



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

**MONDAY, MARCH 15, 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/87391137500>. 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: **873 9113 7500**. 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: March 8, 2021**
- 2. Review and Approve Draft Agenda:**
 - a. 3/30/21 – 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

- 8a. Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings of Legislative Bodies**
- 8b. Recommendations and Direction on Policy Committees and Legislative Workflow during COVID-19 Local Emergency**
From: Mayor Arreguin
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 9. Discussion of Proposed Closed Session Meeting Schedule**

Referred Items for Review

- 10. Commission Reorganization for Post-COVID19 Budget Recovery**
From: Councilmember Droste (Author), Councilmember Robinson (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)
Referred: June 15, 2020
Due: April 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

Unscheduled Items

- 11. Systems Realignment Proposal**
From: City Manager
Recommendation: Review and discuss the City Manager's proposal to create improvements to enhance the effectiveness of the City Council legislative and budget processes. Provide feedback for staff to develop a recommendation for full Council consideration.
Contact: Dee Williams-Ridley, City Manager, (510) 981-7000
- 12. 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
Referred: January 11, 2021
Due: June 1, 2021
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

Items for Future Agendas

- Discussion of items to be added to future agendas

Adjournment – Next Meeting Monday, March 22, 2021

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 March 11, 2021.



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.

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

MONDAY, MARCH 8, 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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AGENDA

Roll Call: 2:30 p.m. All present.

Public Comment – 3 speakers.

Review of Agendas

1. Approval of Minutes: February 22, 2021

Action: M/S/C (Wengraf/Arreguin) to approve the minutes of 2/22/21.

Vote: All Ayes.

2. Review and Approve Draft Agenda:

a. 3/23/21 – 6:00 p.m. Regular City Council Meeting

Action: M/S/C (Arreguin/Wengraf) to approve the agenda of 3/23/21 with the changes noted below.

- *Item 6 Objective Standards (Commission) – Moved to Action Calendar*
- *Item 11 Support AB 314 (Robinson) – Councilmembers Taplin and Harrison added as co-sponsors*
- *Item 12 Support AB 328 (Robinson) – Councilmembers Taplin and Harrison added as co-sponsors*
- *Item 13 Support AB 1400 (Robinson) – Councilmember Taplin added as a co-sponsor; revised item submitted*
- *Item 17 Alameda County Redistricting (Arreguin) – Moved to 3/23 Consent Calendar*
- *Item 18 Predevelopment Allocation (Bartlett) – Referred to Budget & Finance Committee; Councilmember Taplin added as a co-sponsor*
- *Item 19 Parking Benefits District (Bartlett) – Moved to 3/23 Consent Calendar; Councilmember Taplin added as a co-sponsor*

Order of Items on Action Calendar

Item 14 Updated Fees

Item 15 ZAB Appeal

Item 6 Objective Standards

Item 16 Anti-Displacement

Vote: All Ayes.

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

- None Selected

4. Adjournments In Memory – None

Scheduling

5. Council Worksessions Schedule

Action: M/S/C (Wengraf/Arreguin) to schedule a Worksession in the Fall of 2021 regarding the Housing Element.

Vote: All Ayes.

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

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: 1 speaker. Discussion held. The Committee will consider taking action on limitations regarding legislative items and major initiatives at the March 15 meeting.

**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: April 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: 2 speakers. Item continued to March 15, 2021.

Unscheduled Items

10. Systems Realignment Proposal

From: City Manager

Recommendation: Review and discuss the City Manager's proposal to create improvements to enhance the effectiveness of the City Council legislative and budget processes. Provide feedback for staff to develop a recommendation for full Council consideration.

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

Action: Item continued to March 15, 2021.

11. 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

Referred: January 11, 2021

Due: June 1, 2021

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

Action: Item continued to March 15, 2021.

Items for Future Agendas

- None

Adjournment

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

Vote: All Ayes.

Adjourned at 4:12 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee held on March 8, 2021.

Mark Numainville
City Clerk

Communications

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DRAFT AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, March 30, 2021
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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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 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. **Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**

From: City Manager

Recommendation: Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020 and February 9, 2021.

Financial Implications: See report

Contact: Farimah Brown, City Attorney, (510) 981-6950

2. **Minutes for Approval**

From: City Manager

Recommendation: Approve the minutes for the council meetings of February 2, 2021 (closed), February 9, 2021 (closed and regular), February 16, 2021 (closed and special), February 23, 2021 (special and regular) and February 25, 2021 (closed).

Financial Implications: None

Contact: Mark Numainville, City Clerk, (510) 981-6900

3. **Police Accountability Board – Ordinance Amendment for Leaves of Absence and Alternate Commissioner; Amending BMC Chapter 3.02**

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 3.02.030 to provide for leaves of absence for members of the Police Accountability Board and Berkeley Municipal Code Section 3.02.035 to provide for a designated council-approved alternate to serve when a regular member is on a leave of absence.

Financial Implications: See report

Contact: Mark Numainville, City Clerk, (510) 981-6900

Consent Calendar

**4. Contract Amendments: Contract No. 088999-1: Center for Independent Living
Contract No. 052129-1: Pacific Center for Human Growth and Contract No.
122380-1: Covenant House California – YEAH! Program**

From: City Manager

Recommendation: Adopt three Resolutions authorizing the City Manager to execute amendments for the following contracts that are funded through State of California Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) monies, increasing each contract as outlined below, and extending the contracts through June 30, 2021:

1. Increasing MHSA PEI Contract No. 088999 -1 with Center for Independent Living (CIL) in the amount of \$8,011 for a total contract amount not to exceed \$288,630 for trauma support services for senior citizens;
2. Increasing PEI ERMA Contract No. 052129-1 with Pacific Center for Human Growth in the amount of \$8,011 for a total contract amount not to exceed \$315,150 for trauma support services for Lesbian, Gay, Bi-sexual, Transgender, Queer/Questioning, Intersex, Agender, Plus other (LGBTQIA+) individuals;
3. Increasing MHSA PEI Contract No. 122380-1 with Covenant House California-YEAH! Program, in the amount of \$8,041 for a total contract amount not to exceed \$315,150 for trauma support services for Transition Age Youth (TAY).

