024        | 729152    | 60         | DURANT AVE        | MILVIA ST         | SHATTUCK AVE        | C     | Reconstruct                  | \$ 693,355         | 4                             | N     | 0.13    | 11          | 11/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2024        | 111249    | 17         | GRIZZLY PEAK BLVD | KEELER AVE        | MARIN AVE           | C     | Reconstruct                  | \$ 859,622         | 6                             | 3C*   | 0.27    | 19          | 10/1/1992     | MILL AND OVERLAY W/FABRIC  |
| 2024        | 739285    | 70         | HILLEGASS AVE     | ASHBY AVE         | CITY LIMIT (WOOLSEY | R     | Light Mtce                   | \$ 98,900          | 8                             | 3E    | 0.16    | 76          | 7/28/2003     | RECONSTRUCT STRUCTURE (AC) |
| 2024        | 736285    | 60         | HILLEGASS AVE     | DWIGHT WAY        | ASHBY AVE           | R     | Light Mtce                   | \$ 312,000         | 8                             | 3E    | 0.61    | 78          | 5/31/2000     | RECONSTRUCT STRUCTURE (AC) |
| 2024        | 213293    | 53         | HOPKINS ST        | MC GEE AVE        | CARLOTTA AVE        | C     | Heavy Rehab                  | \$ 149,680         | 5                             | 2A, C | 0.06    | 45          | 12/1/1989     | RECONSTRUCT STRUCTURE (AC) |
| 2024        | 213293    | 55         | HOPKINS ST        | CARLOTTA AVE      | JOSEPHINE ST        | C     | Heavy Rehab                  | \$ 874,580         | 5                             | 2A, C | 0.35    | 50          | 12/1/1989     | MILL AND OVERLAY           |
| 2024        | 115344    | 80         | LATHAM LANE       | MILLER AVE        | GRIZZLY PEAK        | R     | Heavy Mtce                   | \$ 38,500          | 6                             | N     | 0.10    | 59          | 6/1/1994      | RECONSTRUCT STRUCTURE (AC) |
| 2024        | 834371    | 65         | MC GEE AVE        | DERBY ST          | RUSSELL ST          | R     | Light Rehab                  | \$ 551,992         | 3                             | N     | 0.25    | 59          | 12/10/1998    | RECONSTRUCT STRUCTURE (AC) |
| 2024        | 834371    | 60         | MC GEE AVE        | DWIGHT WAY        | DERBY ST            | R     | Light Rehab                  | \$ 374,400         | 3                             | N     | 0.26    | 51          | 7/1/1988      | THIN OVERLAY w/FABRIC      |
| 2024        | 115380    | 70         | MILLER AVE        | HILLDALE AVE      | SHASTA RD           | R     | Light Rehab                  | \$ 449,880         | 6                             | N     | 0.66    | 53          | 6/1/1994      | RECONSTRUCT STRUCTURE (AC) |
| 2024        |           |            | CONTINGENCY       |                   |                     |       |                              | \$ 584,743         |                               |       |         |             |               |                            |
|             |           |            | TOTAL FUNDING     |                   |                     |       |                              | \$ 7,275,303       |                               |       | 4.35    |             |               |                            |
|             |           |            |                   |                   |                     |       |                              | 60%                | bike/ped                      |       |         |             |               |                            |
|             |           |            |                   |                   |                     |       |                              | 65%                | bike/ped not incl contingency |       |         |             |               |                            |

FISCAL YEAR 2024 TOTALS

Total Estimated Cost and Miles

\$7,275,303 4.35 miles

|              | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost        | Miles |
|--------------|---------|----------------|--------|-----------|----------|-------------|-------|
| Arterials    | 0.00    | \$0            | 0%     | 0%        | 1        | \$108,175   | 0.13  |
| Collectors   | 0.94    | \$2,685,412    | 40%    | 22%       | 2        | \$0         | 0.00  |
| Residentials | 3.41    | \$4,005,148    | 60%    | 78%       | 3        | \$926,392   | 0.51  |
|              |         |                |        |           | 4        | \$2,085,635 | 0.63  |
| Bikeways     | 2.21    | \$4,372,797    | 65%    | 51%       | 5        | \$1,024,260 | 0.41  |
| Curb Ramps   |         | \$474,000      | 7%     |           | 6        | \$1,557,638 | 1.76  |
| Total        |         | \$4,846,797    | 72%    |           | 7        | \$0         | 0.00  |
|              |         |                |        |           | 8        | \$988,460   | 0.91  |
|              |         |                |        |           |          | \$6,690,560 | 4.35  |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; and N for none.

\*Proposed bike facilities from 2017 Bike Plan.

EXHIBIT A  
5-YEAR STREET REHABILITATION PLAN FOR FY 2021 TO FY 2025

Revised: 10/30/2020

| Fiscal Year | Street ID | Section ID | Street Name       | From           | To                 | Class | Treatment (from StreetSaver) | Updated Total Cost | District | P                             | Mileage | Current PCI | Last M&R Date | Last Paved                |
|-------------|-----------|------------|-------------------|----------------|--------------------|-------|------------------------------|--------------------|----------|-------------------------------|---------|-------------|---------------|---------------------------|
| 2025        | 729014    | 63         | ALLSTON WAY       | MILVIA ST      | SHATTUCK AVE       | R     | Heavy Rehab                  | \$ 228,800         | 4        | N                             | 0.14    | 37          | 11/1/1990     | MILL AND THIN OVERLAY     |
| 2025        | 931129    | 50         | CURTIS ST         | UNIVERSITY AVE | DWIGHT WAY         | R     | Reconstruct                  | \$ 2,009,440       | 2        | N                             | 0.57    | 9           | 8/18/1997     | MILL AND THICK OVERLAY    |
| 2025        | 834146    | 50         | DERBY ST          | SACRAMENTO ST  | MARTIN LUTHER KING | R     | Reconstruct                  | \$ 1,688,560       | 3        | 3E                            | 0.48    | 18          | 10/1/1992     | MILL AND OVERLAY W/FABRIC |
| 2025        | 736146    | 70         | DERBY ST          | FULTON ST      | TELEGRAPH AVE      | R     | Reconstruct                  | \$ 1,069,280       | 3, 7     | 3E                            | 0.31    | 13          | 10/1/1992     | MILL AND OVERLAY W/FABRIC |
| 2025        | 319241    | 40         | GILMAN ST         | SAN PABLO AVE  | SANTA FE AVE       | A     | Heavy Rehab                  | \$ 683,116         | 1        | 4*                            | 0.27    | 48          | 10/2007       | MILL AND OVERLAY          |
| 2025        | 111249    | 15         | GRIZZLY PEAK BLVD | EUCLID AVE     | KEELER AVE         | C     | Reconstruct                  | \$ 634,478         | 6        | 3E                            | 0.21    | 13          | 11/1/1990     | MILL AND THICK OVERLAY    |
| 2025        | 639671    | 78         | WOOLSEY ST        | HILLEGASS AVE  | COLLEGE AVE        | R     | Reconstruct                  | \$ 434,534         | 8        | 3A                            | 0.11    | 13          | NA            |                           |
|             |           |            | CONTINGENCY       |                |                    |       |                              | \$ 527,095         |          |                               |         |             |               |                           |
|             |           |            | TOTAL FUNDING     |                |                    |       |                              | \$ 7,275,303       |          |                               | 2.08    |             |               |                           |
|             |           |            |                   |                |                    |       |                              | 62%                |          | bike/ped                      |         |             |               |                           |
|             |           |            |                   |                |                    |       |                              | 67%                |          | bike/ped not incl contingency |         |             |               |                           |

FISCAL YEAR 2025 TOTALS

|                                       |         |                |        |           |          |             |       |             |  |  |      |       |
|---------------------------------------|---------|----------------|--------|-----------|----------|-------------|-------|-------------|--|--|------|-------|
| <b>Total Estimated Cost and Miles</b> |         |                |        |           |          |             |       | \$7,275,303 |  |  | 2.08 | miles |
|                                       | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost        | Miles |             |  |  |      |       |
| Arterials                             | 0.27    | \$683,116      | 10%    | 13%       | 1        | \$683,116   | 0.27  |             |  |  |      |       |
| Collectors                            | 0.21    | \$634,478      | 9%     | 10%       | 2        | \$2,009,440 | 0.57  |             |  |  |      |       |
| Residentials                          | 1.60    | \$5,430,614    | 80%    | 77%       | 3        | \$2,223,200 | 0.63  |             |  |  |      |       |
|                                       |         |                |        |           | 4        | \$228,800   | 0.14  |             |  |  |      |       |
| Bikeways                              | 1.38    | \$4,509,968    | 67%    | 66%       | 5        | \$0         | 0.00  |             |  |  |      |       |
| Curb Ramps                            |         | \$126,000      | 2%     |           | 6        | \$634,478   | 0.21  |             |  |  |      |       |
| Total                                 |         | \$4,635,968    | 69%    |           | 7        | \$534,640   | 0.15  |             |  |  |      |       |
|                                       |         |                |        |           | 8        | \$434,534   | 0.11  |             |  |  |      |       |
|                                       |         |                |        |           |          | \$6,748,208 | 2.08  |             |  |  |      |       |







FISCAL YEAR 2021-2025 TOTALS

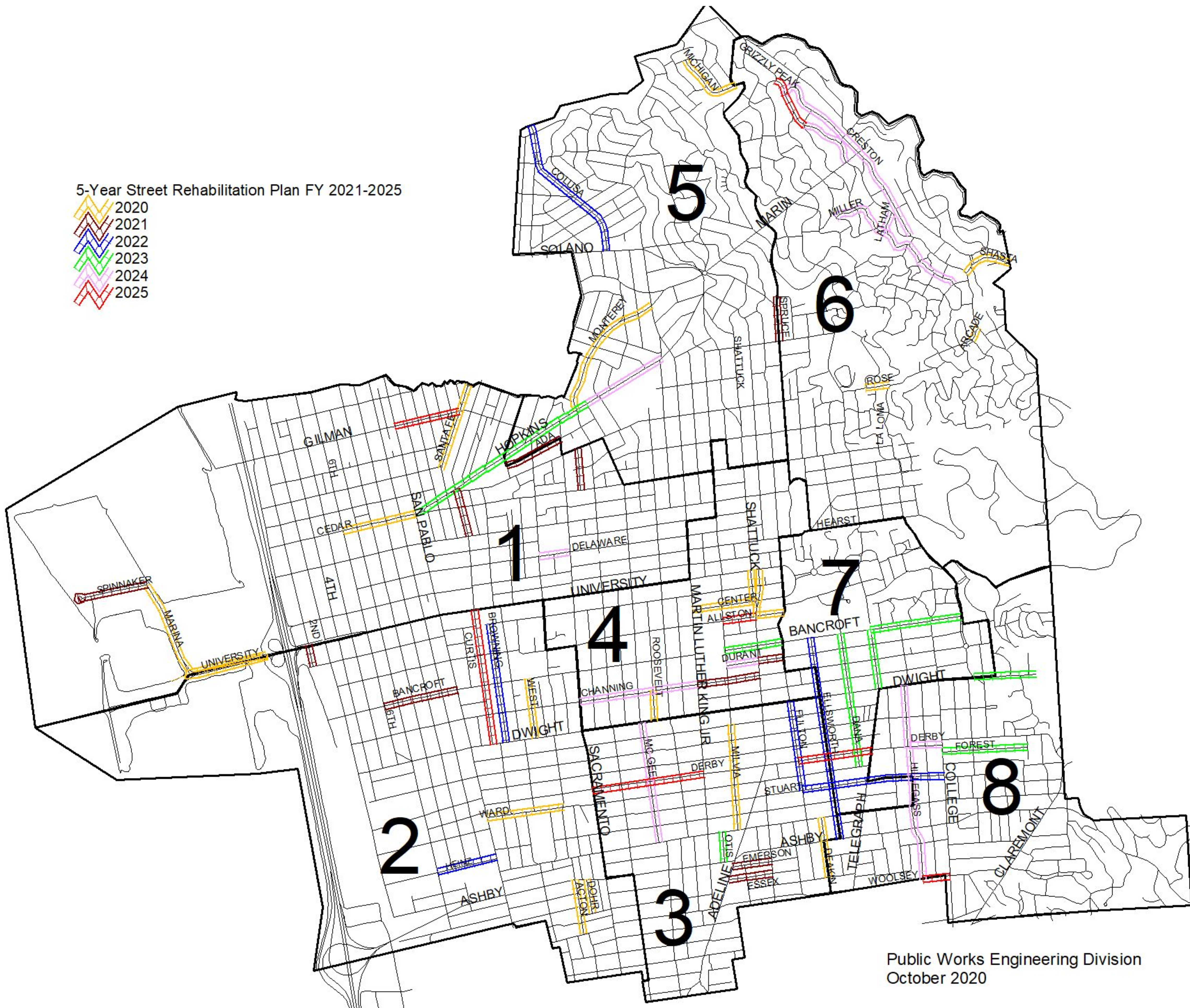
|                                       |         |                |        |           |          |               |              |              |  |  |       |       |
|---------------------------------------|---------|----------------|--------|-----------|----------|---------------|--------------|--------------|--|--|-------|-------|
| <b>Total Estimated Cost and Miles</b> |         |                |        |           |          |               |              | \$33,540,515 |  |  | 14.98 | miles |
|                                       | Mileage | Estimated Cost | % Cost | % Mileage | District | Cost          | Miles        |              |  |  |       |       |
| Arterials                             | 0.31    | \$784,871      | 3%     | 2%        | 1        | \$4,046,266   | 1.69         |              |  |  |       |       |
| Collectors                            | 2.88    | \$7,095,005    | 24%    | 19%       | 2        | \$4,590,248   | 1.73         |              |  |  |       |       |
| Residentials                          | 11.79   | \$22,212,176   | 74%    | 79%       | 3        | \$4,620,579   | 2.38         |              |  |  |       |       |
|                                       |         |                |        |           | 4        | \$4,073,349   | 1.36         |              |  |  |       |       |
| Bikeways                              | 7.01    | \$16,411,779   | 55%    | 47%       | 5        | \$3,911,654   | 1.68         |              |  |  |       |       |
| Curb Ramps                            |         | \$1,338,000    | 4%     |           | 6        | \$2,382,033   | 2.06         |              |  |  |       |       |
| Total                                 |         | \$17,749,779   | 59%    |           | 7        | \$3,576,655   | 2.39         |              |  |  |       |       |
|                                       |         |                |        |           | 8        | \$2,891,269   | 1.70         |              |  |  |       |       |
|                                       |         |                |        |           |          | \$30,092,053  | 14.98        |              |  |  |       |       |
|                                       |         |                |        |           |          | Total Funding | \$33,540,515 |              |  |  |       |       |

Note: Column P denotes presence of bike facility type (1 paved path, 2A 2B bike lane, 3A sign-only, 3C Sharrows, 3E bike blvd, 4 cycle track); C for bus route; and N for none.

\*Proposed bike facilities from 2017 Bike Plan.

5-Year Street Rehabilitation Plan FY 2021-2025

-  2020
-  2021
-  2022
-  2023
-  2024
-  2025



Public Works Engineering Division  
October 2020



Rashi Kesarwani  
Councilmember District 1

CONSENT CALENDAR

January 26, 2021

*(Continued from November 10, 2020)*

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (author), Mayor Jesse Arreguin and Councilmember Cheryl Davila (co-sponsors)

SUBJECT: Budget Referral to Reinstate Partial Funding for the Gun Buyback Program Previously Authorized by City Council

RECOMMENDATION

Refer to the FY 2020-21 November Amendment to the Annual Appropriations Ordinance (AAO #1) \$40,000 to reinstate partial funding for the Gun Buyback Program—originally proposed by Councilmember Cheryl Davila and authorized by the City Council on Nov. 27, 2018.

FISCAL IMPACTS

Funding of \$40,000 would enable the City of Berkeley to: remove guns from households by providing cash or gift cards to owners of operational rifles and shotguns (value of approximately \$100) and to owners of operational handguns and assault weapons (value of approximately \$200); and cover staff time necessary to support a gun buyback program.

CURRENT SITUATION AND ITS EFFECTS

Gun violence in Berkeley is on the rise, following regional and national trends.<sup>1</sup> According to Berkeleyside, the City of Berkeley saw 20 shootings in 2018, 28 shootings in 2019, and 32 shootings so far in 2020 with more than two months remaining in the year.<sup>2</sup> As a result of this violence, our community has lost four individuals from fatal shootings and at least 10 others have been wounded. Prior to this year, the last fatal

<sup>1</sup> "Shootings and Gun Deaths Continue To Rise At Alarming Rate In Large U.S. Cities," Aug. 2, 2020, Forbes, <https://www.forbes.com/sites/tommybeer/2020/08/02/shootings-and-gun-deaths-continue-to-rise-at-alarming-rate-in-large-us-cities/#234142966f0f>.

<sup>2</sup> "Annual crime report sees shootings rise for the third straight year," Oct. 15, 2020, Berkeleyside, [https://www.berkeleyside.com/2020/10/15/2020-berkeley-crime-report-shootings-rise-use-of-force-stop-data?doing\\_wp\\_cron=1603673460.1734480857849121093750](https://www.berkeleyside.com/2020/10/15/2020-berkeley-crime-report-shootings-rise-use-of-force-stop-data?doing_wp_cron=1603673460.1734480857849121093750).

Budget Referral to Reinstate Partial Funding for Gun Buyback Program

shooting occurred in 2016, when 22-year-old Alex Goodwin Jr. was killed outside his home near San Pablo Park.<sup>3</sup>

Gun buybacks are programs aimed at voluntarily decreasing the prevalence of firearms in a community by offering cash or gift cards in exchange for working guns. A meta-analysis from Dec. 2019 in *Current Trauma Reports* suggests that gun buybacks should be included in broader violence reduction strategies. “Buybacks in conjunction with other methods have been shown to be successful in reducing the number of firearms that could lead to injury and death,” the authors write.<sup>4</sup> Further, according to current academic research, gun buybacks “can influence public perception of how authorities are dealing with gun violence and serve as opportunities to educate communities about gun violence reduction strategies.”<sup>5</sup> A gun buyback program can be a piece of our communal effort to reimagine public safety.

BACKGROUND

Councilmember Cheryl Davila submitted the original referral to fund a gun buyback program to our Annual Appropriations Ordinance Process in Nov. 2018, which was approved on consent (see attachment A). An integral part of this initial Council item referenced a partnership between Berkeley Police Department and a non-profit, the Robby Poblete Foundation (RPF). Given that gun violence has been responsible for four deaths in the last ten months alone, this item recommends reinstating funding for a gun buyback program. According to the RPF website, 190 firearms were removed from the City of Richmond during a gun buyback event; and 900 were removed from San Francisco during a gun buyback held in June 2018.<sup>6</sup>

ENVIRONMENTAL SUSTAINABILITY

No direct impact on environmental sustainability.

CONTACT

Councilmember Rashi Kesarwani, District 1 (510) 981-7110

Attachments:

- A: Item #22 “Budget Referral: Gun Buyback Program and Art of Peace Program

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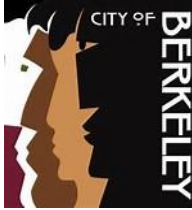
<sup>3</sup> The 2020 Berkeley gunfire map, Updated Oct. 23, Berkeleyside, <https://www.berkeleyside.com/2020/10/03/2020-berkeley-gunfire-map>.

<sup>4</sup> A Review of Gun Buybacks,” Nov. 1, 2019, Current Trauma Reports, <https://link.springer.com/article/10.1007/s40719-019-00180-8>.

<sup>5</sup> “Gun buybacks: What the research says,” Jan. 9, 2020, Harvard Kennedy School Shorenstein Center on Media, Politics and Public Policy, <https://journalistsresource.org/studies/gun-violence/gun-buybacks-what-the-research-says/>.

<sup>6</sup> RPF Gun Buyback Program, <http://robbypobletefoundation.org/rpf-gun-buyback-program/>.





Cheryl Davila  
Councilmember  
District 2

CONSENT CALENDAR  
November 27, 2018

To: Honorable Mayor and Members of the City Council  
From: Councilmember Cheryl Davila  
Subject: Budget Referral: Gun Buyback and Art of Peace Program

RECOMMENDATION

AAO Budget Referral to the FY19 (2018/2019) November 2018 AAO Budget Process to set aside \$60,000 to frontload funds to bring the Robby Poblete Foundation Gun Buyback, Art of Peace and Work in Progress programs to Berkeley.

The Robby Poblete Foundation coordinates all aspects of the programs, including promotional materials, promotion on platforms and local calendars, press releases, press conferences and media contacts, coordinating the buyback with the police department, purchasing and release of gift cards, breaking down the guns free of charge (if desired), recruiting artists, coordinating the artist competition and selection process, coordinating the Art of Peace unveiling and event, and connecting youth and families with apprenticeships, job training and placement programs.

The Robby Poblete Foundation will also partner with the City of Berkeley to reach out to foundations, local businesses and individual donors to cover the costs of the program, including the gift cards. All efforts will be made to fundraise and refund the full \$60,000.

The City of Berkeley needs to provide the following:

- **Police time** to coordinate the gun buyback with the Foundation, the day-of to accept, record and check firearms to ensure that none of those accepted are stolen and to staff the event to ensure safety, as well as transport and storage of guns until they are shipped for breakdown.
- **Front-loading the \$60,000** to cover an estimated 400 firearms at \$100 and \$200 per a buyback. This estimate is based on Berkeley's centrality, timing since the last buyback in the area and recent buyback programs. Any funds not used will be returned to the City. If additional funds are needed, the Foundation covers the cost and works to apply for additional funds. We do not want to turn guns away.
- **Participation:** promoting programs and events, identifying businesses for the Foundation to approach, recruiting and selecting artists, and participating in public and media events.

### FISCAL IMPACTS OF RECOMMENDATION

\$60,000 for a contract with a community youth provider. Staff time creating and reviewing RFP applications, and creating and monitoring the contract.

### BACKGROUND

The Robby Poblete Foundation is a registered 501©(3) nonprofit organization whose mission is to reduce gun violence by collecting unwanted firearms through gun buybacks, and transform them into instruments of hope and opportunity through art and vocational skills programs.

Pati Navalta started the program after she lost her son to gun violence four-years ago. From this tragedy she started the Foundation to stop gun violence and is supporting work across the Bay Area, and Los Angeles and Georgia in replicating the program. The gun buyback program has been implemented in Richmond, Vallejo, San Francisco and Oakland.

The program has collected over 1,000 firearms, including handguns, rifles and assault weapons. In addition, they have collected boxes of stars, rocket launchers and knives. By providing gift cards from local businesses, they are getting firearms off of the streets while supporting the local economy. The gun buyback events include free gun locks, too.

The guns are then broken down and given back to the community to create public art. A design competition is promoted and community artists submit proposals that are reviewed by a community panel. Selected artists use the broken down gun parts and shells to create Art of Peace. The art work is then unveiled during a community event and visited by schools and programs to raise awareness toward violence prevention. Young people who are interested can then participate in the Work in Progress program that works with 5 apprenticeship programs to train young people including their family members, including people who are formerly incarcerated and homeless, in a trade and then place them in employment with life and job coaching support.

Councilmember Davila's office, the Berkeley Police Department and City Manager's office attended a presentation from the Robby Poblete Foundation, and all shared interest in and support for all three programs for Berkeley.

### ENVIRONMENTAL SUSTAINABILITY

The program not only removes guns from the street and community that can be used to harm, but creates public awareness about how communities can participate in gun violence prevention. It creates a culture of hope and possibility to counter the despair and culture of violence that leads to gun-related deaths and injuries.

### CONTACT PERSON

Councilmember Cheryl Davila 510.981.7120

### ATTACHMENTS

- Robby Poblete Foundation overview PowerPoint



Robby Poblete Foundation

*Transforming unwanted firearms into instruments of hope and opportunity*

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## Overview

# Who We Are

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The Robby Poblete Foundation is a registered 501©(3) nonprofit organization whose mission is to reduce gun violence by collecting unwanted firearms through gun buybacks, and transform them into instruments of hope and opportunity through art and vocational skills programs.

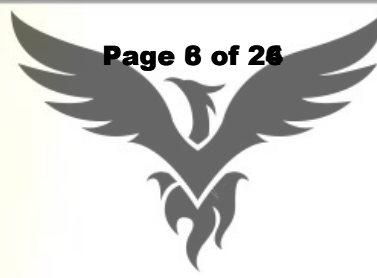


# Our Programs

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- **Annual Gun Buyback:** Prevent unwanted firearms from falling into the wrong hands by holding gun buybacks
- **Art of Peace:** Transform unwanted firearms into instruments of hope and opportunity
- **Work In Progress:** Work with local unions, businesses and county office of education and correctional facilities to raise awareness about opportunities in skilled trades, provide introductory training programs, and help with apprenticeships, certifications and job placement. Focused on youth, young adults and ex offenders.





Robby Poblete Foundation

---

# Gun Buyback

# Gun Buyback


AUGUST 26, 2017 // SOLANO COUNTY FAIRGROUNDS

## BUYBACK OUR FUTURE

### 2017 SOLANO COUNTY GUN BUYBACK


**TURN IN GUNS FOR VISA PREPAID CARDS OR GIFT CARDS, NO QUESTIONS ASKED**  
 Please transport your firearms unloaded and in the trunk of your vehicle  
 Up to \$100 in Visa prepaid cards or gift cards for each rifle, shotgun and handgun  
 Up to \$200 in Visa prepaid cards or gift cards for each assault weapon, as classified in the State of CA

THIS EVENT IS BEING PRESENTED BY:



**THE ERIC REYES**  
FOUNDATION








A registered 501(c)(3) nonprofit organization  
Federal Tax ID: 81-358866



**Robby Poblete** Foundation

A registered 501(c)(3) nonprofit organization  
Federal Tax ID: 82-0740632

SPONSORED BY

IN PARTNERSHIP WITH


Senator Bill Dodd • Assembly Member Timothy Grayson • Solano County District Attorney's Office • Solano County Supervisor Eric Hanson  
 Solano County Arts Council • Mapa Solano Construction & Building Trades Council • Vallejo City Councilwoman Rozanna Vander-Aalge  
 Vallejo Mayor Bob Sampson • Toyota • Neighborhood Riding • Club Stride • Texas Justice • Don De Oros • Ben's Bridal

\*Funds are limited. We reserve the right to limit the amount of cash an individual can receive, regardless of the amount of firearms surrendered.

180 firearms:  
 66 handguns  
 111 rifles  
 3 assault  
 weapons

SOLANO COUNTY

## GUN BUYBACK 2018




**EXPOSITION HALL, SOLANO COUNTY FAIRGROUNDS, VALLEJO**  
**SATURDAY, NOVEMBER 3, 2018 // 9 AM - 2 PM**


**Turn in guns for gift cards. No questions asked.**  
 Please transport your firearms unloaded and in the trunk of your vehicle  
**Up to \$100** in gift cards for each rifle and shotgun  
**Up to \$200** in gift cards for each handgun and assault weapon, as classified by the State of CA

Ammunition and other weapons, such as throwing stars, butterfly knives, switchblades, brass knuckles, will be accepted; however no gift cards will be given for these items.

This event is being presented by:




**VALLEJO POLICE**



**ROBBY POBLETE FOUNDATION**

A registered 501(c)(3) nonprofit organization  
Federal Tax ID: 82-0740632



**THE ERIC REYES**  
FOUNDATION

A registered 501(c)(3) nonprofit organization  
Federal Tax ID: 81-358866

\*Funds are limited. We reserve the right to limit the amount of gift cards an individual can receive, regardless of the amount of firearms surrendered.

115 firearms:  
 44 long guns  
 70 handguns  
 1 assault  
 weapon



# Gun Buyback

## 2017 RICHMOND GUN BUYBACK

Turn in guns for gift cards. No questions asked.

Please ensure all firearms are unloaded and kept in the trunk of your car before coming to the gun buyback.

### Up to \$100

in Visa prepaid cards or gift cards for each rifle, shotgun and handgun

### Up to \$200

in Visa prepaid cards or gift cards for each assault weapon, as classified in the State of CA

\* Funds are limited. We reserve the right to limit the amount of cash an individual can receive, regardless of the amount of firearms surrendered.

SUNDAY, DECEMBER 17, 2017  
10 AM - 2 PM

450 CIVIC CENTER PLAZA  
RICHMOND, CA

This event is being presented by:



Robby Poblete Foundation  
robbypobletefoundation.org



48 firearms:  
14 rifles  
6 shotguns  
15 semi-auto  
pistols  
13 revolvers

## 2018 RICHMOND GUN BUYBACK

TURN IN GUNS FOR GIFT CARDS  
NO QUESTIONS ASKED

### UP TO \$100

in gift cards for each rifle, shotgun and handgun

### UP TO \$200

in Visa prepaid cards or gift cards for each assault weapon,  
as classified in the State of CA

\* Funds are limited. We reserve the right to limit the amount of cash an individual can receive, regardless of the amount of firearms surrendered.

\* PLEASE TRANSPORT YOUR FIREARMS UNLOADED AND IN THE TRUNK OF YOUR VEHICLE.

SATURDAY  
AUGUST 18, 2018  
10 AM - 2 PM

450 CIVIC CENTER PLAZA  
RICHMOND, CA

This event is being presented by:



Robby Poblete Foundation  
robbypobletefoundation.org



51 firearms:  
13 shotguns  
7 pistols  
8 assault  
weapons  
10 rifles  
13 revolvers





# Gun Buyback



Robby Poblete Foundation



187 firearms

**FUTURE SUCCESSORS & AMERICORPS VISTA PRESENT**  
*5th Annual Gun Buyback*



**Date:** August 4, 2018  
**Time:** 9am - 11am  
**Location:** Antioch Baptist Church  
 1454 Florence Street Augusta, GA 30901

  
 Proudly sponsored by  
 the Robby  
 Poblete Foundation

**Turn in your useless UNLOADED firearms  
 in an empty shoebox  
 \$50 giftcard for every firearm turned in  
 No questions asked**

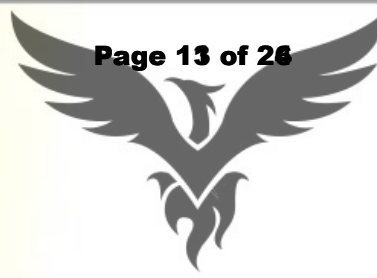
 

<https://futuresuccessors.org/>



# Solano County Gun Buyback





Robby Poblete Foundation



- *Transforming unwanted firearms into instruments of hope and opportunity*
- 



# Process



Robby Poblete Foundation



- Founded: February 2017      - Planning meeting: April 27      - Call for Entry: June      - Gun Buyback, August 26, 2017



- Gun materials: October 1



Artist pick-up: January 2018



Art of Peace unveiling: May 11, 2018



# Art of Peace Commissioned Art



Robby's Arc, John Ton



Blue Heron, Joel Stockdill



Simorgh, Keyvan Shovir



# Art of Peace Commissioned Art



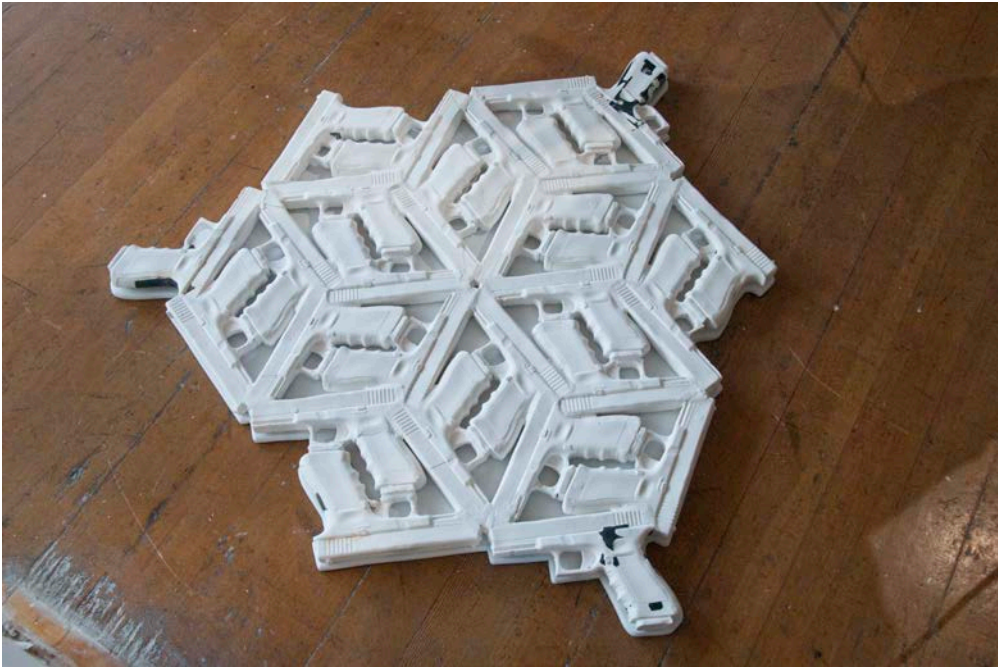
Boarapillar, Karen Lewis



Home, Sweet Home, Tsungwei Moo



# Art of Peace Commissioned Art



Floor Mandala, Matthew Mosher



Memorial Pillar, Kaytea Petro



# Art of Peace Commissioned Art



Wave of Violence, Jean Cherie





# Art of Peace: Scale

---

## Bay Area (Secured):

- ✓ Vallejo
- ✓ Alameda County (Oakland)
- ✓ Richmond (Contra Costa County)
- ✓ San Francisco

## Requests from:

- Los Angeles
- Atlanta, Augusta, Georgia



# Art of Peace: Alameda



# Media Coverage

**PstPrint - Up to 60% off - Quality Printing For 25 Years**  
 Get Consistent Quality Every Time. Official Site: Regular 60% Sales. [pstprint.com/Discounts](http://pstprint.com/Discounts)

STYLE

## How a mother turned the death of her son to an art-filled mission of peace

[Carolyne Zinko](#) | May 10, 2018 | updated: May 10, 2018 8:32 p.m.



1 of 2  
 Pati Navalta holds a piece of art created by her son Robby when he was 12, at her home in Fairfield. To turn her anguish of losing her 23-year-old son Robby Poblete to gun violence, she created the Robby ...  
 Photo: Michael Macor / The Chronicle

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- Most Popular**
- Black firefighter on inspection duty in Oakland hills gets videotaped, reported to police
  - Poop, Needles, Rats. Homeless camp pushes SF neighborhood to the edge
  - Wildfire forces thousands to evacuate in Lake County
  - Silicon Valley bus drivers sleep in parking lots. They may have to make way for development

# San Francisco Chronicle

**TRENDING:** Red Hen vs. Sarah Sanders | #PermitPatty | Pride parades | Jimmy Fallon & Trump | BET Awards | NASCAR trickery

**NORTHERN CALIFORNIA'S LARGEST HUNTING & FISHING**  
**GUNS + FISHING & OTHER STUFF**  
 Dublin | 0703 Arroyo Plaza Rd. Dublin, CA 94568 | (925) 828-4367 | Vacaville

News > California News

## Dismantled guns, bullets secured for Bay Area 'Art of Peace'





Robby Poblete Foundation

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# Work In Progress

# Apprenticeship Bus Tour



September 29, 2017: 150 students, 5 apprenticeship centers in county



# Work In Progress



Women In Trades, Solano County, Feb. 9, 2018

Hands-On Career Fair, Solano County, April 20, 2018

Women In Trades, Contra Costa County, October 19, 2018



# Work In Progress: Scholarships



Apprenticeships and training programs

\$20,000+ in scholarships - to date

Outreach



TRADESWOMEN, INC.



WORKFORCE DEVELOPMENT BOARD  
OF SOLANO COUNTY





Robby Poblete Foundation

*For more information, please go to [robbypobletefoundation.org](http://robbypobletefoundation.org) or email [info@robbypobletefoundation.org](mailto:info@robbypobletefoundation.org)*

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**Thank you**





Cheryl Davila  
Councilmember  
District 2

ACTION CALENDAR

January 26, 2021

*(Continued from November 10, 2020)*

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Support Community Refrigerators

RECOMMENDATION

1. Adopt a Resolution to create an allocation of the homeless budget towards the purchasing of community refrigerators to be distributed in Council districts to provide access to food for those who have no refrigeration or may be food insecure.
2. Allocate \$8,000 of the budget for the purchasing of the refrigerators.

RATIONALE FOR RECOMMENDATION

The City of Berkeley spent \$6.5 million of the general fund to combat homelessness in 2019. The COVID-19 pandemic, the raging fires and smoke in the state of California, the unhoused community is being hit even harder. The economic challenges of businesses closing, financial strains and health concerns increasing leads to increased disparities. It is necessary to support our communities who cannot buy basic necessities for survival such as food. A district fridge would bring together our communities to aid the homeless. Moreover, this is a part of a larger goal to bridge financial inequities in the City of Berkeley.

BACKGROUND

The City of Berkeley spent close to \$20 million on providing homeless services. About \$6.5 million came from its general fund, about \$9.5 million came from regional, state, and federal funds and \$3.9 million were one-time funds from the state's Homeless Emergency Aid Program.

COVID-19 has strained access to money and resources such as food for our homeless communities. The fires and dangerous air quality have also created a need for cooled water. Health disparities increase in times of distress and hit our at-risk communities the hardest.

Implementing an accessible refrigerator program, run by each district and its neighborhoods is a step in the right direction. Several cities across the country such as Los Angeles, Oakland, and New York have already created community fridges. Businesses, organizations, and individuals work together to keep the fridges stocked with prepackaged meals, leftovers, fresh fruits and vegetables, water, and other drinks. Anyone who feels the need to can take anything they need, at any time of day.

This is essential now. Food insecurity is an issue that ravages homeless communities. Yet, in some cities, we dump more than one million tons of food into landfills . Many community fridges are located in areas with high levels of food insecurity, either in “food deserts” (neighborhoods that lack access to fresh, affordable food) or “food swamps” (neighborhoods where there is an overabundance of fast food).

In the City of Oakland, the community group “Town Fridge” has set up refrigerators in publicly accessible locations throughout Oakland. The purpose is to create a mutual aid to address food insecurities in the community. These community refrigerators have donation guidelines posted at their locations, where they accept produce, pantry staples, bottled water, prepared meals but forbid raw meat. They also require: label and dates of all perishables on food containers; placing non-perishables on the shelving outside the fridge; If a fridge is full, they ask donors to not leave the food outside the fridge, but donate the food to a nearby encampment. Many locations have outside shelving for placement of non perishable items.

Residents can also apply to be a “fridge host”, hosting a community refrigerator on their block. Since this program has been established, it is a model for other cities to implement.

Community fridges will allow 24/7 access to fresh foods to the public, while empowering people of our community.

#### FINANCIAL IMPLICATIONS

The estimated price of a low-cost fridge is approximately \$800. Purchasing one for each district of Berkeley amounts to approximately \$8,000 allocated from the budget.

This program can be at no cost to the City as residents replace their refrigerators with newer technology refrigerators, and can donate their old refrigerators to be used as Community Refrigerators.

#### ENVIRONMENTAL SUSTAINABILITY

Protecting our communities during this climate and health crisis is an act of environmental sustainability.

#### CONTACT PERSONS

Cheryl Davila  
Councilmember District 2  
510.981.7120  
[cdavila@cityofberkeley.info](mailto:cdavila@cityofberkeley.info)

Sanjita Pamidimukkala  
Eshal Sandhu  
District 2 Intern

#### ATTACHMENTS:

1. Resolution
2. Four Pictures from Deputy City Manager Paul Buddenhagen of Community Fridge at 59th and Marshall

#### REFERENCES:

1. Oakland Town Fridge <https://linktr.ee/townfridge>



# TOWN FRIDGE

Current Locations:

**NORTH OAKLAND**  
+59th Street,  
in between Marshall  
and Fremont

**WEST OAKLAND**  
+Linden Street, Past 30th  
+16th Street and West  
+14th Street and Peralta

**DOWNTOWN**  
+Broadway and 15th  
Street, in the plaza

**OPEN 24/7**

**WE KEEP US FED**

**FREE FOOD**

**THIS ISN'T CHARITY  
THIS IS MUTUAL AID**

**COMIDA GRATIS**

TAKE WHAT YOU NEED - LEAVE WHAT YOU DON'T

---

## TOWN FRIDGE DONATION GUIDELINES

**OPEN 24/7**

We Accept:  
Produce  
Pantry Staples  
Bottled Water  
Prepared Meals  
**NO RAW MEAT**

**WE KEEP US FED**

**THIS ISN'T CHARITY THIS IS MUTUAL AID**

Label and date all perishables on the container.  
Put non-perishables on the shelving outside the fridge.  
If a fridge is full, do not leave your donation! Check another fridge location, see if there is a nearby encampment or people who would want the food. If they say no, or you cannot find anyone, please take it home and do not leave it outside the fridge.  
Spread the love! If you have a big donation of the same items, spread it across several fridges.  
Tag @townfridge on Instagram when you make a donation, so we can keep track of donations and give live updates.  
Take what you need, leave what you can.





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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY, CALIFORNIA,  
PROVIDING OUR HOUSELESSNESS COMMUNITY WITH DISTRICT REFRIGERATORS

WHEREAS, The City of Berkeley spent close to \$20 million on providing homeless services. About \$6.5 million came from its general fund, about \$9.5 million came from regional, state, and federal funds and \$3.9 million were one-time funds from the state's Homeless Emergency Aid Program; and

WHEREAS, COVID-19 has strained access to money and resources such as food for our homeless communities. The fires and dangerous air quality have also created a need for cooled water. Health disparities increase in times of distress and hit our at-risk communities the hardest; and

WHEREAS, Implementing an accessible refrigerator program, run by each district and its neighborhoods is a step in the right direction. Several cities across the country such as Los Angeles, Oakland, and New York have already created community fridges. Businesses, organizations, and individuals work together to keep the fridges stocked with prepackaged meals, leftovers, fresh fruits and vegetables, water, and other drinks. Anyone who feels the need to can take anything they need, at any time of day; and

WHEREAS, This is essential now. Food insecurity is an issue that ravages homeless communities. Yet, in some cities, we dump more than one million tons of food into landfills . Many community fridges are located in areas with high levels of food insecurity, either in "food deserts" (neighborhoods that lack access to fresh, affordable food) or "food swamps" (neighborhoods where there is an overabundance of fast food); and

WHEREAS, In the City of Oakland, the community group "Town Fridge" has set up refrigerators in publicly accessible locations throughout Oakland. The purpose is to create a mutual aid to address food insecurities in the community. These community refrigerators have donation guidelines posted at their locations, where they accept produce, pantry staples, bottled water, prepared meals but forbid raw meat. They also require: label and dates of all perishables on food containers; placing non-perishables on the shelving outside the fridge; If a fridge is full, they ask donors to not leave the food outside the fridge, but donate the food to a nearby encampment. Many locations have outside shelving for placement of non perishable items. Residents can also apply to be a "fridge host", hosting a community refrigerator on their block. Since this program has been established, it is a model for other cities to implement; and

WHEREAS, Community fridges will allow 24/7 access to fresh foods to the public, while empowering people of our community; and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Berkeley, California supports not only the implementation of district fridges to reduce the amount of food insecurity in the homeless community, but also the reduction of financial inequities in our city. Specifically, the Council of the City of Berkeley calls for:

1. Create an allocation of the homeless budget towards the purchasing of community refrigerators to be distributed in Council districts to provide access to food for those who have no refrigeration or may be food insecure.
2. Allocate \$8,000 of the budget for the purchasing of the refrigerators.





Fair Campaign Practices Commission  
Open Government Commission

ACTION CALENDAR

January 26, 2021

To: Honorable Mayor and Members of the City Council

From: Brad Smith, Chair, Fair Campaign Practices and Open Government Commissions

Submitted by: Samuel Harvey, Secretary, Fair Campaign Practices and Open Government Commissions

Subject: Amendments to the Berkeley Election Reform Act (BERA) and Change to City Council Expenditure and Reimbursement Policies (Resolution 67,992-N.S.)

RECOMMENDATION

Form a joint subcommittee of members of the City Council and members of the Fair Campaign Practices and Open Government Commissions to (1) prepare an ordinance amending the Berkeley Election Reform Act (BMC Chapter 2.12) to prohibit or regulate officeholder accounts and (2) prepare a change in City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.) to have donations to nonprofit organizations made in the name of the entire Berkeley City Council on behalf of the citizens of Berkeley rather than from individual Council members.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

Officeholder accounts are not expressly regulated by BERA. However, under existing law, if funds for officeholder accounts are used for campaign purposes, this may implicate campaign financing law and may trigger various local and state legal requirements.

Donations to nonprofit organizations from Councilmember's discretionary council budgets (D-13 accounts) are allowed by the authority of City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.).

*Action: Motion to submit report to City Council recommending creation of a subcommittee of members of the Council, FCPC and OGC to (1) prepare an ordinance prohibiting or regulating officeholder accounts and (2) prepare a change in City Council Expenditure and Reimbursement policies*

Vote: M/S/C: Blome/Metzger; Ayes: O'Donnell, Ching, Blome, Tsang, Smith; Noes: Metzger, Sheahan; Abstain: none; Absent: McLean.

Pursuant to Berkeley Municipal Code Section 2.12.051, BERA may be amended by the "double green light" process. This process requires that the FCPC adopt the amendments by a two-thirds vote, and the City Council hold a public hearing and adopt the amendments by a two-thirds vote.

Changes to the City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.) can be made by a majority vote of the Council.

## BACKGROUND

### ***Officeholder Accounts***

During 2019, the Fair Campaign Practices Commission (FCPC) discussed whether there is a need to amend the law relating to these accounts. These accounts are not expressly regulated by BERA, but under current law, if funds for officeholder accounts are used for campaign purposes, this may implicate campaign financing law and trigger various local and state legal requirements. A 1999 legal opinion from the City Attorney stated: "[t]he mere fact that an account may be designated an officeholder account does not insulate it from scrutiny under BERA or other applicable local law if the officeholder account is not used strictly for officeholder purposes or if some action taken with respect to the officeholder account implicates campaign contributions and expenditures or other applicable laws."

In the course of its review of the issue of officeholder accounts, the FCPC considered three options:

- (1) leaving the law on officeholder accounts unchanged;
- (2) prohibiting officeholder accounts entirely (an approach used by the City of San Jose), or
- (3) authorizing officeholder accounts but limiting their use and imposing various restrictions and requirements on them (an approach used by the City of Oakland).

The Commission referred the issue of officeholder accounts to a subcommittee, which met several times in the fall of 2019 and considered the options. The subcommittee unanimously recommended prohibiting officeholder accounts entirely. At its regular meeting on November 21, 2019 the Commission voted without opposition to recommend amendments to the BERA that would prohibit officeholder accounts.

The Commission's proposal was presented to the City Council at a February 4, 2020 special meeting. (Report to the Council, with Attachments, is attached.) The FCPC report summarized its proposal: "Contributions to and expenditures from Officeholder Accounts provide an unfair advantage to incumbents. They also increase the reliance on private campaign contributions and risk increasing the perception of corruption. Amending the Berkeley Election Reform Act to prohibit Officeholder Accounts will help to level the playing field in municipal elections, which was also the goal of the Fair Elections Act of 2016." (Report, page 1.)

At the February 4, 2020 meeting, the Council had a lengthy discussion about their D- 13 accounts and the lack of discretionary funds that members have to spend. They also decided not to approve the FCPC recommendation to prohibit officeholder accounts. The City Council referred the issues relating to officeholder and D-13 accounts to its Agenda and Rules Committee for further consideration.

***Proposed Changes to City Council Expenditure and Reimbursement Policies***

At the April 23, 2020 meeting of the Open Government Committee (OGC), a motion to direct staff to develop a proposal recommending Council change City policy to remove councilmember names from donations to nonprofit organizations from D- 13 accounts was approved unanimously.

Donations to nonprofit organizations from the Councilmember’s discretionary council budget (D-13 accounts) puts that elected official in a favorable light with Berkeley citizens at no cost to the Councilmember, an option not available to a challenger for that office. A look at the Consent Calendar of City Council Meeting Agendas will often contain one or more items from one or more Councilmembers making a donation to a nonprofit organization “from the discretionary council budget” of the Councilmember. This line item (“Services and Materials”) from the General Fund was increased from \$50,938 in FY 2017 to \$113,526 in FY 2018 (approximately \$40,000 for the Mayor, the balance evenly divided among the Councilmembers; see Attachment – Council Office Budget Summaries). While not technically a “campaign contribution,” those individuals in the organization as well as individuals favorably disposed to the nonprofit organization receiving the funds would certainly see it favorably. A person running against this incumbent would have to draw on their own resources to match a Councilmember’s contribution from public funds and without the public notice of the contribution the Councilmember receives.

In addition to favoring incumbents, the use of public moneys for contributions to nonprofit organizations from the discretionary council budgets of individual Council members is arguably improper and certainly bad optics. The commissioners of the OGC have no argument with contributions being made to nonprofit organizations from the City of Berkeley, but believe they should be made in the name of the entire Berkeley City Council on behalf of the citizens of Berkeley, not from individual Council members. Perhaps a nonprofit fund could be set up from which the donations could be made from recommendations made to one of the Council’s Policy Commissions. This would free funds for other purposes now being directed to nonprofit organizations from individual Councilmember’s D-13 accounts.

Proposed Action:

At this stage, the Council has referred both the issues relating to officeholder accounts and those relating to D-13 accounts to its Agenda and Rules Committee for further consideration. At a special meeting on March 9, 2020, that Committee agreed to work collaboratively with the FCPC and OGC on matters relating to officeholder accounts and D-13 accounts. This collaborative work with the Council was included in the FCPC and OGC 2020-2021 workplans, which were approved on May 21, 2020.

Consistent with the prior actions of the Council and the FCPC/OGC, the Commissions recommend the establishment of a subcommittee of members of the City Council and members of the Fair Campaign Practices and Open Government Commissions to:

(1) prepare an ordinance amending the Berkeley Election Reform Act (BMC Chapter 2.12) to prohibit or regulate officeholder accounts, and

(2) prepare a change in City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.) to have donations to nonprofit organizations made in the name of the entire Berkeley City Council on behalf of the citizens of Berkeley rather than from individual Council members.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects related to the recommendation in this report.

RATIONALE FOR RECOMMENDATION

The “double green light” process requires that the FCPC adopt an amendment by a two-thirds vote, and that the City Council hold a public hearing and also adopt an amendment by a two-thirds vote. Evidence to date suggests there are differences of perspective regarding this matter between the City Council and the FCPC regarding the D-13 accounts. It would seem to be a rational step to discuss and come to agreement and possibly compromise prior to the “double green light” process.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

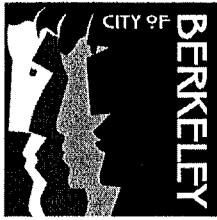
CONTACT PERSON

Brad Smith, Chair, Fair Campaign Practices and Open Government Commissions, (510) 981-6998

Samuel Harvey, Commission Secretary, Fair Campaign Practices and Open Government Commissions, (510) 981-6998

Attachments:

1. FCPC February 4, 2020 report to Council and attachments
2. Mayor and City Council Financial Summary



Fair Campaign Practices Commission

PUBLIC HEARING  
February 4, 2020

To: Honorable Mayor and Members of the City Council  
From: Fair Campaign Practices Commission  
Submitted by: Dean Metzger, Chairperson, Fair Campaign Practices Commission  
Subject: Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts; Amending BMC Chapter 2.12

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt first reading of an ordinance amending the Berkeley Election Reform Act, Berkeley Municipal Code Chapter 2.12, to prohibit Officeholder Accounts (See Section 18531.62. Elected State Officeholder Bank Accounts, Regulations of the Fair Political Practices Commission).

SUMMARY

Contributions to and expenditures from Officeholder Accounts provide an unfair advantage to incumbents. They also increase the reliance on private campaign contributions and risk increasing the perception of corruption. Amending the Berkeley Election Reform Act to prohibit Officeholder Accounts will help to level the playing field in municipal elections, which was also a goal of the Fair Elections Act of 2016.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The proposed amendments to the Berkeley Election Reform Act (BERA) were adopted by the Fair Campaign Practices Commission (FCPC) at its regular meeting of November 21, 2019.

**Action:** M/S/C (Smith/Saver) to adopt the proposed amendments to BERA related to Officeholder Accounts.

**Vote:** Ayes: Metzger, Ching, Saver, Blome, McLean, Tsang, Smith; Noes: none; Abstain: none; Absent: O'Donnell (excused).

Pursuant to Berkeley Municipal Code Section 2.12.051, BERA may be amended by the "double green light" process. This process requires that the FCPC adopt the amendments by a two-thirds vote, and the City Council hold a public hearing and adopt the amendments by a two-thirds vote.

Amendments to the Berkeley Election Reform Act  
to prohibit Officeholder Accounts

PUBLIC HEARING  
February 4, 2020

BACKGROUND

The Fair Campaign Practices Commission has supported creating the circumstances in which the incumbent and challengers during an election play on as level a playing field as possible and reducing the influence of private campaign contributions. For instance, the Berkeley Fair Elections Act of 2016, which was passed by voters and recommended to Council by the Commission, included the following express purposes:

- Eliminate the danger of actual corruption of Berkeley officials caused by the private financing of campaigns.
- Help reduce the influence of private campaign contributions on Berkeley government.
- Reduce the impact of wealth as a determinant of whether a person becomes a candidate.

(Section 2.12.490(B)-(D).)

A recent inquiry to the Commission Secretary regarding the regulation of Officeholder Accounts resulted in a request from a Commissioner to have discussion of these accounts placed on the May 16, 2019 agenda for possible action. The following motion was made and passed at that meeting:

Motion to request staff work with Commissioner Smith to bring to a future meeting background information and a proposal to eliminate officeholder accounts (M/S/C: O'Donnell/Blome; Ayes: Blome, Ching, McLean, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Absent: Harper (excused)).

**Definition of an Officeholder Account**

Under state law, an "officeholder account" refers to the funds held in a single bank account at a financial institution in the State of California separate from any other bank account held by the officeholder and that are used for "paying expenses associated with holding public office." Officeholder Account funds cannot be used to pay "campaign expenses." This definition is drawn from state law applicable to statewide elected officials: Government Code section 85316 (Attachment 2), and the accompanying regulation by the Fair Political Practices Commission (FPPC) codified at Title 2, Division 6, of the California Code of Regulations, Section 18531.62 (Attachment 3).

Contributions to or expenditures from an Officeholder Account are not subject to BERA's reporting requirements. (The FPPC still requires the reporting of activity relating to Officeholder Accounts, which is available to view on Berkeley's Public Access Portal.) If, however, a complaint is filed that an Officeholder Account is used for

Amendments to the Berkeley Election Reform Act  
to prohibit Officeholder Accounts

PUBLIC HEARING  
February 4, 2020

campaign contributions or to pay "campaign expenses," BERA can be used to respond to the complaint. The legal arguments for these statements are contained in a memorandum signed by City Attorney Manuela Albuquerque to Aide to Mayor Shirley Dean, Barbara Gilbert, dated December 28, 1999 and a December 9, 1991 memorandum by Secretary and Staff Counsel to the FCPC, Sarah Reynoso, that is attached to the December 28, 1999 memo. (Attachment 4.) Because the BERA provisions relied on in these memoranda have not been amended, and because no other BERA provisions have been added to regulate officeholder accounts, the memoranda's conclusions remain valid and are still controlling guidance.

### **Contributions to Officeholder Accounts**

Funds raised for Officeholder Accounts in Berkeley are not subject to any limitations, either from the FPPC or BERA. Neither is there a limit on the total amount the Officeholder Account fund may receive in contributions per year. Contributions to an elected official's Officeholder Account may put that contributor in a more favorable light with the elected official than might otherwise be the case.

### **Expenditures from Officeholder Accounts**

Except for the restriction that Officeholder Account funds cannot be used for "campaign expenses," BERA does not restrict how funds from Officeholder Accounts can be used.

There are a number of permissible expenditures from Officeholder Accounts that could put an elected official in a favorable light with voters that are not available to a challenger for that office. A donation to a nonprofit organization, although technically not a "campaign expense," would be seen favorably by those receiving the funds as well as individuals favorably disposed to the nonprofit organization receiving the funds. An individual running against this incumbent would have to draw on their own resources to make contributions to nonprofit organizations.

As long as political campaigns are not included, newsletters mailed to constituents related to events, information, or an officeholder's position on matters before the Council are a permissible Officeholder Account expenditure. This keeps the incumbent's name in front of the voter in a way unavailable to a challenger unless they pay for a newsletter and its distribution from their own resources.

Expenditures from Officeholder Account funds for flowers and other expressions of condolences, congratulations, or appreciation, while technically not "campaign expenses," also increase the probability that the recipient will be favorably predisposed toward the elected official as a candidate for reelection or election to another office. Again, a challenger would have to draw on their own resources to express condolences, congratulations, or appreciation to their potential supporters.

Amendments to the Berkeley Election Reform Act  
to prohibit Officeholder Accounts

PUBLIC HEARING  
February 4, 2020

Further, officeholder accounts can be used to pay for a broad range of office expenses, such as meals, travel, parking tickets, or contributions to other candidates or political parties.<sup>1</sup> Eliminating officeholder accounts would reduce reliance on and the influence of private contributions for these expenditures.

**Recommendation**

To make elections more equitable between challengers and incumbent and for the reasons given above, the Fair Campaign Practices Commission recommends prohibiting Officeholder Accounts.

Berkeley will not be the first to prohibit Officeholder Accounts. The San Jose Municipal Code was amended to prohibit officeholder accounts in January 2008. (Chapter 12.06 – ELECTIONS, San Jose, CA Code of Ordinances, p. 10)

**Part 8 - OFFICEHOLDER ACCOUNTS**

**12.06.810 - Officeholder account prohibited.**

No city officeholder, or any person or committee on behalf of a city officeholder may establish an officeholder account or an account established under the Political Reform Act, California Government Code Section 8100 et seq. as amended, for the solicitation or expenditure of officeholder funds. Nothing in this section shall prohibit an officeholder from spending personal funds on official or related business activities.

The following additions to BERA are proposed:

**2.12.157 Officeholder Account**

“Officeholder Account” means any bank account maintained by an elected officer or by any person or committee on behalf of an elected officer, and whose funds are used for expenses associated with holding office and not for direct campaign purposes.

**2.12.441 Officeholder account prohibited**

- A. No elected officer, or any person or committee on behalf of an elected officer, may establish an officeholder account.
- B. No elected officer, or any person or committee on behalf of an elected officer, may use contributions, as defined in 2.12.100, for expenses associated with holding office.

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<sup>1</sup>Under state law applicable to state elected officials, officeholders may use campaign contributions for “expenses that are associated with holding office.” (Govt. Code, § 89510.) To qualify, expenditures must be “reasonably related to a legislative or governmental purpose.” (*Id.*, § 89512.) “Expenditures which confer a substantial personal benefit shall be directly related to a political, legislative, or governmental purpose.” (*Ibid.*)



Amendments to the Berkeley Election Reform Act  
to prohibit Officeholder Accounts

PUBLIC HEARING  
January 21, 2020

- C. Anyone holding an active Officeholder Account on the date this change to BERA is adopted on a second reading by the City Council has one year from that date to terminate their Officeholder Account, in accordance with FPPC guidelines.

ENVIRONMENTAL SUSTAINABILITY

There are no identified environmental effects related to the recommendation in this report.

RATIONALE FOR RECOMMENDATION

This proposed change to BERA will help to level the playing field between challengers and the incumbent running for elective office.

ALTERNATIVE ACTIONS CONSIDERED

A Subcommittee was formed to consider the options of (1) amending the Berkeley Elections Reform Act, BMC Chapter 2.12, to prohibit Officeholder Accounts, (2) amending BERA to mitigate possible advantages incumbents with an Officeholder Accounts have over challengers, or (3) doing nothing with regard to Officeholder Accounts. The four members of the Subcommittee recommended unanimously to the full Commission to amend the Berkeley Elections Reform Act, BMC Chapter 2.12, to prohibit Officeholder Accounts.

CITY MANAGER

The City Manager takes no position on the content and recommendations of this report.

CONTACT PERSON

Dean Metzger, Chair, Fair Campaign Practices Commission. 981-6998

Attachments:

- 1: Proposed Ordinance
- 2: Government Code section 85316
- 3: Section 18531.62 (Elected State Officeholder Bank Accounts), Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations
- 4: Memorandum signed by City Attorney Manuela Albuquerque to Aide to Mayor Shirley Dean, Barbara Gilbert (including attached memorandum signed by Secretary and Staff Counsel to the FCPC, Sarah Reynoso, to the FCPC)

ORDINANCE NO. ##,###-N.S.

OFFICEHOLDER ACCOUNT PROHIBITED; AMENDING BERKELEY MUNICIPAL CODE  
CHAPTER 2.12

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code section 2.12.157 is added to read as follows:

**BMC 2.12.157 Officeholder account**

“Officeholder Account” means any bank account maintained by an elected officer or by any person or committee on behalf of an elected officer, and whose funds are used for expenses associated with holding office and not for direct campaign purposes.

Section 2. That Berkeley Municipal Code section 2.12.441 is added to read as follows:

**BMC 2.12.441 Officeholder account prohibited**

- A. No elected officer, or any person or committee on behalf of an elected officer, may establish an officeholder account.
- B. No elected officer, or any person or committee on behalf of an elected officer, may use contributions, as defined in 2.12.100, for expenses associated with holding office.
- C. This provision does not affect a candidate’s ability to establish a legal defense fund or the requirements for such a fund, as set forth in the Political Reform Act or by regulation.
- D. Any active Officeholder Account on the date this change to BERA is adopted on a second reading by the City Council has one year from that date to terminate their Officeholder Account.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation


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**GOVERNMENT CODE - GOV**
**TITLE 9. POLITICAL REFORM [81000 - 91014]** ( Title 9 added June 4, 1974, by initiative Proposition 9. )

**CHAPTER 5. Limitations on Contributions [85100 - 85802]** ( Chapter 5 added June 7, 1988, by initiative Proposition 73. )

**ARTICLE 3. Contribution Limitations [85300 - 85321]** ( Article 3 added June 7, 1988, by initiative Proposition 73. )

**85316.** (a) Except as provided in subdivision (b), a contribution for an election may be accepted by a candidate for elective state office after the date of the election only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable contribution limit for that election.

(b) Notwithstanding subdivision (a), an elected state officer may accept contributions after the date of the election for the purpose of paying expenses associated with holding the office provided that the contributions are not expended for any contribution to any state or local committee. Contributions received pursuant to this subdivision shall be deposited into a bank account established solely for the purposes specified in this subdivision.

(1) No person shall make, and no elected state officer shall receive from a person, a contribution pursuant to this subdivision totaling more than the following amounts per calendar year:

(A) Three thousand dollars (\$3,000) in the case of an elected state officer of the Assembly or Senate.

(B) Five thousand dollars (\$5,000) in the case of a statewide elected state officer other than the Governor.

(C) Twenty thousand dollars (\$20,000) in the case of the Governor.

(2) No elected state officer shall receive contributions pursuant to paragraph (1) that, in the aggregate, total more than the following amounts per calendar year:

(A) Fifty thousand dollars (\$50,000) in the case of an elected state officer of the Assembly or Senate.

(B) One hundred thousand dollars (\$100,000) in the case of a statewide elected state officer other than the Governor.

(C) Two hundred thousand dollars (\$200,000) in the case of the Governor.

(3) Any contribution received pursuant to this subdivision shall be deemed to be a contribution to that candidate for election to any state office that he or she may seek during the term of office to which he or she is currently elected, including, but not limited to, reelection to the office he or she currently holds, and shall be subject to any applicable contribution limit provided in this title. If a contribution received pursuant to this subdivision exceeds the allowable contribution limit for the office sought, the candidate shall return the amount exceeding the limit to the contributor on a basis to be determined by the Commission. None of the expenditures made by elected state officers pursuant to this subdivision shall be subject to the voluntary expenditure limitations in Section 85400.

(4) The commission shall adjust the calendar year contribution limitations and aggregate contribution limitations set forth in this subdivision in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. Those adjustments shall be rounded to the nearest one hundred dollars (\$100).

(Amended by Stats. 2007, Ch. 130, Sec. 149. Effective January 1, 2008. Note: This section was added by Stats. 2000, Ch. 102, and approved in Prop. 34 on Nov. 7, 2000.)

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

**§ 18531.62. Elected State Officeholder Bank Accounts.**

(a) Application and Definitions. For purposes of Section 85316(b) and this regulation, the following definitions apply:

(1) "Officeholder" means an elected state officer.

(2) "Officeholder controlled committee" means a committee formed pursuant to subdivision (c) of this regulation.

(3) "Officeholder account" means the bank account established at a financial institution located in the State of California pursuant to Section 85316(b).

(4) "Officeholder funds" means money in the officeholder account.

(b) Establishing the Officeholder Account: For purposes of Section 85316(b), an officeholder shall maintain officeholder funds in a single bank account separate from any other bank account held by the officeholder.

(c) Establishing the Officeholder Controlled Committee, Reporting and Recordkeeping:

(1) Formation: The officeholder shall establish a controlled committee by filing a statement of organization pursuant to Section 84101 if the officeholder receives \$2,000 or more in officeholder contributions in a calendar year.

(2) Committee Name: The controlled committee name shall include the officeholder's last name, the office held, the year the officeholder was elected to the current term of office, and the words "Officeholder Account." The statement of organization shall include the name, account number, and address of the financial institution where the committee established the officeholder account.

(3) Filing Requirements: The controlled committee shall file campaign statements and reports pursuant to Chapters 4 and 5, except Sections 85200 and 85201, of Title 9 of the Government Code at the same times and in the same places as it otherwise would be required to do for any other controlled committee formed by the officeholder for election to state office.

(4) Required Recordkeeping and Audits. The officeholder and treasurer shall be subject to recordkeeping requirements under Section 84104. The officeholder account and officeholder controlled committee shall be subject to audits under Chapter 10 of Title 9 of the Government Code. Any audit of the officeholder, or any of his or her controlled committees, under Section 90001 shall include all officeholder accounts and officeholder controlled committees maintained by the officeholder during the audit period as described in Regulation 18996(a)(1).

(d) Prohibitions:

(1) Officeholder funds may not be contributed or transferred to another state or local committee, including any other controlled committee of the officeholder, except as permitted in subdivisions (g) (2) and (g)(3).

(2) Officeholders may not use officeholder funds to pay "campaign expenses" as defined in Regulation 18525(a).

(3) The officeholder may not transfer or contribute funds from any other committee he or she controls to the officeholder account, except as permitted in subdivision (g)(2) and (g)(3).

(e) Contributions to the Officeholder Account:

(1)(A) Required Notices: In addition to the requirements of Regulation 18523.1, a written solicitation for contributions to the officeholder account shall include the following: "For purposes of the Political Reform Act's contribution limits, a contribution to an officeholder

account is also considered to be a contribution to all campaign committees for future elective state office the officeholder seeks during his or her current term of office.”

(B) In addition to the requirements of subparagraph (A) above, an officeholder who files a statement of intention to be a candidate for any elective state office during the officeholder's term of office shall provide notice of this filing to every person that has made a contribution to his or her officeholder account. The notice shall contain the language in subparagraph (A) and be transmitted or mailed within 10 days of filing the statement of intention to be a candidate.

(2) Cumulation: A contribution to the officeholder account shall also be deemed a contribution to the officeholder's controlled committee for election to elective state office for the purposes of Section 85316(b)(3) only under all of the following circumstances:

(A) The contributor makes the contribution between the day the election was held for the term of office for which the officeholder account was established and the end of that term of office;

(B) The officeholder maintains the controlled committee, established for a future term of elective state office, at any time during the period covered in subparagraph (A).

(3) Cumulation and Primary and General Elections: A person's contributions to the officeholder account, when combined with contributions from the same person for a primary and general election to the elective state office may not exceed the contribution limits applicable to the primary and general election.

(4) Multiple Officeholder Accounts: When an officeholder maintains more than one officeholder account in the same calendar year, he or she may not receive the following contributions to any of those accounts during that calendar year:

(A) Contributions from a single contributor that, when cumulated for all the accounts, exceed the maximum amount the contributor could give to the officeholder account having the highest per person contribution limit under Section 85316(b)(1).

(B) Contributions from all contributors that, when cumulated for all the accounts, exceed the maximum amount in total contributions the officeholder could receive in the officeholder account having the highest aggregate contribution limit under Section 85316(b)(2).

(f) Contributions Over the Limits:

(1) An officeholder shall return to the contributor the portion of any contribution to his or her officeholder account that exceeds the limits of Section 85301, 85302 (after cumulation) or 85316 (either alone or after cumulation) by the earlier of 14 days of receipt or 14 days of the date the officeholder files a statement of intention to be a candidate for elective state office pursuant to Section 85200.

(2) A contributor to the officeholder account does not violate the contribution limits applying to the officeholder's election to a future elective state office as otherwise provided under Section 85316(b)(3) if, when he or she makes the contribution, the officeholder has not filed a statement of organization to establish a controlled committee for election to a future elective state office.

(g) Terminating Officeholder Accounts and Committees:

(1) The officeholder may not accept contributions after the officeholder's term of office ends or the date he or she leaves that office, whichever is earlier.

(2) The officeholder may redesignate the officeholder account as an officeholder controlled committee for a future term of the same office by amending the statement of

organization for the committee to reflect the redesignation for the future term of office prior to the date the officer's term of office ends.

(3) An officeholder may redesignate officeholder funds in the redesignated officeholder account as officeholder funds for the new term of office, subject to the limitations in subdivision

(e)(4).

(4) Once the officeholder's term of office ends or he or she leaves that office, whichever is earlier, the officeholder may only use his or her officeholder funds for the following purposes:

(A) Paying outstanding officeholder expenses.

(B) Repaying contributions to contributors to the officeholder account.

(C) Making a donation to a bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organization, if no substantial part of the proceeds will have a material financial effect on the officeholder, a member of his or her immediate family, or his or her committee treasurer.

(D) Paying for professional services reasonably required by the officeholder controlled committee to assist in the performance of its administrative functions.

(5) The officeholder shall terminate the officeholder controlled committee within 90 days of the date the officer's term of office ends or he or she leaves that office, whichever is earlier. The Executive Director may for good cause extend the termination date or permit the candidate to reopen the account.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 84104, 85316 and 90000-90007, Government Code.



**HISTORY**

1. New section filed 7-3-2007; operative 8-2-2007. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2007, No. 27). For prior history, see Register 2007, No. 26.

2. Change without regulatory effect amending section filed 3-22-2016; operative 4-21-2016 pursuant to 2 CCR 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 13).



Office of the  
City Attorney

**DATE:** December 28, 1999

**TO:** BARBARA GILBERT,  
Aide to Mayor Shirley Dean

**FROM:** MANUELA ALBUQUERQUE, City Attorney *MA*  
By: CAMILLE COUREY, Deputy City Attorney

**SUBJECT:** APPLICATION OF BERKELEY ELECTION REFORM ACT TO OFFICEHOLDER ACCOUNTS

ISSUE:

Does the Berkeley Election Reform Act (BERA) govern officeholder accounts?

CONCLUSION:

No. The BERA does not govern true officeholder accounts per se. However, the mere fact that an account may be designated an officeholder account does not insulate it from scrutiny under the BERA or other applicable local law if the officeholder account is not used strictly for officeholder purposes or if some action taken with respect to the officeholder account implicates campaign contributions and expenditures or other applicable local laws.

ANALYSIS:

Sarah Reynoso, former secretary and staff counsel to the Fair Campaign Practices Commission (FCPC), issued an opinion to the FCPC dated December 2, 1991, a copy of which is attached, stating that the BERA's contribution limit does not apply to contributions made to an officeholder account. The opinion reasons that the BERA's contribution limit applies only to "contributions" as defined in the BERA, i.e., which are made directly or indirectly in support of or in opposition to the nomination or election of one or more candidates to elective office. (See Berkeley Municipal Code (BMC) § 2.12.100.) Contributions to a true officeholder account are not made for the purpose of nominating or electing a candidate to office, but rather for the use of an officeholder in carrying out the duties of his or her office. Therefore, the contribution limit of the BERA is inapplicable to officeholder accounts.<sup>1</sup> For similar reasons, the BERA does not

<sup>1</sup> However, the opinion also provided that contributions to officeholder accounts still had to be reported on campaign statements because the State Fair Political Practices Commission (SFPPC) Regulations broadly defined contributions as any contribution for "political purposes." Since officeholder expenses are for political purposes, they must be reported to the State.

Barbara Gilbert  
Re: Application of Berkeley Election Reform Act To Officeholder Accounts  
December 28, 1999  
Page 2

apply to true officeholder accounts.

The BERA requires the filing of statements to report the amounts received and expended in municipal elections. (See BMC §§ 2.12.015, 2.12.030 through 2.12.050) Specifically, a "campaign statement" required to be filed under the BERA is an itemized report which provides the information required by Sections 2.12.245 through 2.12.325 of the BERA. (BMC § 2.12.080.) Sections 2.12.245 through 2.12.325 govern the reporting of contributions and expenditures. "Contributions" and "expenditures" are defined by the BERA as any amounts received or expended, respectively, in aid of or in opposition to the nomination or election of one or more candidates to elective office. (See BMC §§ 2.12.100 and 2.12.130.) Contributions to or expenditures from a true officeholder account are not subject to the BERA's reporting requirements because they are made for the purpose of carrying out the duties of elective office, and not for the purpose of aiding or opposing the nomination or election of one or more candidates to elective office.<sup>2</sup> Therefore, the BERA does not apply to true officeholder accounts.

However, the fact that an account may be designated as an officeholder account will not shield it from scrutiny under the BERA if the officeholder account is, in fact, being used for the receipt of contributions or the making of expenditures in aid of the nomination or election of a candidate for local elective office. Nor will BERA requirements, such as the \$250 contribution limit or the prohibition against contributions from businesses to candidates, be held inapplicable if contributions made initially to an officeholder account are transferred subsequently to a campaign account. Where the actions taken with respect to an officeholder account implicate campaign contributions and expenditures in municipal elections, the officeholder account will be scrutinized under the BERA and other applicable local law.

Attachment

cc: Fair Campaign Practices Commission  
Sherry Kelly, City Clerk

City Attorney Opinions Index: H.E.I. and H.L.G.

CCM

PAUSERS\BBL2\ofhldr.mem.doc

<sup>2</sup> Again, however, the State FPPC still requires the reporting of activity relating to an officeholder account. (See footnote 1.)

CITY OF BERKELEY

DATE: December 9, 1991 Memorandum

TO: FCPC COMMISSIONERS

FROM: Sarah Reynoso, Secretary & Staff Counsel

SUBJECT: APPLICABILITY OF BERA'S CONTRIBUTION LIMIT TO FUNDS RAISED FOR OFFICEHOLDER EXPENSES

BACKGROUND AND ISSUE

I received the attached letter from Richard N. Lerner, treasurer of Friends of Ioni Hancock Committee ("Committee"), regarding the applicability of BERA's (Berkeley Election Reform Act) \$250 contribution limit to funds raised to cover officeholder expenses. The Committee would like to raise money to cover activities by the Mayor for which the City has not allocated funds, for example, distribution of a newsletter and international travel to visit Berkeley Sister Cities.

Thus, the issue presented to the Commission is as follows: Is BERA's \$250 contribution limit applicable to funds raised for officeholder expenses?

CONCLUSION

No. The BERA's contribution limitation is only applicable to money raised "in aid of or in opposition to the nomination or election" of a candidate. Since the Committee intends to raise these funds for activities unrelated to the nomination or election of the Mayor, they are not subject to the BERA's \$250 contribution limitation. However, such funds must be reported as contributions under the State Political Reform Act and their expenditure itemized on the disclosure forms.

ANALYSIS

The BERA prohibits candidates for elective office from soliciting or accepting a contribution of more than \$250 from any one contributor. (BERA section 2.12.415.) Thus, funds which fall within BERA's definition of a contribution, are subject to the \$250 limit. In order to determine whether funds raised for officeholder expenses are subject to the contribution limitation, BERA's definition of contribution must be reviewed.

The BERA defines contribution, in part, as follows:

"Contribution" means a gift, subscription, loan, advance, deposit, pledge, forgiveness of indebtedness, payment of a debt by a third party, contract, agreement, or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly in aid of or

FCPC COMMISSIONERS  
December 9, 1991  
Page 2

in opposition to the nomination or election of one or more candidates . . . . (Emphasis added.)

Thus, the plain language of the BERA requires that a contribution be solicited for purposes related to the nomination or election of a candidate for office to be subject to its contribution limitation. Since the Committee intends to raise funds for purposes unrelated to the Mayor's nomination or election for elective office, such funds do not fall within the BERA's definition and are therefore not subject to its \$250 limitation.

However, because the state Political Reform Act defines contribution to include any funds raised for political purposes, funds raised for officeholder expenses are considered contributions and must be reported on campaign disclosure forms.<sup>1/</sup> (Government Code section 82015.) Additionally, since the court's ruling in SEIU v. FPPC invalidated the state's \$1,000 contribution limit, funds raised for officeholder expenses are not subject to any limitation.

As a final precaution, the Committee should be advised that the FPPC has issued regulations concerning officeholder expenses and it should review them with respect to their interaction with the BERA.

Attachment

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<sup>1/</sup>I spoke with the FPPC's legal staff and confirmed that funds raised for officeholder expenses must be reported as contributions on the campaign disclosure forms.

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**AMENDMENTS TO THE BERKELEY ELECTION REFORM ACT**

The Fair Campaign Practices Commission is proposing amendments to the Berkeley Election Reform Act related to the prohibition of officeholder accounts.

The hearing will be held on, February 4, 2020, at 4:00 p.m. in the School District Board Room, 1231 Addison Street.

A copy of the agenda material for this hearing will be available on the City's website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of **January 30, 2020**.

For further information, please contact Samuel Harvey, Commission Secretary at 981-6998.

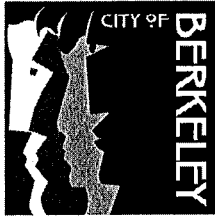
Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

**Published:** January 24, 2020 – The Berkeley Voice  
Pursuant to Berkeley Municipal Code Section 2.12.051

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on January 30, 2020.

\_\_\_\_\_  
Mark Numainville, City Clerk



[First Last name]  
Councilmember District [District No.]

## **SUPPLEMENTAL REVISED AGENDA MATERIAL for Supplemental Packet 2**

**Meeting Date:** February 4, 2020

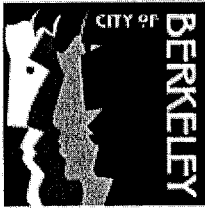
**Item Number:** 2

**Item Description:** Statement on Item 2 - Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts; Amending BMC Chapter 2.12

**Submitted by:** Councilmember Hahn

This item seeks to outlaw Officeholder Accounts in Berkeley. I would like to offer an alternative: to allow Officeholder Accounts but establish regulations to limit them in ways that reflect Berkeley's limitations on campaign donations and consider narrowing the uses for which Officeholder Account funds can be used.

The action I advocate for Council to take is to refer a discussion of Officeholder accounts to the Agenda and Rules Committee, to consider a reasonable set of limitations and rules for such accounts and bring back recommendations to the full Council, for the Council to consider referring to the Fair Campaign Practices Committee.



**SOPHIE HAHN**

Berkeley City Council, District 5  
2180 Milvia Street, 5th Floor  
Berkeley, CA 94704  
(510) 981-7150  
shahn@cityofberkeley.info

ACTION CALENDAR

February 4, 2020

To: Honorable Mayor and Members of the City Council  
From: Vice Mayor Sophie Hahn  
Subject: Statement on Item 2 - Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts; Amending BMC Chapter 2.12

RECOMMENDATION

This item seeks to outlaw Officeholder Accounts in Berkeley. I would like to offer an alternative: to allow Officeholder Accounts but establish regulations to limit them in ways that reflect Berkeley's limitations on campaign donations and consider narrowing the uses for which Officeholder Account funds can be used.

The action I advocate for Council to take is to refer a discussion of Officeholder accounts to the Agenda and Rules Committee, to consider a reasonable set of limitations and rules for such accounts and bring back recommendations to the full Council, for the Council to consider referring to the Fair Campaign Practices Committee.

Officeholder accounts are accounts an elected official can open, and raise funds for, to pay for expenses related to the office they hold.<sup>1</sup> They are not campaign accounts, and cannot be used for campaign purposes. The types of expenses Officeholder Accounts can be used for include research, conferences, events attended in the performance of government duties, printed newsletters, office supplies, travel related to official duties, etc. Cities can place limits on Officeholder Accounts, as Oakland has done.<sup>2</sup> Officeholder Accounts must be registered as official "Committees" and adhere to strict public reporting requirements, like campaign accounts. They provide full transparency to the public about sources and uses of funds.

The FCPC bases its recommendation to prohibit Officeholder Accounts on arguments about "equity" and potential "corruption" in elections. The report refers repeatedly to "challengers" and "incumbents," suggesting that Officeholder Accounts are vehicles for unfairness in the election context.

I believe that the FCPC's recommendations reflect a misunderstanding of the purpose and uses of Officeholder Accounts, equating them with campaign accounts and suggesting that they create an imbalance between community members who apparently have already decided to run against an incumbent (so-called "challengers") and elected officials who are presumed to be

<sup>1</sup> <http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter5/18531.62.pdf>

<sup>2</sup> <http://www2.oaklandnet.com/w/OAK052051>



always running for office. The recommendations do not take into account some important framing: the question of what funds are otherwise available to pay for Officeholder-type expenses for Officeholders or members of the public. Contrary to the conclusions of the FCPC, I believe Officeholder accounts are an important vehicle to redress a significant disadvantage for elected officials, whose ability to exercise free speech in the community and participate in conferences and events related to their profession is constrained by virtue of holding public office, as compared to community members, whose speech rights are unrestricted in any manner whatsoever, and who can raise money to use for whatever purposes they desire.

Outlawing Officeholder Accounts is also posited as a means to create equity between more and less wealthy Officeholders, on the theory that less affluent Officeholders will have less access to fundraising for Officeholder Accounts than more affluent Officeholders. Because there are no prohibition on using personal funds for many of the purposes for which Officeholder Account funds can be used, prohibiting Officeholder Accounts I believe has the opposite effect; it leaves more affluent Officeholders with the ability to pay for Officeholder expenses from personal funds, without providing an avenue for less affluent Officeholders, who may not have available personal funds, to raise money from their supporters to pay for such Officeholder expenses.

The question of whether Officeholder Accounts should be allowed in Berkeley plays out in the context of a number of rules and realities that are important to framing any analysis.

First, by State Law, elected officials are prohibited from using public funds for a variety of communications that many constituents nevertheless expect. For example, an elected official may not use public funds to send a mailing announcing municipal information to constituents, "such as a newsletter or brochure, [ ] delivered, by any means [ ] to a person's residence, place of employment or business, or post office box."<sup>3</sup> Nor may an elected official mail an item using public funds that features a reference to the elected official affiliated with their public position.<sup>4</sup> Note that Electronic newsletters are not covered by these rules, and can and do include all of these features, even if the newsletter service is paid for by the public entity. That said, while technically not required, many elected officials prefer to use email newsletter distribution services (Constant Contact, MailChimp, Nationbuilder, etc.) paid for with personal (or "Officeholder") funds, to operate in the spirit of the original rules against using public funds for communications that include a photo of, or references to, the elected official.

Without the ability to raise funds for an Officeholder Account, for an elected official to send a paper newsletter to constituents or to use an email newsletter service that is not paid for with public funds, they must use personal funds. A printed newsletter mailed to 5-6,000 households (a typical number of households in a Berkeley City Council District) can easily cost \$5,000+, and an electronic mail service subscription typically costs \$10 (for the most basic service) to \$45 per month, a cost of \$120.00 to over \$500 per year - in personal funds.

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<sup>3</sup> <http://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/communications-sent-using-public-funds/campaign-related-communications.html>

<sup>4</sup> <http://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/communications-sent-using-public-funds/campaign-related-communications.html>

Second, Berkeley City Councilmembers and the Mayor of Berkeley are not paid enough for there to be any reasonable expectation that personal funds should be used for these types of expenses.<sup>5</sup> For many Councilmembers and/or the Mayor, work hours are full time - or more - and there is no other source of income.

Finally, and most importantly, local elected officials are restricted from accepting money or gifts. An elected official cannot under any circumstances raise money to pay for Officeholder expenses such as printed communications, email newsletter services, travel and admission to industry conferences for which the elected official is not an official delegate (e.g., conferences on City Planning, Green Cities, Municipal Finance, etc.), and other expenses related to holding office that are not covered by public funds. Again, without the possibility of an Officeholder Account, an elected official generally must use personal funds for these expenses, allowing more affluent elected officials to participate while placing a hardship or in some cases a prohibition on the ability of less affluent elected officials to undertake these Officeholder-type activities - which support expected communications with constituents and participation in industry activities that improve the elected official's effectiveness.

The elected official's inability to raise funds from others must be contrasted with the ability of a community member - a potential "challenger" who has not yet declared themselves to be an actual candidate - or perhaps a neighborhood association, business or corporation (Chevron, for example) - to engage in similar activities. Nothing restricts any community member or organization from using their own funds - or funds obtained from anyone - a wealthy friend, a corporation, a local business, a community organization or their neighbors - for any purpose whatsoever.

Someone who doesn't like the job an elected official is doing could raise money from family or connections anywhere in the community - or the world - and mail a letter to every person in the District or City criticizing the elected official, or buy up every billboard or banner ad on Facebook or Berkeleyside to broadcast their point of view. By contrast, the elected official, without access to an Officeholder Account, could only use personal funds to "speak" with their own printed letter, billboard or advertisement. Community members (including future "challengers") can also attend any and all conferences they want, engage in travel to visit interesting cities and projects that might inform their thoughts on how a city should be run, and pay for those things with money raised from friends, colleagues, businesses, corporations, foreign governments - *anyone*. They are private citizens with full first amendment rights and have no limitations, no reporting requirements, no requirements of transparency or accountability whatsoever.

The imbalance is significant. Outside of the campaign setting, where all declared candidates can raise funds and must abide by the same rules of spending and communications, *elected officials cannot raise money for any expenses whatsoever, from any source, while community*

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<sup>5</sup> Councilmembers receive annual compensation of approximately \$36,000, while the Mayor receives annual compensation of approximately \$55,000.<sup>5</sup>

*members, including organizations and private companies, can raise as much money as they want from any sources, and use that money for anything they choose.*

Without the ability to establish and fund an Officeholder Account, the only option an elected official has is to use personal funds, which exacerbates the potential imbalance between elected officials with more and less personal funds to spend. Elected officials work within a highly regulated system, which can limit their ability to “speak” and engage in other activities members of the public are able to undertake without restriction. Officeholder Accounts restore some flexibility by allowing elected officials to raise money for expenses related to holding office, so long as the sources and uses of those funds is made transparent.

By allowing Officeholder Accounts and regulating them, Berkeley can place limits on amounts that can be raised, and on the individuals/entities from whom funds can be accepted, similar (or identical) to the limits Berkeley places on sources of campaign funds. Similarly, Berkeley can restrict uses of funds beyond the State’s restrictions, to ensure funds are not used for things like family members’ travel, as is currently allowed by the State. Oakland has taken this approach, and has a set of Officeholder Account regulations that provide a good starting point for Berkeley to consider.<sup>6</sup>

I respectfully ask for a vote to send the question of potential allowance for, and regulation of, Officeholder Accounts to the Agenda and Rules Committee for further consideration.

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

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<sup>6</sup> <http://www2.oaklandnet.com/w/OAK052051>

**MAYOR AND CITY COUNCIL FINANCIAL SUMMARY**

	<b>FY 2015 Actual</b>	<b>FY 2016 Actual</b>	<b>FY 2017 Adopted</b>	<b>FY 2018 Proposed</b>	<b>FY 2019 Proposed</b>
<b>EXPENDITURES</b>					
<b>By Type:</b>					
Salaries and Benefits	1,660,661	1,760,619	1,723,617	1,833,734	1,880,031
Services and Materials	36,942	43,407	113,526	113,526	113,526
Capital Outlay	1,953	7,674			
Internal Services	89,100	81,181	81,181	81,181	81,181
Indirect Cost Transfer					
	<u>1,788,656</u>	<u>1,892,881</u>	<u>1,918,324</u>	<u>2,028,441</u>	<u>2,074,738</u>
<b>By Division:</b>					
Mayor's Office	515,095	558,137	584,877	554,389	566,917
Council Offices	1,273,561	1,334,744	1,333,447	1,474,052	1,507,821
Exiting Officials					
	<u>1,788,656</u>	<u>1,892,881</u>	<u>1,918,324</u>	<u>2,028,441</u>	<u>2,074,738</u>
<b>By Fund:</b>					
General Fund	1,788,656	1,892,881	1,918,324	2,028,441	2,074,738
	<u>1,788,656</u>	<u>1,892,881</u>	<u>1,918,324</u>	<u>2,028,441</u>	<u>2,074,738</u>
<b>General Fund FTE</b>	12.00	12.00	12.00	12.00	12.00
<b>Total FTE</b>	12.00	12.00	12.00	12.00	12.00



Homeless Commission

## ACTION CALENDAR

January 26, 2021

To: Honorable Mayor and Members of the City Council  
 From: Homeless Commission  
 Submitted by: Carole Marasovic, Chairperson, Homeless Commission  
 Subject: A People's First Sanctuary Encampment

### RECOMMENDATION

The City Council to adopt the *People's First Sanctuary Encampment Model* incorporating all text in this report, urging best practices for Sanctuary Homeless Encampments with an oversight agency to be named by members of the encampment community and refer to the City Manager to fund liability insurance for the agency chosen by the encampment community.

### POLICY COMMITTEE RECOMMENDATION

At the December 14, 2020, meeting the Health, Life Enrichment, Equity & Community Committee moved M/S/C (Kesarwani/Bartlett) the Companion Report with a qualified positive recommendation to the City Council to take the following action: 1. Direct the City Manager to incorporate parts of the Commission's recommendations, including: providing clean water, sanitation, accessible toilets and trash removal services; and requiring that homeless services providers obtain input from clients when developing rules and ensure that the privacy and security of clients is respected and maintained at all times; 2. In addition, the City Manager shall receive the Homeless Commission's recommendations and retain them for future guidance when developing homeless services programs and models; and 3. That the City Council reaffirms its commitment to dignified and client-centered homeless services. Vote: All Ayes.

### FISCAL IMPACTS OF RECOMMENDATION

Allocations from Measure P funding regarding emergency services, tents, heating equipment, waste, water purification, food distribution and waste management, sanitation, healthcare, hygiene, and accessibility services.

Sanctioned encampments will provide accessible and accountable avenues for public funding. Supportive services and emergency run visits may become unburdened through harm-reduction models. Rehousing services may become unburdened through partnerships between small-sites, small-property owners, land trusts, cooperatives and resident homeowners.

### CURRENT SITUATION AND ITS EFFECTS

*The Peoples First Sanctuary* is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city as well as champion and demonstrate social and racial equity.

### BACKGROUND

On January 8, 2020, the Homeless Commission votes as follows:

**Action:** M/S/C Marasovic/ to defer the People's Sanctuary Encampment recommendation for discussion to next month's meeting and direct the Council encampment chart referral back to the encampment subcommittee to be returned to the full Commission at next month's meeting.

**No Vote:** motion died for lack of a second.

**Action:** M/S/C Hill/ Mulligan to approve the People's First Sanctuary Recommendation with the following amendments to the recommendation section:

(i) to include that an oversight agency be named by members of the encampment community, and (ii) refer to the City Manager to fund liability insurance for the agency chosen by the encampment community.

**Vote:** Ayes: Hill, Kealoha-Blake, Mulligan, Behm-Steinberg  
Noes: Andrew. *Abstain:* Marasovic. *Absent:* Hirpara.

Marasovic abstention due to i) Council directive to respond to encampment chart referral, ii) believes in the spirit of self-governance, and iii) the recommendation is not a realistic plan.

According to the 1,000 Person Plan to Address Homelessness, on any given night in Berkeley, there are nearly 1,000 people experiencing homelessness. The City of Berkeley has implemented a number of programs to respond to this crisis, but data from the homeless point-in-time count indicate that, for the past several years, homelessness has nonetheless steadily increased. To understand the resources and interventions required to end homelessness in Berkeley--both by housing the currently unhoused population and by preventing inflow of future homelessness--the City Council asked staff to create a 1000 Person Plan on April 4, 2017.