Financial Implications: Mental Health Services Act - \$24,063

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

**5. Contract No. 120650-1 Amendment: Covenant House California – YEAH!
Program**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment for the following Contract No. 120650-1 with Covenant House California – YEAH! Program that is funded through State of California Mental Health Services Act (MHSA) Community Services and Supports (CSS) monies, increasing the contract amount by \$30,714, for a contract amount not to exceed \$878,142, and extending the contract through June 30, 2021.

Financial Implications: Mental Health Services Act Fund - \$30,714

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

**6. Designating City's Labor Negotiators Under Govt. Code Section 54957.6
From: City Manager**

Recommendation: Adopt a Resolution establishing a standing list of representatives of the City of Berkeley designated to participate in Closed Sessions with the City Council to discuss labor negotiations with certain unions and unrepresented employees for negotiations between January 1, 2021 and December 31, 2021

Financial Implications: None

Contact: LaTanya Bellow, Human Resources, (510) 981-6800

Consent Calendar

- 7. Side Letter Agreement: Public Employee Union, Local 1/AFSCME Council 57**
From: City Manager
Recommendation: Adopt a resolution authorizing City Manager to execute a side-letter agreement to provide 80 hours of additional Emergency Paid Sick Leave (EPSL) and layoff protection through June 30, 2021 for Employees represented by the Public Employee Union, Local 1/AFSCME Council 57 (“Local 1”).
Financial Implications: See report
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
- 8. Contract No. 32100021 Amendment: Telfords for Tyler Munis ERP System (locally referred to as ERMA) Implementation Support**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to authorize one-time funding of \$80,000 for a proposed amendment to Contract No. 32100021 with Telfords, for Consulting Services for Tyler Munis ERP system project management and implementation support services to fund the ERMA implementation support contract, and extend the contract to December 30, 2021.
Financial Implications: Various Funds - \$80,000
Contact: LaTanya Bellow, Human Resources, (510) 981-6800
- 9. Contract No. 047162-1 Amendment: ESI Group for the IBM Hardware and Software Lease**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 047162-1 with ESI Group for leasing, maintenance, and technical support for International Business Machines (IBM) hardware lease and software maintenance and support, increasing the current contract by \$120,000, for a total not to exceed \$2,154,769 from June 2, 2003 through June 30, 2022.
Financial Implications: IT Cost Allocation Fund - \$120,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 10. Contract No. 100547-1 Amendment: Tyler Technologies, Inc. for the Open Data Portal’s (ODP) Hosting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 100547-1 with Tyler Technologies, Inc., for the purposes of hosting the City’s Open Data Portal, increasing the amount by \$147,991 for a total contract amount not to exceed \$402,961 and extending the term through June 30, 2024.
Financial Implications: IT Cost Allocation Fund - \$147,991
Contact: Savita Chaudhary, Information Technology, (510) 981-6500

Consent Calendar

- 11. Contract No. 105921-1 Amendment: TruePoint Solutions, LLC for Accela Professional Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 105921-1 with TruePoint Solutions, LLC for professional services, increasing the amount by \$235,000, for a total not-to-exceed amount of \$852,200, and extending the term by two years for the term beginning June 1, 2015 to June 30, 2023.
Financial Implications: Various Funds - \$235,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 12. Contract 107364-1 Amendment: Verint Systems Inc. for Customer Relationship Management (CRM) Software Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 107364-1 with Verint Systems, Inc. for CRM software licensing, maintenance, and support, increasing the amount by \$68,440 for a total contract amount not-to-exceed \$1,054,187 from March 23, 2007 through June 30, 2023.
Financial Implications: IT Cost Allocation Fund - \$68,440
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 13. Contract No. 32000177 Amendment: NextRequest for Public Records Act (PRA) Response Software**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000177 with NextRequest for software hosting, implementation, maintenance and related services for a Public Records Act Response Software System, for an additional amount not to exceed \$76,906, for a total not to exceed value of \$141,906, for the period commencing on July 1, 2019 through June 30, 2023.
Financial Implications: IT Cost Allocation Fund - \$76,906
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 14. Contract No. 32000004 Amendment: CBF Electric & Data for Wi-Fi Installation in City Facilities**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000004 (FUND\$ Contract No. 10934) with CBF Electric & Data (CBF) for Wi-Fi installation in City facilities, increasing the contract amount by \$25,000 for a total not-to-exceed amount of \$100,014 and extending the term from July 2, 2018 to June 30, 2022.
Financial Implications: IT Cost Allocation Fund - \$25,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500