While all homeless people lack stable housing, not everyone needs the same level of support to obtain housing. To end homelessness in Berkeley, the city needs targeted investments in a variety of interventions, ensuring every person who experiences homelessness in Berkeley receives an appropriate and timely resolution according to their level of need (i.e., a homeless population of size "functional zero"). HHCS staff analyzed ten years of administrative homelessness data to understand the personal characteristics of people experiencing homelessness in Berkeley, how they are

interacting with homeless services in Berkeley, and the factors most predictive of exiting homelessness without eventually returning back to the system.

From these analyses, HHCS staff estimate that over the course of a year, nearly 2000 people experience homelessness in Berkeley. This population has been growing because the population is increasingly harder to serve (longer histories of homelessness and more disabilities) and because housing is too expensive for them to afford on their own.

The types and sizes of all interventions to help Berkeley reach “functional zero” by 2028 are described in this report. To end homelessness for 1000 people in Berkeley, the original referral directive from City Council, the City will need up-front investments in targeted homelessness prevention, light-touch housing problem-solving, rapid rehousing, and permanent subsidies.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental opportunities associated with the content of this report.

#### RATIONALE FOR RECOMMENDATION

The following principles, developed and proposed by unhoused community members have guided the Peoples First sanctuary Encampment Model's goals to secure the safety of all residents, community members and responsible parties:

That a sanctuary encampment be a peoples first driven model in which the city shall provide capacity-building training for residents of the encampment but shall not interfere with the internal makeup or democratic decision making of encampment members. Collective punishment, regulations, and raids must not occur within a sanctuary encampment. Local authorities may not force safe havens to accept residents without the collective consent of its existing membership.

No protected person's sovereignty shall be interfered with or may be punished for an offense they have not personally committed. Freedom from surveillance, freedom from confiscation of property, and Privacy rights must be established by the City of Berkeley. Mental Health care and First Responders should be available for consultation. Sanctioned encampment councils should be made up of residents of the sanctioned encampment. Unsheltered people, public and private agencies, boards, councils and commissions coordinating with the sanctuary encampment should communicate the needs of sanctioned encampments to transitional housing services with good faith.

All people sheltering themselves within a sanctuary encampment which a public authority shall provide clean water, sanitation, accessible toilets and trash removal services for the sanctioned encampment.

New Housing developments should consider and prioritize the most vulnerable citizens living in sanctioned encampments. There should be changes to land-use and zoning policies to include affordability covenants, community land trusts, housing cooperatives, section eight housing vouchers as well as reclaiming vacant properties for sanctioned encampments. Rent control ordinances to retain price-control for tenants and small-site property owners.

ALTERNATIVE ACTIONS CONSIDERED

The Commission considered responding to Council encampment chart referral.

CITY MANAGER

See companion report.

CONTACT PERSON

Brittany Carnegie, Commission Secretary, HHCS, 510-981-5415





Cheryl Davila  
Councilmember  
District 2

ACTION CALENDAR  
January 26, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmembers Cheryl Davila (Author)

Subject: Declare Juneteenth as a City Holiday for the City of Berkeley

RECOMMENDATION

1. Adopt a resolution declaring Juneteenth as a City Holiday for the City of Berkeley
2. Send copies of this resolution to State Assemblywoman Buffy Wicks, State Senator Nancy Skinner, and United States Congresswoman Barbara Lee.

POLICY COMMITTEE RECOMMENDATION

This item expired on December 14, 2020, and is returning to Council with no action taken by the Budget and Finance Policy Committee.

BACKGROUND

Juneteenth, slaves received the news of their liberation more than two years after President Abraham Lincoln's Emancipation Proclamation went into effect on January 1, 1863; African Americans across the state were made aware of their right to freedom on June 19, 1865, when Major General Gordon Granger arrived in Galveston with federal troops to read General Order No. 3 announcing the end of the Civil War and that all enslaved people.

Governor Andrew M. Cuomo recently issued an [Executive Order](#) recognizing Juneteenth as a holiday for state employees, in recognition of the official emancipation of African Americans throughout the United States. The Governor will also advance legislation to make Juneteenth an official state holiday next year. The City of Berkeley should follow Governor Cuomo's lead and ask Governor Newsome to do the same. California has a tradition of acknowledging significant milestones in advancing the cause of freedom, and some of whom descend directly from those brave men and women that gained freedom on that day, join in celebrating the 155th anniversary of Juneteenth, an observance that commemorates the official announcement made in the State of Texas regarding the abolition of slavery and the freeing of some quarter-million African Americans.

The observance of Juneteenth honors the history, perseverance, and achievements of African Americans, and celebrates America's progress and continuing commitment to realizing the principles of liberty and equality upon which our nation was founded.

This observance is a reminder of the hardships and losses suffered by African Americans in

their struggle to attain freedom, and we pay tribute to the memory of those who made the ultimate sacrifice in this quest; through their experiences and those of others who were successful in achieving victory, we find among the most poignant and valuable lessons of humankind that continue to resonate with people of all backgrounds.

The official emancipation of African Americans throughout the United States literally and figuratively opened doors of opportunity that enabled following generations to contribute immeasurably to our nation's richness, equality of citizens, and global leadership, and today communities across our state – from Brooklyn to Buffalo – mark the anniversary of Juneteenth with appropriate commemoration.

Juneteenth is not just a Black liberation day, but a day of American liberation in a deep sense possibly further than the Fourth of July. It is fitting that all join to commemorate such an important day in our nation's history, as we take this opportunity to reflect upon and rejoice in the freedom and civil rights that we all share as Americans.

The City of Berkeley for decades has celebrated Juneteenth on the streets on Adeline and Martin Luther King Jr. Way. Berkeley has recognized Malcolm X Birthday Day as a City Holiday, and it is time Juneteenth is added to be recognized as a City Holiday.

#### FISCAL IMPACTS OF RECOMMENDATION

None.

#### ENVIRONMENTAL SUSTAINABILITY

Protecting our communities during this climate and health crisis is an act of environmental sustainability.

#### CONTACT PERSON

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#### ATTACHMENTS

1. Resolution

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

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF BERKELEY DECLARING JUNETEENTH AS A CITY HOLIDAY.

WHEREAS, Juneteenth, slaves received the news of their liberation more than two years after President Abraham Lincoln's Emancipation Proclamation went into effect on January 1, 1863; African Americans across the state were made aware of their right to freedom on June 19, 1865, when Major General Gordon Granger arrived in Galveston with federal troops to read General Order No. 3 announcing the end of the Civil War and that all enslaved people; and

WHEREAS, Governor Andrew M. Cuomo recently issued an [Executive Order](#) recognizing Juneteenth as a holiday for state employees, in recognition of the official emancipation of African Americans throughout the United States. The Governor will also advance legislation to make Juneteenth an official state holiday next year. The City of Berkeley should follow Governor Cuomo's lead and ask Governor Newsome to do the same. California has a tradition of acknowledging significant milestones in advancing the cause of freedom, and some of whom descend directly from those brave men and women that gained freedom on that day, join in celebrating the 155th anniversary of Juneteenth, an observance that commemorates the official announcement made in the State of Texas regarding the abolition of slavery and the freeing of some quarter-million African Americans; and

WHEREAS, The observance of Juneteenth honors the history, perseverance, and achievements of African Americans, and celebrates America's progress and continuing commitment to realizing the principles of liberty and equality upon which our nation was founded; and

WHEREAS, This observance is a reminder of the hardships and losses suffered by African Americans in their struggle to attain freedom, and we pay tribute to the memory of those who made the ultimate sacrifice in this quest; through their experiences and those of others who were successful in achieving victory, we find among the most poignant and valuable lessons of humankind that continue to resonate with people of all backgrounds; and

WHEREAS, This observance is a reminder of the hardships and losses suffered by African Americans in their struggle to attain freedom, and we pay tribute to the memory of those who made the ultimate sacrifice in this quest; through their experiences and those of others who were successful in achieving victory, we find among the most poignant and valuable lessons of humankind that continue to resonate with people of all backgrounds; and

WHEREAS, The official emancipation of African Americans throughout the United States literally and figuratively opened doors of opportunity that enabled following generations to contribute immeasurably to our nation's richness, equality of citizens, and global leadership, and today communities across our state – from Brooklyn to Buffalo – mark the anniversary of Juneteenth with appropriate commemoration; and

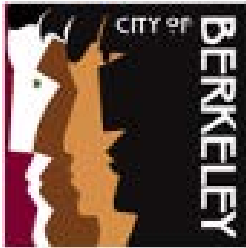
WHEREAS, Juneteenth is not just a Black liberation day, but a day of American liberation in a

deep sense possibly further than the Fourth of July. It is fitting that all join to commemorate such an important day in our nation's history, as we take this opportunity to reflect upon and rejoice in the freedom and civil rights that we all share as Americans; and

WHEREAS, The City of Berkeley for decades has celebrated Juneteenth on the streets on Adeline and Martin Luther King Jr. Way. Berkeley has recognized Malcolm X Birthday Day as a City Holiday, and it is time Juneteenth is added to be recognized as a City Holiday; and

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Berkeley recognize June 19 of every year as Juneteenth, which shall be a holiday for city employees, who if not required to work, shall be entitled to leave at full pay without charge to existing accruals and for those employees who are required to work, they shall receive one day of compensatory time.

BE IT FURTHER RESOLVED that copies of this resolution are sent to State Assemblywoman Buffy Wicks, State Senator Nancy Skinner, and United States Congresswoman Barbara Lee.



Office of the Mayor

CONSENT CALENDAR

January 26, 2021

To: Members of the City Council

From: Mayor Jesse Arreguín

Subject: Confirming Community Appointments to Reimagining Public Safety Task Force

RECOMMENDATION:

Adopt a Resolution:

1. Confirming the appointment of \_\_\_\_\_ by the Associated Students of the University of California (ASUC) External Affairs Vice President to the Reimagining Public Safety Task Force
2. Confirming the appointment of \_\_\_\_\_ by the Steering Committee of the Berkeley Community Safety Coalition (BCSC) to the Reimagining Public Safety Task Force

BACKGROUND

On December 15, 2020, the Berkeley City Council unanimously adopted Resolution No. 69,673-N.S. establishing the Reimagining Public Safety Task Force, and on January 19, 2021 approved a revised resolution on January 19, 2021 to clarify the responsibilities and timeline of the Task Force, city staff and the consulting team with the National Institute for Criminal Justice Reform (Attachments 1 and 2).

The enabling legislation for the Task Force requires that the City Council confirm by a majority vote appointments made by the ASUC External Affairs Vice President, Berkeley Community Safety Coalition and the 3 “At-Large” seats appointed by the Task Force. The confirmation of these members will allow them to be seated on the Task Force and for the important work of the Task Force to commence on the intended timeline.

FINANCIAL IMPLICATIONS

There are no direct fiscal impacts from Council confirming the appointments of the ASUC External Affairs Vice President and Berkeley Community Safety Coalition to the Reimagining Public Safety Task Force.

ENVIRONMENTAL SUSTAINABILITY

There are no direct environmental impacts from the appointment of these members to the Reimagining Public Safety Task Force.

CONTACT PERSON

Jesse Arreguín, Mayor, (510) 981-7100

Attachments:

1. Resolution
2. Resolution No. 69,673-N.S, "Establishing Reimagining Public Safety Task Force"
3. "
4. January 19, 2021 City Council item, "Revisions to Enabling Legislation for Reimagining Public Safety Task Force"

RESOLUTION NO.

CONFIRMING APPOINTMENTS TO THE REIMAGINING PUBLIC SAFETY TASK FORCE

WHEREAS, On July 14, 2020, the Berkeley City Council made a historic commitment to reimagine the City's approach to public safety with the passage of an omnibus package of referrals, resolutions and directions; and

WHEREAS, Central to this proposal is a commitment to a robust community process to achieve this "new and transformative model of positive, equitable and community centered safety for Berkeley". Item 18d, Transforming Community Safety, provides direction on the development of a "Community Safety Coalition", goals and a timeline led by a steering committee and guided by professional consultants; and

WHEREAS, on December 15, 2020 the City Council approved Resolution No. 69,673-N.S, "Establishing Reimagining Public Safety Task Force"; and

WHEREAS, Resolution No. 69,673 N.S. established membership comprised of: One (1) representative appointed by each member of the City Council and Mayor, one (1) representative appointed by the Mental Health, Police Review and Youth Commissions, one (1) representative appointed by the Berkeley Community Safety Coalition (BCSC), and three (3) additional members to be appointed "At Large" by the Task Force, all subject to confirmation by the City Council; and

WHEREAS, the Berkeley Community Safety Coalition (BCSC) has nominated \_\_\_\_\_ as their representative on the Reimagining Public Safety Task Force; and

WHEREAS, the Associated Students of the University of California (ASUC) External Affairs Vice President have nominated \_\_\_\_\_ as their representative on the Reimagining Public Safety Task Force;

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley that it hereby confirms the appointment of \_\_\_\_\_ by the Berkeley Community Safety Coalition (BCSC) and the appointment of \_\_\_\_\_ by the Associated Students of the University of California (ASUC) External Affairs Vice President to the Reimagining Public Safety Task Force.

RESOLUTION NO. 69,673-N.S.

ESTABLISHING THE REIMAGINING PUBLIC SAFETY TASK FORCE

WHEREAS, On July 14, 2020, the Berkeley City Council made a historic commitment to reimagine the City's approach to public safety with the passage of an omnibus package of referrals, resolutions and directions; and

WHEREAS, Central to this proposal is a commitment to a robust community process to achieve this "new and transformative model of positive, equitable and community centered safety for Berkeley". Item 18d, Transforming Community Safety, provides direction on the development of a "Community Safety Coalition", goals and a timeline led by a steering committee and guided by professional consultants; and

WHEREAS, that item did not specify the structure, exact qualifications or process of appointing this steering committee; and

WHEREAS, To avoid confusion with the community organization that has independently formed since the passage of that referral, this steering committee is now being referred to as the Reimagining Public Safety Task Force.

NOW, THEREFORE BE IT RESOLVED that the City Council does hereby establish the Reimagining Public Safety Task Force.

1. The membership shall be comprised of: One (1) representative appointed by each member of the City Council and Mayor, one (1) representative appointed by the Mental Health, Police Review and Youth Commissions, one (1) representative appointed by the Associated Students of the University of California (ASUC), one (1) representative appointed by the Berkeley Community Safety Coalition (BCSC), and three (3) additional members to be appointed "At Large" by the Task Force, all subject to confirmation by the City Council. The Task Force will be guided by a professional consultant, and will include the participation of City Staff from the City Manager's Office, Human Resources, Health, Housing and Community Services, Berkeley Fire Department, Berkeley Police Department, and Public Works Department. For visual, see Attachment 2.
2. Appointments to the Task Force should be made by January 31, 2021,<sup>1</sup> and reflect a diverse range of experiences, knowledge, expertise and representation. To maintain the Council's July 14, 2020,<sup>2</sup> commitment to centering the voices of those most

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<sup>1</sup> With the exception of the "At Large" appointments, which will be selected by the initial appointees with an eye for adding outstanding perspectives, knowledge and experience.

<sup>2</sup> "Be It Further Resolved that the City Council will engage with every willing community member in Berkeley, centering the voices of Black people, Native American people, people of color, immigrants, LGBTQ+ people, victims of harm, and other stakeholders who have been historically marginalized or



impacted in our process of reimagining community safety appointments should be made with the goal of achieving a balance of the following criteria:

- a. Active Members of Berkeley Community (Required of All)\*<sup>3</sup>
  - b. Representation from Impacted Communities
    - Formerly incarcerated individuals
    - Victims/family members of violent crime
    - Immigrant community
    - Communities impacted by high crime, over-policing and police violence
    - Individuals experiencing homelessness
    - Historically marginalized populations
  - c. Faith-Based Community Leaders
  - d. Expertise/Leadership in Violence Prevention, Youth Services, Crisis Intervention, and Restorative or Transformative Justice
  - e. Health/ Public Health Expertise
  - f. City of Berkeley labor/union representation
  - g. Law Enforcement Operation Knowledge
  - h. City Budget Operations/Knowledge
  - i. Committed to the Goals and Success of The Taskforce (Required of All)
3. The charge of the Task Force is as outlined in the July 14, 2020, City Council Omnibus Action,<sup>4</sup> and should include but is not limited to:
- 1) Building on the work of the City Council, the City Manager, BPD, the PRC and other City commissions and other working groups addressing community health and safety.
  - 2) Research and engagement to define a holistic, anti-racist approach to community safety, including a review and analysis of emerging models, programs and practices that could be applied in Berkeley.
  - 3) Recommend a new, community-centered safety paradigm as a foundation for deep and lasting change, grounded in the principles of *Reduce, Improve and Reinvest* as proposed by the National Institute for Criminal Justice Reform considering,<sup>5</sup> among other things:
    - A. The social determinants of health and changes required to deliver a holistic approach to community-centered safety.

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under-served by our present system. Together, we will identify what safety looks like for everyone.”, Item 18d, Transform Community Safety, July 14, 2020, Berkeley City Council Agenda,

<sup>3</sup> \* At Large Appointees are not required to be Berkeley Residents, as long as they are active, committed Berkeley Stakeholders.

<sup>4</sup> July 14th, 2020, Berkeley City Council Item 18a-e Proposed Omnibus Motion on Public Safety Items

<sup>5</sup> Transforming Police, NICJR

- B. The appropriate response to community calls for help including size, scope of operation and power and duties of a well-trained police force.
- C. Limiting militarized weaponry and equipment.
- D. Identifying alternatives to policing and enforcement to reduce conflict, harm, and institutionalization, introduce alternative and restorative justice models, and reduce or eliminate use of fines and incarceration.
- E. Options to reduce police contacts, stops, arrests, tickets, fines and incarceration and replace these, to the greatest extent possible, with educational, community serving, restorative and other positive programs, policies and systems.
- F. Reducing the Berkeley Police Department budget to reflect its revised mandates, with a goal of a 50% reduction, based on the results of requested analysis and achieved through programs such as the Specialized Care Unit; and

BE IT FURTHER RESOLVED, that the outcome of the Task Force will be a set of recommended programs, structures and initiatives to incorporate into upcoming budget processes for FY 2022-23 and, as a second phase, in the FY 2024-2025 budget processes to ensure that recommended changes will be achieved. The Task Force shall return to City Council an initial plan and timeline by April 1, 2021, to ensure the first phase of changes can be incorporated into the FY 2022-23 Budget Process; and

BE IT FURTHER RESOLVED, the Task Force shall sunset after two years unless otherwise extended by the City Council;

BE IT FURTHER RESOLVED, the Task Force should be subject to the Commissioner's Manual; and

BE IT FURTHER RESOLVED, Berkeley City Council appointments to the Task Force shall be made, and vacancies shall be filled, in accordance with the provisions of Sections 2.04.030 through 2.04.130 of the Berkeley Municipal Code; and

BE IT FURTHER RESOLVED, The appointment of any member of the Task Force shall automatically terminate as set forth in Berkeley Municipal Code Chapter 3.02 due to attendance; and

BE IT FURTHER RESOLVED, The City Clerk shall notify any member whose appointment has automatically terminated and report to the appointing City Councilmember or appointing authority that a vacancy exists on the Task Force and that an appointment should be made to fill the vacancy; and

BE IT FURTHER RESOLVED, Temporary appointments may be made and leaves of absence may be granted by the appointing authority pursuant to Berkeley Municipal Code Section 3.03.030 and the Commissioners' Manual; and

BE IT FURTHER RESOLVED, The Task Force annually shall elect one of its members as the chairperson and one of its members as the vice-chairperson; and

BE IT FURTHER RESOLVED, A majority of the members appointed to the Task Force shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any action; and

BE IT FURTHER RESOLVED, The Task Force shall keep an accurate record of its proceedings and transactions; and

BE IT FURTHER RESOLVED, The Task Force may make and alter rules governing its organization and procedures which are not inconsistent with this Resolution or any other applicable ordinance of the city, or any resolution of the city governing commission procedures and conduct; and

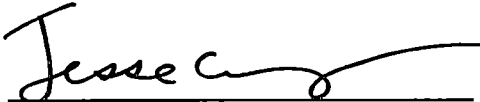
BE IT FURTHER RESOLVED, The Task Force shall establish a regular place and time for meeting. All meetings shall be noticed as required by law and shall be scheduled in a way to allow for maximum input from the public. The frequency of meetings shall be as determined by the Task Force Chair in consultation with City Staff.

The foregoing Resolution was adopted by the Berkeley City Council on December 15, 2020 by the following vote:

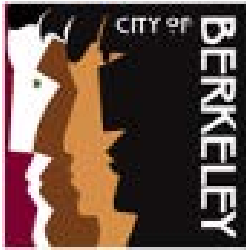
Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numainville, City Clerk



Office of the Mayor

CONSENT CALENDAR  
January 19, 2021

To: Members of the City Council  
From: Mayor Jesse Arreguín  
Subject: Revisions to Enabling Legislation for Reimagining Public Safety Task Force

RECOMMENDATION:

Adopt a Resolution:

1. Rescinding Resolution No. 69,673-N.S.; and
2. Establishing a Reimagining Public Safety Task Force, comprised of: (a) one representative appointed by each member of the City Council and Mayor pursuant to the Fair Representation Ordinance, B.M.C. Sections 2.04.030-2.04.130, (b) one representative appointed by the Mental Health Commission, Youth Commission, and Police Review Commission (to be replaced by a representative of the Police Accountability Board once it is established), and (c) one representative appointed by the Associated Students of the University of California (ASUC) External Affairs Vice President, one representative appointed by the Berkeley Community Safety Coalition (BCSC) Steering Committee, and three additional members to be appointed "At-Large" by the Task Force, with appointments subject to confirmation by the City Council.

The Task Force will be facilitated by a professional consultant, the National Institute for Criminal Justice Reform (NICJR), with administrative support by the City Manager's office, and will serve as the hub of community engagement for the Reimagining Public Safety effort initiated and guided by the NICJR team. The Task Force will also include the participation of City Staff from the City Manager's Office, Human Resources, Health, Housing and Community Services, Berkeley Fire Department, Berkeley Police Department, and Public Works Department. For visual, see Attachment 3.

With the exception of "At-Large" appointments, appointments to the Task Force should be made by January 31, 2021,<sup>1</sup> and reflect a diverse range of experiences, knowledge, expertise and representation. To maintain the Council's July 14, 2020,<sup>2</sup> commitment to

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<sup>1</sup> With the exception of the "At Large" appointments, which will be selected by the initial appointees with an eye for adding outstanding perspectives, knowledge and experience.

<sup>2</sup> "Be It Further Resolved that the City Council will engage with every willing community member in Berkeley, centering the voices of Black people, Native American people, people of color, immigrants, LGBTQ+ people, victims of harm, and other stakeholders who have been historically marginalized or under-served by our present

centering the voices of those most impacted in our process of reimagining community safety appointments should be made with the goal of achieving a balance of the following criteria:

- a. Active Members of Berkeley Community (Required of All)<sup>\*3</sup>
- b. Representation from Impacted Communities
  - Formerly incarcerated individuals
  - Victims/family members of violent crime
  - Immigrant community
  - Communities impacted by high crime, over-policing and police violence
  - Individuals experiencing homelessness
  - Historically marginalized populations
- c. Faith-Based Community Leaders
- d. Expertise/Leadership in Violence Prevention, Youth Services, Crisis Intervention, and Restorative or Transformative Justice
- e. Health/ Public Health Expertise
- f. City of Berkeley labor/union representation
- g. Law Enforcement Operation Knowledge
- h. City Budget Operations/Knowledge
- i. Committed to the Goals and Success of The Taskforce (Required of All)

As outlined in the July 14, 2020, City Council Omnibus Action,<sup>4</sup> City Council provided direction for the development of a new paradigm of public safety that should include, but is not limited to:

- 1) Building on the work of the City Council, the City Manager, Berkeley Police Department (BPD), the Police Review Commission and other City commissions and other working groups addressing community health and safety.
- 2) Research and engagement to define a holistic, anti-racist approach to community safety, including a review and analysis of emerging models, programs and practices that could be applied in Berkeley.
- 3) Recommend a new, community-centered safety paradigm as a foundation for deep and lasting change, grounded in the principles of *Reduce, Improve and Reinvest* as proposed by the National Institute for Criminal Justice Reform considering,<sup>5</sup> among other things:

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system. Together, we will identify what safety looks like for everyone.”, [Item 18d, Transform Community Safety, July 14, 2020, Berkeley City Council Agenda](#),

<sup>3</sup> \* At Large Appointees are not required to be Berkeley Residents, as long as they are active, committed Berkeley Stakeholders.

<sup>4</sup> [July 14th, 2020, Berkeley City Council Item 18a-e Proposed Omnibus Motion on Public Safety Items](#)

<sup>5</sup> [Transforming Police](#), NICJR

- A. The social determinants of health and changes required to deliver a holistic approach to community-centered safety.
- B. The appropriate response to community calls for help including size, scope of operation and power and duties of a well-trained police force.
- C. Limiting militarized weaponry and equipment.
- D. Identifying alternatives to policing and enforcement to reduce conflict, harm, and institutionalization, introduce alternative and restorative justice models, and reduce or eliminate use of fines and incarceration.
- E. Options to reduce police contacts, stops, arrests, tickets, fines and incarceration and replace these, to the greatest extent possible, with educational, community serving, restorative and other positive programs, policies and systems.
- F. Reducing the Berkeley Police Department budget to reflect its revised mandates, with a goal of a 50% reduction, based on the results of requested analysis and achieved through programs such as the Specialized Care Unit.

Direct the City Manager to ensure that the working group of City Staff as outlined in the October 28th Off-Agenda Memo is coordinating with the Task Force.<sup>6</sup>

The Task Force will provide input to and make recommendations to NICJR and City Staff on a set of recommended programs, structures and initiatives incorporated into a final report and implementation plan developed by NICJR to guide future decision making in upcoming budget processes for FY 2022-23 and, as a second phase produced, in the FY 2024-2025 budget processes.<sup>7</sup>

#### FINANCIAL IMPLICATIONS

City Council allocated \$270,000 in General Fund revenues to support engagement of outside consultants in the Reimagining Public Safety process.

#### BACKGROUND

On July 14, 2020, the Berkeley City Council made a historic commitment to reimagine the City's approach to public safety with the passage of an omnibus package of referrals, resolutions and directions. Central to this proposal is a commitment to a robust community process to achieve this "new and transformative model of positive, equitable and community centered safety for Berkeley". Item 18d, Transforming Community Safety, provides direction on the development of a "Community Safety Coalition", goals and a timeline led by a steering committee and guided by professional consultants. Recommendation 3 above reflects the original scope voted on by the council. However,

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<sup>6</sup>[October 28, 2020 Off-Agenda Memo: Update on Re-Imagining Public Safety](#)

<sup>7</sup> The final report and implementation plan are referenced in the contract approved by the City Council with the NICJR Consultant team on December 15, 2020.

that item did not specify the structure, exact qualifications or process of appointing this steering committee. This item follows the spirit of the original referral, and provides direction on structure, desired qualifications and appointment process.

To avoid confusion with the community organization that has independently formed since the passage of that referral, this steering committee is now being referred to as the Reimagining Public Safety Task Force.

City staff has been diligently been working to implement the referrals in the omnibus motion, including the development, release and evaluation of a request for proposals (RFP) for a consultant to facilitate this process.<sup>8</sup> Initially, the expectation was that the development of a structure and process for the Task Force would be developed in consultation with the professionals selected by this RFP. However, to ensure thorough review of these proposals the timeline for selecting the consultant is longer than initially expected. At the July 18, 2020, meeting, City Council clearly stated that the Task Force will begin meeting no later than January 2021. To meet this timeline, the Council should adopt the proposed framework and appointment process so that the Task Force and our community process can begin shortly after the RFP process is completed.

This resolution is being reintroduced to clarify the process for transitioning appointments from the Police Review Commission to the newly established Police Accountability Board and to ensure that the Task Force works with the NICJR consultant team to develop one report and set of recommendations. The initial resolution was written prior to the finalization of a contract with NICJR. After consultation with city staff and the consultant team, the revised language will set clear expectations and a foundation for successful collaboration between the work of the Task Force and the consultant team.

#### RATIONALE FOR RECOMMENDATION

The proposed structure creates a Task Force with 17 total seats, ensuring representation from each Councilmember and the Mayor, key commissions including the Police Review Commission, the Youth Commission and the Mental Health Commission as well as representation from the ASUC, the Berkeley Community Safety Coalition (BCSC) and three “at-large” members to be selected by the Task Force to fill any unrepresented stakeholder position or subject matter expertise, with the community based organization and at-large appointments subject to confirmation by the City Council.<sup>9</sup>

This model was developed with input from all co-authors, the City Manager, community stakeholders including the ASUC and BCSC as well organizations and experts with experience running community engagement processes. Additionally, the Mayor’s office researched a wide range of public processes that could inform the structure and approach

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<sup>8</sup> Ibid

<sup>9</sup> [The Berkeley Community Safety Coalition](#), initially known as Berkeley United for Community Safety, produced a 40 page report that was shared with the council in July. Their recommendations were referred to the reimagining process as part of the Mayor’s omnibus motion. Co-Founder Moni Law describes BCSC as a “principled coalition that is multiracial, multigenerational and Black and brown centered. We include over 2,000 people and approximately a dozen organizations and growing.”

for Berkeley, including youth-led campaigns, participatory budgeting processes, and long-term initiatives like the California Endowment Building Healthy Communities initiative.<sup>10</sup>

The proposed Task Force structure and process draws most directly on the processes underway in Oakland and in Austin, Texas.<sup>1112</sup> In July, Oakland voted to establish a Reimagining Public Safety Task Force with 17 members, including appointees from all councilmembers and the Mayor, three appointees from their public safety boards, two appointees to represent youth and two at-large appointees selected by their council co-chairs<sup>13</sup>. The model proposed for Berkeley draws heavily from the Oakland approach. A key difference is that, unlike Oakland, this proposed structure does not recommend developing additional community advisory boards. Instead, it is recommended that Berkeley leverage our commissions and community organizations to provide additional input and research to inform the Task Force's work rather than establish additional community advisory boards.

The list of proposed qualifications for appointees (recommendation 2) is also modeled after Oakland's approach. In July, the city council committed to centering the voices of those that are most impacted by our current system of public safety as we reimagine it for the future. The list of qualifications is intended to guide councilmembers and other appointing bodies and organizations to ensure that the makeup of the Task Force reflects that commitment. After all appointments are made, the Task Force will select 3 additional "at large" members to join the Task Force with an eye on adding perspectives, expertise or experience that are missing in initial appointments.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the action requested in this report.

#### ALTERNATIVE ACTIONS CONSIDERED

Alternative appointment structures were evaluated, including a citywide application process and an independent selection committee. However, given that the Task Force will ultimately advise the City Council, there was broad agreement that the Council should have a strong role in appointing the Task Force.

#### CONTACT PERSON

Jesse Arreguín, Mayor, (510) 981-7100

#### Attachments:

1. Resolution Establishing Reimagining Public Safety Task Force
2. Resolution No. 69,673-N.S.

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<sup>10</sup> [California Endowment Building Healthy Communities Initiative.](#)

<sup>11</sup> [Austin, Texas Reimagining Public Safety Task Force](#)

<sup>12</sup> [Reimagining Public Safety](#), Oakland website

<sup>13</sup> [Oakland Reimagining Public Safety Task Force Framework](#)



3. Framework for Reimagining Public Safety Task Force
4. July 14, 2020 City Council Item 18d, Transforming Community Safety
5. July 14, 2020 City Council Item a-e, Proposed Omnibus Motion on Public Safety Items

RESOLUTION NO.

ESTABLISHING THE REIMAGINING PUBLIC SAFETY TASK FORCE

WHEREAS, On July 14, 2020, the Berkeley City Council made a historic commitment to reimagine the City's approach to public safety with the passage of an omnibus package of referrals, resolutions and directions; and

WHEREAS, Central to this proposal is a commitment to a robust community process to achieve this "new and transformative model of positive, equitable and community centered safety for Berkeley". Item 18d, Transforming Community Safety, provides direction on the development of a "Community Safety Coalition", goals and a timeline led by a steering committee and guided by professional consultants; and

WHEREAS, on December 15, 2020, the City Council authorized the City Manager to enter into a contract with the National Institute for Criminal Justice Reform (NICJR) who will conduct research, analysis, and use its expertise to develop reports and recommendations for community safety and police reform as well as plan, develop, and lead an inclusive and transparent community engagement process to help the City achieve a new and transformative model of positive, equitable and community-centered safety for Berkeley; and

WHEREAS, the NICJR has agreed to perform the following work:

- Working with the City Auditor on the assessment of emergency and non-emergency calls for service.
- Developing a summary and presentation of new and emerging models of community safety and policing.
- Developing and implementing a communications strategy to ensure that the community is well informed, a robust community engagement process, and managing the Task Force to be established by the City Council.
- Identifying the programs and/or services that are currently provided by the Berkeley Police Department that can be provided by other City departments and / or organizations.
- Developing a final report and implementation plan that will be used to guide future decision making.

WHEREAS, to avoid confusion with the community organization that has independently formed since the passage of that referral, this steering committee is now being referred to as the Reimagining Public Safety Task Force; and

WHEREAS, the purpose of this Resolution is to specify the structure, criteria, and role of the Reimagining Public Safety Task Force.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No. 69,673-N.S. is hereby rescinded; and

BE IT FURTHER RESOLVED that the Berkeley City Council does hereby establish the Reimagining Public Safety Task Force.

1. The membership shall be comprised of:
  - a. One (1) representative appointed by each member of the City Council and Mayor, pursuant to the Fair Representation Ordinance, B.M.C. Sections 2.04.030-2.04.130,
  - b. One (1) representative appointed from the Mental Health Commission, Youth Commission and Police Review Commission (to be replaced by a representative of the Police Accountability Board once it is established), and
  - c. Subject to confirmation by the City Council, one (1) representative appointed by the Associated Students of the University of California (ASUC) External Affairs Vice President, one (1) representative appointed by the Berkeley Community Safety Coalition (BCSC) Steering Committee, and three (3) additional members to be appointed “At-Large” by the Task Force.
  
2. With the exception of the “At-Large” appointments, appointments to the Task Force should be made by January 31, 2021,<sup>14</sup> and reflect a diverse range of experiences, knowledge, expertise and representation. To maintain the Council’s July 14, 2020,<sup>15</sup> commitment to centering the voices of those most impacted in our process of reimagining community safety, appointments should be made with the goal of achieving a balance of the following criteria:
  - a. Active Members of Berkeley Community (Required of All)<sup>\*16</sup>
  - b. Representation from Impacted Communities
    - Formerly incarcerated individuals
    - Victims/family members of violent crime
    - Immigrant community
    - Communities impacted by high crime, over-policing and police violence
    - Individuals experiencing homelessness
    - Historically marginalized populations

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<sup>14</sup> With the exception of the “At Large” appointments, which will be selected by the initial appointees with an eye for adding outstanding perspectives, knowledge and experience.

<sup>15</sup> “Be It Further Resolved that the City Council will engage with every willing community member in Berkeley, centering the voices of Black people, Native American people, people of color, immigrants, LGBTQ+ people, victims of harm, and other stakeholders who have been historically marginalized or under-served by our present system. Together, we will identify what safety looks like for everyone.”, [Item 18d, Transform Community Safety, July 14, 2020, Berkeley City Council Agenda](#).

- c. Faith-Based Community Leaders
  - d. Expertise/Leadership in Violence Prevention, Youth Services, Crisis Intervention, and Restorative or Transformative Justice
  - e. Health/ Public Health Expertise
  - f. City of Berkeley labor/union representation
  - g. Law Enforcement Operation Knowledge
  - h. City Budget Operations/Knowledge
  - i. Committed to the Goals and Success of The Taskforce (Required of All)
3. At Large Appointees are not required to be Berkeley Residents, as long as they are active, committed Berkeley stakeholders.
  4. As outlined in the July 14, 2020, City Council Omnibus Action,<sup>17</sup> City Council provided direction for the development of a new paradigm of public safety that should include, but is not limited to:
    - 1) Building on the work of the City Council, the City Manager, Berkeley Police Department, the Police Review Commission and other City commissions and other working groups addressing community health and safety.
    - 2) Research and engagement to define a holistic, anti-racist approach to community safety, including a review and analysis of emerging models, programs and practices that could be applied in Berkeley.
    - 3) Recommend a new, community-centered safety paradigm as a foundation for deep and lasting change, grounded in the principles of *Reduce, Improve and Reinvest* as proposed by the National Institute for Criminal Justice Reform (NICJR) considering,<sup>18</sup> among other things:
      - A. The social determinants of health and changes required to deliver a holistic approach to community-centered safety.
      - B. The appropriate response to community calls for help including size, scope of operation and power and duties of a well-trained police force.
      - C. Limiting militarized weaponry and equipment.
      - D. Identifying alternatives to policing and enforcement to reduce conflict, harm, and institutionalization, introduce alternative and restorative justice models, and reduce or eliminate use of fines and incarceration.
      - E. Options to reduce police contacts, stops, arrests, tickets, fines and incarceration and replace these, to the greatest extent possible, with

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<sup>17</sup> [July 14th, 2020, Berkeley City Council Item 18a-e Proposed Omnibus Motion on Public Safety Items](#)

<sup>18</sup> [Transforming Police](#), NICJR

educational, community serving, restorative and other positive programs, policies and systems.

- F. Reducing the Berkeley Police Department budget to reflect its revised mandates, with a goal of a 50% reduction, based on the results of requested analysis and achieved through programs such as the Specialized Care Unit; and

BE IT FURTHER RESOLVED, that the Task Force will provide input to and make recommendations to NICJR and City Staff on a set of recommended programs, structures and initiatives incorporated into a final report and implementation plan developed by NICJR to guide future decision making in upcoming budget processes for FY 2022-23 and, as a second phase produced, in the FY 2024-2025 budget processes.<sup>19</sup>; and

BE IT FURTHER RESOLVED, that the City Manager is requested to provide updates and coordinate with the Task Force regarding the work that is underway on various aspects of the July 14, 2020 Omnibus package adopted by City Council including the Specialized Care Unit, BerkDoT, and priority dispatching (For visual, see Attachment 2); and

BE IT FURTHER RESOLVED, the Task Force shall sunset at the earlier of City Council's adoption of the final report and implementation plan developed by NICJR or three years after appointments are made unless the Task Force is otherwise extended by the City Council; and

BE IT FURTHER RESOLVED, the Task Force should be subject to the Commissioner's Manual; and

BE IT FURTHER RESOLVED, Mayor and City Council appointments to the Task Force shall be made, and vacancies shall be filled, in accordance with the provisions of Sections 2.04.030 through 2.04.130 of the Berkeley Municipal Code; and

BE IT FURTHER RESOLVED, The appointment of any member of the Task Force shall automatically terminate as set forth in Berkeley Municipal Code Chapter 3.02 due to attendance; and

BE IT FURTHER RESOLVED, The City Clerk shall notify any member whose appointment has automatically terminated and report to the appointing City Councilmember or appointing authority that a vacancy exists on the Task Force and that an appointment should be made to fill the vacancy; and

BE IT FURTHER RESOLVED, Temporary appointments may be made and leaves of absence may be granted by the appointing authority pursuant to Berkeley Municipal Code Section 3.03.030 and the Commissioners' Manual; and

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<sup>19</sup> The final report and implementation plan are referenced in the contract approved by the City Council with the NICJR Consultant team on December 15, 2020

BE IT FURTHER RESOLVED, A majority of the members appointed to the Task Force shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any action; and

BE IT FURTHER RESOLVED, The Task Force shall keep an accurate record of its proceedings and transactions; and

BE IT FURTHER RESOLVED, The Task Force may make and alter rules governing its organization and procedures which are not inconsistent with Resolution or any other applicable ordinance of the city, or any resolution of the city governing commission procedures and conduct; and

BE IT FURTHER AND FINALLY RESOLVED, The Task Force 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 meetings shall be as determined by the Task Force Chair in consultation with NICJR and City Staff.



Public Works Commission  
 Disaster & Fire Safety Commission  
 Transportation Commission

INFORMATION CALENDAR  
 January 26, 2021

To: Honorable Mayor and Members of the City Council

From: Public Works Commission, Disaster & Fire Safety Commission,  
 Transportation Commission

Submitted by: Shane Krpata, Chairperson, Utility Undergrounding Subcommittee  
 Matthew Freiberg, Chairperson, Public Works Commission  
 Gradiva Couzin, Chairperson, Disaster & Fire Safety Commission  
 Barnali Ghosh, Chairperson, Transportation Commission

Subject: Report for Phase 3 Study to Underground Utility Wires in Berkeley

INTRODUCTION

Climate changes continue to threaten Berkeley with risks of wildland urban interface fires. Undergrounding overhead utility wires is an important tool to reduce the risks.

CURRENT SITUATION AND ITS EFFECTS

The attached document is the Phase 3 Study of the City Council referral. This work was completed at the end of 2019, and the report was approved by the Public Works Commission on November 7, 2019, Transportation Commission on January 16, 2020, and Disaster and Fire Safety Commission on February 26, 2020. It was scheduled to be presented to Council in March 2020 and has been delayed because of the Covid-19 pandemic emergency. The Commissions are providing it now as an informational item and are making the following recommendations.

1. The participating commissions encourage the continuation of studying undergrounding as an option to save lives. Our climate is in a crisis and the devastation caused by wildfires is increasing each year.
2. Further studying of undergrounding shall be conducted within the work scope of the Vision 2050 initiative. The initiative was approved by Council in September 2020 and is being implemented.
3. This transmittal closes out the Council referral from December 2014.

**Public Works Commission** discussed the recommendations at its November 7<sup>th</sup>, 2019 meeting and a motion was made to approve the report pending the inclusion of the items in the meeting minutes of this conversation.

**Action:** It was Moved/Seconded (Erbe/Constantine) to “Approve the Utilities Undergrounding Subcommittee Report pending the inclusion of the items in the meeting minutes of this conversation.”

**Vote:** Aye - 9; Nay - 0; Abstain - 0; Absent - 0

**Outcome:** Unanimous Agreement

**Transportation Commission** discussed the recommendations at its January 16<sup>th</sup>, 2020 meeting and a motion was made to approve forwarding the Utilities Undergrounding Subcommittee Report to City Council.

**Action:** It was Moved/Seconded (Parolek/Zander) to “Approve forwarding the Utilities Undergrounding Subcommittee Report to City Council.”

**Vote:** Aye - 7; Nay - 0; Abstain - 0; Absent - 2

**Outcome:** Unanimous Agreement

**Disaster & Fire Safety Commission** discussed the recommendations at its February 26<sup>th</sup>, 2020 meeting and a motion was made to approve forwarding the Report for Phase 3 Study to Underground Utility Wires in Berkeley to the City Council.

**Action:** It was Moved/Seconded (Degenkolb/Grimes) to “Approve forwarding the Report for Phase 3 Study to Underground Utility Wires in Berkeley to the City Council.”

**Vote:** Aye - 9; Nay - 0; Abstain - 0; Absent - 0

**Outcome:** Unanimous Agreement

The Public Works Commission, Transportation Commission, and Disaster & Fire Safety Commission each voted and unanimously agreed to forward the Phase 3 Study to Council.

## BACKGROUND

The City Council, at its meeting December 16, 2014, referred to the Public Works, Disaster and Fire Safety and Transportation Commissions to develop a comprehensive plan for the funding of the undergrounding of utility wires on all major and collector streets in Berkeley. The arterial and collector streets were identified as a priority for the movement of emergency vehicles and the evacuation of residents in the event of a major disaster. The commissions organized a four-phase work plan consisting of: 1) baseline study to summarize Berkeley’s status on undergrounding, 2) conceptual study to determine the feasibility of undergrounding, 3) financial and implementation plan to underground the recommended streets, and 4) implementation of an approved program.



The commissions presented the Phase 2 report to Council on February 27, 2018. It was well received and Council authorized proceeding with the Phase 3 study.

ENVIRONMENTAL SUSTAINABILITY

Undergrounding utility wires is environmentally sustainable by providing space for large trees and green infrastructure while improving public safety and energy reliability by substantially reducing the likelihood of downed wires and network disruptions along emergency evacuation corridors.

POSSIBLE FUTURE ACTION

It is important to recognize that undergrounding utility wires on evacuation routes must be only one component of a suite of actions to ensure that our community can safely escape advancing fire and first responders can access areas to fight fires. Undergrounding should be considered in combination with other actions, including but not be limited to educating the public of the risks, reducing vegetation that fuels fires, parking restrictions to provide more roadway clearance, improved road markings and signage, and more.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The estimated cost of the undergrounding program recommended in the Phase 3 Study is \$90M in 2019 dollars. The Subcommittee has identified multiple funding strategies, described in the Section 2 Chapter C “Funding Strategies” (p.12) of the Phase 3 Study.

CONTACT PERSON

Andrew Brozyna, Deputy Director of Public Works, 510-981-6496  
Joe Enke, Commission Secretary, Supervising Civil Engineer, 510-981-6411

Attachment:

1: Study to Underground Utility Wires in Berkeley Phase 3 Report

# STUDY TO UNDERGROUND UTILITY WIRES IN BERKELEY

## PHASE 3 REPORT

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**PREPARED BY MEMBERS OF BERKELEY'S**

PUBLIC WORKS COMMISSION

DISASTER AND FIRE SAFETY COMMISSION

TRANSPORTATION COMMISSION

PUBLIC WORKS DEPARTMENT



Downed power poles and lines in 2017 Tubbs Fire  
Photo by LA Times

February 2020

## ACKNOWLEDGEMENTS

### Participating Commissions

The following Commissioners participated in the preparation of this report:

Public Works Commission

Shane Krpata, Sachu Constantine and former commissioners Nic Dominguez, Larry Henry and Ray Yep

Disaster and Fire Safety Commission

Paul Degenkolb, Bob Flasher and former commissioner Victoria Legg

Transportation Commission

Tony Bruzzone

### City of Berkeley

Phil Harrington, Public Works Director

Andrew Brozyna, Deputy Public Works Director

Keith May, Berkeley Fire Department

Hamid Mostowfi, Transportation Department

Ray Yep, Public Works Department program specialist

### Other Participants

Charles Scawthorn, Earthquake and Fire Risk mitigation specialist

Marvin Snow, Berkeley Citizens for Utility Undergrounding

Gordon Wozniak, Former City Councilmember

Bellecci & Associates

# TABLE OF CONTENTS

## Executive Summary

<b>1. Introduction and Background</b>	
A. City Council Referral .....	8
B. Phase 3 Study Work Scope .....	8
<b>2. Phase 3 Study Findings</b>	
A. Undergrounding Along Key Evacuation Routes .....	10
B. Estimated Cost of Undergrounding .....	14
C. Funding Strategies .....	15
<b>3. Framework for Berkeley's Infrastructure Development</b>	
A. Resilience Strategy .....	24
B. Vision 2050 .....	25
C. A Time of Transition .....	26
D. What is the Broader Context for Undergrounding? .....	27
<b>4. Recommended Undergrounding Program</b>	
A. A Long-term Vision for Undergrounding in Berkeley .....	30
B. Program to Underground the Key Evacuation Routes .....	30
<b>5. Recommended Next Steps .....</b>	<b>34</b>

## Appendices

A. Baseline Study for the Development of a Utility Undergrounding Program, Harris & Associates, July 2016	
B. Fire Risks and Mitigation Measures	
C. Declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley, October 2019	
D. Map of Utilities Undergrounded in Berkeley	
E. Projected Costs of Undergrounding Utilities Along City of Berkeley's Evacuation Routes, by Bellecci & Associates, January 2020	
F. A Natural History of the Wooden Utility Pole, California Public Utilities Commission, July 2017	
G. Energy Division's Staff Proposal for Rule 20 Program Reform and Enhancements, California Public Utilities Commission, February 2020	

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## EXECUTIVE SUMMARY

In 2014, Berkeley's City Council issued a referral to "develop a comprehensive plan for the funding of the undergrounding of utility wires on all major arterial and collector streets in Berkeley" to the Public Works, Transportation and Disaster and Fire Safety Commissions. Results of the Phase 1 and 2 studies were presented to Council in February 2018.

The history of undergrounding in Berkeley dates back to the 1970's. Currently, 49% of arterial streets, 31% of collector streets and 7% of residential streets are undergrounded. The major streets undergrounded include San Pablo Avenue, University Avenue, MLK Way (part), Shattuck Avenue, Solano Avenue and Telegraph Avenue.

This report represents the results of our Phase 3 study. It is important to note that throughout this effort, the group was guided by the goals of **safety, equity, resilience and future technologies**.

### Phase 3 Study Findings

The Phase 3 study identified the arterial and collector streets for undergrounding, updated the estimated costs and further studied the funding options. The basis for our understanding of the hazards facing the City and the mitigation strategies are stated in the 2019 Local Hazard Mitigation Plan.

The major arterial and collector streets to underground utilities were identified through discussions with Berkeley's Fire Department and a review of Berkeley's evacuation plan. The main purpose of undergrounding is to support public safety through ingress of first responders and egress of community members in the event of a major disaster. The routes selected for this study are mostly east/west plus two north/south routes. These routes are:

- Alcatraz/Claremont Avenues
- Ashby/Tunnel Road
- Cedar Street
- Gilman/Hopkins Streets
- Marin Avenue
- Grizzly Peak Blvd.
- Spruce/Oxford/Rose Streets

Bellecci & Associates was retained to update the cost estimate for the selected streets for undergrounding. The estimated cost is \$90 million for the 15.1 miles of undergrounding. The cost is in 2019 dollars and the average cost is \$6.0 million per mile. The cost estimate is inclusive of trenching, conduits, wiring, service conversions, street lighting and engineering.

### Framework for Berkeley's Future Infrastructure Development

Understanding the big picture of Berkeley's current infrastructure condition and the framework for its future development is important and useful. As the Subcommittee has worked over the past five years in carrying out the Council referral, many initiatives are in development:

- Resilience Strategy
- Vision 2050
- We are in a time of transition in electric power delivery

- CPUC re-evaluation of Rule 20

The recent publication of the CPUC’s report “Staff Proposal for Rule 20 Program Reform and Enhancements” in February 2020 include the following recommendations:

- Refine and expand the Rule 20 public interest criteria
- Modify Rule 20B to incorporate tiered ratepayer contributions commensurate with public benefit
- Sunset the Rule 20A and 20D programs as currently designed
- Incentivize municipal utility surcharge undergrounding programs
- Eliminate work credit trading with limited exceptions
- Modify the Rule 20A annual completion and allocation reports
- Adopt an updated Rule 20 guidebook
- Improve communications with the communities and publish relevant Rule 20 program information, documents and reports online
- Implement incentives to reduce project completion timelines and costs

What does this broader context mean to this study on undergrounding? The Resilience Strategy and Vision 2050 initiative is leading us to “*move beyond business-as-usual and accelerate the building of climate-smart, technologically-advanced, integrated, and efficient infrastructure in Berkeley*”. The use of wooden poles dates back to the 1840’s when the telegraph system was developed. New cities and developments have their utilities underground. Continuing the use of an overhead system is continuing to use old technology. Converting to undergrounded systems supports Berkeley to do the following:

- Meet our climate action goals with reliable electrical distribution
- Add to our quality of life, including public safety
- Support broadband expansion and other integrated needs in our public right of way
- Use new technology

### Recommended Undergrounding Program

We propose the following long-term vision for undergrounding in Berkeley.

Undergrounding Development Phase	Timeframe, year	Description
Previous work	1970’s – present	49% of arterial streets and 31% of collector streets are already undergrounded.
Near term	2020 - 2040	Underground key evacuation routes as described in this report. The work will be done in about 15 years.
Near term	2020 – continuing	Create and implement a Rule 20B program that includes a revolving fund to provide for upfront costs of proposed projects. Once a 20B project is approved by a vote of the parcel owners, the advanced upfront funds will be returned to the revolving fund.
Long term	2040 - 2070	Underground Berkeley citywide.

The Subcommittee proposes a 15-year program to underground the key evacuation routes, as follows.

Year	Street	Section	Council districts
1	Dwight Way	Fernwald Rd. to Shattuck Ave.	3, 4, 7, 8
2	Dwight Way	Shattuck Ave. to San Pablo Ave.	2, 3, 4
3	Marin Avenue	Tulare Ave. to Grizzly Peak Blvd.	5, 6
4	Grizzly Peak Blvd.	Spruce St. to Marin Ave.	6
5	Grizzly Peak Blvd.	Marin Ave. to Arcade Ave.	6
6	Ashby Ave., Tunnel Road	Vicente Rd to Telegraph Ave.	7, 8
7	Ashby Ave.	Telegraph Ave. to San Pablo Ave.	2, 3, 7
8	Cedar Street	La Loma Ave. to MLK Way	4, 5 6
9	Cedar Street	MLK Way to San Pablo Ave.	1, 5
10	Hopkins Street	Sutter St. to Gilman St.	5
11	Gilman Street	Gilman St. to San Pablo Ave.	1, 5
12	Spruce Street	Grizzly Peak Blvd. to Rose St.	5, 6
13	Rose Street, Oxford Street	Rose from Spruce to Oxford and Oxford from Rose to Cedar	5
14	Claremont Ave., Alcatraz Ave.	Ashby Ave. to Telegraph Ave.	8
15	Alcatraz Avenue	Telegraph Ave. to San Pablo Ave.	2, 3

This preliminary list has the following assumptions:

- The Fire Department has stated that Dwight Way is a high priority due to the risks in the Panoramic Hills area.
- Undergrounding is planned east of San Pablo Avenue because the areas west of San Pablo Avenue are subject to high groundwater levels and have ground liquefaction concerns.
- The percentage of streets in the hills is 37% and in the flat lands is 63%.

If we assume that the program will start in 2023, the estimated cost will be \$105 million in FY2023 dollars. The project team recommends the following ranking of the four financing options studied.

1. Place a parcel tax with an inflator, similar to the Library and Parks taxes, on the ballot to fund undergrounding. A parcel tax of ~10 cents/ft<sup>2</sup> will generate ~\$7.0 - 12 million/yr. over the life of the project.
2. Create an Assessment District for Utility Undergrounding, similar to the City’s recent Prop 218 Street Lighting & Storm Sewer. Although the approval threshold is lower for a Prop. 2018 fee, there are legal questions on the required nexus with the service provided.
3. Place a General Obligation bond on the ballot to authorize \$140 million to fund the total project cost over 15 years.
4. Increase the Utility User Tax from 7.5% to 12.0% (increase of 4.5%). This will produce additional revenue of ~\$9 million per year to fund the total project cost of \$140 million.



## Recommended Next Steps

The Subcommittee recommends the following next steps for Council consideration.

1. Review this report and provide direction on whether to proceed with the 15-year undergrounding program of the key evacuation routes.
2. Work with the Council's Facilities, Infrastructure, Transportation, Environment, and Sustainability Policy Committee on further development of the undergrounding program.
3. Work with the Finance Department, the Council's Budget committee, and consultant support, to refine costs and select the final funding option.
4. Implement a public engagement process in 2020.
5. Staff to prepare a Program Plan for the recommended undergrounding program.
6. Close out the original Council referral to the participating commissions. We recommend forming an Undergrounding Task Force to ensure public input in the future planning of utility undergrounding.

## Section 1

# INTRODUCTION AND BACKGROUND

## City Council Referral

The Berkeley City Council (Council) referred a request to “develop a comprehensive plan for the funding of the undergrounding of utility wires on all major arterial and collector streets in Berkeley” to the Public Works Commission, Disaster and Fire Safety Commission and the Transportation Commission on December 16, 2014.

The three commissions organized an Undergrounding Subcommittee to respond to the referral. The Subcommittee structured the study into four phases, as follows.

- Phase 1:** Conduct a baseline study to summarize Berkeley’s current status of undergrounding utilities, cost to complete the undergrounding of arterial and collector streets, and examples of where undergrounding programs have been implemented.
- Phase 2:** Conduct a conceptual study to determine the feasibility of utility undergrounding. The work included literature review, supporting studies by two Goldman School Masters candidates’ thesis projects, meetings with utility and communications service providers, and meetings with municipalities having robust undergrounding programs.
- Phase 3:** Prepare a financial and implementation plan for the recommended streets to be undergrounded.
- Phase 4:** Implement the financing, design and construction of the approved program.

The Subcommittee presented progress reports to the Council on September 29, 2015 and March 28, 2017. The 2017 report included an updated work plan, the Harris & Associates baseline study, a proposal for studies by U.C. Berkeley’s Goldman School of Public Policy graduate students, and notes from meetings held with utility and communications service providers. The Harris & Associates baseline study provides useful background information and included in Appendix A. The Council authorized the Subcommittee to complete the work through Phase 2 and to report back to them.

The Subcommittee presented the Phase 2 report to the Council on February 27, 2018. The comprehensive report was well received and Council authorized the Subcommittee to proceed with the Phase 3 study.

## Phase 3 Study Work Scope

A recommended work scope for the Phase 3 study was included in the Phase 2 report. This work was planned as a shared responsibility between the participating commissions and Public Works Department (PWD) staff. PWD did not have staff available for the work and a funding request was made to hire temporary staff. That request was approved by Council in November 2018. The PWD made attempts to retain a temporary staff person, but it was not successful due to a shortage of

qualified technical candidates. Consequently, staff procured support services from one of the City of Berkeley’s (City) on-call design firms in lieu of a temporary hire.

The Phase 3 study began at the beginning of 2019 with staffing from the PWD, Fire Department, participating commissions, and with technical expertise from Bellecci & Associates, the City’s on-call consultant. The following is a summary of the work tasks and the progress.

Phase 3 Work Tasks	Work Progress
<p><b>Task 1 – Define the Phase 3 projects</b></p> <p>A. <u>Major and Collector Streets</u> – The original work scope was to identify the major east/west routes to be undergrounded that would facilitate the travel of first responders and evacuation of residents.</p> <p>B. <u>Coordinate with Microgrid Development</u> – The original work scope was to evaluate microgrids as a way to increase power reliability after a major disaster</p> <p>C. <u>Review code standards</u> – The original work scope was to evaluate codes that would limit the loads carried by utility poles.</p>	<p>This work was done with input from Berkeley’s fire department and transportation department Also, we conducted a review of other fire mitigation measures underway in the Berkeley area.</p> <p>This work will be changed to a separate study by the PWD.</p> <p>This work will be changed to a separate study by the PWD.</p>
<p><b>Task 2 – Develop the financing plan</b></p> <p>A. <u>Refine cost estimate for undergrounding</u>. The original work scope was to refine the cost estimates previously prepared by Harris &amp; Associates.</p> <p>B. <u>Participate in CPUC Rule 20 review</u> – The original work scope was to monitor activities with the CPUC regarding Rule 20 modifications.</p> <p>C. <u>Evaluate funding options</u>. The original work scope was to evaluate funding options for Phase 3 projects in Berkeley.</p>	<p>This work has been done with a consultant from the City’s pre-approved consultant list and from other references.</p> <p>This work will be done by the PWD and the recommended task force.</p> <p>This work has been done.</p>
<p><b>Task 3 – Conduct community input</b> The original work scope was to conduct community outreach and workshops.</p>	<p>This work will be done following Council input on this report.</p>
<p><b>Task 4 – Coordinate with utilities</b> The original work scope was to meet with PG&amp;E and telecom companies regarding the phase 3 projects.</p>	<p>This work will be done at the appropriate time.</p>
<p><b>Task 5 – Prepare an implementation plan</b> The original work scope was to prepare an implementation plan.</p>	<p>This work will be done following Council approval to proceed to implementation.</p>

## Section 2

# PHASE 3 STUDY FINDINGS

The Phase 3 study is guided by the goals of safety, equity, resilience and future technologies. This study focused on identifying the streets for undergrounding, updating the estimated costs and further studying the funding options. The findings are described in this section.

## Undergrounding Along Key Evacuation Routes

Berkeley's understanding of the hazards facing the city and the mitigation strategies to minimize the impacts to our buildings, infrastructure, community and the environment are stated in the **2019 Local Hazard Mitigation Plan, December 2019 (LHMP)**. The hazards of greatest concern include the following:

### **Earthquake**

*We do not know when the next major earthquake will strike Berkeley. The United States Geological Survey states that there is a 72% probability of one or more M 6.7 or greater earthquakes from 2014 to 2043 in the San Francisco Bay Region.<sup>4</sup> There is a 33% chance that a 6.7 or greater will occur on the Hayward fault system between 2014 and 2043. This means that many Berkeley residents are likely to experience a severe earthquake in their lifetime.*

*In a 6.9 magnitude earthquake on the Hayward Fault, the City estimates that over 600 buildings in Berkeley will be completely destroyed and over 20,000 more will be damaged. One thousand to 4,000 families may need temporary shelter. Depending on the disaster scenario, one hundred people could be killed in Berkeley alone, and many more would be injured. Commercial buildings, utilities, and public roads will be disabled or destroyed. This plan estimates that building damage in Berkeley alone could exceed \$2 billion, out of a multi-billion dollar regional loss, with losses to business activities and infrastructure adding to this figure.*

### **Wildland-Urban Interface Fire**

*Berkeley is vulnerable to a wind-driven fire starting along the city's eastern border. The fire risk facing the people and properties in the eastern hills is compounded by the area's mountainous topography, limited water supply, minimal access and egress routes, and location, overlaid upon the Hayward Fault. Berkeley'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.*

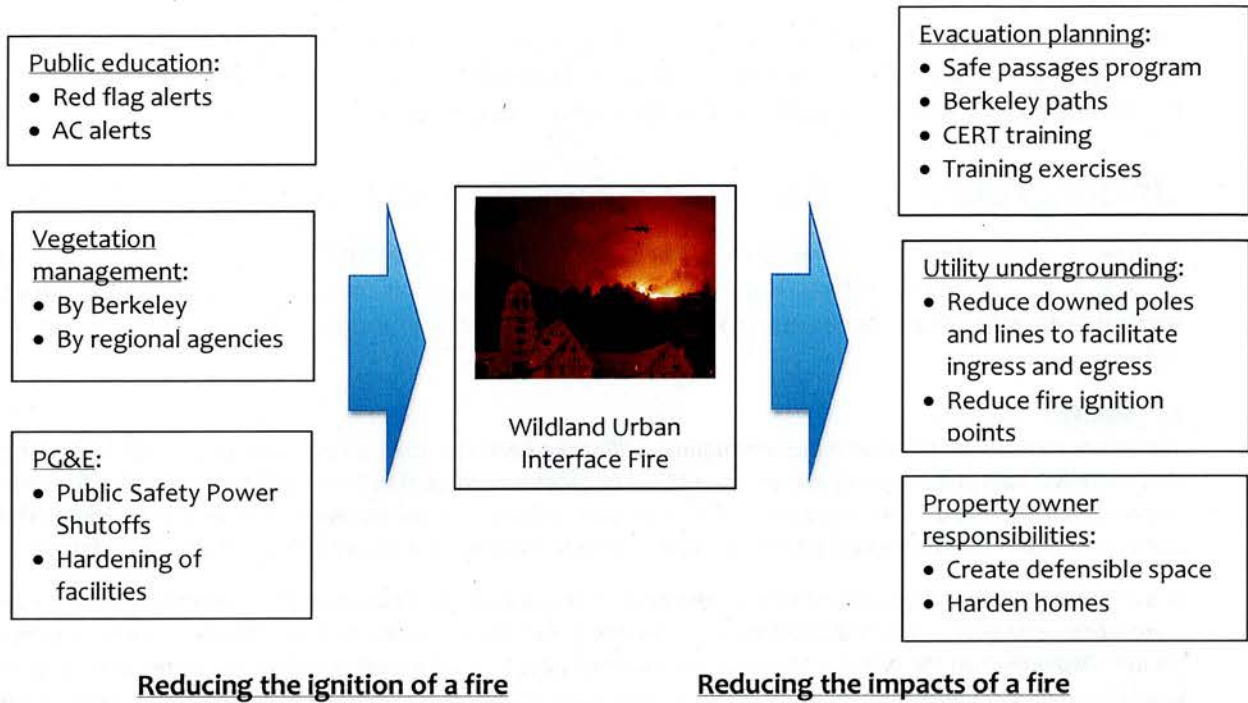
*The high risk of wildland-urban interface (WUI) fire in Berkeley was clearly demonstrated in the 1991 Tunnel Fire, which destroyed 62 homes in Berkeley and more than 3,000 in Oakland. Accounts of major wildfires in Berkeley date back to at least 1905 when a fire burned through Strawberry Canyon and threatened the University campus and the small Panoramic Hill subdivision. Other major fires occurred in the 1970s and 1980s.*

*In 1923, an even more devastating fire burned through Berkeley. It began in the open lands of Wildcat Canyon to the northeast and, swept by a hot September wind, penetrated residential north Berkeley and destroyed nearly 600 structures, including homes, apartments, fraternities and sororities, a church, a fire station.*

*If a fire occurred today that burned the same area, the loss to structures would be in the billions of dollars. Destruction of contents in all of the homes and businesses burned would add hundreds of millions of dollars to fire losses. Efforts to stabilize hillsides after the fire to prevent massive landslides would also add costs. Depending on the speed of the fire spread, lives of Berkeley residents could also be lost. Many established small businesses, homes, and multifamily apartment buildings, particularly student housing, would be completely destroyed, changing the character of Berkeley forever.*

Mitigation measures are described in the LHMP and are further describe in Appendix B of this report. The LHMP also describes Berkeley’s three tiers of hazardous fire zones.

The pathways for reducing the hazard of a wildland urban interface fire are shown below.



There are multiple cases of downed powerlines blocking critical escape routes. Images of persons trapped because of downed power lines in the 1991 Tunnel Fire are etched in our memory. One common cause of tragic death by wildfire is the inability to outrun fire because of downed power lines and poles blocking roadways. Supporting an undergrounding program for emergency routes is one tool we have to reduce loss of life in wildfires by creating safer egress for community members and ingress for first responders to protect our community.

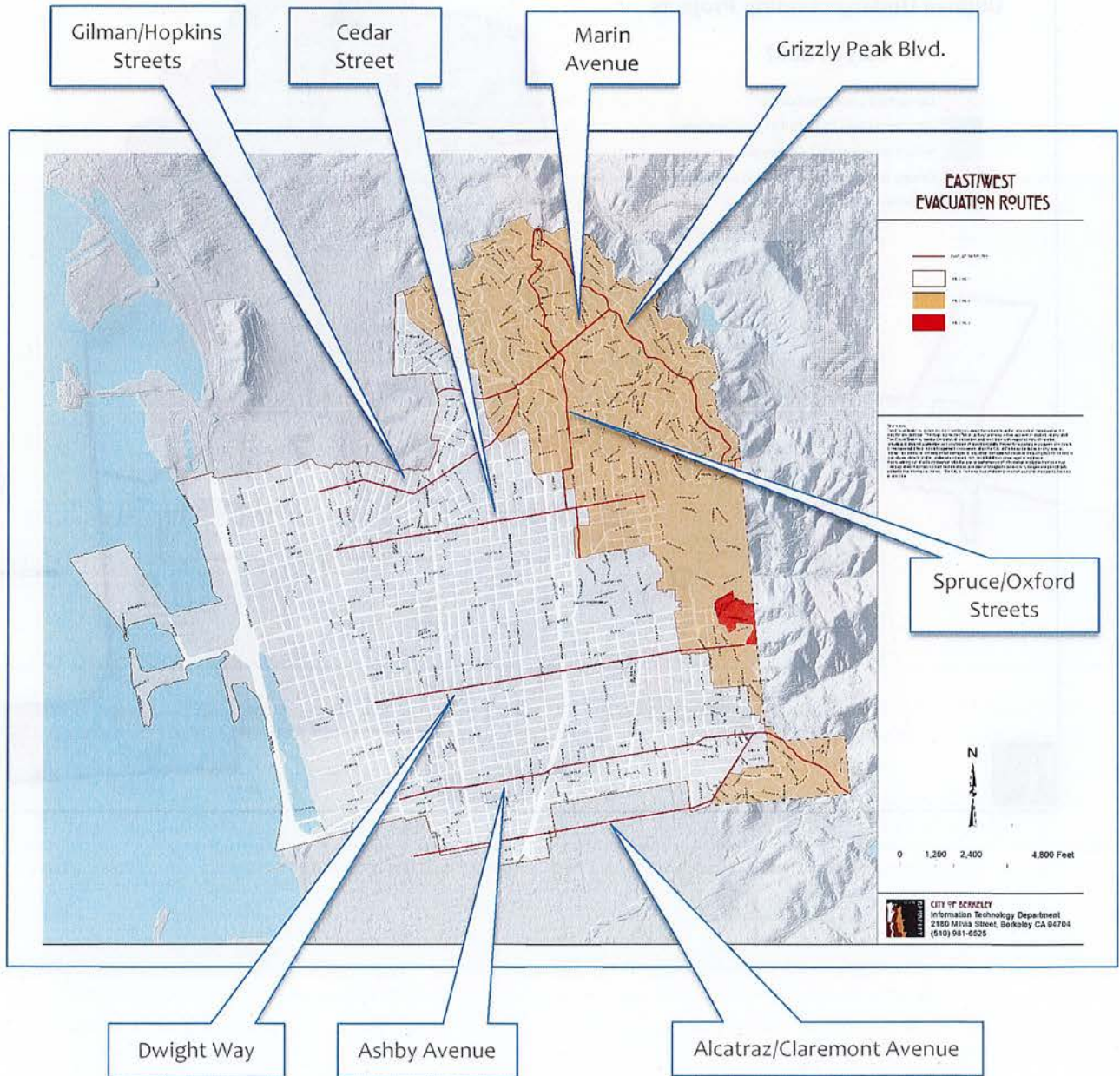
Representatives from Berkeley’s Fire Department, Public Works Transportation Department and participating commissions met to review the critical evacuation routes in the City (see Figure 3). The evaluation included the following factors:

- Realize that a major wildland fire can affect all of Berkeley, just as the Tubbs Fire did in Santa Rosa.
- Consider the criticality of the routes for ingress and egress, including movement of people north/south and east/west.
- Review any barriers to the use of these routes, including width of street, capacity or blockages.
- Review the presence of overhead utility wires and the potential to underground them.

The routes selected for this study are shown on Figure 1. Other arterial and collector streets in Berkeley, such as University Avenue, Telegraph Avenue, Shattuck Avenue, Martin Luther King Jr Way

(part) and San Pablo Avenue are already undergrounded. The history of undergrounding in Berkeley goes back at least to the 1970's. Of the 25.6 miles of arterial streets, 12.5 miles have been undergrounded (49%). Of the 36.1 miles of collector streets, 11.3 miles have been undergrounded (31%). A map showing the undergrounding completed or scheduled to be completed in Berkeley is on Figure 2 and is in Appendix D.

Figure 1 – Undergrounding Along Major Evacuation Routes



The development of these undergrounding routes assumed that those avoiding a major fire are leaving by vehicle to get to I-80. This assumption depends on the severity and spread of the fire.

Other factors include people walking to get to shelter areas, vehicles driving to shelter areas instead of I-80 and leaving the area by travelling north or south.

Figure 2 – Undergrounded Streets in Berkeley

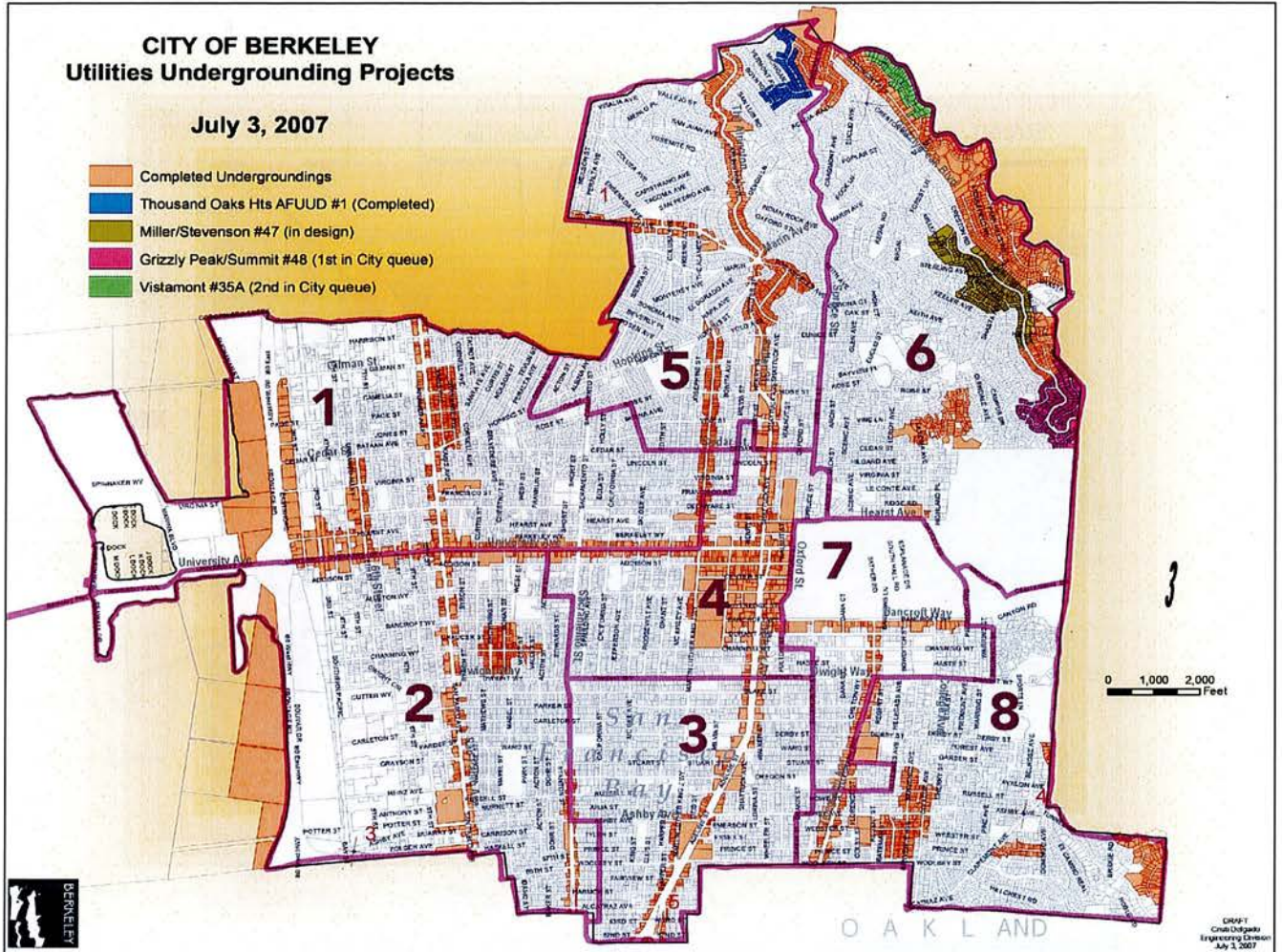
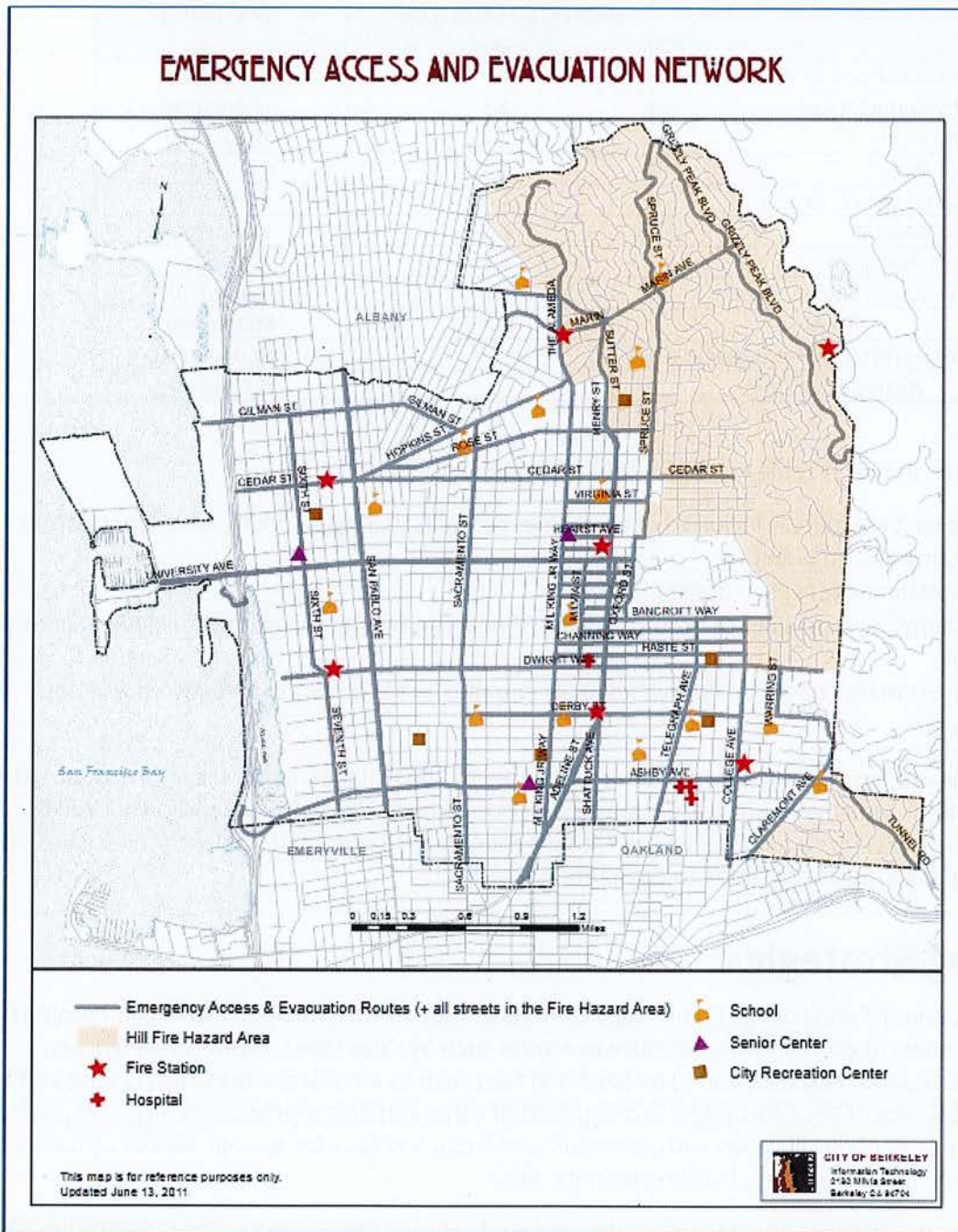


Figure 3 – Berkeley’s emergency access and evacuation network



## Estimated Cost of Undergrounding

The project team researched the cost of undergrounding from many sources. During Phase 1 of this study, an estimate was prepared by Harris and Associates. This was supplemented with the actual costs from Palo Alto, San Diego and published sources. The work scope of the Phase 3 study was to refine the cost estimates and the engineering firm Bellecci & Associates was retained to do the work. Their analysis is summarized on Table 1 and their report is included in Appendix E.



Table 1 – Estimated cost to underground overhead wires, in 2019 dollars

Street	Undergrounding length, miles	Total cost, \$
Alcatraz/Claremont Avenues	2.3	9,400,000
Ashby/Tunnel Road	2.2	14,200,000
Dwight Way	2.7	16,400,000
Cedar Street	1.9	10,200,000
Gilman/Hopkins Streets	1.4	7,700,000
Marin Avenue	1.2	7,600,000
Grizzly Peak Blvd.	1.3	6,400,000
Spruce/Oxford/Rose Streets	2.1	9,900,000
<b>Total</b>	<b>15.1</b>	<b>81,800,000</b>
<b>Total with 10% contingency</b>		<b>90,000,000</b>
<b>Average cost/mile</b>		<b>6,000,000</b>

The estimate shown in Table 1 includes the following factors:

- The cost estimate is inclusive of trenching, conduits, wiring, service conversions, street lighting and engineering.
- The estimate is in 2019 dollars.
- Undergrounding all of the routes will be done as an overall program to achieve economies of scale.
- The estimates have considered levels of complexity for undergrounding in the various streets.

Because the project will take place over 15 years, due to construction cost escalation (4%/yr.), the cost of undergrounding will increase from \$6.0 million/mile in FY2019 to ~\$12 million in FY2038. Thus, it is important to select a funding source with revenue growth potential similar to the cost escalation to avoid having insufficient funds to complete the project.

## Funding Strategies

The City's General Fund (GF) gets the majority of its money from: a) property taxes and property-based revenues; b) economically sensitive revenues such as sales taxes, business license tax, transient occupancy tax, etc.; and c) interest and fees such as ambulance fees and parking and traffic fines. The balance of the City budget is comprised of other funding sources such as grants, special tax revenue (e.g. parks, libraries and paramedic services), and fees for specific services (marina berth fees, garbage and sewer fees, building permits, etc.).

California property taxes are set at 1% of the assessed value of the property. The City receives about a third of every property tax dollar collected in Berkeley and schools get 43% of every property tax dollar. Sales tax is 9.25 cents of every dollar and the City gets 1.00 cent. Other potential sources of revenue are General Obligation (GO) Bonds and Revenue bonds. In June of 2019, Moody's Rating Agency upgraded the City's GO bonds from Aa2 to Aa1, which is the 2<sup>nd</sup> highest for long-term debt. In its credit analysis report, Moody's stated that "The City of Berkeley, CA (AA1) has a robust tax base and economy benefiting from its central Bay Area location. The city's assessed valuation (AV) is large and growing, supported by strong resident wealth indicators. The city has a very strong fiscal position, with growing revenues, high available fund balances and strong financial management policies and practices."

*The city's debt level is moderately low, but the unfunded pension liability is high, which the city is proactively addressing through establishing and funding an irrevocable pension trust."*

In summary, Berkeley has an exceptionally strong tax base and its economy benefits from its central Bay Area location. The City has a very strong financial profile, and in the last six years has significantly improved its reserve levels and liquidity.

## Financing Options for Undergrounding

### Rule 20 Funding

The California Public Utilities Commission (CPUC)'s Tariff Rule 20 is the vehicle for the implementation of underground programs. Rule 20 provides three levels, A, B, and C, of progressively diminishing ratepayer funding for the projects. There is also rule 20D adopted in 2014, which currently applies only to San Diego for undergrounding and other fire hardening techniques in their designated Very High Hazard Fire Zone. Under Rule 20, the CPUC requires the utility to allocate a certain amount of money each year for conversion projects. Upon completion of an undergrounding project, the utility records its cost in its electric plant account for inclusion in its rate base. Then the CPUC authorizes the utility to recover the cost from ratepayers until the project is fully depreciated. Rule 20 requires the utility to reallocate funds to communities having active undergrounding programs in amounts initially allocated to other municipalities but not spent. Cities may also commit to future 20A allocations for five years. The following table is a summary of the Rule 20 categories.

Table 2 -- Summary of Rule 20 Categories and Ratepayer Contribution

Rule 20 categories	California Ratepayer Contribution	Applicability
20 A	About 100%	Primarily ratepayer financed
20B	20%	Shared ratepayer and homeowner financed
20C	Minimal	Primarily homeowner financed
20D	About 80%	Used by San Diego Gas & Electric

Two existing Rule 20A funded undergrounding districts, formed in the early 1990s, are scheduled for completion in 2020 and 2025 respectively.

- Berkeley Grizzly Peak Summit, UUD #48 – in the engineering phase
- Berkeley Vistamont, UUD#35A - in the planning phase

Both undergrounding districts have paid their share for connection from the street to service boxes and for street light replacement.

Rule 20A is the preferred option for cities because the utility pays almost all of the cost for undergrounding. Unfortunately, the funds available are very small compared to the costs of undergrounding. Berkeley's current Rule 20A allotment is ~\$0.53 million/year. The account balance as of June 30, 2019 was \$9,009,455. Most of this, if not all of it, will be used on the UUD #48 project. A 5-year borrow amounts to about \$2.6 million.

For most cities, the annual 20A allotment is inadequate to sustain an ongoing undergrounding program. Because cities and counties are able to trade or sell unallocated Rule 20A credits, some

cities selling their unused credits at a substantial discount. A recent proposal by CPUC staff is recommending discontinuation of selling or trading of unused credits. See Appendix G for this and other reforms and enhancements proposed by the CPUC staff. This was in response to a CPUC Order Instituting Rule Making issued by the CPUC in May 2017 as well as the recent audit of PG&E's Rule 20 performance.

The City rolled out 20B project guidelines in 2000 for neighborhoods interested in forming Rule 20B districts. Although many neighborhoods have expressed interest and continue to do so, one neighborhood, Thousand Oaks Heights, formed and completed an undergrounding district. In recent years, there has been a significant increase in neighborhood interest in both 20A and 20B utility undergrounding projects. A good source of information on recent neighborhood efforts can be obtained from Berkeley Citizens for Utility Undergrounding. Their website is:

[www.berkeleyundergrounding.com](http://www.berkeleyundergrounding.com)

Eleven Cities in California are leading the appeal to the CPUC to redefine eligibility for 20A funds to include and increase 20A fund allocations to communities in California's Very High Hazard Severity Fire Zones for the express purpose of fire safety. A supporting resolution was presented by the League of California Cities at their annual conference in October 2019. The League took no action on the resolution and sent it back to the Committee on Environment for further review. Despite this action, the League continues to lobby the CPUC. At its January 24, 2020 meeting, the Environmental Quality Policy Committee of the League of California Cities endorsed a proposal to revise Rule 20, specifically for hazardous fire areas.

#### **Utility User Tax, Sales Tax or Parcel Tax Funding**

Another strategy for funding undergrounding projects would be the adoption of a local sales tax, an increase in the Utility User's Tax (UUT) or a Parcel Tax that would be dedicated to funding utility undergrounding projects. All three would be a "special tax" as defined by Proposition 218 and Proposition 26 and require a 2/3 voter approval for adoption.

##### **1. Utility Users Tax**

The UUT is the 4<sup>th</sup> largest source of GF revenue for the City of Berkeley. The annual revenue has been stable between \$12 and \$15 million over the last two decades. See Figure 4. The UUT is charged at a rate of 7.5% to all users of a given utility (electricity, gas, telephone, cable, and cellular), other than the corporation providing the utility. The tax is not applicable to State, County, or City agencies, or to insurance companies and banks. About 60% of the UUT revenues are generated from gas and electric services and about 40% from telecommunications.

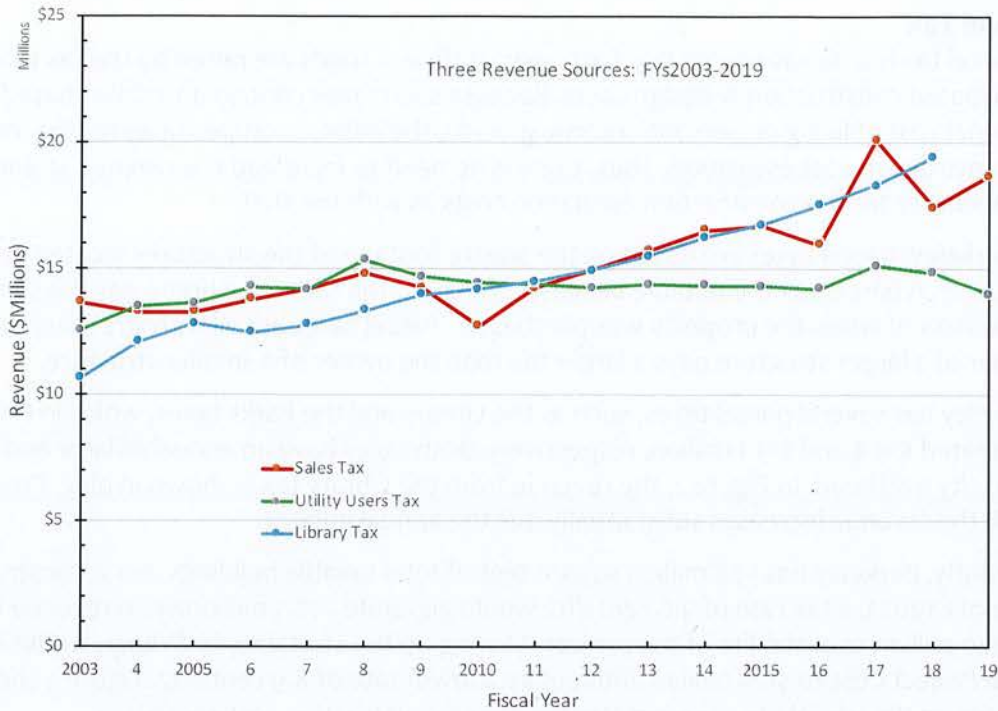


Figure 4 – Revenue from the UUT, Sales Tax, and the Library Tax for FY2003 - 2019

Because the UUT is a tax on utilities, it has an obvious nexus with undergrounding. While the 7.5% tax rate has not increased in two decades, it has little potential for future growth and has recently decreased by ~\$1 million. Thus, the UUT would have to be increased by ~4.5% percentage points to cover the substantial construction cost escalation (4%/yr.) over the lifetime of the undergrounding. A 4.5% increase would generate additional revenue of ~\$9.0-million/yr., which is required to cover the total project cost of \$139 million. See Table 3.

Table 3 – Existing and Potential New Revenue from UUT

UUT	7.5%	12.0%
Revenue (\$millions)	\$15	\$24
Additional Revenue (\$millions)	0	\$9

2. **Sales Tax**

The total sales tax rate for Alameda County is currently 9.25% and Berkeley receives 1.00%. Over the last twenty years, the sales tax revenue has increased from about \$14 million in 2000 to ~\$18 million in 2019. If Berkeley were to increase its sales tax rate from 1.0 to 1.5%, additional revenue of ~\$8.5 million/year could be generated that is sufficient to finance the undergrounding of utilities along emergency exit routes. Furthermore, its 3% annual growth over the last decade, if continued, would compensate expected construction cost escalation. After some discussion with the Subcommittee, this option was not pursued due to concerns that a sales tax is regressive.

### 3. Parcel Tax

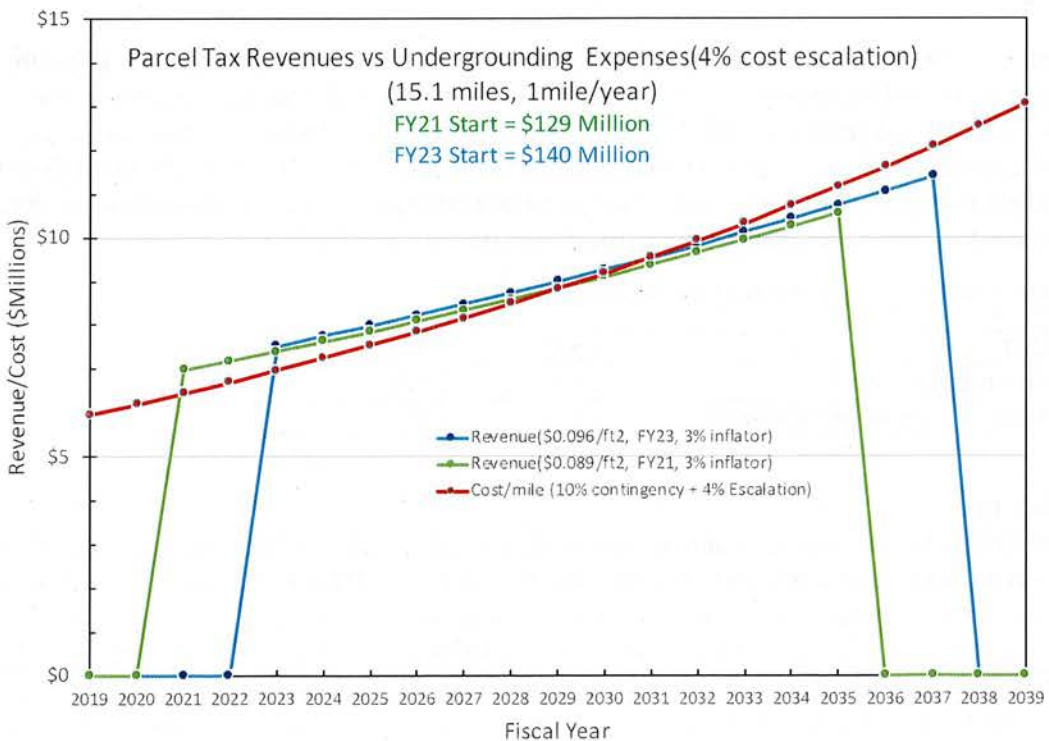
A parcel tax is a pay-as-you go tax. Each year, sufficient funds are raised by the tax to cover the anticipated construction & design costs. Because such taxes contain an inflator based on the regional cost of living or personal income growth, the inflator compensates for the increases due to construction cost escalation. Thus, there is no need to frontload the revenue stream to compensate for the construction escalation costs as with the UUT.