Consent Calendar

- 15. Contract No. 32000223 Amendment: Gray Quarter, Inc. for Accela Professional Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000223 with Gray Quarter, Inc. for professional services, increasing the amount by \$200,000, for a total not-to-exceed amount of \$249,500 and extending the term by one year to June 30, 2023.
Financial Implications: Various Funds - \$200,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 16. Protiviti Government Services: Using General Services Administration (GSA) Vehicle for Professional Services Purchase Orders**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti Government Services for the purchase of professional services using the General Services Agency's (GSA) purchasing vehicle no. GS-35F-0280X for an amount not to exceed \$512,000 through June 30, 2022.
Financial Implications: General Fund - \$512,000
Contact: Savita Chaudhary, Information Technology, (510) 981-6500
- 17. Contract No. 32000219 Amendment: Lind Marine for Removal of Derelict and Abandoned Vessels at the Berkeley Marina**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000219 with Lind Marine to remove and dispose derelict and abandoned vessels at the Berkeley Marina by increasing the contract amount by \$42,000; and authorizing additional contingency of \$4,200 for a total not-to-exceed amount of \$146,400; and contingency of \$42,800.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 18. Utility Agreement: Construction of Gilman Street Sanitary Sewer Line Extension as part of the I-80 Gilman Street Interchange Improvements Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Authorizing the City Manager to execute a Utility Agreement (UA) with the California Department of Transportation (Caltrans) for the construction of a sanitary sewer line on Gilman Street (Project) to serve the future fieldhouse restroom at the Tom Bates Regional Sports Complex; and 2. Authorizing the City Manager to issue City funding to Alameda County Transportation Commission (Alameda CTC) in accordance with the UA in amount not to exceed \$720,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

19. Contract No. 10874D Amendment: Street Level Advisors for Development Fee Feasibility Analysis

From: City Manager

Recommendation: Adopt a resolution authorizing the City Manager to execute an amendment to Contract No. 10874D with Street Level Advisors, to analyze the impact of fees and other variables on development project feasibility and to gather additional stakeholder input, increasing the contract amount by \$70,000 to a new total not-to-exceed contract amount of \$295,400, and extending the contract period to December 31, 2023.

Financial Implications: See report

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

Council Consent Items

20. Budget Referral: Funding Trash Cans on Allston Way

From: Councilmember Taplin (Author)

Recommendation: That the City Council refers to the budget process the funding of two (2) trash cans along Allston Way: 1. At the southwest corner of Ninth Street and Allston Way; 2. At the southeast corner of Seventh Street and Allston Way.

Financial Implications: See report

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

21. Budget Referral – Police Foot/Bike Patrol in West Berkeley

From: Councilmember Taplin (Author)

Recommendation: Refer to the FY 2021-22 Budget Process to establish funding for police foot patrol or bicycle officers to cover West Berkeley as defined in the West Berkeley Plan, which includes portions of Berkeley Police Department Beats 11-16. In addition, consider the possibility of a deputized Community Service Officer, who can issue citations and make arrests, and explore the inclusion of Specialized Care Unit currently under consideration in the City Manager’s Reimagining Public Safety initiative.

Financial Implications: See report

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

22. Budget Referral: Funding STOP Signs at Dwight Way and California Street

From: Councilmember Taplin (Author)

Recommendation: That the City Council refers to the budget process the funding of two (2) STOP signs at the west and east ends of the intersection of Dwight Way and California Street and refers the City Manager to oversee the expedited installation of these STOP signs.

Financial Implications: See report

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

Council Consent Items

- 23. Budget Referral: Allocate Funding for a New Project Coordinator Position Within the Public Works Department to Help Implement the Electric Mobility Roadmap and Other Climate Initiatives**
From: Councilmember Harrison (Author)
Recommendation: Refer to the June 2021 budget process: 1. Approximately \$198,386 from the General Fund for a new Community Development Project Coordinator position (1.0 FTE) within Public Works.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 24. Support for AB 20: Corporate-Free Elections Act**
From: Councilmember Robinson (Author)
Recommendation: Send a letter to Assemblymember Alex Lee, Assemblymember Buffy Wicks, and Senator Nancy Skinner in support of Assembly Bill 20, which would prohibit business entities from making campaign contributions to candidates running for elective office.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 25. Support of AB 37: Vote-by-Mail Ballots**
From: Councilmember Robinson (Author)
Recommendation: Send a letter to Assemblymember Marc Berman, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 37, which would require counties to send vote-by-mail ballots to all voters for every election.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

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.

26. California Municipal Finance Authority Bond Financing for 2870 Adeline Street, Berkeley, CA (Harriet Tubman Terrace Apartments)

From: City Manager

Recommendation: Conduct a public hearing under the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Internal Revenue Code of 1986, and upon conclusion, adopt a Resolution approving the issuance of the bonds by the California Statewide Communities Development Authority (CSCDA) for the benefit of the 2870 Adeline Street rental housing development.

Financial Implications: See report

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

Council Action Items

27. Introduce an Ordinance permanently banning the use of less lethal weaponry, chemical irritants, smoke projectiles, acoustic weapons, directed energy weapons, water cannons, disorientation devices and ultrasonic cannons used by the police on civilians (Reviewed by the Public Safety Committee)

From: Councilmember Davila (Author)

Recommendation: Direct the City Manager and City Attorney to prepare the attached ordinance: "Prohibition On The Use Of Certain Munitions Ordinance" for first reading for the October 27, 2020 Regular City Council Meeting.

Policy Committee Recommendation: Send the item to City Council with a negative recommendation and recommend that Council take no action.

Financial Implications: See report

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

Council Action Items

28. **Providing our Unhoused Community with Fire Extinguishers** *(Reviewed by the Public Safety Committee)*
From: Councilmember Davila (Author)
Recommendation: Direct the City Manager to use existing homeless services funding to develop a program to provide fire extinguishers, fire prevention tools and deploy them through the community based homeless services providers to distribute to our unhoused community.
Policy Committee Recommendation: Send the item to City Council with a qualified positive recommendation to refer the item to the City Manager and the Disaster and Fire Safety Commission to consider fire extinguishers and other fire prevention tools such as wool blankets.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
29. **Recognize the Rights of Nature** *(Reviewed by Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*
From: Councilmember Davila (Author)
Recommendation: Adopt a resolution to recognize that the natural living world has a right to exist, thrive, regenerate and evolve its life cycles; to protect the ecosystems upon which our own vitality depends; and to transform our human relationship with nature from a property-based to a legal rights-bearing entity.
Policy Committee Recommendation: Send the item to City Council with the qualified positive recommendation revising the final resolved clause of the draft resolution to place obligation on the City and not the residents.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Action Calendar – Policy Committee Track

30. **Letter to Google Requesting Commercial Truck Routes on Google Maps**
From: Councilmember Taplin (Author)
Recommendation: Send a letter to Google headquarters in Mountain View, CA, to request the inclusion of commercial truck routes on the Google Maps platform.
Financial Implications: None
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
31. **Hearing on East Bay Paratransit and the Transportation Needs of Berkeleyans with Disabilities**
From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Refer the Disability Commission and the Transportation Commission to hold a joint public hearing on the use, effectiveness, and accessibility of East Bay Paratransit as well as the transportation needs of the members of our community with disabilities and seniors, and return recommendations to Council.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action Calendar – Policy Committee Track Items

32. **Commit the City of Berkeley to a Just Transition from the Fossil Fuel Economy**
From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a resolution committing the City of Berkeley to a Just Transition from the fossil fuel economy and establishing a Just Transition Task Force convened by the author and including but not limited to 2 other members of the City Council, representatives from the Community Environmental Advisory Commission (CEAC), the Labor Commission, the Planning Commission, the Transportation Commission, the Community Health Commission, the Youth Commission, and Associated Students of the University of California (ASUC), the Ecology Center, as well as labor allies and community partners at the UC and in the City of Berkeley.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action Calendar – Policy Committee Track Items

33. **Initiation of Participatory Planning for Berkeley’s Regional Housing Needs Allocation (RHNA)**

From: Councilmember Hahn (Author), Councilmember Harrison (Author)

Recommendation:

1. Direct the City manager to initiate and take all steps necessary to launch and complete the City’s housing element update in compliance with all State and City of Berkeley laws, plans, guidelines and regulations, to meet the January 2023 RHNA deadline for submission to the California Department of Housing and Community Development (HCD).
2. Refer to the City Manager to hire experienced, culturally competent consultants to lead the housing element update and any required California Environmental Quality Act (CEQA) processes in collaboration with members of the public, the Planning, Housing Advisory, Homeless and other appropriate Commissions, the City Council, and City staff.
3. Refer to the Budget process the identification and allocation of at least \$500,000 in funds necessary to complete the housing element update in a thoughtful, comprehensive, participatory, culturally competent and timely manner.
4. Refer to the City Manager to study and report back to the City Council the following: a. A map of State legislation, with a focus on new legislation adopted since the City’s last housing element update, to clarify the State regulatory land-scape in which Berkeley’s current RHNA planning will take place. Legislation mapped should include but not be limited to new laws about ADUs, SB35, and related to planning in high risk fire/earthquake/sea level rise areas. b. An evaluation of the distribution of RHNA-required units at each affordability level, taking into account Berkeley’s current housing pipeline report, the amount of housing in the pipeline at various affordability levels, and City demographics related to income. c. Status of State-level efforts to count group living accommodation (GLA) units/beds towards RHNA requirements.
5. Finalize objective planning standards and updated affordable housing requirements, as previously referred by the City Council, simultaneously with the RHNA planning process.
6. Refer to the City Manager to ensure that the framing of the housing element update reflects core Berkeley values of equity, affordability, and protection of residents from displacement and predatory purchasing, and puts cooperative, land-trust and other social housing concepts, as well as innovative home ownership models, on an equal footing with more traditional market-rate and affordable housing solutions.

Financial Implications: See report

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

Information Reports

34. **FY 2020 Fourth Quarter Investment Report: Ended June 30, 2020**

From: City Manager

Contact: Henry Oyekanmi, Finance, (510) 981-7300

Information Reports

35. **FY 2021 First Quarter Investment Report: Ended September 30, 2020**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
36. **Referral Response: Second Dwelling Unit/Accessory Dwelling Unit Pilot Program to House the Homeless**
From: City Manager
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
37. **Report on Workers' Compensation Annual Program Review FY 2019-2020**
From: City Manager
Contact: LaTanya Bellow, Human Resources, (510) 981-6800

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.*

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

Archived indexed video streams are available at <http://www.cityofberkeley.info/citycouncil>. Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

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

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be 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:

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.



Captioning services are provided at the meeting, on B-TV, and on the Internet.

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CONSENT CALENDAR

March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral: Funding Trash Cans on Allston Way

RECOMMENDATION

That the City Council refers to the budget process the funding of two (2) trash cans along Allston Way:

1. At the southwest corner of Ninth Street and Allston Way
2. At the southeast corner of Seventh Street and Allston Way

CURRENT SITUATION AND ITS EFFECTS

Despite its schools, businesses, and public facilities, the residential area west of San Pablo Avenue is lacking in public litter bins. This results in the regular build up of litter in the community right of way and has forced community members to take matters into their own hands and organize regular trash pick ups in the area. Tax-paying Berkeley residents should not be forced to maintain public spaces while the addition of litter cans has not been pursued. New litter cans are necessary to service the people walking around the neighborhood, visiting nearby businesses, and children walking to and from school.

FISCAL IMPACTS

Staff time and costs affiliated with addition of two litter bins as well as for servicing the new bins.