In Berkeley, parcel taxes are based on the square footage of the structures located on the property. A parcel tax is equitable because owners of the same size home pay the same amount regardless of when the property was purchased. Parcel taxes are also progressive, since the owner of a larger structure pays a larger tax than the owner of a smaller structure.

Berkeley has several parcel taxes, such as the Library and the Parks taxes, which in FY2018 generated \$19.4 and \$13.1 million, respectively. Both taxes have an annual inflator and are exempt from city overhead. In Figure 2, the revenue from the Library tax is shown in blue. From 2003 to 2018, the revenue increases substantially due the annual inflator.

Currently, Berkeley has ~78 million square feet of total taxable buildings. For a construction start date of FY2023, a tax rate of 9.6 cents/ft<sup>2</sup> would generate ~\$7.5 million/yr. in revenue for a total of \$140 million over the life of the project. Moving up the start date to FY2021, would decrease Total Project Cost to \$129 million and require a lower rate of 8.9 cents/ft<sup>2</sup>. Figure 5 shows how 3% inflator on the parcel tax compensates for the 4% construction cost escalation.

Figure 5 – Parcel tax revenue vs. undergrounding expenses



### **Franchise Fee Funding**

Cable and electric & gas companies pay the City a franchise fee to use the public right-of-way. In 2018 franchise fees totaled ~\$2.0 million and are projected to increase slightly to \$2.1 million by 2021. The rate of the franchise fees is fixed by state law and cannot be changed by the City.

Currently, franchise fees accrue to the General Fund. However, as stated in the Moody's Rating Agency Report, the City's ratio of General Fund operating revenues to expenses is a strong 1.08 times. The City ended fiscal 2019 with general fund available balance of \$93 million or a very strong 46% of general fund revenue. This followed a \$9 million surplus for the year, resulting from strong revenue growth and strong expenditure management.

Since franchise fees are generated by private utilities that utilize the public right-of-way, it would be appropriate to consider assigning these funds to a public right-of-way account to finance revenue bonds for undergrounding utilities.

Unlike the City of Berkeley, Santa Barbara imposed a 1% franchise fee on its electric provider, after Proposition 13 had passed and before Propositions' 26 and 218 were passed. In 1999, Santa Barbara increased that fee to 2%. In 2001, the City of San Diego increased its franchise fee and imposed a franchise surcharge to pay for undergrounding its residential streets. These costs were then passed on to the utility users by the utility providers.

Santa Barbara was sued by a local businessman who argued that the imposition of this additional fee was an illegal tax because, contrary to Proposition 218, it was imposed without voter approval. A similar lawsuit was filed against San Diego whose surcharge fee was specifically earmarked for undergrounding residential streets, had an end date of 2065 and a provision that what was not spent in any given year would be deposited in the city's General Fund.

The trial court accepted the City of Santa Barbara's argument that the franchise fee increase was not a tax as defined by Propositions 26 and 218. This decision was later overturned by an Appeals Court but a California Supreme Court decision in June 2017 ruled in favor of Santa Barbara. The decision was based on Proposition 13 law which preceded Propositions 26 and 218. The decision is briefly summarized as follows:

- Fees for use of government property are not taxes requiring voter approval as the fee payor gets something of value in return
- Such fees generate discretionary (General Fund) revenues to be used for any lawful purpose of the agency
- Standing to challenge a revenue measure is limited to those having a legal duty to pay it
- Fees must not exceed any reasonable value of the franchise but be reasonably relating to the value of the franchise
- The 2% franchise fee imposed by the municipality on Southern California Edison must recover cost of fee only from customers in the city imposing the fee and shown as a separate line item on the utility billing statement

The lawsuit filed against the City of San Diego alleging that the surcharge was an illegal tax imposed by the City without voter approval was dismissed by a Superior Court judge in August 2018, who agreed with the City that the surcharge is a fee paid to the City in exchange for the right to use the City's electric infrastructure.

### General Obligation Bond Funding

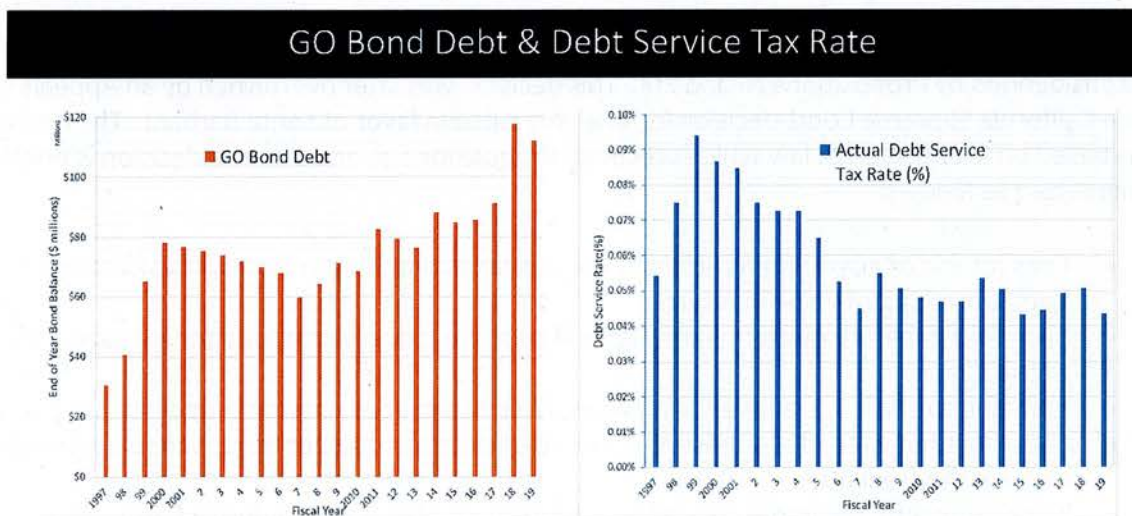
From 1997 to 2000, the City increased its General Obligation (GO) bond debt from \$30 million to \$80 million. However, due to a strong increase in total property assessed values (AVs), the debt-service rate only doubled from 0.05% to 0.09%. Moreover, during the next six years, the debt-service rate decreased back to ~0.05%, as Berkeley’s AVs continued to increase and bond principal was paid down.

After the Financial Crisis of 2008, interest rates fell dramatically. The City took advantage of the lower rates to refinance old debt and to issue new debt: Measures FF, M & T1. From 2007 to 2019, the City doubled its bond debt, while keeping its debt service rate constant due to lower interest rates and the strong appreciation in property AVs.

Because of Berkeley’s robust tax base and strong economy, which benefits from its central Bay Area location, it should be able to issue additional GO bonds during the coming decade, while keeping the debt-service rates within the historic range.

Although Berkeley has additional bonding capacity, GO Bonds have several disadvantages for funding long-term-construction projects, where construction cost escalation is increasing by 4%/year. First, 85% GO bond funds must be spent within three years, requiring multiple tranches of bond funding, which makes the funding more sensitive to potential interest rate increases. Second, GO bond authorization must be approved by the voters for the total 15-year Project Cost of \$140 million. Third the City will have to continue to pay substantial interest payments for ~25 years after the completion of the project.

Figure 6 -- GO Bond Debt & Debt Service Tax Rate for FYs1997-2019



### Assessment District

Property assessments districts can be formed to provide certain services to property owners for a fee which is collected on the annual property tax bill. An example is Berkeley’s Clean Storm Water fee, which was adopted in 1991, but never increased in the subsequent quarter century. Recently, a Prop 2018 process was used to increase the fee in 2018 to provide sufficient funding to ensure that clean, safe water is entering our creeks and the bay, and to prevent flooding. Assessment district fees can include an inflator to compensate for inflation and require a majority approval from the

voting property owners. Further development of this option requires support from a specialized consultant.

### Recommended Financing Options for Berkeley

The project team has evaluated a wide range of funding options. We have considered the level of required funding, the number of years to carry out the undergrounding program, advantages and disadvantages of each option and equity issues. Due to the high probability that the City will experience either a major wildland fire and/or and major earthquake in the next two decades, we believe that it is important to complete the undergrounding of the emergency evacuation routes expeditiously. The Public Works Dept. believes that it has the capacity to design and construct about 1.0 miles of undergrounding per year. Thus, our goal is to provide sufficient financing to underground about 1.0 miles per year so that the evacuation routes can be completed in 15 years.

Table 4 – Summary of Funding Options

Funding Option	Approval Requirement	Who Pays	Fairness	Inflator	Funding Stability
Parcel Tax	High <sup>1</sup>	Property owners	High <sup>3</sup>	Yes	High <sup>5</sup>
Assessment District City wide	Medium <sup>2</sup>	Property owners	Medium	Yes	High
GO Bond	High	Property owners	Low <sup>4</sup>	No	Medium <sup>6</sup>
Utility Users Tax	High	All Utility bill payers	Medium	No	Medium <sup>7</sup>

<sup>1</sup>Requires a 2/3 approval in a general election

<sup>2</sup>Requires a 50% approval of the property owners in a Prop 2018 process

<sup>3</sup>Owners of the same size structure pay the same amount

<sup>4</sup>A GO bond is an ad valorem tax, where two homeowners with the same size house may pay substantially different amounts, depending on how long they have owned the property

<sup>5</sup>Parcel tax are collected annually via the property tax bill

<sup>6</sup>Since the GO bonds will be issued in several tranches over the 15-year project lifetime, interest rates may rise increasing the cost

<sup>7</sup>Since the UUT revenue has shown little growth, with a recent \$1 million decline, it may not be able to cover the cost of construction escalation

The project team recommends the following ranking of the four financing options.

1. Place a parcel tax with an inflator, similar to the Library and Parks taxes, on the ballot to fund undergrounding. A parcel tax of 9.6 cents/ft<sup>2</sup> will generate ~\$7.5 million/yr. Although the approval threshold is high (2/3 of voters), a parcel tax is the most fair, since owners of the same size home pay the same tax amount. Includes an inflator and the funding is stable.
2. Create an Assessment District for Utility Undergrounding, similar to the City’s recent Prop 218 Street Lighting & Storm Sewer. Although the approval threshold is lower for a Prop. 2018 fee, there are unanswered legal questions on the required nexus with the service provided.



3. Place a GO bond on the ballot to authorize \$140 million to fund the emergency evacuation routes. The approval threshold is high and Ad Valorem taxes are less fair due to Prop 13 restrictions. In addition, since different tranches of bonds would have to be issued over the lifetime of the project, interest rate could increase above the current low rates.
4. Increase the Utility User Tax from 7.5% to 12.0% (increase of 4.5%). This will produce additional revenue of ~\$9 million per year to fund the emergency evacuation routes. Since there is no inflator, a higher initial cost/yr. is require to compensate for construction cost inflation. Although the revenue from this tax has been stable over the last decade, it has recently decreased and could decrease further over the lifetime of the project.

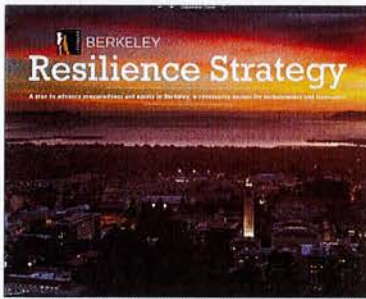
## Section 3

# FRAMEWORK FOR BERKELEY'S INFRASTRUCTURE DEVELOPMENT

Understanding the big picture of Berkeley's current infrastructure condition and the framework for its future development is important and useful. As the Subcommittee has worked over the past five years in carrying out the Council referral, many initiatives are in development:

- Resilience Strategy
- Vision 2050
- We are in a time of transition in electric power delivery
- CPUC re-evaluation of Rule 20

## Resilience Strategy



In 2014 the City of Berkeley, along with our neighboring cities of Oakland and San Francisco, was one of the first 32 cities selected to participate in 100 Resilient Cities (100RC)—Pioneered by The Rockefeller Foundation. 100RC helps cities around the world build resilience to the social, economic, and physical challenges of the 21st century. A city's resilience is defined by the ability of the individuals, institutions, businesses, and systems within the community to survive, adapt, and grow no matter what chronic stress or acute shock it experiences. A resilient city lives well in good times and bounces back quickly and strongly from hard times.

Building on existing efforts and with guidance from the Mayor, the City Council, and the community, the Berkeley Resilience Strategy identified six long-term goals and recommended specific short-term actions to help address some of Berkeley's most pressing challenges. Berkeley's interconnected resilience challenges are:

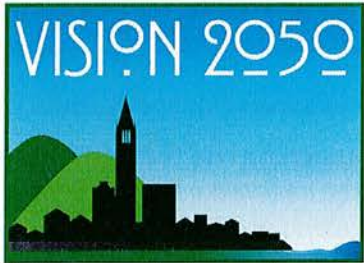
- Earthquakes
- Wildfires
- Climate change impacts – drought and flooding

The six goals are:

- Goal 1: Build a connected and prepared community
- Goal 2: Accelerate access to reliable and clean energy
- Goal 3: Adapt to the changing climate
- Goal 4: Advance racial equity
- Goal 5: Excel at working together within City government to better serve the community
- Goal 6: Build regional resilience

The Resilience Strategy report was completed in 2016.

## Vision 2050



**CITY OF BERKELEY**

Mayor Arreguin launched the Vision 2050 initiative in 2018 – a long-term infrastructure plan to create a City that is resilient and sustainable for future generations. Berkeley, along with many older U.S. cities, is built on infrastructure that was designed and constructed before most of our residents were born. Much of the City’s electrical system, streets, storm drains, sewers, and water lines date to the early decades of the 20<sup>th</sup> century.

Agging infrastructure is not only costly to maintain but it doesn’t meet current or future requirements. This leaves the community vulnerable to unplanned failure and service interruptions. For residents, workers and businesses trying to go about their daily lives, this can translate to unsafe conditions, unexpected costs, and inequity between neighborhoods.

Vision 2050 looks forward, over the next 30 years, to encourage long-term planning to begin to meet the serious challenges to our infrastructure - including climate change, inequality, population increases and obsolescence. It is meant to move beyond business-as-usual and accelerate the building of climate-smart, technologically-advanced, integrated, and efficient infrastructure in Berkeley.

The concepts coming out of the Vision 2050 process include:

- **Plan for environmental impacts** – Our City has declared a Climate Emergency. According to the 4<sup>th</sup> California Climate Assessment, new climate conditions will lead to more frequent major fires and intense precipitation events, reduce our air quality and regional biodiversity, and gradually flood the coastal highways, parks and neighborhoods along the shoreline.
- **Incorporate technology advances** – Technological change is affecting the way we use the City’s infrastructure and is challenging the ability of existing infrastructure to meet future needs. The City should plan for new trends in technology and actively seek to incorporate new technologies that are sustainable and resilient.
- **Provide quality of life benefits** – All decisions made in infrastructure planning must include how they will impact the community’s quality of life, today and in the future. This includes public safety, clean air, open spaces, serving diverse populations and other factors.
- **Ensure integrated and balanced planning** – Planning for infrastructure should not be done in isolation and should be integrated across City functions. It also needs to be adaptive to changes that will most certainly occur.
- **Manage infrastructure from cradle to grave** – Managing our infrastructure should start with a structured Master Planning process for all infrastructure systems. It should continue with an Asset Management system that forecasts the needs for maintenance and replacement. The goal is the have infrastructure provide effective and efficient service throughout its service life.

## A Time of Transition

We are in a time of change and uncertainty in planning for our future infrastructure. The issues that are relevant to planning for electrical distribution systems include the following.

- **Climate emergency** – Berkeley has declared a climate emergency. The two main approaches to address the emergency are to: a) reduce our use of gas-powered vehicles and to increase the use of public transit, biking and walking, and b) to electrify our homes and business and to use clean electrical energy. This trend places a higher need for reliable electric distribution.
- **Interest in micro-grids** – With PG&E’s Public Safety Shutoff Program, there is increasing interest in the use of micro-grids to increase our resiliency. These systems also use solar power and will reduce our dependence on the “grid”.
- **Broadband development** – We are living in a connected world of high-speed information transfer. Many of the telecom companies are placing more wires on existing old poles. There is a need to have these systems be reliable and resilient in a major disaster.
- **Uncertainty of PG&E’s future** – PG&E is in bankruptcy and there are uncertainties of how the company will be structured in the future.
- **CPUC Energy Division’s staff proposal for Rule 20 program reform and enhancements** – The California Public Utilities Commission (CPUC) hired a consulting company to audit the PG&E Rule 20A undergrounding program. The firm, AzP Consulting, LLC, issued a final report in October 2019. The CPUC’s Energy Division staff issued a report “Staff Proposal for Rule 20 Program Reform and Enhancements” in February 2020. The report is included in Appendix G. A summary of staff’s recommendations are as follows:

• **Refine and Expand the Rule 20 Public Interest Criteria:** *This will consist of refinements to the existing criteria for Rule 20A and the addition of new criteria based on safety and reliability concerns, such as if the street serves as an egress, ingress, or is designated as an evacuation route, and if the overhead facilities cross through Tier 2 or Tier 3 areas of the State’s High Fire Threat District (HFTD). These criteria would be applicable towards a Rule 20A sunset phase and a modified Rule 20B program should either come into fruition.*

• **Modify Rule 20B to Incorporate Tiered Ratepayer Contributions Commensurate with Public Benefits:** *The CPUC should utilize a three-tiered Rule 20B program with higher portions of ratepayer contribution commensurate with greater public benefits and public policy objectives. The three tiers are: - Tier 1 – 20% Ratepayer contribution – Meets existing Rule 20B criteria. - Tier 2 – 30 % Ratepayer contribution – Meets Tier 1 criteria and one or more of the expanded public interest criteria of this staff proposal, including wildfire safety mitigation. - Tier 3 – 50% Ratepayer contribution – Meets Tier 2 criteria and one or more equity criteria.*

• **Sunset the Rule 20A and 20D Programs as Currently Designed:** *The existing allocation-based Rule 20A and Rule 20D programs should be sunsetted over a 10-year period and either be replaced with the modified Rule 20 B program, other new programs or be terminated.*

• **Incentivize Municipal Utility Surcharge Undergrounding Programs:** *The CPUC encourages governmental bodies to pursue self-taxation programs in collaboration with their local utilities and Staff proposes for the utilities to provide municipalities matching funds of up to \$5 million per year per participating community. An example of such a program is the City of San Diego’s utility surcharge program (see page 10) which has accelerated undergrounding in San Diego. The CPUC does not oversee this type of program but can authorize the utility to collect the franchise fee through rates that goes directly to funding the undergrounding.*

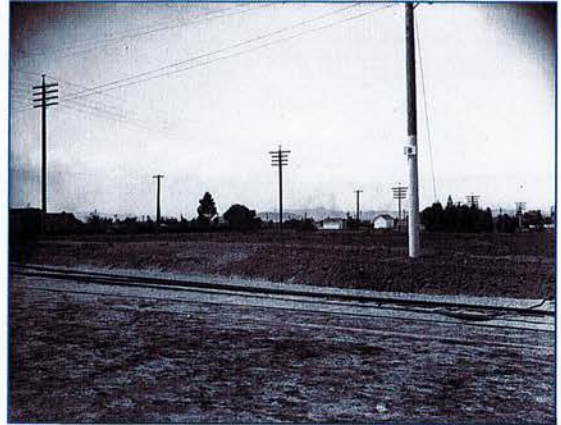
- **Eliminate Work Credit Trading with Limited Exceptions:** The CPUC should prohibit the trading of work credits and review all utility requests to apply additional Rule 20A work credits to a project that has insufficient funds. The limited exceptions are to allow intra-county non-monetary transfers from a county government to cities and towns within the county and to allow credit pooling amongst R.17-05-010 ALJ/EW2/nd3 11 / 103 Undergrounding Proceeding (R.17-05-010) Staff Proposal 9 two or more adjoining municipalities for a project with community benefit.
- **Modify the Rule 20A Annual Completion and Allocation Reports:** The utilities should provide more details to the CPUC, communities and the public regarding the projects that are underway, cost breakdowns for projects, project cost trends, performance metrics, and modify the summary statistics. Additionally, the utilities' allocation reports should include how the utilities derive the allocations from the general rate case and the allocation formula in the Rule 20A Tariff.
- **Adopt an Updated Rule 20 Guidebook:** The utilities should meet and confer with the League of California Cities, the California State Association of Counties, AT&T and the CPUC Staff to draft an updated version of the Rule 20 Guidebook that would be subject to CPUC review prior to its formal adoption and circulation among the cities and counties.
- **Improve Communications with the Communities and Publish Relevant Rule 20 Program Information, Documents and Reports Online:** New utility program communication strategies should include annual meetings with interested cities and counties to discuss their ten-year plans for undergrounding. The utilities should coordinate more closely with the communities and the broader public to enhance transparency and allow them public to have a greater voice in the planning process for projects. Staff also recommends publishing the relevant Rule 20A program information and reports online on dedicated utility and CPUC undergrounding webpages to enhance the public's access to information about the Rule 20 program.
- **Implement Incentives to Reduce Project Completion Timelines and Costs:** These new incentives would include requiring the communities to serve as the default project lead, establishing threshold timeframes for project milestones, and delineating all Task and Cost Responsibilities in updated guidance documents.

There are also other changes to those mentioned above.

## What is the Broader Context for Undergrounding?

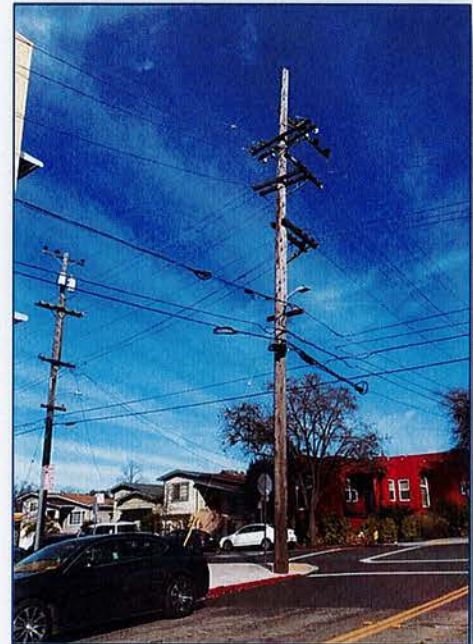
What does this broader context mean to this study on undergrounding? The Resilience Strategy and Vision 2050 initiative is leading us to “move beyond business-as-usual and accelerate the building of climate-smart, technologically-advanced, integrated, and efficient infrastructure in Berkeley”. This is planning for the future.

The use of wooden poles dates back to the 1840's when the telegraph system was developed. The adjacent pictures shows wooden poles on Addison Street in Berkeley in 1885 and in 2020. A history of the wooden utility pole, prepared by the CPUC, is included in Appendix F.



The context is that Berkeley needs reliable, resilient infrastructure systems for the future and to not rely on old infrastructure concepts. The amount of wires on poles have increased dramatically. Converting to undergrounded systems supports Berkeley to do the following:

- Meet our climate action goals with reliable electrical distribution.
- Add to our quality of life, including public safety.
- Support broadband expansion and other integrated needs in our public right of way.
- Use new technology.





## Section 4

# PROGRAM RECOMMENDATIONS

This section presents the Subcommittee’s recommended undergrounding program. After five years of research and study and considering the bigger picture of infrastructure development in Berkeley, we are presenting a long-term vision for utility undergrounding.

### A Long-term Vision for Undergrounding in Berkeley

The use of wooden poles and overhead electrical wires is a technology used for over 150 years. New cities and developments have their utilities underground. This is the same with advanced countries, such as in much of Europe. The future direction stated in the Resilience Strategy and Vision 2050 calls for infrastructure that is climate-smart, technologically-advanced, integrated, and efficient. With that context, we propose the following long-term vision for undergrounding in Berkeley.

Undergrounding Development Phase	Timeframe, year	Description
Previous work	1970’s – present	49% of arterial streets and 31% of collector streets are already undergrounded.
Near term	2020 - 2040	Underground key evacuation routes as described in this report. The work will be done is about 15 years.
Near term	2020 – continuing	Create and implement a Rule 20B program that includes a revolving fund to provide for upfront costs of proposed projects. Once a 20B project is approved by a vote of the parcel owners, the advanced upfront funds will be returned to the revolving fund.
Long term	2040 - 2070	Underground Berkeley citywide.

### Program to Underground the Key Evacuation Routes

In response to the Council referral, Phase 4 is the implementation of a program to underground overhead utilities along key evacuation streets in Berkeley. We recommend the following program for Council consideration.

#### Recommend a 15-year Undergrounding Program

Considering the urgency to improve safety and the complex infrastructure conditions in Berkeley, we are recommending a 15-year program to underground the utilities along the key evacuation routes. To determine the priority of the streets to underground, we recommend preparing a set of criteria that will include the following:



- Coordination with Berkeley’s Fire Department on their evacuation planning and safe passages analysis
- The time needed for coordination with Caltrans, PG&E, and telecom companies
- Dividing each street into manageable project lengths (approximately 1 mile each)
- Consider undergrounding the more complex and costly streets early in the program
- Coordinate with street paving and other utility work in the public right of way
- Undergrounding to benefit all Council districts
- Other criteria

The project team prepared the following preliminary priority list to illustrate a 15-year program.

Year	Street	Section	Council districts
1	Dwight Way	Fernwald Rd. to Shattuck Ave.	3, 4, 7, 8
2	Dwight Way	Shattuck Ave. to San Pablo Ave.	2, 3, 4
3	Marin Avenue	Tulare Ave. to Grizzly Peak Blvd.	5, 6
4	Grizzly Peak Blvd.	Spruce St. to Marin Ave.	6
5	Grizzly Peak Blvd.	Marin Ave. to Arcade Ave.	6
6	Ashby Ave., Tunnel Road	Vicente Rd to Telegraph Ave.	7, 8
7	Ashby Ave.	Telegraph Ave. to San Pablo Ave.	2, 3, 7
8	Cedar Street	La Loma Ave. to MLK Way	4, 5, 6
9	Cedar Street	MLK Way to San Pablo Ave.	1, 5
10	Hopkins Street	Sutter St. to Gilman St.	5
11	Gilman Street	Gilman St. to San Pablo Ave.	1, 5
12	Spruce Street	Grizzly Peak Blvd. to Rose St.	5, 6
13	Rose Street, Oxford Street	Rose from Spruce to Oxford and Oxford from Rose to Cedar	5
14	Claremont Ave., Alcatraz Ave.	Ashby Ave. to Telegraph Ave.	8
15	Alcatraz Avenue	Telegraph Ave. to San Pablo Ave.	2, 3

This preliminary list has the following assumptions:

- The Fire Department has stated that Dwight Way is a high priority due to the risks in the Panoramic Hills area.
- Ashby Avenue will take significant time to coordinate the work with Caltrans.
- The work on Alcatraz Avenue is uncertain due to coordination with the City of Oakland.
- The street sections for specific projects are planned to be approximately 1 mile in length each.
- Undergrounding is planned only east of San Pablo Avenue. The cost estimates prepared by Bellecci & Associates includes undergrounding between San Pablo Avenue and I-80. We now consider those areas too far from the fire areas and those areas are subject to high groundwater levels. The total centerline length of streets to be undergrounded is now 15.1 miles and the total cost is about \$90 million (in 2019 dollars).
- If we underground to San Pablo Avenue, the percentage of streets in the hills is 37% and in the flat lands is 63%.

### Use a Program Approach

Research by the project team and information from Bellecci & Associates shows that it is important to develop an overall program approach to undergrounding. This is to promote cost effectiveness

and to achieve completion in a reasonable schedule. Upon authorization to proceed from Council, we recommend that a Program Plan be prepared that includes the following:

- Outcome objectives
- Project priorities, work scopes, budgets and schedules
- Program organization, staffing, consultants and resources needed
- Design criteria
- Coordination with utilities and telecom companies
- Change management process
- Reporting and oversight
- Other

### **Use “Dig Once” Approach**

The undergrounding work should be coordinated with street paving, water lines, sewer lines and other utility work in the public right of way.

Opportunity exists to prepare streets for future undergrounding during regular routine paving or maintenance work. For example, clear routes for future underground cables can be drawn into present day plans, to avoid creating expensive future rerouting.

Significant opportunity exists to install empty City-owned conduit pipe, installed to published utility standards, in any full depth street reconstruction along a priority underground route. Such City owned empty conduit pipe would be left sealed at construction time, and later sold or traded for Rule 20A credits at the time of the undergrounding project. Extra conduit space would be available for sale to broadband providers or for use on City projects.

### **Community Engagement**

Upon authorization from Council to proceed, a robust community engagement process shall be implemented. This shall include community workshops, methods for the public to submit questions, regular updates and other actions. Public input will be valuable in determining the priority and extent of undergrounding.



## *Section 5*

# RECOMMENDED NEXT STEPS

The Subcommittee recommends the following next steps for Council consideration.

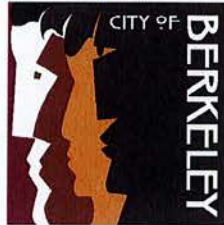
1. Review this report and provide direction on whether to proceed with the Phase 4 program.
2. Work with the Council's Facilities, Infrastructure, Transportation, Environment, and Sustainability Policy Committee on further development of the undergrounding program.
3. Work with the Finance Department, the Council's Budget committee, and consultant support, to select the funding option.
4. Implement a public engagement process in 2020.
5. Staff to prepare a Program Plan for the Phase 4 undergrounding program.
6. Close out the original Council referral to the participating commissions. We recommend forming an Undergrounding Task Force to ensure public input in the future planning of utility undergrounding.



**Appendix A**  
**Baseline Study for the Development of a Utility Undergrounding Program by**  
**Harris & Associates**



# CITY OF BERKELEY



## Baseline Study for the Development of a Utility Undergrounding Program

July 22, 2016

Prepared by:







Mr. Kenneth Emeziem  
Senior Civil Engineer  
City of Berkeley  
1947 Center Street, 4th Floor  
Berkeley, CA

Re: Baseline Study for the Development of a Utility Undergrounding Program – Final Submittal

Dear Mr. Emeziem:

The attached “Baseline Study for the Development of a Utility Undergrounding Program” incorporates the comments received from the commission and City staff. As the baseline, it occupies the starting point for the future studies and developing an undergrounding program with the goal of undergrounding all of the overhead utilities in the City of Berkeley.

From the study we identified that there are approximately 13.1 miles of Arterial and 24.8 miles of Collector streets remaining to be undergrounded. The estimated cost of undergrounding the total 37.9 miles is \$134,800,000.

We are pleased to have provided this study and be a part of the City’s goal to underground the City.

If you have any questions, please contact me at (925) 348-1098.

Sincerely,

Harris & Associates

Rocco Colicchia

Project Manager

**Baseline Study for the Development of a Utility Undergrounding Program**

**Table of Contents**

Introduction	1
Chapter I – Project Objectives	3
Chapter II - Arterial and Collector Street and Zoning Map	3
Chapter III – Planning Level Estimate of the Construction Costs of Utility Undergrounding	4
Chapter IV – Funding Utility Undergrounding Projects	6
Chapter V – Funding Options Used by Other Communities	10
Chapter VI – Status of Rule 20A, 20B, and 20C Funding in the City of Berkeley	11
Chapter VII – Creating a District to Fund Neighborhood Undergrounding Projects	13
Chapter VIII – Emerging Technologies	14
Chapter IX – Summary of Advantages and Disadvantages of Undergrounding Arterials and Collectors	15
Chapter X – Conclusion	16
Chapter XI – History of Undergrounding Overhead Utilities	16
Chapter XII – Comments from the Commissioner	17
Appendix 1	
Appendix 2	
Appendix 3	

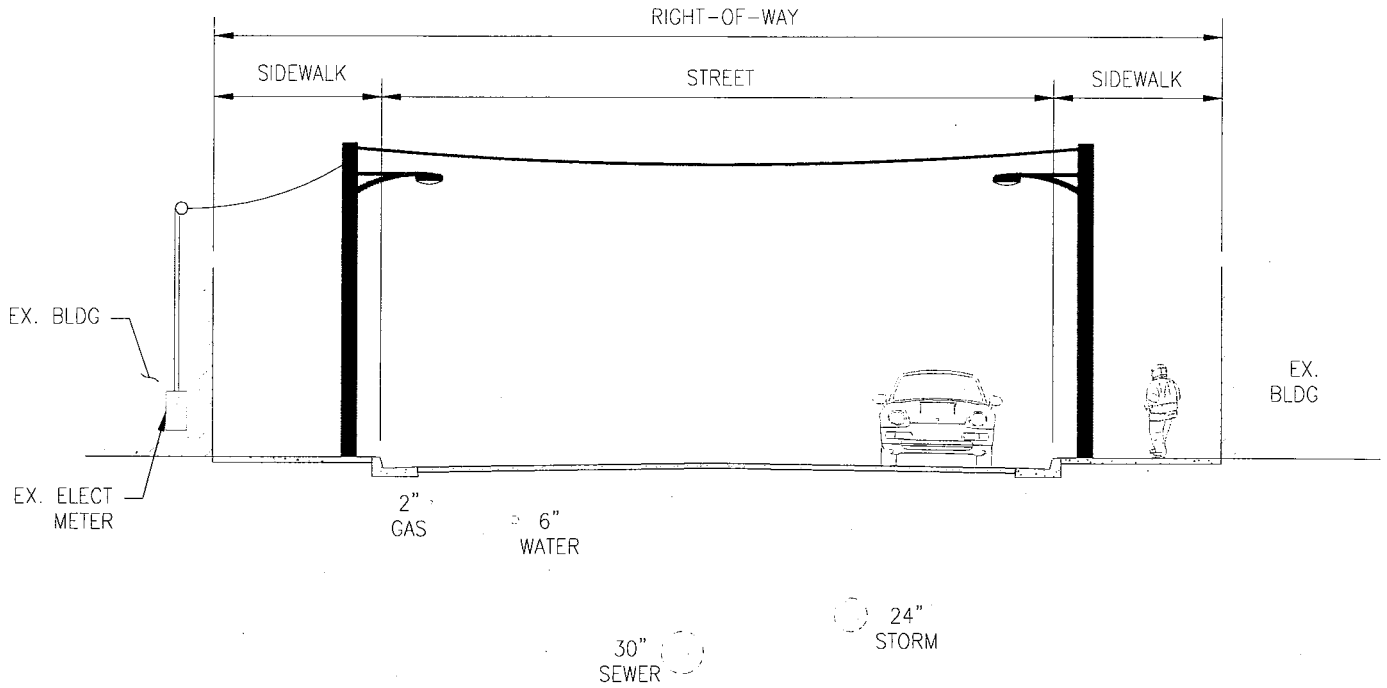
## INTRODUCTION

Harris & Associates has been retained by the City of Berkeley to prepare this “Baseline Study for the Development of a Utility Undergrounding Program”. This document will provide a starting point, as the City develops a plan to underground all of the overhead facilities in the City of Berkeley. This study includes identification of the streets to be undergrounded, high level costs and high level timing. Both costs and timing will be further developed in subsequent studies.

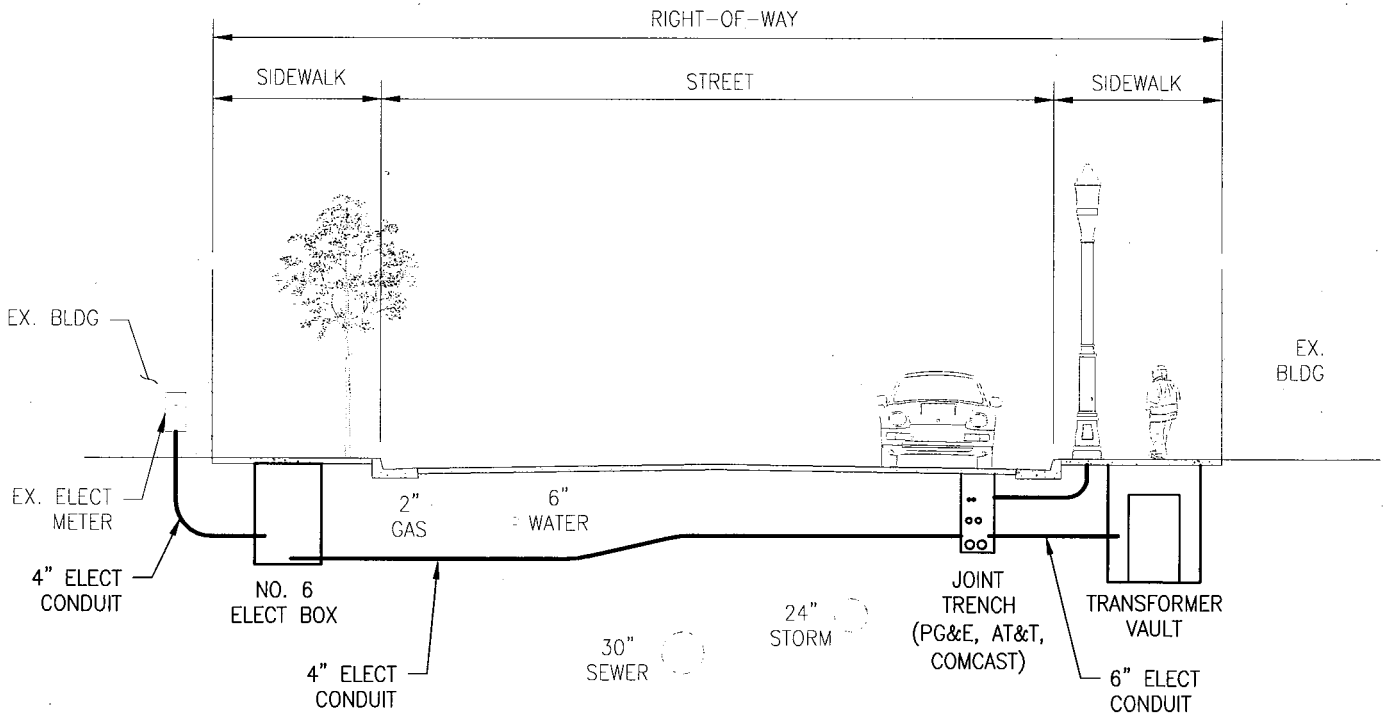
The City of Berkeley has been involved in utility undergrounding for many years. Most of the undergrounding projects within the City have relied on the provisions of electric Rule 20A and telephone Rule 32.1, to fund the undergrounding in various areas of the City. In addition, the City has also seen interest from property owners within specific neighborhoods who have worked together to fund the undergrounding of the existing overhead utilities within their neighborhood after submitting a petition to the City and agreeing to fund a majority of the costs of the undergrounding through the formation of an assessment district.

This study includes information we have developed and collected based upon our scope of work, and is intended to provide the baseline information and data needed as the City begins the development of a comprehensive citywide strategy for undergrounding the City’s overhead utilities. The following items are included as part of this baseline study and help to describe the starting point for the undergrounding program:

1. A map showing the arterial and collector streets in Berkeley and current zoning. This information was taken from the city website. In addition, the map also shows those streets where the utilities have already been undergrounded. This map will become the basis for the underground plan.
2. A planning level estimate of the construction costs for utility undergrounding. These costs do not include the cost of undergrounding service on private property or the cost of the electric service panel conversion.
3. A description of Rule 20A, 20B, and 20C, and how those programs could be used to fund future utility undergrounding projects in the City.
4. An overview of other funding options that could be used, including a discussion of how other communities have funded their utility undergrounding programs, and the pros/cons of those approaches.
5. The current status of the City’s Rule 20A funding and anticipated future contributions
6. The process of creating an underground district.
7. A review of emerging technologies and their impact on the cost of utility undergrounding programs.
8. A discussion of the pros and cons of undergrounding arterial and collector streets in non-residential areas.
9. The City’s undergrounding history.
10. A “Diagram of a Typical Street Section”



**BEFORE: STREET SECTION WITH OVERHEAD UTILITIES**



**AFTER: STREET SECTION WITH UNDERGROUND UTILITIES**

**NOTES:**

1. LOCATIONS ASSUME ADEQUATE CLEARANCES
2. SHADED FACILITIES ARE EXISTING

**FIGURE - 1**

**DIAGRAMS OF TYPICAL STREET SECTION SHOWING OVERHEAD AND UNDERGROUND FACILITIES IN COMMERCIAL AREA**

SCALE: NTS

## I. PROJECT OBJECTIVES

The City of Berkeley's City Council has requested that three commissions (Public Works, Disaster and Fire Safety, and Transportation) collaborate to develop a comprehensive funding plan to underground utilities along arterials and collector streets in Berkeley. The commissions shall work with Public Works staff and specialty consultants to draft a plan for the Council's consideration.

The goal of the City of Berkeley is improve public safety by undergrounding utility lines. Undergrounding minimizes the impacts of fallen electric lines and poles. Downed power lines can spark a serious fire, negatively affect power delivery to households for an extended period of time, impact the ability of persons to leave their homes and/or first responders to reach persons in need. Undergrounding increases the safety of residents while strengthening the infrastructure of the region's delivery of these utility services increasing reliability, all of which positively contributes to the capability of our community. Undergrounding increases pedestrian access and beautifies the streetscape.

**The overall project objective is to develop a comprehensive plan to underground the overhead facilities in a manner that will provide the greatest benefit to all of Berkeley. This study is the first step in that effort.** The following are some guiding principles for the project:

- The primary driver is to provide reliability of utility service and safety to Berkeley's residents in an emergency.
- The scope of the study shall be all of the City of Berkeley.
- Implementation of the plan shall be prioritized to the streets that will have the greatest benefit to all of Berkeley. These will be the arterial and collector streets.
- Learn from other cities that have studied and implemented programs to underground utilities.
- Incorporate new concepts (such as utility corridors) and work with various utility pole users (such as cable TV, power, telephone) to find cost effective solutions.
- Conduct the study in two phases to allow for effective decision making and use of resources.

## II. ARTERIAL AND COLLECTOR STREET AND ZONING MAP

The first task in creating this study was to assemble the available information and create a map showing the streets that have already been undergrounded. The attached Arterial and Collector Street and Zoning Map (See Attachment 1 in Appendix 1) shows the streets that have been undergrounded and consolidates the information requested by the City.

The map shows all of the arterial and collector streets based on the City's Circulation Element, current zoning, and the streets that have already been undergrounded within Berkeley city boundaries. In order to identify the streets that have already been undergrounded, Harris utilized the history document provided by the City, reviewed streets on Google, and we obtained undergrounding information from PG&E. This information was then field verified for the arterial and collector streets in the areas zoned non-residential. The multi-colored hatched areas represent the street segments that have been utility

undergrounded. The residential streets located outside the arterial and collector street network that have been undergrounded were mapped and tabulated based on the available resources. The varying colors denote where or how the data was obtained. We have also shown the 2 upcoming underground utility districts (Grizzly Peak and Vistamont) in the residential areas that will be completed in the future.

The arterial and collector streets have been separated by residential and non-residential to aid in a future prioritization model.

### III. PLANNING LEVEL ESTIMATE OF THE CONSTRUCTION COSTS OF UTILITY UNDERGROUNDING.

**Table 1** below summarizes the costs tabulated in Attachment 2 (see Appendix 1) and shows the estimated lengths and percentages of the arterial and collector streets in the City of Berkeley that have been undergrounded and needs to be undergrounded. A list of residential streets that have been undergrounded based on data provided by the City has been added to Attachment 2. Residential streets shown in the residential zones (R and MUR) that have not been undergrounded were not included in Attachment 2, however, we estimated in the table below the percentage of residential streets to be undergrounded. Attachment 2 also includes "impact ratings", which were considered when determining the unit cost for undergrounding. The costs to install the private property trench and conduits, and the service panel conversions have not been included as well as costs for financing and engineering and construction management.

The impact ratings were based on a scale of 1 to 5 with 1= Low Impact to 5= High Impact. This rating represents a level of difficulty associated with utility undergrounding based on the existing conditions of the street layout and facilities. In the field, we looked at the impacts to sidewalk clearances, traffic volume, and utility density on the existing joint poles and assessed the 1 to 5 rating scale. Sidewalk impact rating was based on space availability for locating the proposed underground utility vaults, existing obstructions in the sidewalk and pedestrian traffic. Traffic volume impact rating was based on the number of vehicles using the street and estimate of traffic control that may be required during the utility trench construction. Utility density impact rating was based on the estimate of number of utilities that needed to be undergrounded and the quantity and quality (thickness and existing connectivity at poles) of the overhead wires.

The unit costs were based on current unit prices from utility underground projects that we have designed. We used typical bid items including trench excavation, pavement resurfacing, basic utility conduits for PG&E, AT&T, and Comcast, street lighting, traffic control and mobilization to calculate a base unit cost per foot for construction. The base unit cost was used as our baseline for medium level of difficulty streets. We then added and subtracted 30% to the baseline to establish the high and low level unit cost.

Our estimate produced a baseline of joint trench construction costs based on current bid unit costs. We assumed number of vaults and length of conduits needed for each utility, without actual designs from utility agencies, and added a 25% contingency. Field measurements were not taken at peak driving times, therefore, traffic volumes were estimated.

The estimate does not include trenching on private property, service conduits, service panel conversions, cost of financing, engineering, construction management, and street lighting.

**Disclaimer:** The impact ratings and costs were developed and gathered for the purpose of this report in order to produce a baseline of unit costs. The costs may change in future years due to inflation and also the fluctuation of oil prices that affect the cost of PVC conduit and asphalt material.