ENVIRONMENTAL IMPACTS

Less litter will advance Berkeley towards its Zero-Waste goals.

CONTACT

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







CONSENT CALENDAR  
DATE: March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral – Police Foot/Bike Patrol in West Berkeley

### RECOMMENDATION

Refer to the FY 2021-22 Budget Process to establish funding for police foot patrol or bicycle officers to cover West Berkeley as defined in the West Berkeley Plan, which includes portions of Berkeley Police Department Beats 11-16. In addition, consider the possibility of a deputized Community Service Officer, who can issue citations and make arrests, and explore the inclusion of Specialized Care Unit currently under consideration in the City Manager’s Reimagining Public Safety initiative.

### BACKGROUND

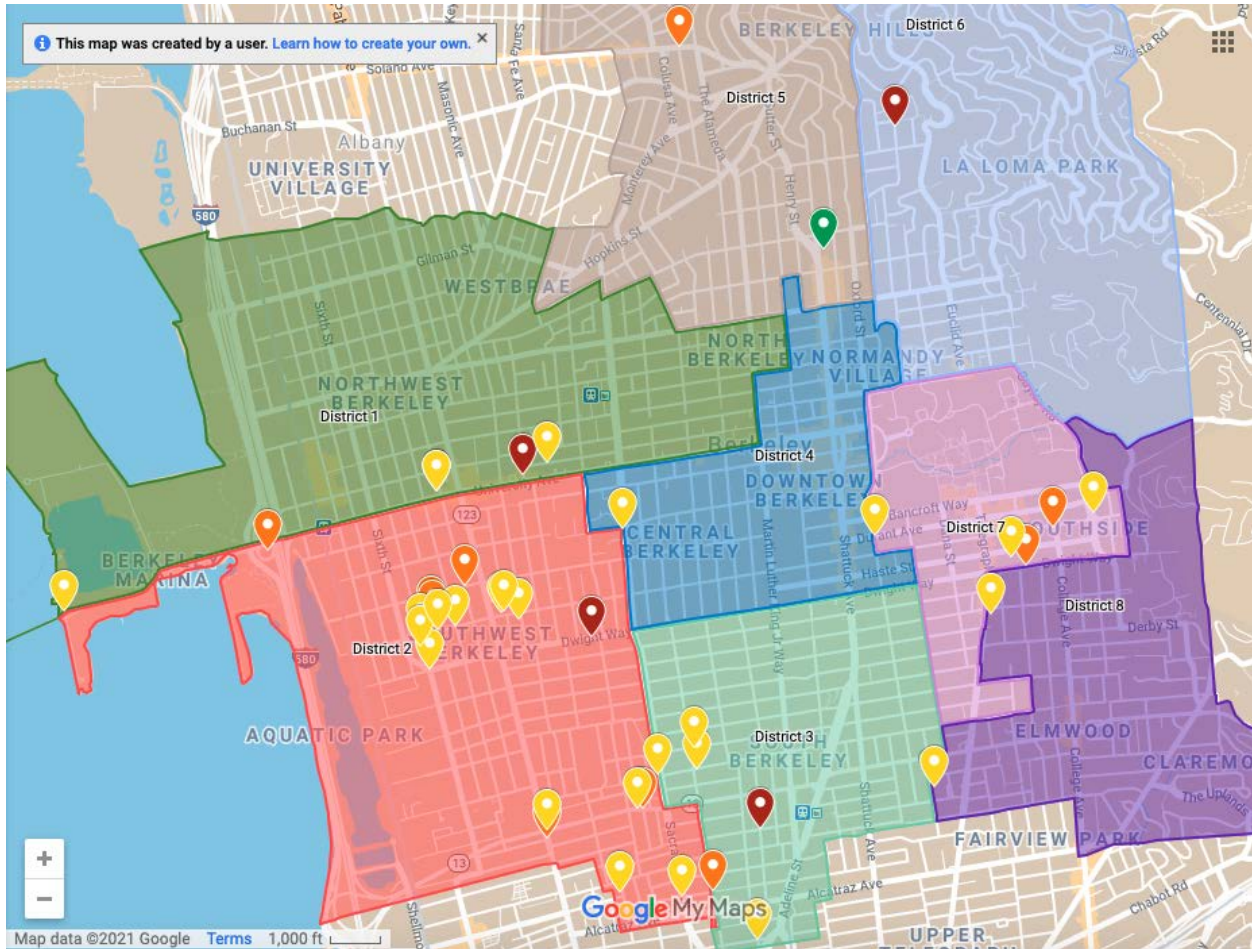
According to the Berkeley Police Department’s 2019/2020 Crime Report, Berkeley has seen marked increases in aggravated assault, homicides, auto theft and larceny over the past two years.<sup>1</sup> BPD investigated four homicides in 2020, up from zero the previous year. *Berkeleyside* reports that the increase in shootings during the COVID-19 pandemic in particular is consistent with a nationwide trend.<sup>2</sup> While the overall crime rate remained relatively flat, specific categories of property crimes increased sharply—especially vehicle thefts, which increased by 66% in 2020.

As evidenced by *Berkeleyside* reporter Emilie Raguso’s map, most gunfire reported in 2020 was concentrated in South and West Berkeley.