<b>TABLE 1: Summary of Undergrounding Lengths and Costs</b>				
<b>Arterial Streets</b>	<b>Length (Feet)</b>	<b>Length (Miles)</b>	<b>Estimated Cost</b>	<b>% Underground</b>
Total arterial streets	135,095	25.6	N/A	N/A
Total arterial streets undergrounded	66,015	12.5	N/A	49%
Non-residential arterial streets to be undergrounded*	14,830	2.8	\$11,380,000	11%
Residential arterial streets to be undergrounded**	54,250	10.3	\$31,550,000	40%
Total arterial streets to be undergrounded	69,080	13.1	\$42,930,000	51%
<b>Collector Streets</b>				
Total collector streets	190,460	36.1	N/A	N/A
Total collector streets undergrounded	59,660	11.3	N/A	31%
Non-residential collector streets to be undergrounded*	23,275	4.4	\$15,100,000	12%
Residential collector streets to be undergrounded**	107,525	20.4	\$76,770,000	57%
Total collector streets to be undergrounded	130,800	24.8	\$91,870,000	69%
<b>Residential Streets</b>				
Total residential streets***	832,666	157.7	N/A	N/A
Total residential streets undergrounded	57,267	10.8	N/A	7%
Total residential streets to be undergrounded	775,399	149.9	N/A	93%

\* Non-residential includes Zones M, C-DMU, C, and SP

\*\* Residential includes Zones MUR and R

\*\*\* Residential Streets include all non-arterial and non-collector streets falling in multiple zones

#### IV. FUNDING UTILITY UNDERGROUNDING PROJECTS

This section looks at the options available to the City and property owners for funding utility undergrounding projects. Some of the funding options may be limited in terms of the types of projects that can be funded, or require the approval of property owners or registered voters.

##### A.1 Rule 20A Funds

The California Public Utilities Commission (CPUC) and utility companies established a program to underground utilities across the State in 1967, commonly known as Rule 20. Rule 20 consists of three parts, A, B and C (for San Diego Gas & Electric ((SDG&E) there is also a D). Under Rule 20A, each utility company regulated by the Public Utilities Commission (PUC) allocates funds annually to each entity within its service boundaries to be used to convert existing overhead electrical facilities to underground electrical facilities within the community. Based upon the funds available each agency is able to prioritize undergrounding projects within their respective jurisdictions. Because of the high costs of most undergrounding projects, agencies must accumulate Rule 20A funds until they have accumulated the funds needed. Since a portion of the rates collected from all rate payers are used to fund the Rule 20A program, to qualify a project for Rule 20A funds, the City is required to:

- determine that the undergrounding of the existing overhead utilities will be in the public's interest,
- receive concurrence from utility that they have set aside or accumulated sufficient Rule 20A funds for the proposed undergrounding,
- create an Underground Utility District by City Ordinance which will require all property owners within the undergrounding district to convert their service connections to the undergrounded utilities at their expense, and
- meet at least one of the 4 criteria in the rate tariff to qualify for Rule 20A funds which include:
  1. the undergrounding will eliminate a heavy concentration of overhead facilities,
  2. the street to be undergrounded must be at least one block or 600 feet,
  3. the street is heavily travelled by pedestrian or vehicular traffic,
  4. the street adjoins a civic area, a recreation area or an area of unusual scenic interest, and/or
  5. The street is an arterial or collector in the General Plan.

The annual allocation of Rule 20A funds to agencies is based upon a formula, in the Rule, that compares the above ground facilities to underground facilities and the total number of overhead utility meters within the City in relationship to the total number of overhead utility meters within the utility's service area. The City of Berkeley is currently allocated approximately \$533,000 per year for undergrounding of electrical services that are eligible for funding under Rule 20A. The City currently has a balance in its Rule 20A account of \$6.4 million that could be used for undergrounding. In addition, the City can also "mortgage" up to 5 years of future Rule 20A allocations. Additionally, the City can "borrow" allocation from the County. The allocation can also be used to fund the installation of the service conduit up to 100 feet and the conversion of the electric service panel up to \$1,500. Rule 20A allocations continue to be made by PG&E for projects that meet the criteria established in the Rule.



### **A.2 Other Financing Options under Rules 20B and 20C**

Since the use of Rule 20A funds are limited to utility undergrounding projects typically along major roadways or other locations which provide a public benefit, Tariff Rule 20 includes two other options in addition to Tariff Rule 20A for financing utility undergrounding projects: Rules 20B and 20C.

Under Rule 20B, the utility is responsible for approximately 20 percent of undergrounding project costs (using rate payer revenues), and property owners and/or the local jurisdiction is responsible for 80 percent of costs. Under Rule 20C, projects are paid for entirely by property owners, with no utility (ratepayer) funds used, though the electric utility is still involved in the installation of the underground wiring. Undergrounding projects approved under these two options are still subject to CPUC regulations and project criteria.

Since a majority or all of the project costs are the responsibility of property owners under Rule 20B or 20C, most agencies work with property owners to create special tax or benefit assessment districts which allow bonds to be sold to fund the undergrounding projects and allow property owners to pay for the projects over a 20-30-year period. State law, either as part of the Government Code or the Streets & Highways Code, governs the rules for the formation of a special tax or benefit assessment district. The following provides a general description of the steps required for the formation of a benefit assessment or special tax district to fund utility undergrounding projects.

### **B. Funding sources to Supplement Rule 20A, B and C**

Due to the high costs for undergrounding existing overhead utilities, most agencies work with property owners to establish a funding mechanism that will allow bonds to be sold and allow property owners to repay their financial obligation over a 20-25-year period. If a property is sold, the remaining financial obligation is the responsibility of the new property owner. The most commonly used funding mechanism by City's is the Municipal Improvement Act of 1913 or the Mello-Roos Act of 1982 as described below.

#### **B.1 Municipal Improvement Act of 1913 (the "1913 Act")**

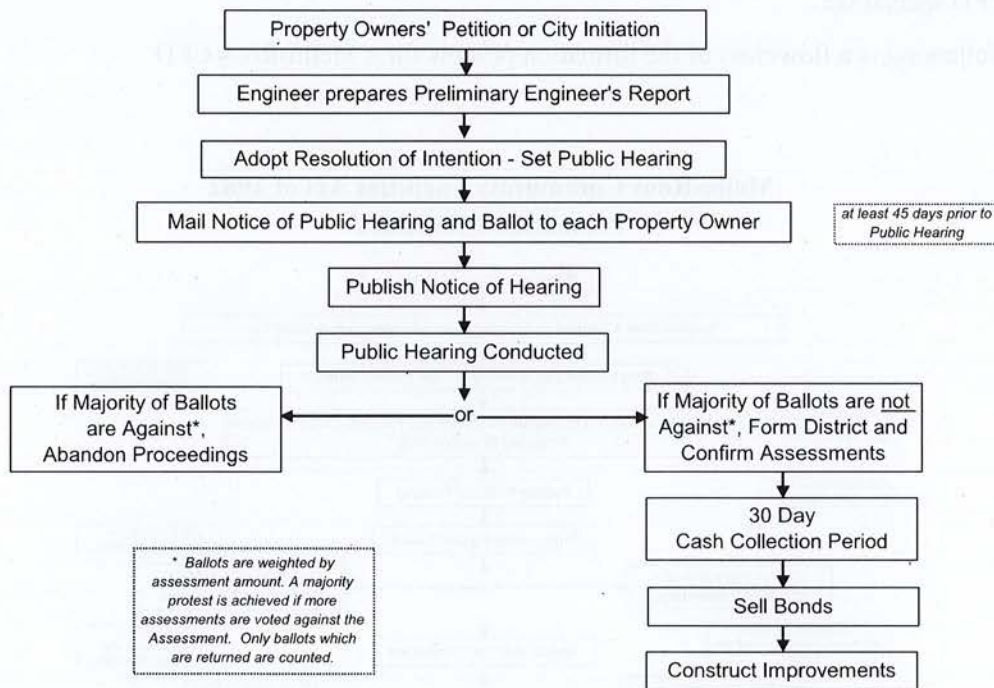
The 1913 Act has been used by many cities throughout the state working with property owners within the area to be undergrounded to create an assessment district to fund the non-utility portion of the costs for utility undergrounding. Under the 1913 Act, the City can fund the utility undergrounding project including the costs of design and other related project costs. The Act also authorizes the sale of bonds under the Improvement Bond Act of 1915 to allow repayment by property owners over an extended period (typically 20-25 years).

Formation of the assessment district is based upon the requirements of Proposition 218, and as such requires an analysis of special / general benefit (general benefits may not be assessed), and the approval of 50% of the property owners based upon the ballots returned weighted by assessment amount. Below are some pros and cons of this approach:

Pros:	Cons:
<ol style="list-style-type: none"> <li>1. authorizes the sale of bonds under the 1915 Improvement Bond Act</li> <li>2. requires 50% approval, by assessment amount, of the property owners returning their ballots</li> <li>3. once bonds are issued, assessment to pay back bond debt is protected by Federal Law</li> </ol>	<ol style="list-style-type: none"> <li>1. requires the identification of “special benefit” and development of a benefit methodology to allocate costs to each parcel</li> <li>2. must include public property and identify a funding source to pay for any general benefit since it may not be assessed.</li> <li>3. Additional limitations imposed by recent case law</li> </ol>

The flowchart below shows the steps required for the formation of a 1913 Act District.

### Municipal Improvement Act of 1913 Formation Procedure



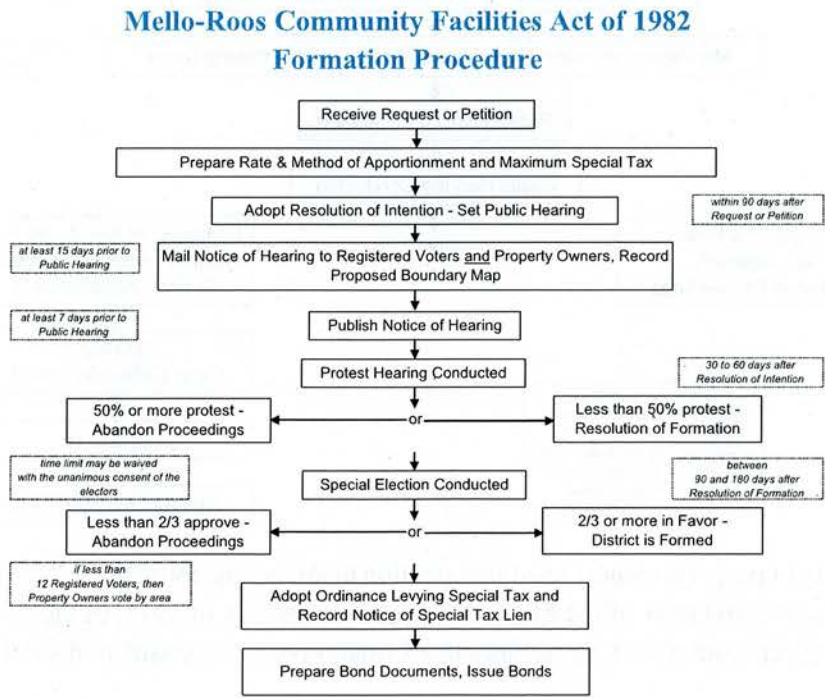
Note: Majority of property owners must sign petition to initiate the formation of the assessment district based upon the requirements of the Municipal Improvement Act of 1911, or the City must contribute 50% of the project costs if the City initiates the formation of the assessment district.

### B.2 Mello-Roos Community Facilities District

The Mello-Roos Community Facilities Act of 1982 allows an agency to create a Community Facilities District (CFD) to finance the costs of utility undergrounding by the adoption of a special tax on parcels within the utility undergrounding district. Since a CFD imposes a special tax on parcels and not an assessment, it does not require the allocation of costs based upon special benefits as required by Prop. 218 for benefit assessment.

Since a CFD creates subject parcels to a special tax, it requires a two-thirds majority approval of the registered voters within the boundary of the CFD. It can be approved at a general election or special election. The special tax to be levied upon parcels is based upon the special tax formula that is established at the time the district is created. Although, there is no requirement that the special tax formula be based upon benefit, it must be reasonable. This allows the Agency a great deal of flexibility to create a special tax formula that will be acceptable to both the Agency and the registered voters. In the case of a utility undergrounding district, the special tax formula could levy a uniform tax on each parcel within the undergrounding district, which might not be possible in an assessment district, since some parcels may receive a greater benefit than others may. It also allows the tax to change over time, although it can never exceed the maximum special tax approved by the voters when the district is created. This flexibility can allow the tax to change based upon changes to a parcel. For example, if there are underdeveloped parcels within the undergrounding district, the special tax formula might levy a reduced tax on those parcels until such time as they develop. In addition, under the Mello-Roos Act, all publically owned properties in existence at the date of formation of the CFD are exempt from the CFD special tax.

The following is a flowchart of the formation process for a Mello-Roos CFD:



Harris has assisted many neighborhood groups and also cities such as Tiburon, Belvedere, Oakland, Newport Beach, Manhattan Beach, Laguna Beach, and others to utilize assessment district funding to underground overhead utilities.

## V. FUNDING OPTIONS USED BY OTHER COMMUNITIES

### A. Inter-Municipal Trading of Tariff Rule 20A Credits

Cities and counties are able to trade or sell unallocated Rule 20A credits if they will not be used to fund local undergrounding projects. There have been several cases where one agency has sold their unused credits, often for less than the full dollar value of the credits themselves to another agency. For example, in July of 2013, the City of Newport Beach entered into a memorandum of understanding (MOU) with the City of Mission Viejo to purchase unallocated Rule 20A credits at a cost of \$0.55 on the dollar. Mission Viejo also granted Newport Beach the first right of refusal to purchase future Rule 20A allocations between July 1, 2013 and July 1, 2015 at the same rate of \$0.55 on the dollar. In June of 2014, the City of Mission Viejo agreed to sell the City of Newport Beach a balance of \$99,143 in Rule 20A funds. Newport Beach will pay Mission Viejo a total of \$54,528 for the allocation. Mission Viejo agreed to sell its credits because it did not have undergrounding projects planned for the near future.

Similarly, the City of Foster City recently negotiated the transfer of \$1.7 million of its Rule 20A credits to the City of Belmont. According to a representative from PG&E, cities and counties in the service area can create agreements between themselves to transfer Rule 20A credits under varying conditions as long as they provide PG&E documentation of the agreements.

### B. Establishment of Local Surcharge for Undergrounding

Given the limited availability of Rule 20A funds for undergrounding, the City of San Diego working with SDG&E and the CPUC adopted a local surcharge as part of the utility rate structure to fund undergrounding projects. Until 2002, the undergrounding program in San Diego (as in the rest of California) proceeded under CPUC Rule 20-A. However, the amount of funding generated for Rule 20-A projects and the expenditure of those funds had significant limitations, including:

- the funds could only be used for undergrounding streets that would effect a “general public benefit” (such as arterial rights of way) and generally excludes residential streets;
- the funds could not be used to cover the cities’ costs related to the replacement of traffic signals and street lights, or street trees as part of a utility undergrounding project, and
- the funds could not be used to cover the property owners costs of converting their service to connect to the street trench wiring.

In 2002, the City of San Diego and SDG&E entered into an agreement (which required the approval of the CPUC) to adopt a small surcharge on the electric bills of all residential power users to provide a stream of revenue that would be sufficient to cover the costs of a phased program to underground all the utility wires on all of the City’s residential streets. This was adopted without a ballot measure. The surcharge funds non-Rule 20A projects. While in place for many years, the surcharge is being challenged in court. The case will be heard in 2017. Other agencies have adopted similar surcharges to fund utility undergrounding projects.

**C. Adoption of Local Sales Tax or Utility Tax for Undergrounding**

Another strategy for funding local undergrounding projects would be the adoption of a local sales tax or Utility User’s Tax that would be dedicated to funding utility undergrounding projects. Both of these would be a “special tax” as defined by Proposition 218 and Proposition 26 and require 2/3’s voter approval for adoption. Bonds could be issued secured by the sales tax or utility user’s tax to fund the costs of the undergrounding projects. One benefit of this approach is that it could be done on a citywide basis and it may spread the tax burden across a broader base of taxpayers beyond just property owners. One agency, which is using this strategy, is the City of Anaheim, which has implemented a 4% surcharge on all electric bills and is used to underground the arterials and collector streets including services. Phone and cable pay to underground their facilities. The approach has been very successful and well received by the public.

**D. Rule 20D (SDG&E only)**

Rule 20D ([http://regarchive.sdge.com/tm2/pdf/ELEC\\_ELEC-RULES\\_ERULE20.pdf](http://regarchive.sdge.com/tm2/pdf/ELEC_ELEC-RULES_ERULE20.pdf)) applies to circumstances other than those covered by Rule 20A or 20B where the utility will at its expense replace overhead with underground where after consultation with the utility and the local fire agency and after holding public hearings that the undergrounding is in the general public interest. The undergrounding will “(1) Occur in the SDG&E Fire Threat Zone as developed in accordance with the California Public Utilities commission (D.) 09-08-029; and (2) Occur in an area where the utility has determined that undergrounding is a preferred method to reduce fire risk and enhance the reliability of the facilities to be undergrounded.”

While currently included only in SDG&E’s Rule 20, the option may be a consideration for Berkeley to explore.

**VI. STATUS OF RULE 20A, 20B, AND 20C FUNDING IN THE CITY OF BERKELEY.**

PG&E continues to provide an allocation to the City of Berkeley under Rule 20A. The following table describes the allocation balance for 2016:

City of Berkeley 2016 Estimate of Current Rule 20A Account Balance		
	Allocations	Estimated Expenditures
(a) Account Balance as of 05/13/14	\$6,365,851	
(b) 2015 Allocation	+\$528,394	
(c) 2016 Allocation	+\$523,888	
(d) 5 year borrow	+\$2,619,440	
(e) Total Available Allocations	=\$10,037,573	
(f) Grizzly Peak Blvd - Current FAC		-\$4,682,736
(g) Vistamont Ave - Preliminary Ballpark Figure		-\$6,085,703
(h) Adjusted Account Balance as of 5/17/16	=\$730,866	

The factors making up the table are:

- (a) Account Balance as of 5/13/14. This is the balance as of 5/13/14 of the annual Rule 20A allocation. The balance is then added to the allocations to determine the amount available to fund Rule 20A projects.
- (b) 2015 Allocation. This is the amount of Rule 20A allocation received by the City of Berkeley in 2015. It is added to the Account Balance as of 2014.
- (c) 2016 Allocation. This is the amount of Rule 20A allocation received by the City of Berkeley in 2016. It is added to the Account Balance as of 2014.
- (d) 5 year borrow. Under the provisions of Rule 20A the City can borrow forward 5 years of allocation. The \$2,619,440 is 5 times the 2016 allocation. Please note that if the City uses the 5-year borrowing provision, the negative balance must be repaid from future allocations before another project can be done.
- (e) Total Available Allocations. The Total Available Allocations is the sum of the Account Balance as of 5/13/14, the 2015 Allocation, the 2016 Allocation and the 5 year borrow.
- (f) Grizzly Peak Blvd. The estimated value of the Grizzly Peak Blvd. Rule 20A is subtracted from the Total Available Allocations.
- (g) Vistamont Ave. The estimated value of Vistamont Ave. is subtracted from the Total Available Allocations.
- (h) Adjusted Account Balance as of 5/17/16. The Adjusted balance is the Total Available Allocations minus the next project where resolutions have been passed. The balance can still change depending on the actual construction cost of the Grizzly Peak project.

It is anticipated that PG&E will continue to provide an annual allocation for the near future to fund Rule 20A projects. However, in recent years PG&E has changed the allocation methodology. Under Rule 20A, the City can borrow forward up to 5 years of allocation to fund a qualified project. The allocation can also be used to fund the service lateral, up to 100 feet and the service panel conversion, up to \$1,500. The City of Berkeley has undergrounded many miles utilizing Rule 20A funds. The City utilizes a streetlight assessment to fund the installation of the streetlights in a Rule 20A district. Rule 20A continues to be an available funding mechanism to underground the arterial and collector streets within the City of Berkeley. If the street is not an arterial or collector, but is heavily conducted, heavily travelled or is scenic, it may also qualify for funding under Rule 20A

Under Rule 20B, the source of funding is typically an assessment or special tax district to fund the property owner's share of the costs. Prior to the dissolution of the RDA's they were also used to fund the local share of undergrounding projects. The City of Berkeley has done one undergrounding project under Rule 20B using an assessment district. Neighborhoods such as Bay View, Terrace View and La Loma have shown interest in pursuing undergrounding using Rule 20B. These are in areas of the City that are predominately residential and where it appears that funding with Rule 20A will not be available for many years. Rule 20B seems to be gaining interest with certain neighborhoods that would not qualify under Rule 20A, but still have a desire to enjoy the benefits associated with underground utilities.

It should also be noted that other than the arterials and collectors the remaining residential streets would not qualify for Rule 20A funding.

Under Rule 20C, the costs with the exception of a small salvage credit are all borne by the property owners. These projects are less popular than Rule 20A and Rule 20B projects and are usually done where small groups of property owners are interested in undergrounding a small area. While available, no projects have been identified as Rule 20C, and has not been utilized in the City. Generally having a project that is large, enough for a Rule 20B is more advantageous.

Rule 20D is specific to projects within SDG&E's service boundaries.

## **VII. CREATING A DISTRICT TO FUND NEIGHBORHOOD UNDERGROUNDING PROJECTS**

The steps required to create a special district to fund utility undergrounding projects typically consists of five stages, including Public Hearing/Outreach, District Formation, Design, Notification, and Construction. Each element is described in greater detail below.

### **Step 1. Establish Utility Undergrounding District**

In accordance with the City's Municipal Code, the City Council holds public hearings in order to create an Underground Utility District (UUD) which provides the legal mechanism to require property owners to convert their existing overhead utility services to underground service. All residents and property owners with the proposed UUD are mailed a Public Hearing Notice and a map of the proposed UUD location. The Public Hearing Notice informs property owners that they are within an area being considered for undergrounding by the City Council. The notice explains the potential impacts of the project. Any member of the public may attend or speak at a public hearing. Prior to the start of design work, the City Council must create an underground utility district.

### **Step 2. Identify Funding Mechanism.**

As discussed there are several ways that the undergrounding of utilities can be funded. If the costs will not be fully funded under Rule 20A or other City funds, the City will typically work with property owners to form an assessment or special tax district. The first step in the creation of an assessment district is to develop a preliminary costs estimates and a map showing the parcels that would be included in the assessment district that will be used during the petition process. The petition must be signed by property owners representing at least of 50% of the land area within the proposed boundary of the district. The specific steps for the formation of the financing district (either special tax or benefit assessment) is governed by either the Government Code or the Streets & Highways Code, depending upon the type of district. In both cases the City, typically create a financing team, that includes a special tax consultant/assessment engineer, bond counsel and legal counsel. District formation typically takes 3-6 months. Once established, the financing district establishes the financial obligation of each property owner and the manner in which each property owner will pay their portion of the project's costs. Typically, bonds would be sold and property owners would repay their share of the project costs over a 20-25-year period. The annual obligation is collected as part of the annual property tax bill. If a property is sold, the remaining obligation is the responsibility of the new property owner.

**Step 3. Design Process.**

Once an Underground Utility District and financing district has been created, the design process starts. Design typically takes 1-2 years after SCE has approved the project and involves field surveying, utility research, and coordination among impacted utilities.

**Step 4. Notification.**

Prior to the start of undergrounding, residents and property owners will receive additional outreach materials regarding planned construction activities. If trenching on private property is required, utility companies will coordinate right-of-entry permits from property owners. In addition, immediately prior to construction, utility companies will distribute additional construction notices making the public aware of construction dates and times.

**Step 5. Construction.**

Depending on the size of an undergrounding project, construction can range in duration from a few months to over a year. The initial step in construction involves installation of the underground plastic conduit below the surface of the roadway. Trenching may also occur up to individual properties to allow for conversion to underground services. Next, contractors install new utility lines within the conduit and new transformers/pedestals adjacent to trench areas. These boxes are necessary for the underground system and are placed above ground. Once utility lines are installed, each property's electrical panel is modified to allow for underground service and then transitioned from overhead to underground services. Finally, once all properties are converted to underground services, poles are removed in the project area.

**VIII. EMERGING TECHNOLOGIES**

Harris was also asked to look at emerging technologies and the effect they may have on undergrounding. The following technologies were investigated:

- Photovoltaics and energy storage,
- Distributed generation and micro grids,
- Trenchless construction using horizontal directional drilling.

**Photovoltaics and energy storage.** While solar (photovoltaics) is gaining in popularity and energy storage is more and more efficient, the effect of solar on electric distribution systems is still unclear. The issue continues to be the lack of an efficient method of storing the power generated by photovoltaic system. The Village of Minster in Ohio, has constructed a utility scale storage project combined with a solar array. The battery storage is owned by the utility and works to offset power purchased on the open market. (Solar Meets Energy Storage, T&D World Magazine, April 25, 2016). In a separate article, the author compares the growth of solar to that of mobile phones and speculates that people will cut utilities ties in much the same way as they have with telephone wires. (Why living off the grid will be easier in 25 years, Cadie Thompson). However, energy storage continues to be a significant factor in the success of solar, distributed generation or micro grids. While still very expensive, there is progress in technologies such as Lithium-ion battery storage, Vehicle-to-Grid, and Fuel Cell energy storage. (Mayor's Undergrounding Task Force, October 2013)



**Distributed generation and micro grids** refers to small size electric generation (typically from a renewable fuel) located close to electric load centers. This would eliminate the need for large transmission towers to deliver electric energy from a large generation facility to a city. However, there is still a need for a local distribution network. The issue with this technology is properly sizing the generation, or having a consistent fuel source, so that a back-up source is not needed. (Mayor's Undergrounding Task Force, October 2013) Similar to solar, the ability to store energy during times of low demand so that is available during peak load periods is a significant factor with this technology as well.

**Horizontal directional drilling (HDD)** is a steerable trenchless method of installing underground pipe, conduit, or cable in a shallow arc along a prescribed bore path by using a surface-launched drilling rig, with minimal impact on the surrounding area. It is a relatively common method for installation of power and communication conduits. It is generally used where there is a desire not to "open cut" a trench and where the presence of existing underground facilities is well defined.

A brief description of the process starts with a pilot hole drilled from the surface to the required depth on the designed alignment. Lengths of 300' are relatively common. The pilot drill pushes its way through the soil and is tracked and guided by electronic signals emanating from the drill head. The pilot drill head surfaces at the termination point and a back reamer is attached to the pilot drill rod. At this point, the drilling is reversed and the back reamer is pulled back toward the drilling rig enlarging the hole to the desired diameter for the plastic conduit carrier pipe. The conduit, which has been fuse welded together in one continuous pipe string, is then pulled back in the hole created by the reamer to the starting point. Costs can be as much as half of what open-cut construction would be and can range from \$60 to \$150 per foot depending on the conduit size and specific site constraints.

HDD is a viable option for use in Berkeley in streets that are not congested with existing underground utilities and for locations where landscaping and hardscape cannot be disturbed. However, to avoid damaging existing underground facilities it is imperative to know their exact locations.

## **IX. SUMMARY OF THE ADVANTAGES AND DISADVANTAGES OF UNDERGROUNDING ARTERIALS AND COLLECTORS**

The structure of Rule 20 favors undergrounding in areas used frequently by the public. Roads that are heavily conductored (many overhead wires) and heavily travelled benefit the public by being undergrounded. Public buildings since the public also frequents them also benefits. Expanding the qualifications of Rule 20A by including arterials and collectors provide more confirmation that utility funded undergrounding should benefit the public.

### **ADVANTAGES**

1. Enhanced public safety (during fire and earthquake events).
2. Enhanced reliability (less frequent outages)
3. Improved aesthetics.
4. Improved pedestrian access.
5. A reduction in car pole accidents.

6. Eliminate tree limb contacts with overhead wires
7. Improved public perception.
8. Reduced tree trimming cost.

## DISADVANTAGES

1. High construction costs.
2. Construction noise.
3. Impacts to traffic.
4. Higher utility rates.
5. Finding space for conduits and substructures in already crowded streets.
6. Complaints from the public during construction.

### Comment on undergrounding the arterials and collectors within residential areas

Undergrounding the arterials and collectors in the residential areas will share similar pros and cons as the non-residential areas. Property owners and the public alike benefit from a safety and reliability standpoint. Views are enhanced by removing the overhead conductors and poles.

However, there is much more effort in public education and information required in working with homeowners in residential areas. One of the biggest challenges in this regard is identifying homeowner participation in costs and estimating an early, accurate construction cost estimate.

## X. CONCLUSION

As this study is intended to provide a base case for future studies on undergrounding the City of Berkeley conclusions may be pre-mature. It appears there are compelling reasons to underground all or a portion of the remaining streets in Berkeley. The utility funded program (Rule 20A) can continue to be used to fund the undergrounding on the arterials and collector streets. The remaining streets may need to be funded by neighborhood groups, or some type of City –wide assessment.

There are several potential next steps to this process, they include:

- Refining the costs,
- Developing a prioritization model,
- Developing the funding model,
- Exploring the impact of technology.

## XI. HISTORY OF UNDERGROUNDING OF OVERHEAD UTILITIES

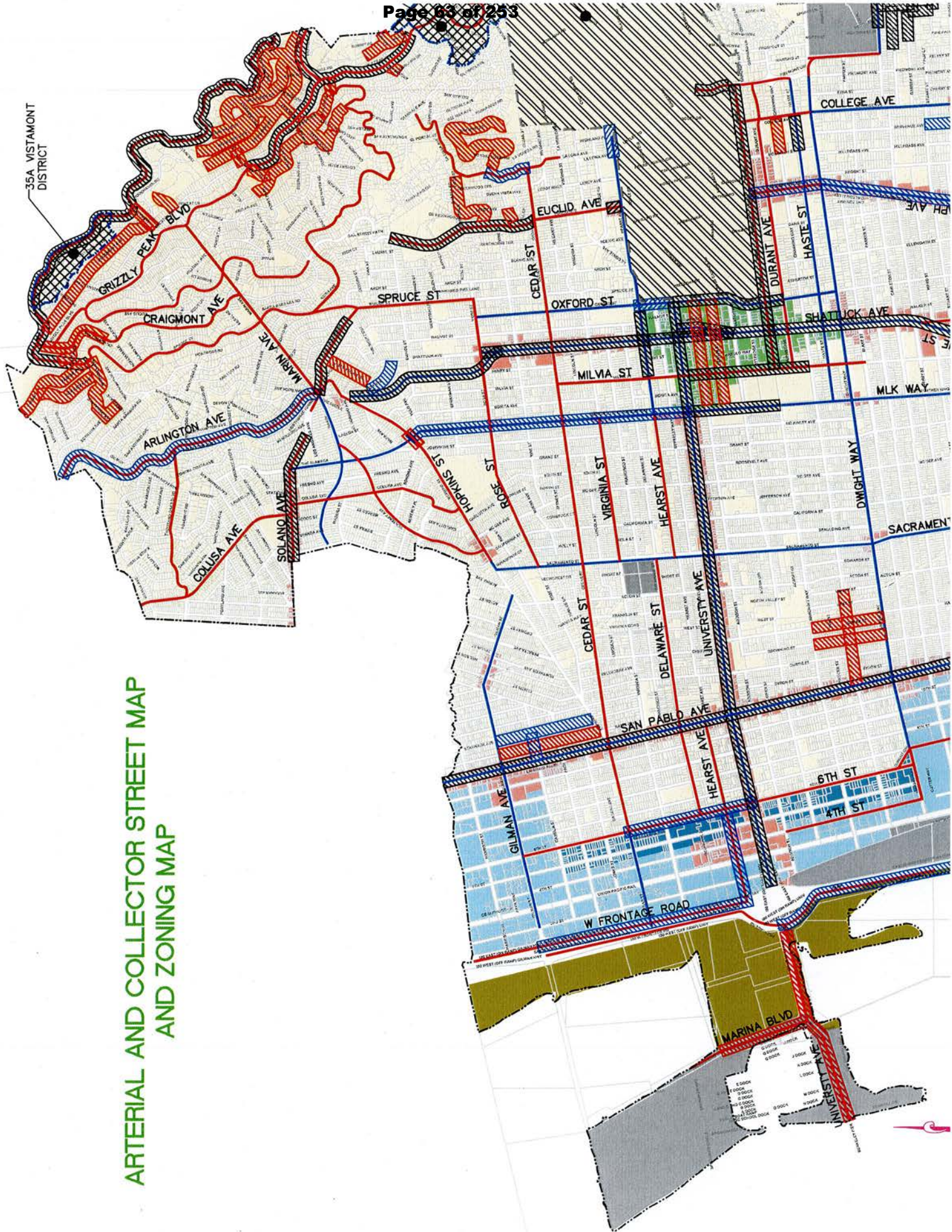
For reference, attached in Appendix 2 is the City’s “Undergrounding of Utility Wires – A Brief History, December 2015” document.

**XII. COMMENTS FROM COMMISSIONERS**

For reference, attached in Appendix 3 are the comments and questions from Commissioners and the Harris response.

**APPENDIX 1**

35A VISTAMONT DISTRICT



ARTERIAL AND COLLECTOR STREET MAP  
AND ZONING MAP

ATTACHMENT 2

CITY OF BERKELEY ARTERIAL AND COLLECTOR ROAD NETWORK UTILITY UNDERGROUNDING PLANNING LE 07/22/16

ARTERIAL ROAD NETWORK

STREET NAMES AND LIMITS				SECTIONS UNDERGROUNDED			OVERHEAD SECTIONS PER ZONE (NOTE: ZONES BASED ON CITY)					
NO	STREET	FROM	TO	TOTAL LENGTH (FT)	FROM	TO	LENGTH (FT)	FROM	TO	M ZONE (FT)	MUR ZONE(FT)	C-DMU ZONE (FT)
1	ADELINE ST	WARD ST	CITY LIMIT	5280	WARD ST	CITY LIMIT	5280					
2	ALAMEDA/MLK WAY	SOLANO AVE	CITY LIMIT	15380	HOPKINS	BANCROFT WAY	6780	SOLANO AVE	HOPKINS ST			
								BANCROFT WAY	DWIGHT WAY			
								DWIGHT WAY	DWIGHT WAY			
								DWIGHT WAY	ASHBY AVE			
					ASHBY AVE	ADELINE ST	1450					
					ADELINE ST	CITY LIMIT	320					
3	ASHBY AVE	BAY ST	DOMINGO AVE	15465				EAST OF BAY ST	SAN PABLO AVE			
								SAN PABLO AVE	SACRAMENTO ST			
								SACRAMENTO ST	SACRAMENTO ST			
								SACRAMENTO ST	MLK WAY			
					MLK WAY	ADELINE ST	1160		LORENA ST			
									TELEGRAPH AVE			
					TELEGRAPH AVE	TELEGRAPH AVE	450		LORENA ST			
									TELEGRAPH AVE			
					BENEVENUE AVE	PIEDMONT AVE	1215		BENEVENUE AVE			
								PIEDMONT AVE	CLAREMONT AVE			
								CLAREMONT AVE	DOMINGO AVE			
4	CEDAR ST	EASTSHORE HWY	6TH ST	1765				EASTSHORE HWY	4TH ST	1120		
								4TH ST	6TH ST	645		
5	COLLEGE AVE	DWIGHT WAY	ALCATRAZ AVE	5300				DWIGHT WAY	RUSSELL ST			
									ALCATRAZ AVE			
								DWIGHT WAY	WEBSTER ST	1125		
									ALCATRAZ AVE			
									ALCATRAZ AVE			
6	DERBY ST	WARRING ST	BELROSE AVE	1195				WARRING ST	MID DERBEY ST			
									BELROSE AVE	715		
7	DWIGHT WAY	7TH ST	PIEDMONT AVE	12445								
									9TH ST			
									SAN PABLO AVE	675		
									SACRAMENTO ST			
									SACRAMENTO ST			
									SACRAMENTO ST			
									MLK WAY			

ATTACHMENT 2

CITY OF BERKELEY ARTERIAL AND COLLECTOR ROAD NETWORK UTILITY UNDERGROUNDING PLANNING LE

07/22/16

STREET NAMES AND LIMITS				SECTIONS UNDERGROUNDED				OVERHEAD SECTIONS PER ZONE (NOTE: ZONES BASED ON CIT				
NO	STREET	FROM	TO	TOTAL LENGTH (FT)	FROM	TO	LENGTH (FT)	FROM	TO	M ZONE (FT)	MUR ZONE (FT)	C-DMU ZONE (FT)
9	HASTE AVE	MLK WAY	PEIDMONT AVE	5980								
10	HEARST AVE	MLK AVE	HIGHLAND PL	5160								
11	HENRY ST	EUNICE ST	ROSE ST	1360								
12	MARIN AVE	TULARE AVE	THE CIRCLE	2920								
13	OXFORD ST	ROSE ST	DWIGHT WAY	6620								
14	SACRAMENTO ST	HOPKINS ST	ALCATRAZ AVE	12375								
15	SAN PABLO AVE	N CITY LIMIT	S CITY LIMIT	12405								
16	SHATTUCK AVE	ROSE ST	WARD ST	8250								
17	SHATTUCK PL	ROSE ST	SHATTUCK AVE	400								
18	SUTTER ST	HOPKINS ST	EUNICE ST	1200								

**ATTACHMENT 2**

**CITY OF BERKELEY ARTERIAL AND COLLECTOR ROAD NETWORK UTILITY UNDERGROUNDING PLANNING LE**

**07/22/16**

**SUMMARY OF STREETS TO BE UNDERGROUNDED SHOWING TOTAL LENGTH PER ZONE AND TOTAL COSTS**

CLASS	M ZONE (FT)	C-DMU ZONE (FT)	C ZONE (FT)	SP ZONE (FT)	TOTAL LENGTH (FT)	Total Cost (\$)
Arterial (Non-residential)	4115	535	10180	0	14830	\$11,380,000
CLASS	MUR ZONE (FT)	R ZONE (FT)				Total Cost (\$)
Arterial (Residential)	645	53605			54250	\$31,550,000

**LEGEND:**



SECTION OF STREETS TO BE UNDERGROUNDED  
SECTION OF STREETS ALREADY UNDERGROUNDED

**NOTE:**

1. IMPACT RATING IS THE LEVEL OF DIFFICULTY ASSOCIATED WITH UTILITY UNDERGROUNDING. IT IS ASSESSED IN THREE AREAS AS SHOWN BELOW PER FIELD REVIEW.  
IMPACT RATING IS TABULATED IN A SCALE FROM 1 (LOW IMPACT) TO 5 (HIGH IMPACT). REFER TO THE BASELINE STUDY IN SECTION III FOR MORE INFORMATION ON IMPACT RATING.

**ABBREVIATIONS:**

- M Zone = Manufacturing (Districts M, MM, MUU)
- MUR Zone = Mixed Use-Residential (District MUR)
- C-DMU Zone = Commercial Downtown Mixed Use (District C-DMU)
- C Zone = Commercial (Districts C-1, C-E, C-N, C-NS, C-SA, C-SO, C-T)
- SP Zone = Specific Plan (District SP)
- R Zone = Residential (Districts R-1, R-1A, R-2A, R-3, R-4, R-5, ES-R, R)

COLLECTOR ROAD NETWORK  
 CITY OF BERKELEY ARTERIAL AND COLLECTOR ROAD NETWORK UTILITY UNDERGROUNDING PLANNING LE  
 ATTACHMENT 2



ATTACHMENT 2

CITY OF BERKELEY ARTERIAL AND COLLECTOR ROAD NETWORK UTILITY UNDERGROUNDING PLANNING LE 07/22/16

COLLECTOR ROAD NETWORK

STREET NAMES AND LIMITS				SECTIONS UNDERGROUNDED			OVERHEAD SECTIONS PER ZONE (ZONES BASED ON MUR ZONE)				
NO	STREET	FROM	TO	TOTAL LENGTH (FT)	FROM	TO	LENGTH (FT)	FROM	TO	M ZONE (FT)	MUR ZONE(FT) Z
1	4TH ST	ADDISON ST	DWIGHT WAY	2535				ADDISON ST	DWIGHT WAY	2535	
2	6TH ST	GILMAN ST	DWIGHT WAY	7290				GILMAN ST	CAMELIA ST	670	
								CAMELIA ST	CEDAR ST		1325
							2295	UNIVERSITY AVE			
3	7TH ST	DWIGHT WAY	FOLGER AVE	3810				UNIVERSITY AVE	DWIGHT WAY		3000
4	ALCATRAZ AVE	COLLEGE AVE	CLAREMONT AVE	850				DWIGHT WAY	CARLETON ST	1210	
								CARLETON ST	HEINZ AVE	1300	
								HEINZ AVE	ANTHONY ST	480	
								ANTHONY ST	ASHBY AVE		
								ASHBY AVE	FOLGER AVE	370	
5	ALCATRAZ AVE	W OF IDAHO ST	E OF ADELINE ST	3970				COLLEGE AVE	COLLEGE AVE		
								COLLEGE AVE	CLAREMONT AVE		
								W OF IDAHO ST	SACRAMENTO ST		
								SACRAMENTO ST	E OF CALIFORNIA ST		
								E OF CALIFORNIA ST	ADELINE ST		
								ADELINE ST	E OF ADELINE ST		
6	ARLINGTON AVE	BOYNTON AVE	MARIN AVE	5515				BOYNTON AVE	MARIN AVE	5515	
7	BANCROFT WAY	MILVIA ST	PIEDMONT AVE	5270				MILVIA ST	PIEDMONT AVE	5270	
8	BELROSE	DERBY ST	CLAREMONT AVE	1550				DERBY ST	CLAREMONT AVE	1550	
9	CEDAR ST	6TH ST	LALOMA AVE	12290				6TH ST	SAN PABLO AVE		
								SAN PABLO AVE	ACTON ST		
								ACTON ST	SACRAMENTO ST		
								SACRAMENTO ST	MILK AVE		
								MILK AVE	SHATTUCK AVE		
								SHATTUCK AVE	EUCUID AVE		
								EUCUID AVE	LA LOMA AVE		
10	CLAREMONT AVE	ALCATRAZ AVE	TANGLEWOOD RD	4015				ALCATRAZ AVE	PARKSIDE DR		

COLLECTOR ROAD NETWORK

STREET NAMES AND LIMITS				SECTIONS UNDERGROUNDED			OVERHEAD SECTIONS PER ZONE (ZONES BASED ON MUR ZONE)					
NO	STREET	FROM	TO	TOTAL LENGTH (FT)	FROM	TO	LENGTH (FT)	FROM	TO	M ZONE (FT)	MUR ZONE(FT)	Z
14	COLUSA AVE	SOLANO AVE	VISALIA AVE	3430				SOLANO AVE	VISALIA AVE			
15	DELAWARE ST	6TH ST	SACRAMENTO ST	4750				6TH ST	SAN PABLO AVE			
								SAN PABLO AVE	SACRAMENTO ST			
16	DURANT AVE	MILVIA ST	PEIDMONT AVE	5280				MILVIA ST	SHATTUCK AVE			
								SHATTUCK AVE	FULTON ST			
								FULTON ST	TELEGRAPH AVE			
								TELEGRAPH AVE	BOWDITCH ST			
								BOWDITCH ST	COLLEGE AVE			
								COLLEGE AVE	PEIDMONT AVE			
17	DWIGHT WAY	4TH ST	7TH ST	960				4TH ST	6TH ST		650	
								6TH ST	7TH ST		310	
18	DWIGHT CR	6TH ST	DWIGHT WAY	420				6TH ST	DWIGHT WAY		420	
19	EAST SHORE HWY	HEARST AVE	N CITY LIMIT	5100				HEARST AVE	GILMAN ST	3770		
								GILMAN ST	N CITY LIMIT		1330	
20	EUCLID AVE	CEDAR ST	HEARST AVE	1615				RIDGE RD	HEARST AVE	375		
								HEARST AVE	CEDAR ST			
21	EUCLID AVE	GRIZZLY PEAK BLVD	CRAIGMONT AVE	5185				GRIZZLY PEAK BLVD	CRAIGMONT AVE			
22	EUCLID ST	EUNICE ST	CEDAR ST	2780				EUNICE ST	CEDAR ST	2780		
23	FOLGER AVE	HOLLIS ST	EAST OF 7TH ST	880				HOLLIS ST	EAST OF 7TH ST		880	
24	GRIZZLY PEAK BLVD	CRAIGMONT AVE	EUCLID AVE	930				CRAIGMONT AVE	EUCLID AVE			
25	GRIZZLY PEAK BLVD	EUCLID AVE	GOLF COURSE DR	10885				EUCLID AVE	MARIN AVE			



ATTACHMENT 2

CITY OF BERKELEY ARTERIAL AND COLLECTOR ROAD NETWORK UTILITY UNDERGROUNDING PLANNING LE 07/22/16

COLLECTOR ROAD NETWORK

STREET NAMES AND LIMITS				SECTIONS UNDERGROUNDED			OVERHEAD SECTIONS PER ZONE (ZONES BASED ON IMPACT RATING)				
NO	STREET	FROM	TO	TOTAL LENGTH (FT)	FROM	TO	LENGTH (FT)	FROM	TO	M ZONE (FT)	MUR ZONE (FT)
43	TELEGRAPH AVE	BANCROFT WAY	DWIGHT WAY	1310	BANCROFT WAY	DWIGHT WAY	1310				
44	THOUSAND OAKS BLVD	COLUSA AVE	ARLINGTON AVE	2840				COLUSA AVE	SANTA CLARA AVE		
								SANTA CLARA AVE	ARLINGTON AVE		
45	UNIVERSITY AVE	SEAWALL DR	FRONTAGE RD	3825							
					SEAWALL DR	FRONTAGE RD	3825				
46	VIRGINIA ST	SACRAMENTO ST	MILK WAY	2640							
								SACRAMENTO ST	MILK WAY		
47	W FRONTAGE RD	ACROSS DWIGHT WAY	GILMAN ST	7500	ACROSS DWIGHT WAY	UNIVERSITY AVE	3000	UNIVERSITY AVE	GILMAN ST	4500	
48	WARRING ST	DWIGHT WAY	DERBY ST	1580							
								DWIGHT WAY	DERBY ST		
49	WILDCAT CANYON RD	WOODMONT AVE	CITY LIMIT	9750	WOODMONT AVE	CITY LIMIT	9750				
				TOTAL LENGTH (FT)=	TOTAL LENGTH (FT)=			TOTAL LENGTH (FT)=			
				190460	190460			59660			

SUMMARY OF STREETS TO BE UNDERGROUNDED SHOWING TOTAL LENGTH PER ZONE AND TOTAL COSTS

CLASS	M ZONE (FT)	C-DMU ZONE (FT)	C ZONE (FT)	SP ZONE (FT)	TOTAL LENGTH (FT)	Total Cost (\$)
Collector (Non-Residential)	13275	1260	8105	635	23275	\$15,100,000
Collector (Residential)	5705	101820			107525	\$76,770,000

LEGEND:

	SECTION OF STREETS TO BE UNDERGROUNDED
	SECTION OF STREETS ALREADY UNDERGROUNDED

ABBREVIATIONS:

- M Zone = Manufacturing (Districts M, MM, MUU)
- MUR Zone = Mixed Use-Residential (District MUR)
- C-DMU Zone = Commercial Downtown Mixed Use (District C-DMU)
- C Zone = Commercial (Districts C-1, C-E, C-N, C-NS, C-SA, C-SO, C-T, C-V)
- SP Zone = Specific Plan (District SP)
- R Zone = Residential (Districts R-1, R-1A, R-2A, R-3, R-4, R-5, ES-R, R-5, F)

NOTE: 1. IMPACT RATING IS THE LEVEL OF DIFFICULTY ASSOCIATED WITH UTILITY UNDERGROUNDING. IT IS ASSESSED IN THREE AREAS AS SHOWN BELOW PER FIELD REVIEW. IMPACT RATING IS TABULATED IN A SCALE FROM 1 (LOW IMPACT) TO 5 (HIGH IMPACT). REFER TO THE BASELINE STUDY IN SECTION III FOR MORE INFORMATION ON IMPACT RATING.