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<sup>1</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/10\\_Oct/Documents/2020-10-13\\_Presentations\\_Item\\_19\\_\\_Pres\\_Police\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/10_Oct/Documents/2020-10-13_Presentations_Item_19__Pres_Police_pdf.aspx)

<sup>2</sup> Raguso, E. (2020, Oct. 15). Annual crime report sees shootings rise for the third straight year. *Berkeleyside*. Retrieved from <https://www.berkeleyside.com/2020/10/15/2020-berkeley-crime-report-shootings-rise-use-of-force-stop-data>



The 2020 Berkeley gunfire map<sup>3</sup>

In 2010, a successful pilot program operated jointly by University of California Police and BPD took place over the course of six weeks, in which a collaborative UC/BPD beat patrol walked along the Telegraph Avenue corridor. Multiple referrals by the City Council since then were passed unanimously to create a permanent foot patrol in the Telegraph Commercial District.

### RATIONALE FOR RECOMMENDATION

A 2016 study from the University of Cambridge found that “vehicle-based” policing is less effective than beat policing. The evidence showed that targeted deployment of two full-time Police Community Support Officers in Peterborough, England “would prevent 86 assaults a year, or incidents of the equivalent crime ‘harm value’, saving potential

<sup>3</sup> Raguso, E. (2020, Oct. 3). The 2020 Berkeley gunfire map. *Berkeleyside*. Retrieved from <https://www.berkeleyside.com/2020/10/03/2020-berkeley-gunfire-map>

costs to the public of eight years of imprisonment.”<sup>4</sup> Transitioning sworn police officers from vehicle duty to foot or bike patrols would also have the potential of reducing Vehicle Miles Traveled (VMT) per capita in the City of Berkeley, lowering greenhouse gas emissions from the transportation sector, which contributes 60% of the city’s total emissions.<sup>5</sup>

Foot and bicycle patrols also have the potential to enhance community trust with BPD as officers will be engaged in visibly non-confrontational contact with the community rather than patrolling in vehicles.

The effectiveness of beat policing could improve morale among BPD officers and help counteract what the department describes as “deepening staffing crisis”<sup>6</sup> by improving policing outcomes and strengthening community bonds for existing officers and new recruits.

### ENVIRONMENTAL IMPACTS

Reduction in VMT per capita can help reduce greenhouse gas emissions, since 60% of the city’s emissions come from transportation.

### FISCAL IMPACTS

According to a budget referral from Councilmember Harrison (District 4) passed unanimously by the City Council on March 27, 2018:

*Having two beat officers available six hours daily from 4:00 to 10:00 would require 4,452 hours of work annually, or approximately 2 FTE. At a salary for a BPD Officer ranging from \$107,000-\$117,852 and a fringe benefit rate of 97.7%, the total cost would be \$423,331 to \$465,987 annually. Alternatively, these hours could be filled on overtime at an annual cost of \$343,532.*

The salary ranges have not changed significantly enough since then to alter the estimated fiscal impact.

### CONTACT

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

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<sup>4</sup> University of Cambridge. (2016, June 14). Policing: Two officers 'on the beat' prevent 86 assaults and save thousands in prison costs. *ScienceDaily*. Retrieved from [www.sciencedaily.com/releases/2016/06/160614083845.htm](http://www.sciencedaily.com/releases/2016/06/160614083845.htm)

<sup>5</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/12\\_Dec/Documents/2018-12-06\\_WS\\_Item\\_01\\_Climate\\_Action\\_Plan\\_Update\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/12_Dec/Documents/2018-12-06_WS_Item_01_Climate_Action_Plan_Update_pdf.aspx)

<sup>6</sup> Raguso, E. (2017, Dec. 15). Chief: Berkeley police face ‘a deepening staffing crisis.’ *Berkeleyside*. Retrieved from <https://www.berkeleyside.com/2017/12/15/chief-berkeley-police-face-deepening-staffing-crisis>



CONSENT CALENDAR

March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral: Funding STOP Signs at Dwight Way and California Street

RECOMMENDATION

That the City Council refers to the budget process the funding of two (2) STOP signs at the west and east ends of the intersection of Dwight Way and California Street and refers the City Manager to oversee the expedited installation of these STOP signs.

CURRENT SITUATION AND ITS EFFECTS

The crossing of Dwight Way and California Street is a residential intersection that is a highly trafficked transportation corridor for pedestrians, cyclists, cars, and buses. As a "Bicycle Boulevard" under the City of Berkeley's Bicycle Plan, California Street is designated by the City as a street "where bicycling is safe, comfortable, and convenient for people of all ages and abilities"<sup>1</sup>. Despite this, cyclists and pedestrians travelling along California Street that wish to cross Dwight must rely on drivers to slow to a stop and allow them to cross before proceeding on the street that is supposed to prioritize their passage. The precariousness of this intersection undermines its status as a Bicycle Boulevard and has led to near tragedy in the past when a teenage cyclist was sent to the hospital after being hit by an AC Transit bus.<sup>2</sup> Far from an isolated incident, this injury is just one example that led to the intersection earning the status as part of a "High-Injury Street" according to Berkeley's Vision Zero.<sup>3</sup>

The City Council has called for traffic calming at this intersection before, with little progress in achieving a safer intersection for cyclists and pedestrians. The City Council passed a budget referral in October of 2017 that called for traffic lights, HAWK lights, or Stop Signs at Dwight and California. Despite this referral and subsequent work done by staff and the Transportation Commission to remedy the issue, Dwight and California remains as dangerous today as it was when a teenager was sent to the hospital over three years ago. Immediate remediation is necessary to avoid further tragedy.

<sup>1</sup>[https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley-Bicycle-Plan-2017-Executive%20Summary.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017-Executive%20Summary.pdf)

<sup>2</sup><https://www.berkeleyside.com/2017/09/26/teen-cyclist-taken-hospital-bus-crash-berkeley>

<sup>3</sup>[https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley\\_Vision\\_Zero\\_Action\\_Plan\\_Approved\\_03102020.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley_Vision_Zero_Action_Plan_Approved_03102020.pdf)

FISCAL IMPACTS

Staff time and an estimated \$1,200 for 2 STOP signs (\$600 per sign).<sup>4</sup>

ENVIRONMENTAL IMPACTS

No environmental sustainability impact. Slower traffic.

CONTACT

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

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<sup>4</sup>[https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley%202020%20Pedestrian%20Plan\\_Draft\\_2020-10.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley%202020%20Pedestrian%20Plan_Draft_2020-10.pdf)



Kate Harrison  
Councilmember District 4

CONSENT CALENDAR  
March 30, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Harrison  
 Subject: Budget Referral: Allocate Funding for a New Project Coordinator Position Within the Public Works Department to Help Implement the Electric Mobility Roadmap and Other Climate Initiatives

RECOMMENDATION

Refer to the June 2021 budget process:

1. Approximately \$198,386 from the General Fund for a new Community Development Project Coordinator position (1.0 FTE) within Public Works.

BACKGROUND

According to the best available science, wealthy nations must achieve near net-zero emissions by 2030 or earlier in order to delay extremely catastrophic warming. Implicit in the U.N.'s global 2050 net-zero targets to keep emissions as close as possible to 1.5 degrees Celsius is the assumption that advanced industrialized nations will near reach zero by 2030.<sup>1</sup>

On July 21, 2020 the Berkeley City Council [adopted](#) its first [Electric Mobility Roadmap](#). The Roadmap identifies goals, strategies, and actions to create a fossil fuel-free transportation system that integrates with and supports the City's ongoing efforts to increase walking,

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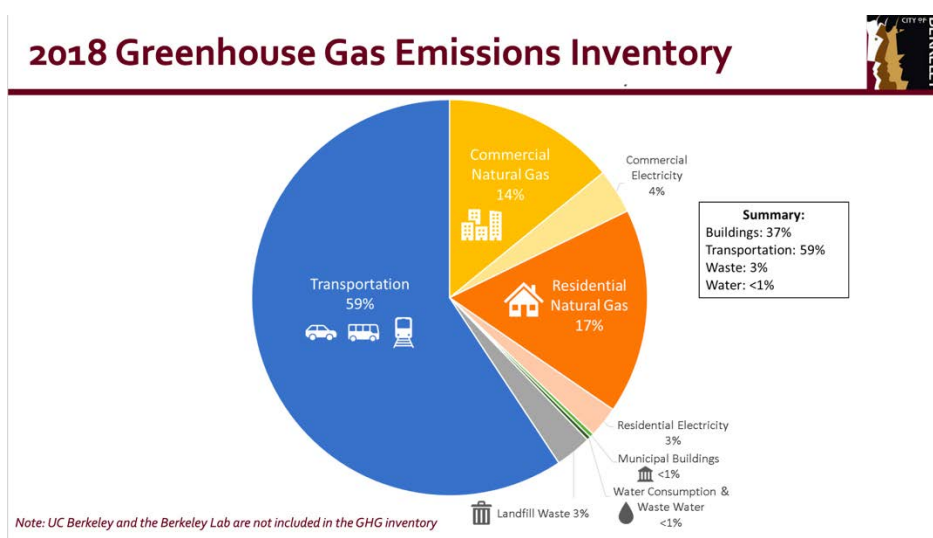
<sup>1</sup> IPCC, 2018: Summary for Policymakers. In: *Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty* [Masson-Delmotte, V., P. Zhai, H.-O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J.B.R. Matthews, Y. Chen, X. Zhou, M.I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, and T. Waterfield (eds.)]. *World Meteorological Organization, Geneva, Switzerland, 32 pp.*  
<https://www.ipcc.ch/sr15/chapter/spm/>.



biking, and public transportation, and ensures equitable access to the benefits of clean transportation. The goals include:

- Ensure Equity in Access to Electric Mobility
- Improve Alternatives to Driving
- Achieve Zero Carbon Emissions
- Demonstrate City Leadership

According to the latest Climate Action Plan update, some 60% of Berkeley’s greenhouse gas emissions inventory is related to the transportation sector.



On July 21, 2020, the Office of Energy and Sustainable Development noted that the Community Development Project Coordinator positioned is needed in order to bring:

“needed capacity to convene the Electric Mobility Implementation Working Group, manage City-owned charging infrastructure, track and utilize emerging mobility options, obtain grant funding, and catalyze actions such as electric mobility equity pilot projects, new best practices for curbside charging, and shared electric mobility hubs.”

At the March 3, 2021 Facilities, Infrastructure, Transportation, Environment, & Sustainability Policy Committee Meeting, Councilmembers heard directly from staff regarding the importance of this position with respect to implementing the City’s 2030 targets for electrifying the municipal fleet and meeting various Electric Mobility Roadmap targets.

The Climate emergency poses an existential threat to all Berkeleyans. Although the City is currently subject to a hiring freeze, it is the public interest to adequately fund the City’s



climate initiatives related to the climate emergency declaration, Climate Action Plan and other relevant City policies. As part of the June 2021 budget process, the Council will have an opportunity to revisit whether to lift the hiring freeze in light of the latest developments in the effort to fight the global COVID-19 pandemic.

FINANCIAL IMPLICATIONS

The item would have a net \$198,386 impact on the General Fund.