<b>RESIDENTIAL ROADS ALREADY UNDERGROUNDED</b>				
<b>STREET NAMES AND LIMITS</b>				
<b>NO</b>	<b>STREET</b>	<b>FROM</b>	<b>TO</b>	<b>TOTAL LENGTH (FT)</b>
1	ADDISON ST	MLK WAY	OXFORD ST	2040
2	ALTA RD	SPRUCE ST	CRAIGMONT AVE	390
3	ALVARADO RD	CITY LIMIT	WILLOW WALK	1890
4	AMADOR AVE	SUTTER ST	SHATTUCK AVE	920
5	ARCADE AVE	GRIZZLY PEAK BLVD	FAIRLAWN DR	310
6	ATLAS PL	HILL RD	SUMMIT RD	200
7	AVALON AVE	OAK KNOLL TERRACE	CLAREMONT AVE	800
8	BENVENUE AVE	ASHBY AVE	WOOLSEY ST	1165
9	BONAR ST	BANCROFT WAY	DWIGHT WAY	1320
10	BOYNTON AVE	COLORADO AVE	FLORIDA AVE	280
11	BROWNING ST	BANCROFT WAY	DWIGHT WAY	1320
12	BUENA VISTA WAY	EUCLID AVE	LEROY AVE	380
13	BUENA VISTA WAY	LA LOMA AVE	DEAD END	3340
14	CAMELIA ST	SAN PABLO AVE	STANNAGE AVE	520
15	CENTER ST	MLK WAY	OXFORD ST	2020
16	CHANNING WAY	SAN PABLO AVE	VALLEY ST	1750
17	CHANNING WAY	BOWDITCH ST	COLLEGE AVE	670
18	COLBY ST	ASHBY AVE	WEBSTER ST	299
19	COLORADO AVE	BOYNTON AVE	MICHIGAN AVE	510
20	CLAREMONT BLVD	DERBY ST	BELROSE ABE	1400
21	FOREST AVE	MID POINT	CLAREMONT BLVD	600
22	GARBER ST	OAK KNOLL TERRACE	DEAD END	550
23	THE CRESCENT	PARK HILLS RD	PARK HILLS RD	1020
24	HAWTHORNE TERR	EUCLID AVE	LEROY AVE	365
25	HILL RD	GRIZZLY PEAK BLVD	DEAD END	950
26	HILLGRASS AVE	WESBTER ST	CITY LIMIT	840
27	HILLVIEW RD	WOODSIDE RD	PARK HILLS RD	1265
28	KAINS AVE	GILMAN ST	HOPKINS ST	1900
29	KENTUCKY AVE	VASSAR AVE	MICHIGAN AVE	1315
30	LATHAM LN	MILLER AVE	GRIZZLY PEAK BLVD	550
31	LATHAM LN	CRESTON RD	OVERLOOK RD	275
32	LEROY AVE	ROSE ST	HAWTHORNE TERR	735
33	MARIN AVE	CRESTON RD	DEAD END	450
34	MARIPOSA AVE	AMADOR AVE	LOS ANGELES AVE	1070
35	MIDDLEFIELD RD	PARK HILLS RD	LIMIT	1185
36	MILLER AVE	NORTH OF LATHAM LN	SHASTA RD	2180
37	MUIR WAY	GRIZZLY PEAK BLVD	PARK HILLS RD	385
38	OAK KNOLL TERRACE	GARBER ST	AVALON AVE	475
39	OAKVALE AVE	CLAREMONT AVE	DOMINGO AVE	1190
40	OVERLOOK RD	PARK HILLS RD	DEAD END	1715
41	PARK HILLS RD	MUIR WAY	SHASTA RD	1575
42	PARK HILLS RD	MUIR WAY	WILDCAT CANYON RD	1500
43	ROSE ST	LA LOMA AVE	LEROY AVE	750
44	STANNAGE AVE	GILMAN ST	HOPKINS ST	1685
45	STERLING AVE	WHITAKER AVE	SHASTA RD	710
46	STEVENSON AVE	GRIZZLY PEAK BLVD	MILLER AVE	520
47	SUNSET LN	CRESTON RD	WILDCAT CANYON RD	468
48	VASSAR AVE	NORTH CITY LIMIT	SPRUCE ST	1535
49	VINCENTE RD	ALVARADO RD	EAST CITY LIMIT	550
50	VINCENTE RD	TUNNEL RD	CITY LIMIT	1310
51	WEBSTER ST	COLLEGE AVE	REGENT ST	1070
52	WHITAKER AVE	STERLING AVE	MILLER AVE	550
53	WOODMONT AVE	WILDCAT CANYON RD	SUNSET LN	3055
54	WOODSIDE RD	CRESCENT RD	PARK HILLS RD	1450
<b>TOTAL LENGTH (FT)=</b>				<b>57267</b>

Final Committee on Oversight and Reform Report - July 2019

Section 2: Public Works Program - December 2018

Section 3: Public Works Program - July 2018

The Committee on Oversight and Reform has conducted an extensive review of the City of Chicago's Public Works Program, which is responsible for the maintenance and repair of the city's infrastructure. This report provides a detailed overview of the program's operations, financial performance, and the challenges it faces. The Committee's findings are based on a series of public hearings, document reviews, and interviews with program staff and city officials.

The Public Works Program is a critical component of the City of Chicago's infrastructure, responsible for the maintenance and repair of the city's roads, bridges, and public works. The program's operations are managed by the Department of Public Works, which is a part of the City's Department of Transportation and Infrastructure. The program's budget is approximately \$1.5 billion annually, and it employs over 10,000 workers.

The Committee's review of the program's operations revealed several areas of concern, including the program's financial performance, the quality of its work, and the safety of its workers. The program's financial performance has been consistently poor, with significant budget overruns and a history of debt. The quality of the program's work has also been a concern, with many projects completed on time and within budget, but with significant quality issues. Finally, the safety of the program's workers has been a major concern, with a high rate of injuries and fatalities.

The Committee's findings are based on a series of public hearings, document reviews, and interviews with program staff and city officials. The Committee's report provides a detailed overview of the program's operations, financial performance, and the challenges it faces. The Committee's findings are based on a series of public hearings, document reviews, and interviews with program staff and city officials.

## APPENDIX 2

Background

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## Undergrounding of Overhead Utility Wires – A Brief History

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### Berkeley, CA Public Works Commission – December 2015

Pursuant to a referral from the Berkeley City Council in December 2014 and approval by the Council on September 28, 2015 –

- 1) “Approve a work plan, as attached hereto, to develop a comprehensive plan (the “Undergrounding Plan”) for the funding of the undergrounding of utility wires for all streets in Berkeley. The Undergrounding Plan would be developed in coordination with the City’s existing related plans and activities, including the City’s Resiliency Program.
- 2) Establish a Utility Undergrounding Special Commission consisting of the Public Works Commission, Transportation Commission, the Disaster and Fire Safety Commission representatives, and subject matter experts as needed to oversee the preparation of the Undergrounding Plan. The Special Commission shall be a manageable size and composed similar to the commission that developed the downtown Street and Open Space Improvement Plan”.

### Background:

The history of undergrounding utilities in the United States is over 125 years old, it was after the Great Blizzard of 1888<sup>1</sup> that Manhattan decided to put all its infrastructure from power to water, to gas lines, steam and subways, all went underground, and at great cost at that time. A second notable example was the Galveston, Texas in 1900. As the largest city in Texas at the time, Galveston, was the Wall Street of the South; but was destroyed by a great storm on Sept. 8, 1900. The 8,000+ people killed by that storm, 20 percent of the island’s total population, is still the largest single loss-of-life event from a natural disaster in U.S. history. Galveston built a 17-foot-high seawall that has protected the city from subsequent 44 hurricanes. But they also put all other vital infrastructure underground (natural gas, water, sewage and electricity telecom).

The California State Legislature in 1911 enacted laws to regulate erection and maintenance of poles and lines for overhead construction. Additionally, the “Municipal Improvement Act” of 1913 allowed for the financing of or acquisition of public improvements. This California State act is the enabling statute that municipalities use to construct and finance public works projects.

The history of undergrounding of overhead utility wires for older cities in the US is varied in its funding approach but mostly characterized by the incompleteness of efforts to fully experience the attributes and benefits of utility wire undergrounding. Currently utility customers in California pay about a dollar a month for a program that is supposed to bury all wires. (The amount that is in PG&E’s energy bill is to fund undergrounding that has already been completed.)

This ratepayer charge is based upon the California Public Utilities Commission action on September 19, 1967, as a result of their Case No. 8209. The California Public Utilities Commission (CPUC) adopted a rule requiring electric and telephone companies to initiate and participate in an active program to underground utilities in areas of general public benefit.

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<sup>1</sup> <http://www.history.com/this-day-in-history/great-blizzard-of-88-hits-east-coast>

European countries have much more of their power and telecommunications utilities undergrounded, as part of the post-WWII rebuilding and much like in the US where overhead wires are buried for new construction in the suburbs or special circumstances like the Oakland/Berkeley hill fires of 1991. Additionally, for example, there is an incentive for the State owned monopolies, like the French Post and Telegraph (now French Telecom) to see the long term view of the cost/ benefit of undergrounding utility wires. The “incident of repair” for buried utility wires during normal conditions is 47% lower. There are increased costs for construction to underground utility wires, which most current analysis sees as prohibitively expensive at \$2-\$4 (Should be \$3-\$5 million)a mile in urban areas, and repairs of utility outages do take longer in an undergrounded system<sup>2</sup>. However, these long term cost/benefits studies do not include the economic externalities, like business and individual loss of life and lost productivity, resulting from fire caused by the lack of tree trimming, snow/ice storms, earthquakes and other climate costs related to extreme weather phenomenon. Nor do these studies clearly address the time horizon for the payback period for their ‘prohibitively expensive’ judgments – 10, 20, 30, 50 or 100 years.

#### **Understanding the consequences of undergrounding of utilities:**

There have been a number of studies on the consequence of utility undergrounding by both private and public sources. They almost start out from the perspective that power outages over extended periods present major health and safety concerns and economic losses. According to a report by the Edison Electric Institute, “almost 70 percent of the nation’s distribution system has been built with overhead power lines. “Over the past 15 years or so, however, “approximately half the capital expenditures by U.S. investor -owned utilities for new transmission and distribution wires have been for underground wires.” Making such a conversion is rarely justified solely on the basis of costs. For utility companies, undergrounding provides potential benefits through reduced operations and maintenance (O&M) costs, reduced tree trimming costs, less storm damage, reduced loss of day -to-day electricity sales, and reduced losses of electricity sales when customers lose power after storms<sup>3</sup>.

#### **Potential Benefits of Underground Electric Facilities**

An advocacy group called Underground 2020 summarizes the potential benefits of undergrounding as the following;

Advantages of underground lines include aesthetics, higher public acceptance, perceived benefits of protection against electromagnetic field radiation (which is still present in underground lines), fewer interruptions, and lower maintenance costs. Failure rates of overhead lines and underground cables vary widely, but typically underground cable outage rates are about half of their equivalent overhead line types.

Potentially far fewer momentary interruptions occur from lightning, animals and tree branches falling on wires which de-energize a circuit and then re-energize it a moment later.

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<sup>2</sup> <http://www.ncuc.net/reports/undergroundreport.pdf>

<sup>3</sup> <http://www.underground2020.org/documents/Advantages%20of%20Undergrounding%20Utilities%20White%20Paper%2005-09.pdf>



Primary benefits most often cited can be divided into four areas:

**Potentially-Reduced Maintenance and Operating Costs**

- Lower storm restoration cost
- Lower tree-trimming cost

**Improved Reliability**

- Increased reliability during severe weather (wind-related storm damage will be greatly reduced for an underground system, and areas not subjected to flooding and storm surges experience minimal damage and interruption of electric service.
- Less damage during severe weather
- Far fewer momentary interruptions
- Improved utility relations regarding tree trimming

**Improved Public Safety**

- Fewer motor vehicle accidents
- Reduced live-wire contact injuries
- Fewer Fires (Lake County, Ca just a current example)

**Improved Property Values**

- Improved aesthetics (removal of unsightly poles and wires, enhanced tree canopies)
- Fewer structures impacting sidewalks

**Tangible Savings**

The following chart, which summarizes the total benefits that the Virginia State Corporation Commission calculated Virginia utilities might realize if the state’s entire electric distribution system were placed underground, shows tangible metrics for projecting savings to utilities. It shows an annual projected savings of approximately \$104 million.

<b>Cost Saving Item:</b>	<b>\$/Year</b>
Operations & Maintenance	no savings
Tree Trimming	\$ 50,000,000
"Hundred-Year" Post Storm Rebuild	\$ 40,000,000
Reduction in Day-to-Day Lost Electricity Sales	\$ 12,000,000
Elimination of Lost Electricity Sales From "Hundred-Year" Storms	\$ 2,000,000
<b>Total</b>	<b>\$ 104,000,000</b>

Source: Virginia State Corporation Commission, January 2005, “Placement of Utility Distribution Lines Underground” Societal Benefits

The following summarizes some of the societal benefits, including enhanced electric reliability to the economy, reduced economic losses to customers due to fewer power outages after major storms, and reduced injuries and deaths from automobiles striking utility poles.

Cost Saving Item:	\$/Year
Avoided Impact of Day-to-Day Outages	\$ 3,440,000,000
Avoided Impact of "100-Year" Storm Outages	\$ 230,000,000
Avoided Impact of Motor Vehicle Accidents	\$ 150,000,000
Total	\$ 3,820,000,000

The State of Virginia study, while not directly applicable, it does give us a template to use. We can substitute the "100-year storm" with know earthquake science that sees that every 35 years approximately the Bay Area experiences a greater than 6.0 quake. The risk is knowable the exact timing is uncertain.<sup>4</sup> Using a yearly per capita savings, based on the summary savings above, Berkeley can benefit from undergrounding of utilities by nearly \$60 million annually.

**The PG&E Program:**

PG&E places underground each year approximately 30 miles of overhead electric facilities, within its service area. This work is done under provisions of the company's Rule 20A, an electric tariff filed with the California Public Utilities Commission.

Projects performed under Rule 20A are nominated by a city, county or municipal agency and discussed with Pacific Gas and Electric Company, as well as other utilities. The costs for undergrounding under Rule 20A are recovered through electric rates after the project is completed. Rule 20 also includes sections B and C. Sections A, B and C are determined by the type of area to be undergrounded and by who pays for the work.

**Rule 20A**

Rule 20A projects are typically in areas of a community that are used most by the general public. These projects are also paid for by customers through future electric rates. To qualify, the governing body of a city or county must, among other things, determine, after consultation with Pacific Gas and Electric Company, and after holding public hearings on the subject, that undergrounding is in the general public interest for one or more of the following reasons:

- Undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities.
- The street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic.
- The street, road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public.
- The street or road or right-of-way is considered an arterial street or major collector as defined in the Governor’s Office of Planning and Research General Plan Guidelines.

<sup>4</sup> "The Signal and the Noise; Why So Many Predictions Fail -but Some Don't", Nate Silver, 2012

## Rule 20B

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Rule 20B projects are usually done with larger developments. The majority of the costs are paid for by the developer or applicant.

Undergrounding under Rule 20B is available for circumstances where the area to be undergrounded does not fit the Rule 20A criteria, but still involves both sides of the street for at least 600 feet.

Under Rule 20B, the applicant is responsible for the installation of the conduit, substructures and boxes. The applicant then pays for the cost to complete installation of the underground electric system, less a credit for an equivalent overhead system, plus the ITCC (tax), if applicable. Berkeley has one 20B District - Thousand Oaks Heights

## Rule 20C

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Rule 20C projects are usually smaller projects involving a few property owners and the costs are almost entirely borne by the applicants.

Undergrounding under the provisions of Rule 20C is available where neither Rule 20A nor Rule 20B applies. Under Rule 20C, the applicant pays for the entire cost of the electric undergrounding, less a credit for salvage.

## Rule 20 Process Flow

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A cross-functional team that includes representatives from Pacific Gas and Electric Company, the phone and cable companies, local governments and the community at-large oversees Rule 20A projects. Projects are accomplished by:

- Identifying and reviewing potential projects
- Developing preliminary costs for the projects
- Refining associated boundaries and costs
- Coordinating the schedules of other public works projects
- Developing final project plans
- Passing a municipal underground resolution
- Developing an underground design
- Converting service panels for underground use
- Starting construction
- Installing underground services
- Completing all street work
- Removing existing poles from the project area

## City of Berkeley's Undergrounding Efforts

Berkeley has a total of 237 miles of utility wires, with 86 miles or 36% of the total miles currently undergrounded and 151 miles or 64% remain aboveground. Arterials and Emergency access routes comprise 29% of the total 237 miles. Of the nearly 86 miles currently undergrounded 51% are Arterials and Emergency access routes – thus barely ½ of the Arterials and Emergency Access routes have been undergrounded out of the total that experienced undergrounding using statewide PG&E ratepayer 20A funds. Nearly 50% of the 20A undergrounding funds from PG&E funds have been allocated to

residential streets or nearly \$26(??) million of the total \$65(??) million PG&E rate payer 20A funds that Berkeley received.

### Undergrounding Districts Completed

1970s	1980s	1990s	2000s
Hearst (Freeway to 6 <sup>th</sup> )	Oxford St (Hearst to University)	Ashby/Benvenue	Los Angeles/Mariposa
Sixth St (University to Cedar)	Sacramento St (Oregon to South City Limit)	Hearst Ave (LaLoma to Cyclotron)	Park Hills
Sutter/Henry St	Ajax PL/Hill Rd.	Grizzly Peak/Cragmont	Miller Stevenson
San Pablo Avenue	Kains/Cedar/Hopkins/Jones/Page	Vicente/Alvarado	Grizzly Peak/Summit (estimated completion date 2020)
Eastshore Highway (Hearst to Gilman)	Oakvale Ave (Claremont to Domingo)	MLK Jr Way	Vistamont/Woodmont (estimated completion date 2025)
Stannage Ave (Gilman to Hopkins)	LaLoma (Buena Vista to Cedar)	Woodmont Ave	
Buena Vista Way	Channing/Bonar	Hill Rd	
Camelia St. (Stannage to San Pablo)	West Frontage Rd (South to North City Limit)	Spruce Vassar	
Colby ( Ashby to Webster)	MLK Jr Way (University to Hopkins)	Leroy/Euclid	
So. Hospital Drive ( Ashby to Webster)	Amador Ave ( Shattuck to Sutter)	Benvenue (Woolsey to Stuart)	
Telegraph (Bancroft to South City Limit)	Woodmont Ave Area	College /Hillegas	
	Hill Rd/ Atlas Pl	Cragmont	
	Spruce St/Vassar	Arlington Avenue (Marin Circle to City Limit)	
	Benvenue Ave (Ashby to Stuart)		
<b>1970s</b>	<b>1980s</b>	<b>1990s</b>	<b>2000s</b>

	University Avenue		
	Solana Avenue		

**Districts Completed with Additional Funds other than PG&E Ratepayer 20 A funds**

Shattuck/Adeline	BART
University Avenue	Caltrans, Private
6 <sup>th</sup> Street	Redevelopment
Kains, etc.	CDGB
Bancroft Ave	UC
San Pablo	Caltrans

**Districts formed since 1990:**

- Number of Districts formed: 9
- Criteria for Selection: First come/first served based upon organization and initiative of citizens in local area/district
- Annual obligations committed to these Undergrounding districts can borrow up to 5 years in advance on PG&E ratepayer 20A funds

**Rule 20A Districts in Berkeley as written by PWC in 2004**

“Berkeley and Oakland were two cities who aggressively went after Rule 20A funds and formed a long queue of assessment districts in their areas. They convinced PG&E to bend the guidelines and use Rule 20A monies in residential neighborhoods where residents were more willing to pay for private connection costs (\$2000+ per parcel).

When PG&E started to face their own problems (rapid demand caused by internet server farms & bankruptcy hearings) they began to refuse to deviate from the original criteria established by the CPUC under Rule 20. The first instance was PG&E’s outright rejection of a proposed Rule 20A district in Oakland’s Piedmont Pines neighborhood.

At that point, Berkeley still had a number residential districts approved by PG&E in queue and their Rule 20A monies committed years into the future. As a result, the City Council issued a moratorium on Rule 20A districts until a new policy for future Rule 20A monies could be developed.

Today there are still three residential districts which have paid their connection and street light costs, but are still waiting for PG&E to schedule construction.

- 1) Miller/Stevenson/Grizzly Estimated construction 2007-2008
- 2) Grizzly Peak/Summit To be scheduled
- 3) Vistamont (Woodmont) To be scheduled

**Rule 20B -Most Residential Neighborhoods**

- In December 2000, the City rolled out guidelines for neighborhoods interested in forming Rule 20B districts. Although many neighborhoods have expressed interest and continue to do so, only one neighborhood (Thousand Oaks Heights) actually formed a district which is now complete.
- Although cost estimates are being updated based on the experience of Thousand Oaks Heights, the estimates from August 2005 give you some indication. At that time the range was \$25-\$30k per household, not including the conversion costs on each parcel or \$2.5k-\$5K. In broad terms this translated into approximately \$2000 annual costs added to county property tax bills. Of course, these costs would probably be a little higher today.”

**Moratorium established in 2000 on forming new districts until new criteria for forming districts:**

Criteria developed passed unanimously by both the Public Works Commission and Transportation Commission in January of 2009

- It recommends that the Council reaffirm its December 19, 2000, to prioritize major arterial routes which were additionally emergency and evacuation routes, by adopting priority routes that meet the convergence of three criteria
- a major arterial route as designated by the General Plan
- major emergency/first responder/evacuation route as designated by the General Plan
- highest traffic volumes as determined by the Public Works/Transportation division

This recommendation to Council was never agenzized or acted upon by Council.

**Current Situation - 2015:** These Districts were established between FY 1991 and FY 1992

- Berkeley Alameda Grizzly Peak Blvd “Engineering Phase”
- Berkeley Alameda Vistamont Ave “Planning Phase”

These two remaining Undergrounding Districts will not be completed until 2020 and 2025 respectively. Additionally, PG& E current allocation of 20 A funds for those districts being completed means that new 20A funds will not be available until 2025

**Funding Decisions**

Few alternatives exist for utilities themselves when it comes to financing the undergrounding of power lines; primarily through either rate increases or special charges to monthly utility bills. Conversely, jurisdictions have much greater flexibility and alternatives to consider in paying for undergrounding, for example:

- Charging a flat fee to all property owners within the jurisdiction;
- Create special districts within communities which could be added to monthly utility bills or tax bills;
- Community-financing through their operating budgets and General Obligation Bonds;
- Pooling monies from residents to pay for their own lines, or at least the portion that runs from the pole to their home meters;
- Implementing a small local tax on rooms, meals, liquor, and/ or retail sales;
- Using economic development, housing and community development, and other creative grant funding from resources such as the State Highway Administration, FEMA, and the State General Assemblies;

- Coordinate the timing and location with State and local infrastructure projects such as road, water, or gas line replacement to save on overall costs.<sup>5</sup>  
All the above.

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<sup>5</sup> Prepared by: Navigant Consulting, Inc., A Review of Electric Utility Undergrounding Policies and Practices March 8, 2005

## APPENDIX 3



Comments and Questions from Commissioners

1. Inclusion of a street cross section diagram showing placement of trench, transformers, etc. compared to the public right of way and potential private land. This would not even have to have measurements just a crude diagram to help a laymen understand what the actual underground looks like.
  - a. We have attached Figure 1 "Diagram of Typical Street Section Showing Underground Facilities in Commercial Area"
2. Please mention if Harris has come across in your research any cities that have had private organizations fund any portion of the undergrounding such as a telecom company funding it in coordination with replacement of their own infrastructure. If yes, expand a bit on how that worked out.
  - a. There have been projects where PG&E has offered a credit to underground in lieu of an overhead relocation for a road widening, but not for maintenance. In this case, PG&E credited the City with the avoided cost of the overhead relocation. This does involve a great deal of coordination, so that the undergrounding does not interfere with the road widening project.
3. Include a table showing the time it takes per mile to underground on various street or topography types.
  - a. We have attached typical schedules for 1 mile of undergrounding under Rule 20A and Rule 20B.
4. If possible, put some numbers to the potential cost savings in maintenance and power outage avoidance in the pro and con discussion.
  - a. Harris does not have this information.
5. Summary totals for all areas where data is presented.
  - a. Done.
6. Summary of new information about Rule 20 that is not available on the City's and PG&E's websites and put Rule 20 discussion in appendix.
  - a. In reviewing the rule, there is a new provision acknowledging "that wheelchair access is in the public interest and will be considered as a basis for defining the boundaries of projects that otherwise qualify for Rule 20A".
7. Expanded discussion of the time frame to realistically complete undergrounding given various funding mechanisms (bonding, surcharge, combination, etc.)
  - a. See schedules.
8. Totals miles and % of total residential of non-Arterial and Collector residential streets that already have been undergrounded and remaining total of residential streets to be undergrounded.

TABLE 1: Summary of Undergrounding Lengths and Costs				
Arterial Streets	Length (Feet)	Length (Miles)	Estimated Cost	% Underground
Total arterial streets	135,095	25.6	N/A	N/A
Total arterial streets undergrounded	66,015	12.5	N/A	49%
Non-residential arterial streets to be undergrounded*	14,830	2.8	\$11,380,000	11%
Residential arterial streets to be undergrounded**	54,250	10.3	\$31,550,000	40%
Total arterial streets to be undergrounded	69,080	13.1	\$42,930,000	51%
Collector Streets				
Total collector streets	190,460	36.1	N/A	N/A
Total collector streets undergrounded	59,660	11.3	N/A	31%
Non-residential collector streets to be undergrounded*	23,275	4.4	\$15,100,000	12%
Residential collector streets to be undergrounded**	107,525	20.4	\$76,770,000	57%
Total collector streets to be undergrounded	130,800	24.8	\$91,870,000	69%
Residential Streets				
Total residential streets***	832, 666	157.7	N/A	N/A
Total residential streets undergrounded	57,267	10.8	N/A	7%
Total residential streets to be undergrounded	775,399	149.9	N/A	93%

\* Non-residential includes Zones M, C-DMU, C, and SP

\*\* Residential includes Zones MUR and R

\*\*\* Residential Streets include all non-arterial and non-collector streets falling in multiple zones

9. Expand the discussion of PROS AND CONS OF UNDERGROUNDING (e.g., if it is high cost CON - what about safety and emergency situations and associated risk assessment costs). Does Harris have any expertise in this area?
  - a. Harris does not have this expertise.
10. Create discussion on savings that can be accrued to the City when the City's Transportation Engineering and Paving Engineering are combined with Undergrounding Construction.

- a. While we do not have actual cost savings, combining paving projects with undergrounding would have several savings. Paving the street after an undergrounding project, would help to complete the cleaner aesthetics of the projects. The pole and wires would be underground and the newly paved street would help the street look new. The public's perception of the project would be improved, especially if the paving is performed directly after the undergrounding, instead of several years later. Related to the timing, if the paving were done after the undergrounding, the public would be inconvenienced less.
- 11. Can we figure out the percentage of street underground from the figures we already have? The Harris report specifies how many feet are already undergrounded and how many feet remain to accomplish, right?
  - a. See summary Table 1.
- 12. Overall, I think the report is pretty good. It would be nice to have the map in a scalable digital format (AutoCAD or ARC-GIS type format preferably, but at least a vector based map rather than a low resolution raster format), but I assume that is not part of the contract.
  - a. Thank you. Harris will provide 6 full size color copies and the CAD file.
- 13. On the map, and in the list of Arterials and collectors, Ashby Ave is not listed, and San Pablo is not listed. Even if this has to be dealt with through the State, these streets should be shown as Arterials.
  - a. The map now includes Ashby Ave. and San Pablo as arterials.
- 14. The unfilled outlines designated for the proposed areas are shown in the map legend, but are not marked on the map.
  - a. The map now shows the proposed areas as cross hatched.
- 15. Doing a Google inspection of MLK Jr. Way, the section at the south end of Berkeley to the Boarder with Oakland (actually, all the way to the bay) appear to already be undergrounded. Also the section of MLK north from Adeline to Ashby.
  - a. This has been updated.
- 16. In the Undergrounding Planning Level Estimate charts, where are the zones (M, MR, CB, C, SP and R) defined? It would be nice to have this definition as part of the chart legend for those not intimately familiar with the City zoning maps.

- a. The planning zones have been defined on the map and the estimate.
17. To be clear, the cost per foot (or mile) of undergrounding should include the cost to extend the conduits to the property line of each property. If this is not included, this should be clearly stated, and some estimate or formula should be provided, as this will ultimately be included in the cost to the city.
- a. The estimate does include the cost of the conduits from the main trench or splice box to the property line.
18. I am not sure where to fit this, but a discussion of the cost of connecting a house from the property line extension to the house itself should be discussed. Depending on current codes, this could include the cost of a pull box or the cost of a new service panel, the cost of the conduit, the cost of trenching, etc. Utility imposed rules not normally covered by code (for instance two-foot radius bends in two-inch conduit) should be noted. I would expect this cost (and the control of some of the specific details) would be the responsibility of the property owner.
- a. Since there are many variables in the cost of the service, we have included Table 2 below with the range of costs for commercial and residential services.

<b>TABLE 2: SERVICE CONVERSION COSTS FOR:</b>		
	<b>RESIDENTIAL (SINGLE FAMILY)</b>	<b>Range of Costs</b>
A	Trench from property line to meter	\$50-\$100/foot
B	Conduits for electric, cable and phone	\$6-\$15/foot
C	Service Panel Conversion	\$1500-\$3000/each
D	Driveway restoration	\$25-\$50/foot
E	Landscape restoration	\$10-\$25/square foot
F	Trenching in steep slopes > 10%	\$100-\$200/foot
G	Drain box where meter is lower than sidewalk grade	\$200-\$400/each
	<b>COMMERCIAL</b>	<b>Range of Costs</b>
	Trench from property line to meter	\$50-\$100/foot
	Conduits for electric, cable and phone	\$6-\$15/foot
	Service Panel Conversion (Up to 400 amps)	\$3000-\$10000/each
	Driveway restoration	\$25-\$50/foot
	Landscape restoration	\$10-\$25/square-foot
	Trenching in steep slopes > 10%	\$100-\$200/foot

For example, the approximate cost to provide the trench, conduit and service panel conversion where the slope is greater than 10% for a residence would be:  $(B+D+E+F) \times \text{Footage} + C = +/- \$\$\$$

19. Please provide a link to the details of San Diego's use of 20D funding and the San Diego utility lawsuit re: rate setting for 20D funds.

a. Here's the link to Rule 20D

[http://regarchive.sdge.com/tm2/pdf/ELEC\\_ELEC-RULES\\_ERULE20.pdf](http://regarchive.sdge.com/tm2/pdf/ELEC_ELEC-RULES_ERULE20.pdf)

and an article about the Rule 20 lawsuit. We didn't see anything specific to a Rule 20 lawsuit.

<http://www.sandiegoreader.com/news/2016/may/13/ticker-sdge-undergrounding-case-court/>

Comments from Commissioner Bruzzone

1. Pages 3 and 4. I think I'd have a summary here that there are 35 miles of street to underground for 100%. Of that 35 miles, about 11 miles is on arterials and the remaining on collector streets.

*A summary has been included on this version.*

If I am doing the math right, the cost is \$40 million for the 11 miles of arterial streets (about \$3.6 million per mile) and about \$90 million for the 24 miles of collector streets (about the same cost per mile).

I think if the costs per mile are unit costs, we should note that and note if there is a cost difference between arterial and collectors. *The unit costs have been noted.*

2. I'd like some discussion of any efficiencies we gain if we package all street rights-of-way improvements at once (i.e., sewer, water, gas, electric, telecom) along with repaving. This can be a range or a percentage.

*We have included a limited discussion.*

3. I'd like some discussion on what, in the future, needs to be directly connected to the building (house/office/etc.). I'm hearing that the telecom companies want to beam wireless into the residential units, eliminating that hard-wire link. Let's have a discussion on this (doesn't have to be a conclusion).

*This is outside the scope of this study. It could be provided on a future phase.*

4. If we don't need to have hard connections for telecom, how much does that save?

*We can address this in a future submittal.*

5. Thinking of which, the stated cost per mile (I believe) does not include the hard wire connection to the utility user. We should state that explicitly, and then give a range of what that cost would be (a range is fine, as I understand and appreciate Rocco's observation on the vastly different costs to provide access to the individual utility users).

*We have provided items that would make up estimated costs per foot of the trench, conduit and service panel conversion.*

6. Street lighting should be included in all estimates of undergrounding. Many streets (especially those around the University) are much too dark -- this is a public safety issue.

*This is outside the scope of this study however, we could provide a unit cost to replace the street lights in a future submittal.*

7. After listening to Rocco's comments, and the comments of the Subcommittee, I think we have a real opportunity to rethink the architecture of our utilities. On the energy side, with solar, we can work with PG&E and design the system to actually work for renewables -- i.e., storing power, islanding microgrids for both storage and for emergencies when the rest of the

gird goes down, etc. -- as well as recognizing that the telecoms may be changing their technology for access into the homes. If the study could include this as a sidebar someplace, I think that will be valuable.

*This is interesting, but outside the scope of this study.*

8. Some discussion of reliability increases that come with undergrounding -- including during an earthquake and the impacts of falling poles -- will also be valuable.

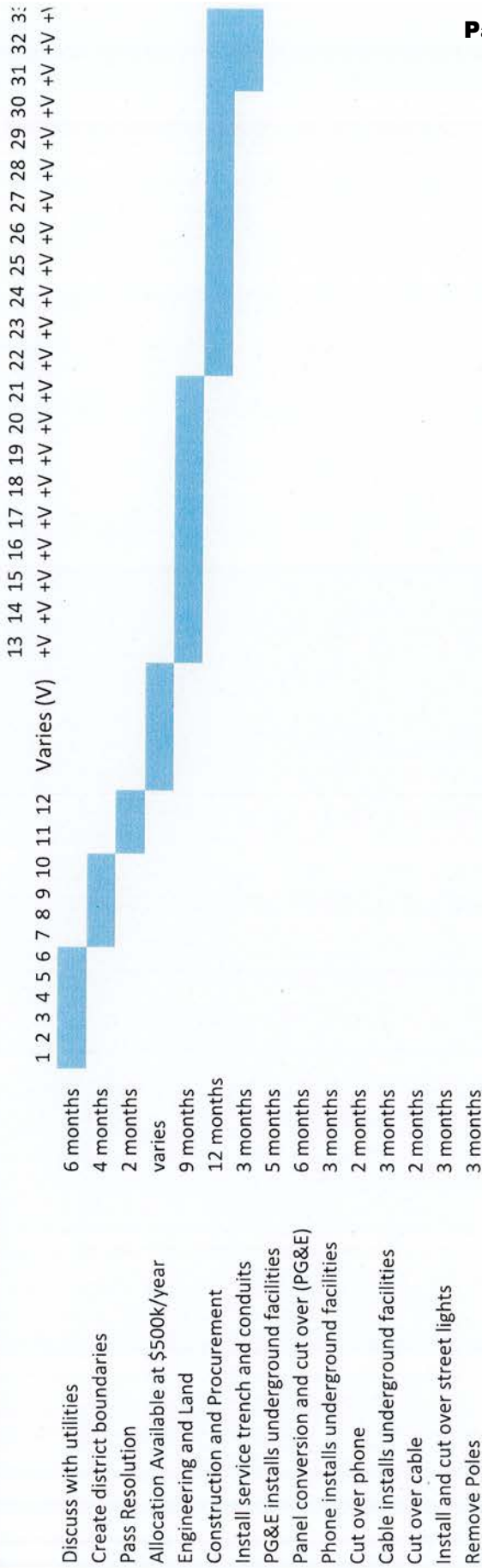
*This is outside the scope of this study.*

9. Finally, from my point of view, this work cannot be funded under the CPUC ratepayer program for a very long time, and, as is said, in the long-run we're all dead. We need to look at a citywide GO Bond -- or a series of bonds -- to get this done within at least some of our lifetimes. I think a broad discussion of developing an undergrounding program that coordinates with other utility and street infrastructure over a 20-year period, at a reasonable number of distances annually, will be our most effective way forward. We'll need to prioritize any program based on these coordinations and also based on important places to clear the wires from first (like fire stations!).

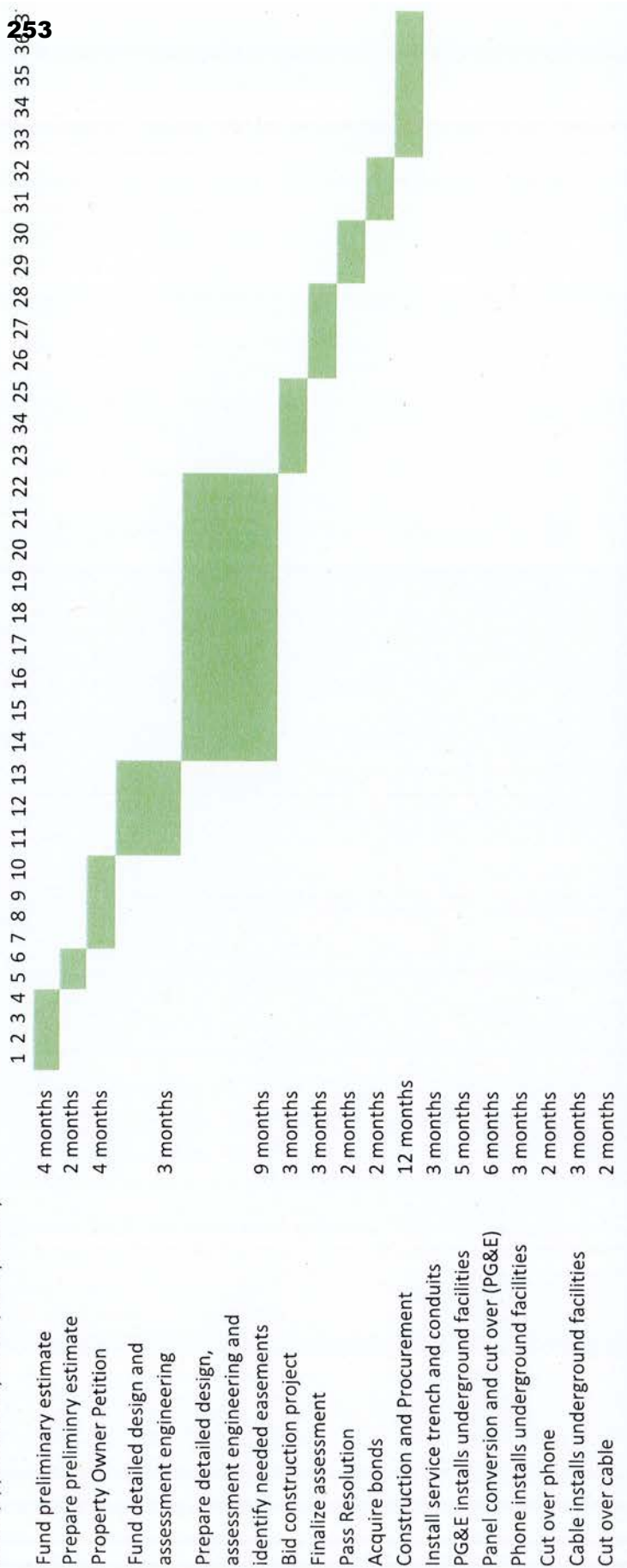
*This is outside the scope of this study however, we could provide some discussion in a future phase.*

CHAPTER IX  
TYPICAL SCHEDULE  
7/20/2016

Typical Rule 20A (approximately 1 mile, 100 parcels)



Typical Rule 20B (approximately 1 mile, 100 parcels)







## Appendix B

### Fire Risks and Mitigation Measures

## Fire History and Environmental Risk Factors

### Fire Risk in California

2017 was the hottest year on record in California, following 5 years of drought that killed 129 million trees in California. Seven of the ten deadliest and most destructive fires in California's history took place during the last 10 years, each one worse than ever experienced before. The most destructive fires in California, in order were:

- **CAMP FIRE - (Butte County), November 2018**  
Structures destroyed: 18,804  
Acres burned: 153,336  
Deaths: 86
- **TUBBS FIRE - (Napa County, Sonoma County), October 2017**  
Structures destroyed: 5,636  
Acres burned: 36,807  
Deaths: 22
- **TUNNEL FIRE - Oakland Hills (Alameda County), October 1991**  
Structures destroyed: 2,900  
Acres burned: 1,600  
Deaths: 25
- **CEDAR FIRE (San Diego County), October 2003**  
Structures destroyed: 2,820  
Acres burned: 273,246  
Deaths: 15
- **VALLEY FIRE (Lake, Napa & Sonoma County), September 2015**  
Structures destroyed: 1,955  
Acres burned: 76,067  
Deaths: 4
- **WITCH FIRE (San Diego County), October 2007**  
Structures destroyed: 1,650  
Acres burned: 197,990  
Deaths: 2
- **WOOLSEY FIRE (Ventura County), Nov. 2018**  
Structures destroyed: 1,643  
Acres burned: 96,949  
Deaths: 3
- **CARR FIRE (Shasta County, Trinity County), July 2018**  
Structures destroyed: 1,614  
Acres burned: 229,651

Deaths: 8

- **NUNS FIRE (Sonoma County), October 2017**  
Structures destroyed: 1,355  
Acres burned: 54,382  
Deaths: 3
- **THOMAS FIRE (Ventura County, Santa Barbara), December 2017**  
Structures destroyed: 1,063  
Acres burned: 281,893  
Deaths: 2

2017 was a devastating fire year highlighted by the Tubbs Fire, 2018 was highlighted by the Camp Fire, and 2019 is another severe fire year in northern and southern California. The Tubbs Fire in Santa Rosa made it clear that the flatlands are not immune from catastrophic fires. Fire raced down from the hills and flying embers started multiple smaller fires that burned down the Coffey Park neighborhood.

The following is an excerpt from the State of California's Fourth Climate Change Assessment, 2018, regarding projections on wildfires:

*Impact: Climate change will make forests more susceptible to extreme wildfires. By 2100, if greenhouse gas emissions continue to rise, one study found that the frequency of extreme wildfires burning over approximately 25,000 acres would increase by nearly 50 percent, and that average area burned statewide would increase by 77 percent by the end of the century. In the areas that have the highest fire risk, wildfire insurance is estimated to see costs rise by 18 percent by 2055 and the fraction of property insured would decrease.*

### **Fire Risk to Berkeley**

The Berkeley and Oakland area has had a long history of wildland fires. The following is excerpted from the Hills Wildfire Working Group, Wildfire Problem Statement, as posted on the East Bay Regional Park District website:

*Fire records for the East Bay Hills are sketchy, yet newspaper clips and old fire planning studies document an active and dangerous fire history. During the 75-year period between 1923 and 1998, eleven Diablo wind fires alone burned 9,840 acres, destroyed 3,542 homes, and took 26 lives, with over 2 billion dollars in financial loss. During the same period, three large west wind fires burned 1,230 acres of grass, brush, trees, and 4 homes.*

News reports document the major fires that have threatened the East Bay Hills:

- **1923 Berkeley-** A Diablo wind fire that started east of the Main ridge at 12 noon on a Monday in September destroyed 584 homes North of the U.C. Campus. No conflagration was ever more out of control. None ever demonstrated more vividly its power to defy all defensive resources once it gained headway. It was extinguished only by an act of providence.



Figure B-1 – 1923 Fire in Berkeley  
Photo by Cal Alumni Assoc.

- **1931 Leona**- 5 homes were lost and 1,800 acres burned by a Diablo wind fire that started at 7 a.m. on a Monday morning in November. "Splitting of the fire into two huge infernos left the hundreds of fire fighters almost helpless to combat the double conflagration."
- **1933 Redwood/Joaquin Miller**- 1 life and 5 homes were lost with 1,000 acres burned by a Diablo wind fire that started on the ridge at 7 a.m. on a Monday morning in November. "The fire traveled along the tops of the thick groves of trees for great distances, never reaching the ground until after the main blaze had passed."
- **1937 Broadway Terrace**- 4 homes were lost and 1,000 acres burned by a West wind fire that started at 3 p.m. on a hot Saturday afternoon in September. "Lack of water caused by exhaustion of reservoirs in the hills hampered fire fighters. The fire at times crept slowly through the brush and at other times leaped from treetop to treetop."
- **1946 Buckingham/Norfolk**- 1,000 acres were burned by a rekindled ridge top Diablo wind fire at 5:00 am on a Monday morning in September. "Sheer-walled canyons were quickly raging infernos. Flames raced so fast in the stiff wind they formed a fiery canopy over stands of pine and eucalyptus." In the ten years following this fire, at least 2 other large fires occurred in Claremont Canyon (Claremont above water tank to Stonewall) and Panoramic Hill (South of Panoramic to fire road) that did not involve structures because few existed at the time.
- **1960 Leona**- 2 homes were lost and 1200 acres were burned by a Diablo wind fire that started at 11 a.m. on Saturday morning in October. "The 84-degree temperature and low humidity aided the flames which roared with express train speed up steep slopes. Flames roared 50 ft. into the air."
- **1970 Buckingham/Norfolk**- 37 homes lost, 36 damaged, and 204 acres burned in a Diablo wind fire that started near the ridge at 10 a.m. on a Tuesday morning in September. The wind was swirling in every direction. The heat was so great that some houses were exploding before the fire actually reached them.
- **1980 Berkeley/Wildcat**- 5 ridge top homes were lost in a Diablo wind fire that started at 2 p.m. on a Saturday afternoon in December. The blaze, fed by thick underbrush and tree (eucalyptus) debris, was so hot and fast that homes literally exploded.

- **1991 Oakland/Berkeley-** The fire was rekindled at 10:45 a.m. below Buckingham/Norfolk roads, on a Sunday morning in October by a ridge top Diablo wind. The firestorm burned over 3 square miles, killed 25 people, gutted 2,900 homes and caused \$1.68 billion in damage. It was the most destructive wildfire in California history until 2017.

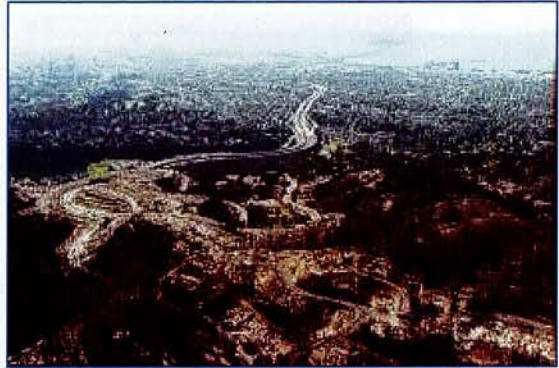


Figure B-2 – 1991 Oakland Hills fire  
Photo by SF Chronicle

- **1994 Castro Valley-** 3 homes were lost in a windy October afternoon near Lake Chabot Road when fireworks ignited a grass fire in a horse pasture below homes that provided no defensible space behind their residences.

If a fire occurs in Berkeley or the East Bay hills, how rapidly will it spread, and to where? While fires can occur under a wide variety of conditions, fires are most likely to rapidly spread and grow when high winds typically from the northeast direction coincide with hot dry conditions. This condition, winds descending the western slopes of the Coast range and known locally as a Mono or Diablo wind, is similar to the Santa Ana winds in southern California.

Given specified wind speed, fuel moisture and other data, fire spread can be computed using methods such as embodied in FlamMap (<https://www.firelab.org/project/flammap>). Such calculations are beyond the scope of this study. However, an estimate of how rapidly a fire might spread under Red Flag conditions can be gleaned by studying fire spread for events similar to those of concern. Such events include:

- The 1991 Oakland Hills fire began about 11 am during a Diablo wind – within 15 minutes it had run 2km (6,600 ft.) downhill – six hours later it had run 4.5 km (15,000 ft.). From Wildcat Canyon Road at Berkeley’s border with Tilden Park, to the Marin Avenue intersection at the Marin Circle, is 2.2 km. In other words, the East Bay Hills fire would have spread from Tilden Park to Marin Circle in about 20 minutes.
- The 2017 Tubbs fire spread at a rate of about 2 miles per hour, meaning it would have spread from Tilden Park to Marin Circle in about 37 minutes.

The North Berkeley Hills are a Wildland Urban Intermix area with about 26,000 residents and 7,453 assessor parcels. The likelihood of a major fire in this area similar to the Oakland Hills fire is about 0.002 per year, with Tilden Park itself having much higher likelihood (as much as 0.01 per year). Climate change may be increasing this likelihood, although how much is difficult to say. Diablo winds (“Red Flag” conditions) occur on average about 2.5 times each year, with about half those occurrences being in October to November when wildland fuels are very dry. Major WUI fires often burn the same areas that have burned in previous years. This is another reason why Berkeley is at risk.

CalFire has expanded its designation of high and extreme hazard fire zones as a result, with the subsequent loss of home insurance by many who live in these hilly and windy areas of Berkeley.

Cities that expect to rebuild after fires must develop a resilience strategy ahead of time to ensure that they don't lose citizens and businesses.

## Reducing the Risk of a Fire

With the increasing risks of wildland fires from extreme climatic conditions, there are actions that the City of Berkeley, our residents, and local agencies can take to reduce the risk of a fire. The following summarizes the actions we can take through educating the public of the risks, reducing vegetation that fuels fires, and PG&E's plans to shut off power during high risk climatic conditions.

### Public Education

The National Weather Service issues Red Flag Warnings & Fire Weather Watches to alert fire departments of the onset, or possible onset, of critical weather and dry conditions that could lead to rapid or dramatic increases in wildfire activity. A Red Flag Warning is issued for weather events which may result in extreme fire behavior that will occur within 24 hours. During these times extreme caution is urged by all residents, because a simple spark can cause a major wildfire. The type of weather patterns that can cause a warning include low relative humidity, strong winds, dry fuels, the possibility of dry lightning strikes, or any combination of the above.



Figure B-3 – AC Alert with Red Flag Warning

### East Bay Regional Parks District

The East Bay Regional Parks District issues the following restrictions to the danger of fires on Red Flag days:

- No open fires, campfires, wood burning or charcoal barbecues are permitted.
- Campground visitors must clear all flammable material for ten feet from their camp stove.
- Smoking is prohibited in all East Bay Regional Parks.
- No use of gasoline powered equipment (generators).
- Increased monitoring, patrol and strict enforcement of these restrictions.

### City of Berkeley

The public is notified of Red Flag conditions through AC Alert, City of Berkeley notifications, Mayor and Councilmember newsletters and local news broadcasts. Berkeley Councilmembers Susan Wengraf, Lori Droste, and Sophie Hahn hold an annual Fire Safety Town Hall every May. Representatives from the Berkeley Fire Department, the East Bay Regional Parks, the Orinda Fire Department, CalFire and UC Berkeley give presentations about what their jurisdictions are doing to mitigate and prevent wildfires. Topics covered included:

- Safe Passages pilot program (vehicle access and egress)
- Evacuation routes

- Vegetation management
- Notification and warning systems
- East Bay Regional Parks fire mitigations
- New technologies
- State legislation
- What neighboring jurisdictions are doing

## **Vegetation Management**

Wildland fire behavior is controlled by three factors: fuels, weather and topography. Because it is impractical to control the weather and topography around us, the only practical way to modify fire is by managing its fuel source. Fire fuel refers to anything that has the ability to burn and spread fire, like trees, shrubs and dried grass.

### **State of California**

In March 2019, Governor Newsom proclaimed a state of emergency throughout California ahead of the coming fire season. The Governor directed his administration to immediately expedite forest management projects that will protect 200 of California's most wildfire-vulnerable communities. This action follows the release of a report earlier by the California Department of Forestry and Fire Protection (CalFire), which identified 35 priority fuel-reduction projects that can be implemented immediately to help reduce the public safety risk for wildfire. The state of emergency provides time-saving waivers of administrative and regulatory requirements to protect public safety and allow for action to be taken in the next 12 months, which will begin to systematically address community vulnerability and wildfire fuel buildup through the rapid deployment of forest management resources. But will there be funding to maintain wildland fuelbreaks in the years that follow?

### **Regional Agencies**

The East Bay Regional Park Fire Department uses several different methods to modify or reduce the amount or availability of wildland fuels for any fire that may occur. Ladder and surface fuels such as grass, brush, forest litter, and down logs and branches are modified or removed by hand crews, prescribed fire, mowing, weed-eating, masticating, or animal grazing. Dense tree stands are often thinned to remove some of the trees that contribute to fuel loading and to reduce the potential for wildfire to spread in the tree canopies. Visitors to the East Bay Regional Parks may encounter cattle, sheep or goats grazing on the grasslands. The District uses grazing animals as a practical and economic resource management tool. Grazing helps reduce fire hazards by controlling the amount and distribution of grasses and other potential fuel.

The Orinda-Moraga Fire District entered into an agreement with CalFire in May 2019 to begin planning and work on the North Orinda Shaded Fuel Break (NOSFB) project. The project area encompasses 1,515 acres along 14 miles of open space in the East Bay between the eastern portions of Tilden Regional Park and Pleasant Hill Road. This project is being carried out to reduce dangerous wildfire fuels in a deliberate manner designed to minimize environmental impacts to wildlife and

protected plants. This area receives seasonal “Diablo winds”, that were the dominant influence in several major nearby wildfires. These fuels are understory vegetation, dead/dying trees, and highly combustible brush. Reducing the quantities of these fuels will lower the intensity and speed of a wildfire. This fuel break will provide essential opportunities for firefighting success by providing areas of lower fire intensity and enhanced fire line production rates.

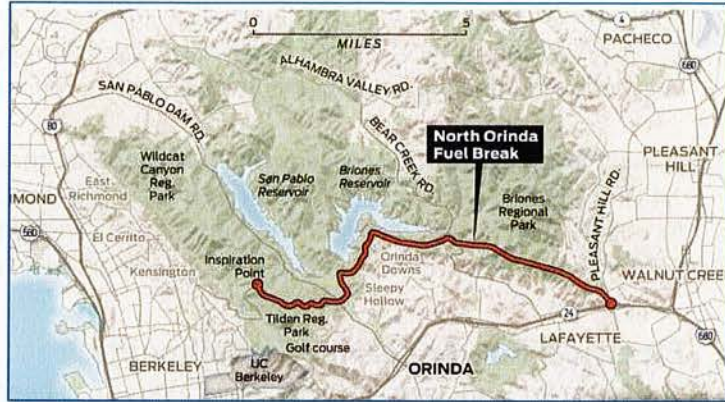


Figure B-4 – North Orinda Fuel Break Map from SF Chronicle

**City of Berkeley**

Berkeley currently has an active vegetation management program both for its public space and for property owners in the Very High Hazard Fire Zone. Property owners can learn about appropriate vegetation management on its Wildfire Evacuation- City of Berkeley webpage. We know that effective vegetation management includes reducing fire laddering fuels, removing dead limbs, limbing up trees, regulating the height of hedges, and maintaining at least 5 feet of vegetation-free space next to homes. Currently, compliance is largely voluntary except for annual inspections of vacant properties in the Very High Hazard Fire Zone (VHHFZ) and all properties in the Extreme Hazard Fire Zone (EHFZ).

**PG&E**

PG&E also has a vegetation management program. The following is from the PG&E website:

*In response to the growing risk of wildfire in our state, we are enhancing our vegetation and safety work. Our focus will be on addressing vegetation that poses a higher potential for wildfire risk in high fire-threat areas as designated by the California Public Utilities Commission (CPUC). Our Enhanced Vegetation Management program involves multiple steps to help further reduce the risk of trees, limbs and branches from coming into contact with power lines in high fire-threat areas.*

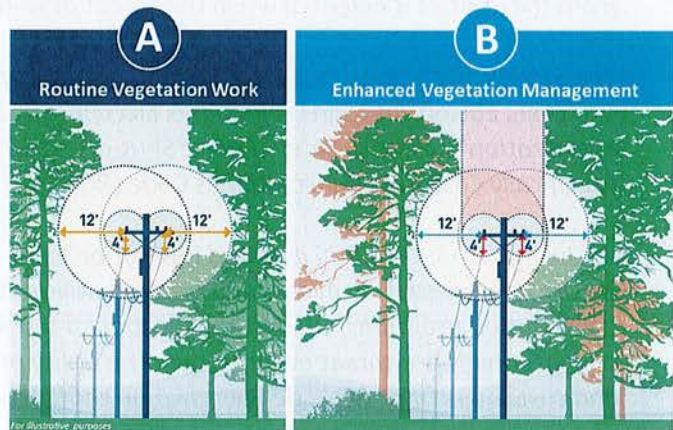


Figure B-5 – PG&E Vegetation Management

The San Francisco Chronicle reported in October 2019 that PG&E was behind schedule in carrying out their vegetation management program. The following is an excerpt from their report:



As the most dangerous part of California's wildfire season continues, Pacific Gas and Electric Co. says it has finished only about 31% of the aggressive tree-trimming work it planned this year to prevent vegetation from falling on power lines and starting more deadly infernos.

PG&E told a federal judge Tuesday that as of Sept. 21, the company had completed 760 miles out of the 2,455 miles of power lines where it intends to take extra steps to cut back vegetation. The company said its ability to meet the tree-trimming target by the end of the year depends on whether it can "significantly increase the number of qualified personnel engaged" in the effort.

## **Electrical Power Service Curtailments**

The cause for some of the recent wildland fires has been traced back to faulty overhead electrical wires or equipment. As an extreme measure to help reduce the risk of a fire, PG&E has proposed shutting electricity to high risk areas under Red Flag conditions. This program, called Public Safety Power Shutoff (PSPS), has been approved by the CPUC. It has now been done twice.

### **CPUC**

The CPUC has reviewed the risks of wildfires and worked with the State's investor-owned utilities and determined the following:

*Wildfires are more destructive and deadlier than in the past, and the threat of wildfires is more prevalent throughout the state and calendar year. The overall pattern shows the emerging effects of climate change in our daily lives.*

*Throughout the year, the CPUC works with CalFire and the Office of Emergency Services to reduce the risk of utility infrastructure starting wildfires, to strengthen utility preparedness for emergencies, and to improve utility services during and after emergencies. Interagency coordination, and cooperation from the utilities is essential when the threat of wildfires is high.*

*The State's investor-owned electric utilities, notably Pacific Gas and Electric Company (PG&E), Southern California Edison, and San Diego Gas & Electric (SDG&E), may shut off electric power, referred to as "de-energization" or Public Safety Power Shut-offs (PSPS), to protect public safety under California law, specifically California Public Utilities Code (PU Code) Sections 451 and 399.2(a).*

*On July 12, 2018, the CPUC adopted Resolution ESRB-8 to strengthen customer notification requirements before de-energization events and ordered utilities to engage local communities in developing de-energization programs. Utilities must submit a report within 10 days after each de-energization event, and after high-fire-threat events where the utility provided notifications to local government, agencies, and customers of possible de-energization though no de-energization occurred.*

### **PG&E**

PG&E has implemented the PSPS program. October 2019 saw the occurrence of dry conditions, Red Flag days and strong Diablo and Santa Ana winds in California. The following events have happened:

- **October 9 – 10, 2019** -- PG&E implemented its first major PSPS. About 800,000 homes and businesses in 34 counties lost power. This event tested the readiness of PG&E's public notification system and saw their website overwhelmed with contacts. Also, other facilities (such as the Caldecott Tunnel) scrambled to find back up power.

- **October 26 - 28, 2019** -- PG&E implemented a PSPS that affected about 1 million homes and businesses in 36 counties. The total number of people affected was more than 2.5 million. This was the largest intentional power shutoff in PG&E’s history. This shutoff was in response to a very strong Diablo wind condition and very dry conditions.

Other shutdowns are proposed, depending on climatic conditions. PG&E’s policies and procedures require inspection of their power lines and equipment before re-energizing. An outage can last several days. Figure 9 shows a summary of PG&E’s PSPS policies and procedures.

## PACIFIC GAS AND ELECTRIC COMPANY




### PUBLIC SAFETY POWER SHUTOFF

### POLICIES AND PROCEDURES

SEP 2019

The following is a description of Pacific Gas and Electric Company’s (PG&E) policies and procedures related to proactively turning off power for safety – and later restoring power – when gusty winds and dry conditions, combined with a heightened fire risk, threaten a portion of the electric system. This is often called proactive de-energization and restoration in the industry; PG&E is calling this a **Public Safety Power Shutoff**.

Given the continued and growing threat of extreme weather and wildfires, and as an additional precautionary measure following the 2017 and 2018 wildfires, we are expanding and enhancing our Community Wildfire Safety Program to further reduce wildfire risks and help keep our customers and the communities we serve safe. Our ongoing and expanded wildfire safety actions include:

 <b>REAL-TIME MONITORING AND INTELLIGENCE</b>	 <b>NEW AND ENHANCED SAFETY MEASURES</b>	 <b>SYSTEM HARDENING AND RESILIENCY</b>
<ul style="list-style-type: none"> <li>Coordinating prevention and response efforts by monitoring wildfire risks in real time from our Wildfire Safety Operations Center</li> <li>Expanding our network of PG&amp;E weather stations to enhance weather forecasting and modeling</li> <li>Supporting the installation of new high-definition cameras in high fire-threat areas</li> </ul>	<ul style="list-style-type: none"> <li>Further enhancing vegetation management efforts to increase focus on vegetation that poses a higher potential for wildfire risk</li> <li>Conducting accelerated safety inspections of electric infrastructure in high fire-threat areas</li> <li>Disabling automatic reclosing of circuit breakers and reclosers in high fire-risk areas during wildfire season</li> <li>Proactively turning off electric power for safety (Public Safety Power Shutoff) when gusty winds and dry conditions combine with a heightened fire risk</li> </ul>	<ul style="list-style-type: none"> <li>Installing stronger and more resilient poles and covered power lines, along with targeted undergrounding</li> <li>Upgrading and replacing electric equipment and infrastructure to further reduce wildfire risks</li> <li>Working with communities to develop new resilience zones to provide electricity to central community resources during a Public Safety Power Shutoff event</li> </ul>

VISIT [pge.com/wildfiresafety](http://pge.com/wildfiresafety) for more information

Public Safety Power Shutoff is one component of the Community Wildfire Safety Program. PG&E has created a set of procedures for:

- Monitoring **fire danger conditions**
- Determining what **combination of conditions** necessitates turning off lines for safety
- Identifying **potentially impacted areas**
- Notifying customers**, municipalities, agencies and critical facilities
- Restoring power as quickly as possible** once it is safe to do so

Following the wildfires in 2017 and 2018, some of the changes included in this document are contemplated as additional precautionary measures intended to further reduce future wildfire risk.

1

Figure B-6 – PG&E’s PSPS Policies and Procedures

Issues that have arisen from the shutdowns have included:

- The Diablo winds were very strong with speeds up to 100 miles per hour in the upper peaks. The high winds caused tree limbs to take down overhead power lines in the shutdown and non-shutdown areas.
- Public notification on the timing and extent of the shutdowns were critical. The shutdown on October 9<sup>th</sup> saw the PG&E website overwhelmed from the volume of contacts. AC Alert, City of Berkeley notifications, and local news broadcasts were effective.
- The shutdowns have been a major disruption to people and businesses. Especially affected were people with medical, mobility and other needs. UC Berkeley cancelled classes and many school districts closed. The economic impact has been estimated to be more than \$1 billion.
- Governor Newsom has criticized PG&E for decades of mis-management and for not maintaining their system.
- The local news reported that PG&E is beginning to think that undergrounding overhead utility wires may be needed to improve safety.

## Reducing the Impacts from a Fire

If a wildland fire occurs in Berkeley or in neighboring areas, we need to be prepared to reduce the impacts. The following are some options for Berkeley to prepare itself, including evacuation planning, undergrounding overhead wires and creating defensible space around our homes.

### Evacuation Planning

When a wildland fire occurs, it will be important to evacuate the area with or without notice from public safety officials. Berkeley has established evacuation procedures posted on the City's website ([www.cityofberkeley.info/wildfireevacuation/](http://www.cityofberkeley.info/wildfireevacuation/)). Some of the important features of the plan include:

- **Safe Passages** – The Berkeley Safe Passages pilot program is designed to blend traditional parking restrictions with innovative road markings and signage. Many roads in Fire Zones 2 and 3 are too narrow for parking and safe passage of vehicles when emergencies arise. Three locations will be selected so staff and the public can evaluate the efficacy and impact. The Fire Chief listed three actions that need to be done for the Safe Passages Program:
  - Identify, paint, and provide signage for new “Keep Clear” pinch points on streets
  - Expand “No Parking” areas throughout dangerously narrow streets
  - Identify funding to enable additional capacity for parking enforcement
- **Evacuation Routes** – Berkeley's evacuation routes are shown on Figure 10. The City has also shown the location of temporary evacuation sites, fire stations and schools.
- **CERT and Simulated Exercises** -- In a catastrophic disaster, government resources (people and supplies) may not be available for several days following the event. The Community Emergency Response Team (CERT) Program provides education in disaster preparedness and provides training in basic emergency skills. By preparing neighborhoods and community groups with basic emergency skills, we can lessen the effects of a disaster and help sustain

ourselves until assistance can arrive. Berkeley held simulated evacuation exercises in three parts of the City in the summer of 2019.

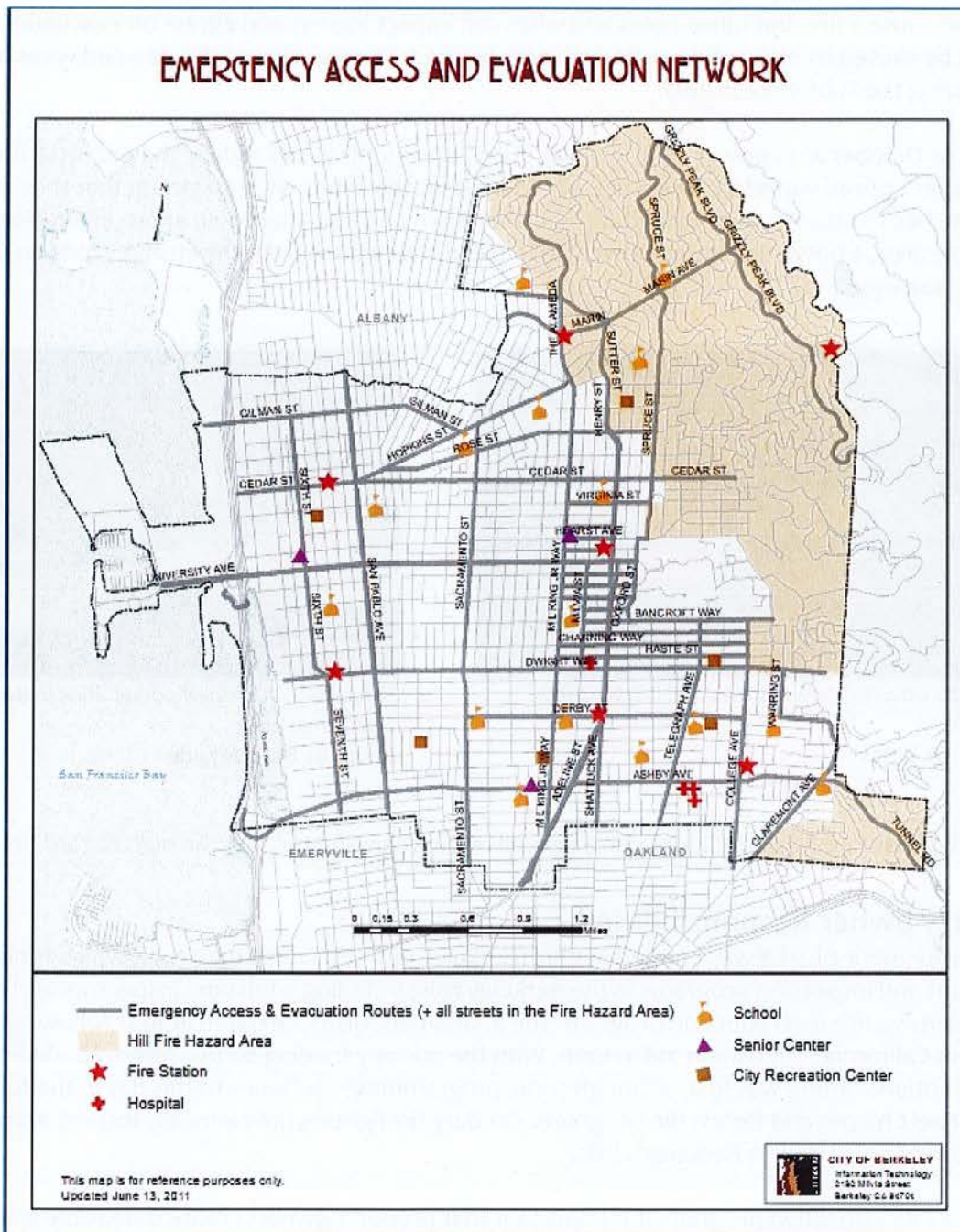


Figure B-7 – Berkeley’s emergency access and evacuation network

## Undergrounding Overhead Wires

Each wildland fire in California is investigated for the cause of the fire. In many cases, problems with PG&E's overhead wires or equipment have been contributing factors. Overhead wires not only can spark and cause a fire, but fallen poles and wires can impact ingress and egress on evacuation routes. This can be caused by high winds or fire damage. Figure 11 shows some of the downed wires and poles during the Tubbs Fire in 2017.

During the October 2019 power shutdown by PG&E, the intent was to reduce the potential for overhead energized wires to cause a fire. We found that the winds were so strong that they caused tree branches to take down overhead wires in shutdown and non-shutdown areas. In Berkeley's Northbrae area, a power line came down with a felled tree branch from the strong winds on October 27, 2019 (see Figure 12).



Figure B-8 - Downed power poles and lines in 2017 Tubbs Fire  
Photo by LA Times



Figure B-9 – Downed power lines in Berkeley's Northbrae area  
Photo by Berkeleyside

This shows that Red Flag conditions can affect all of Berkeley and not just the high hazard fire zones.

## Property owner Responsibilities

A Fire Assessment District was created in 1992 (Berkeley City Ordinance 6129-N.S.) which funded fuel abatement and inspection programs in the Berkeley hills, including 3 full-time inspectors and a comprehensive fire fuel reduction program. The assessment district expired in 1997 following the passing of California Proposition 218 in 1996. With the primary funding source removed, dedicated Fire Prevention staffing was lost, although some programming continues to this day in the form of the Fire Fuel Chipper and Debris Bin programs. On-duty firefighters now annually inspect a small proportion of properties in Berkeley's hills.

Without a City inspection program, it is important that property owners create defensible space and harden their homes to reduce the impacts from a fire. Guidance information is available from the California Fire Safe Council ([www.cafiresafecouncil.org](http://www.cafiresafecouncil.org)).

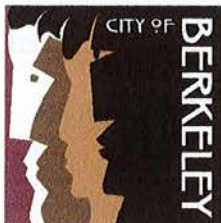
- **Hardening Your Home** -- Fire hardened means your home is prepared for wildfire and an ember storm. It does not mean fireproof. Home hardening addresses the most vulnerable components of your house with building materials and installation techniques that increase resistance to heat, flames, and embers that accompany most wildfires.
- **Key Elements of a Defensible Space**
  - Keep your gutters and roofs clear of leaves and debris.
  - Maintain a 5-foot noncombustible zone around your home and deck.
  - Break up fuel by creating space between plants and between the ground and the branches of trees.
  - Mow grass to a height of less than 4 inches.
  - Keep mulch away from the house. Bark mulch helps plants retain water but ignites and becomes flying embers during a wind-driven fire.
  - During a wildfire, move anything burnable—such as patio furniture or gas BBQ tanks—30 feet away from structures.



**Appendix C**  
**Declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley**







Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR  
October 15, 2019

To: Honorable Mayor and Members of the City Council  
From: Councilmember Wengraf  
Subject: Declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley

RECOMMENDATION

Adopt a Resolution declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley

FINANCIAL IMPLICATIONS

None

BACKGROUND

The East Bay hills are home to extremely high fire hazards due to proximity to park land where the fuel load is high; narrow, curvy roads, hampering access by first responders and obstructing efficient evacuation routes; and steep topography and changing weather conditions. On April 23, 2019 Governor Newsom held a press conference in Berkeley, at the edge of Tilden Park, restating his declaration of a state of emergency regarding wildfires in California. Historically, California is at high risk of wildfire and the Governor was dedicating new resources to wildfire prevention. The Governor, in choosing the location for his press conference, was no doubt aware of Berkeley's history.

In 1923, a wildfire swept through north Berkeley, ultimately destroying approximately 600 homes, including churches, schools, libraries, and student living quarters. At that time, the population of Berkeley was 52,000. Today, the population density has more than doubled. In 1980, a fire in Berkeley's Wildcat Canyon destroyed 5 homes and then, on October 17, 1991, a fierce and destructive wildfire consumed southeast Berkeley and Oakland, claiming 25 lives and reducing approximately 3,000 structures to ashes. Had the wind direction not shifted, it is likely that many more people would have died and more of Berkeley would have been destroyed.

Since 1991, due to climate change, wildfires have become larger, hotter, more destructive, and more difficult to control. Vulnerable communities throughout the state have been ravaged. Potentially greater risk exists today not only in the Berkeley Hills but to neighborhoods between the hills and the Bay, as evidenced by the total destruction of Coffey Park in the 2017 Tubbs Fire. Berkeley is ranked at the same risk

level of many of the cities that have already been decimated by fire. Berkeley's risk is ranked as the highest designation in the state.

Berkeley is also at extreme risk for a devastating earthquake on the Hayward Fault, which cuts right through Berkeley's high fire severity zone; when fire ensues it will cause even further destruction to life, property and further challenge the City's resiliency.

It is time for Berkeley to acknowledge our risk and make wildfire prevention and safety a top priority. Our full commitment, by resolution, will allow us to move forward with projects and programs to achieve our shared goals of wildfire prevention and safety; ensure wildfire prevention and safety are reflected in allocation of resources and city policies; and make certain wildfire prevention and safety are addressed as the highest priority in the next updates to the City's General Plan, Climate Action Plan, Local Hazard Mitigation Plan, Resiliency Strategy, 2050 Vision and any other plans where it may be appropriate.

#### ENVIRONMENTAL SUSTAINABILITY

This item supports the City's environmental sustainability goals. Fire prevention is critical for environmental sustainability. In 2018, California wildfires emitted as much carbon dioxide as an entire year's worth of California's electricity according to a November 30, 2018 press release from the U.S Department of the Interior.

#### CONTACT PERSON

Councilmember Wengraf

Council District 6

510-981-7160

#### Attachments:

1: Resolution

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

Declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley

WHEREAS, wildfires have grown larger and increased in intensity over the last several decades due to climate change and increased density in the wildland/urban interface (WUI), and

WHEREAS, areas of the City of Berkeley are designated by CAL FIRE as having the highest rating of "very high severity" risk to wildfire, and

WHEREAS, on March 22, 2019, Governor Newsom declared a state of emergency in of California with regard to wildfire risk, and

WHEREAS, since 1922, more than a dozen major wildfires have impacted the Berkeley hills, resulting in extensive damage, economic harm and loss of life. The 1991 Oakland/Berkeley firestorm, considered the third most deadly fire in California, burned over 1,500 acres, caused the deaths of 25 people and injured over 150 people, and

WHEREAS, wildfires in this decade are larger, faster and more destructive than in 1991, potentially causing greater risk to not only the Berkeley Hills but to neighborhoods between the hills and the Bay, as evidenced by the total destruction of Coffey Park in the 2017 Tubbs Fire, and

WHEREAS, Berkeley is also at extreme risk for a devastating earthquake on the Hayward Fault, which cuts right through Berkeley's high fire severity zone; when fire ensues it will cause even further destruction to life, property and further challenge the City's resiliency, and

WHEREAS, when a wildfire destroys a neighborhood, the short and long-term economic impact multiplies exponentially. The 1991 Berkeley/Oakland Tunnel Fire resulted in the loss of 2,900 structures and 25 lives. The 1923 North Berkeley fire destroyed about 600 homes and burned all the way to the corner of Hearst and Shattuck, before the winds shifted.

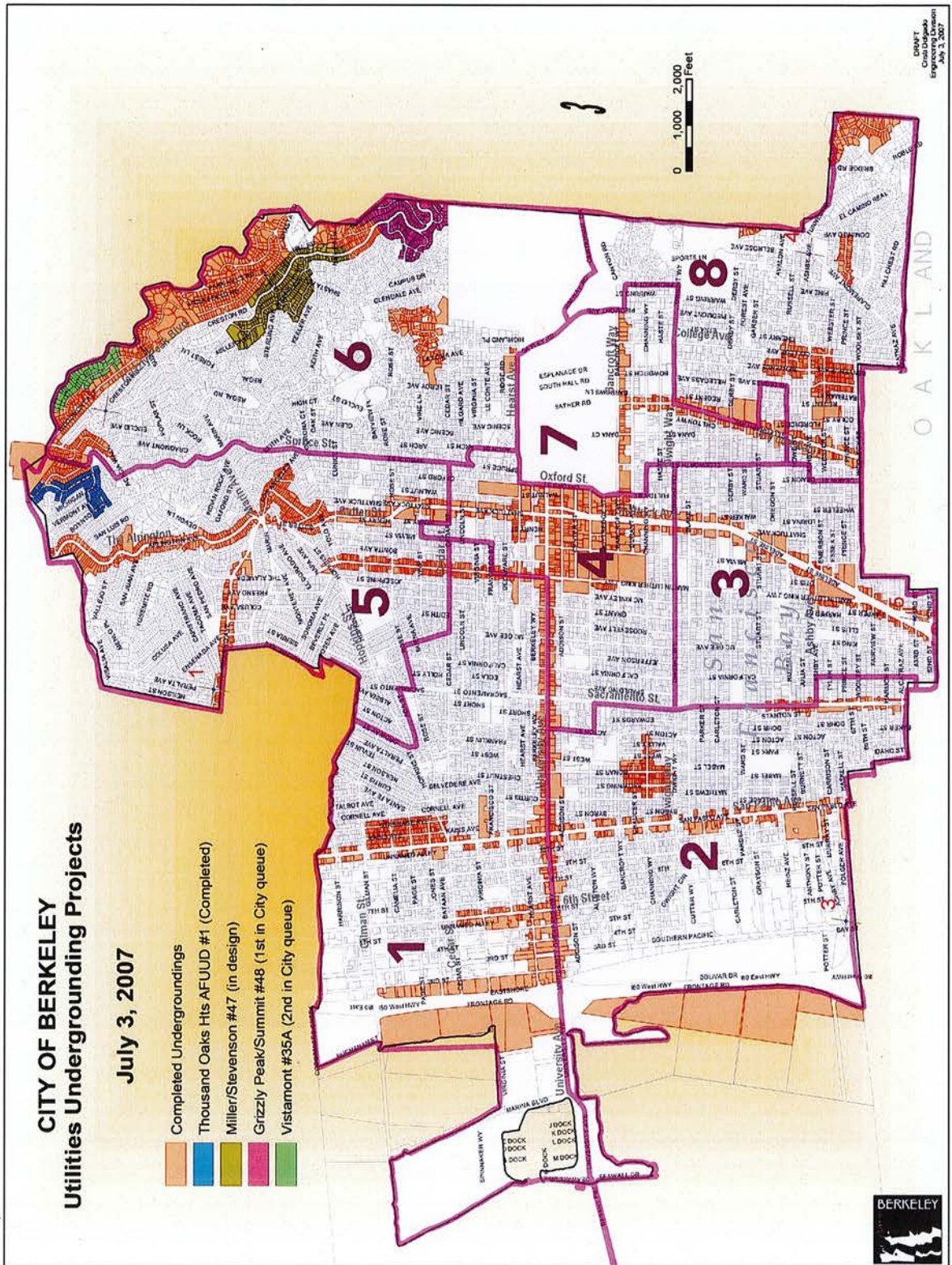
WHEREAS, major disasters such as the 2017 Tubbs Fire and the 2018 Camp Fire severely strain the limited housing stock in a community when survivors are forced to replace housing destroyed in the wildfire. Berkeley already has an affordable housing crisis, and nearby communities would be hard pressed to accommodate thousands of residents displaced by a wildfire or other major disaster, and

WHEREAS, a wildfire in the Berkeley hills threatens the entire City of Berkeley, both hill areas and flat areas and impacts air quality, loss of housing, injury as well as the tragic loss of life.

NOW, THEREFORE, BE IT RESOLVED, that the City Council pass this resolution making wildfire prevention and safety a stated top priority for the City of Berkeley.

BE IT FURTHER RESOLVED, that wildfire prevention and safety be addressed as the highest priority in the next updates to the City's General Plan, Climate Action Plan, Local Hazard Mitigation Plan, Resiliency Strategy, 2050 Vision and any other plans where it may be appropriate; and be reflected in city policies and allocation of resources.

# Appendix D Utilities Undergrounded in Berkeley

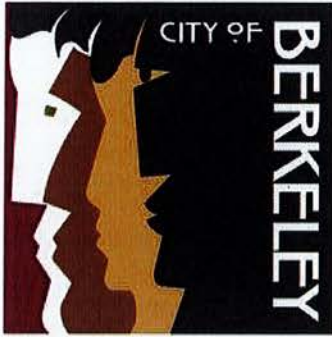




**Appendix E**  
**Report on Undergrounding Costs by Bellecci & Associates**







# Projected Costs of Undergrounding Utilities along City of Berkeley's Evacuation Routes

City of Berkeley

January 2020

 **Bellecci & Associates**

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# Table of Contents

<b>Acknowledgements</b> .....	3
<b>Section I – Executive Summary</b> .....	4
<b>Section II – Methodology</b> .....	5
<b>Section III – Analysis</b> .....	7
<b>Section IV – Planning Level Costs</b> .....	17
<b>Appendix A</b> .....	20
<b>Appendix B</b> .....	22
<b>Appendix C</b> .....	24
<b>Appendix D</b> .....	29
<b>References</b> .....	33

## Acknowledgements

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### PREPARED BY:

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## Section I – Executive Summary

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In December 2014, the Berkeley City Council directed “the Public Works Commission, Transportation Commission and Disaster and Fire Safety Commission [to] develop a comprehensive funding plan to underground utilities along all arterials and collectors in the City of Berkeley.” An Underground Subcommittee was formed of representatives from these commissions, and has begun a four-phase study for the City Council's referral. Phase 1 was a report titled “Baseline Study for the Development of a Utility Undergrounding Program,” prepared by Harris & Associates in 2016. Phase 2 conducted a “Conceptual Study to Underground Utility Wires in Berkeley”, which was presented by the Public Works, Disaster and Fire Safety, and the Transportation Commissions in 2018. The program is proceeding into the third phase, which involves multiple tasks: defining the phase 3 projects, developing the financing plan, conducting community input, coordinating with utilities, and preparing an implementation plan. Phase 4 will include implementing the plan, including financing, design and construction.

The priority evacuation routes, which have been designated in the City's General Plan, are the routes along state highways and major streets that would allow citizens to evacuate in case of emergencies and disasters. The City provides a map for East/West evacuation routes along with fire zones (Appendix A). With the considerations of both safety and power reliability, these routes are the highest priorities for utility undergrounding and are the focus of this report.

This report mainly studies the utility status along the evacuation routes and provides a planning level cost estimate for undergrounding the overhead utilities along the routes. The major objectives are to:

- a) Summarize the current status of overhead and underground facilities along the City's major evacuation routes;
- b) Identify the segments of the City's major evacuation routes with existing overhead facilities to be undergrounded;
- c) Prepare a tabular documentation with percentage of overhead and underground facilities for each roadway;
- d) Provide an opinion of probable construction costs for undergrounding the existing overhead facilities along these evacuation routes.

## Section II – Methodology

The City's major East/West evacuation routes are the highest priorities for utility undergrounding and a map of these routes is included in Appendix A. These routes include:

- Spruce Street, Oxford Street, Rose Street, Grizzly Peak Boulevard
- Marin Avenue
- Gilman Street, Hopkins Street
- San Pablo Avenue, Cedar Street
- University Avenue, 6th Street, Dwight Way
- Ashby Avenue, Tunnel Road
- San Pablo Avenue, Alcatraz Avenue, Claremont Avenue

The presence of overhead and underground facilities along these routes were verified using a combination of these three methods: a) utility maps, b) field visits, and c) Google Street View.

### Utility Maps

The major utility companies that possess dry utilities within the City are PG&E, AT&T, Comcast, Verizon and Century Link (Level 3). Utility map request letters were sent to the aforementioned utility companies in June 2019. The utility maps provided by PG&E, AT&T, and Comcast identified the status of their existing dry utilities. However, these maps are not included in this report due to the utility companies' confidentiality clauses.

- The Comcast maps were received on June 27, 2019.
- The AT&T maps were received on July 22, 2019.
- The PG&E Electric maps were received on August 20, 2019.
- Verizon maps were received on September 18, 2019
- Century Link Level 3 utility maps were received on August 1, 2019

The utility maps listed above were evaluated for the presence of existing overhead and underground wires, conduits, joint trenches and duct banks. While other dry utilities exist within the city, it is assumed that the utility maps listed above provide sufficient coverage of existing overhead and underground facilities.

### Field Visits

Field visits of the City's major evacuation routes were performed by driving along each route and noting the presence of utility poles and overhead wires. The field visits were conducted on July 2 and 3, 2019. The observations from the field visits were compared with the utility maps and the images from Google Street View to verify the presence of existing utility poles and overhead wires. Photos were taken for perceptual understanding with selected photos shown below. More photos from the field visits are included in Appendix C.

### Street View Images

Google Street View provides panoramic images from positions along streets and other paths of travel. The entirety of each of the City's major evacuation routes were captured in Google Street View. The Google Street View images were compared with the utility maps to evaluate the presence of existing utility poles

and overhead wires. Google Street View, by default, shows the most recently captured images. If available, previously captured images can be shown for the location. At the time of this report, the majority of the Google Street View images along the major evacuation routes were most recently captured within the past six (6) months.



Photo 1: Taken from Dwight Way facing West near Jefferson Avenue with poles and overhead utilities

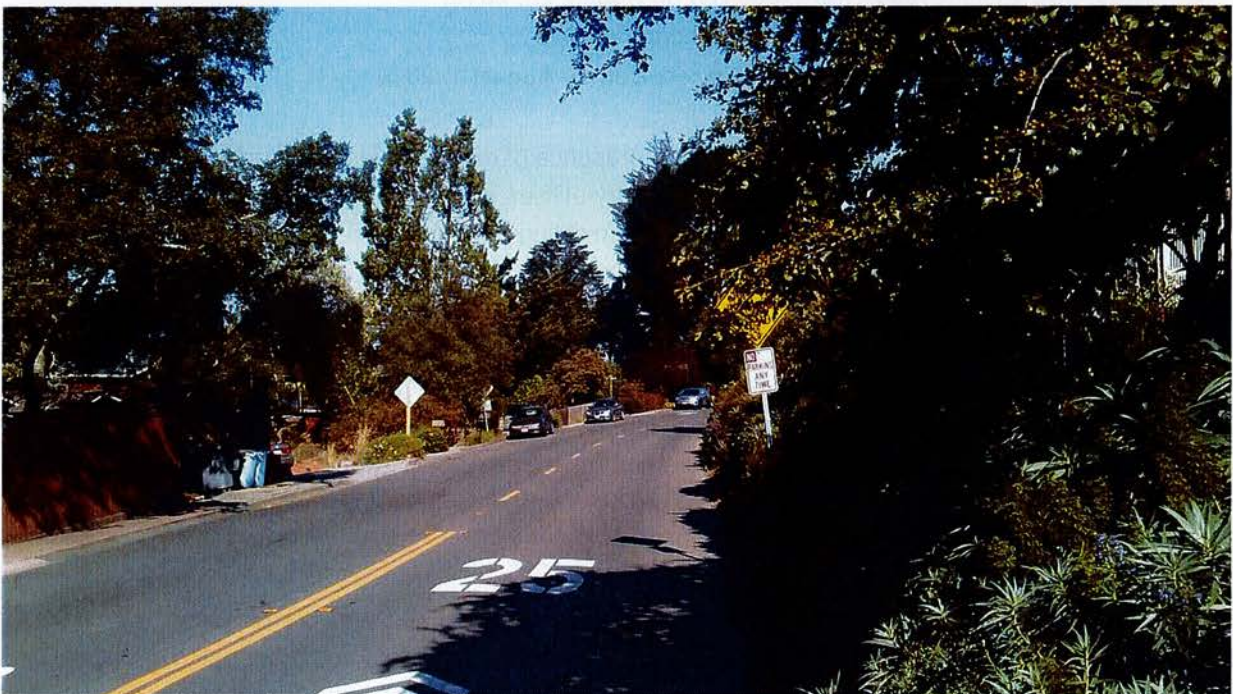


Photo 2: Taken from Grizzly Peak Boulevard facing West near Hill Road with no overhead utilities

## Section III – Analysis

In general, utility maps provide a comprehensive understanding of the utility status along the City's major evacuation routes. However, utility maps can be outdated. When discrepancies between utility maps and the field visit observations are spotted, Google Street View provides insight by showing the changes in the status of undergrounding over time. For example, along Grizzly Peak Boulevard between Latham Lane and Arcade Avenue, the utility map shows overhead Comcast utilities. However, the utility poles and overhead wires were removed between May 2011 and March 2015, based on Google images captured during those times. And field visits verify the findings from Google Street View by providing the current conditions. With the information combined and verified by all three methods, a mapping exhibit that shows the presence of overhead and underground facilities along the City's major evacuation routes was created and included in Appendix B, with overhead facilities marked in red and underground facilities marked in green. A route by route analysis is presented below with tables and figures showing utility status with descriptions. The length of overhead utility (OH) is the length of street that exists with overhead utilities. It also includes segments of street that have both overhead and underground utilities, indicating that the undergrounding status is incomplete. The length of underground utility (UG) is the length of street with only underground dry utilities. There are more north-south segments of streets that are completely undergrounded than east-west segments. Because the evacuation routes are established to bring emergency access to citizens through the Interstate 80/580, the streets that travel east-west form the basis of the evacuation routes, while the undergrounded streets that travel north-south do little to optimize evacuation. However, evaluation and adjustments of the existing evacuations routes are not part of the scope of this report, and will not be discussed further.

Street classifications are based on the volume of traffic, services, and functions that the streets are intended to provide. From the Highway Design Manual, a highway is "in general a public right of way for the purpose of travel or transportation"; an arterial highway is "a general term denoting a highway primarily for through travel usually on a continuous route"; and a collector road is "a route that serves travel of primarily intra county rather than statewide importance in rural areas or a route that serves both land access and traffic circulation within a residential neighborhood, as well as commercial and industrial areas in urban and suburban areas". The Federal Highway Administration provides definitions to the following applicable terms:

- The Interstate System is the highest classification of roadways in the United States. These arterial roads provide the highest level of mobility and the highest speeds over the longest uninterrupted distance. Interstates nationwide usually have posted speeds between 55 and 75 mph.
- Other Arterials include freeways, multilane highways, and other important roadways that supplement the Interstate System. They connect, as directly as practicable, the Nation's principal urbanized areas, cities, and industrial centers. Land access is limited. Posted speed limits on arterials usually range between 50 and 70 mph.
- Collectors are major and minor roads that connect local roads and streets with arterials. Collectors provide less mobility than arterials at lower speeds and for shorter distances. They balance mobility with land access. The posted speed limit on collectors is usually between 35 and 55 mph.
- Local roads provide limited mobility and are the primary access to residential areas, businesses, farms, and other local areas. Local roads, with posted speed limits usually between 20 and 45 mph, are the majority of roads in the U.S.