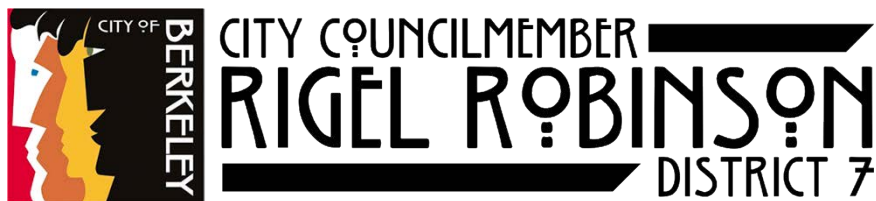
ENVIRONMENTAL SUSTAINABILITY

Reducing carbon emissions at an emergency and equitable pace is a necessary step to meet the goals of the Climate Action Plan and Climate Emergency Declaration.

CONTACT PERSON

Councilmember Kate Harrison, Council District 4, 510-981-7140





CONSENT CALENDAR  
March 30, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmember Rigel Robinson  
Subject: Support for AB 20: Corporate-Free Elections Act

### RECOMMENDATION

Send a letter to Assemblymember Alex Lee, Assemblymember Buffy Wicks, and Senator Nancy Skinner in support of Assembly Bill 20, which would prohibit business entities from making campaign contributions to candidates running for elective office.

### BACKGROUND

On December 7, 2020, Assemblymember Alex Lee introduced AB 20, which would prohibit business entities from making campaign contributions to those running for elective office, and would likewise prohibit those running from accepting such contributions.

The Political Reform Act of 1974 was initially introduced as Proposition 9 on the ballot in June of 1974. Under current campaign finance laws, both state and national, elected representatives are far too frequently beholden to wealthy corporate campaign donors rather than their own constituents. Given the profit-maximizing nature of corporations, corporate interventions in the political system are inevitably undertaken with the goal of subverting public policy to minimize costs and maximize revenues.

This motive is evident from excessive corporate spending on campaign contributions. The Center for Responsive Politics reported that 2020 saw unprecedented levels of campaign contributions, passing \$14 billion — double the amount spent on the previous presidential election cycle.<sup>1</sup> In California, the trend was replicated: \$785 million was spent on ballot measures alone, and millions more on individual candidates. Notably, the app-based driving services Lyft, Uber, DoorDash, and Postmates broke records with a \$205 million contribution to the “Yes on 22” campaign with the effect of the industry effectively purchasing its own regulatory scheme.<sup>2</sup>

The average Californian cannot afford to contribute to state legislative races in amounts comparable to large corporate campaign donors, if at all. This places their concerns below those of the companies that are able to fund successful campaigns. Californian voters have consistently opposed this kind of conflict of interest in campaign finance. In 2000,

<sup>1</sup> <https://www.opensecrets.org/news/2020/10/cost-of-2020-election-14billion-update/>

<sup>2</sup> <https://www.mercurynews.com/2020/11/07/how-much-was-your-vote-worth-in-californias-ballot-measure-battles/>

Californians voted in favor of Proposition 34, which set a limit on donations to California State Legislature candidates, statewide elective offices, and political parties.<sup>3</sup> Despite broad and continual support among Californians for efforts to curb big money in politics, its influence persists today.

The Legislature can hold itself accountable by prohibiting direct contributions from corporations to political campaigns in California, as 22 other states have done in their own campaign finance laws.<sup>4</sup> Here in Berkeley, the Berkeley Election Reform Act has already established a ban on campaign contributions by corporations and other organizations and business entities (BMC 2.12.440).<sup>5</sup> The City of Berkeley should support AB 20's goal of expanding this good government measure to the State of California.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Elly Hudson, Intern

Attachments:

- 1: Letter of support
- 2: Bill text

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB20](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB20)

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<sup>3</sup> [https://ballotpedia.org/California\\_Proposition\\_34,\\_Limits\\_on\\_Campaign\\_Contributions\\_\(2000\)](https://ballotpedia.org/California_Proposition_34,_Limits_on_Campaign_Contributions_(2000))

<sup>4</sup> <https://www.ncsl.org/research/elections-and-campaigns/campaign-contribution-limits-overview.aspx>

<sup>5</sup> [https://www.cityofberkeley.info/Clerk/Elections/Election\\_Campaign\\_Information.aspx](https://www.cityofberkeley.info/Clerk/Elections/Election_Campaign_Information.aspx)

March 30, 2021

The Honorable Alex Lee  
California State Assembly  
State Capitol, Room 2170  
Sacramento, CA 95814

**RE: City of Berkeley's Support for Assembly Bill 20**

Dear Assemblymember Alex Lee,

The Berkeley City Council would like to express its full support for Assembly Bill 20, which would take significant steps towards making elections more fair and transparent, thus giving constituents more confidence in their representatives and our democratic institutions.

It is clear in California and across the country that corporations can easily influence policy decisions through large campaign contributions. This influence poses a serious threat to a well-functioning democracy, putting a price tag on political engagement and making it inaccessible to the majority of Californians.

Through the Berkeley Election Reform Act, the City of Berkeley has already instituted a ban on political campaign contributions from corporations. The Council hopes that this good government measure can be extended to apply to candidates for elective office across the state of California.

The Berkeley City Council supports AB 20 and thanks you for taking the lead on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner  
Assemblymember Buffy Wicks





CONSENT CALENDAR  
March 30, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmember Rigel Robinson  
Subject: Support of AB 37: Vote-by-Mail Ballots

### RECOMMENDATION

Send a letter to Assemblymember Marc Berman, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 37, which would require counties to send vote-by-mail ballots to all voters for every election.

### BACKGROUND

AB 37, introduced by Assemblymember Berman, would expand the requirement put in place for all California counties to send each eligible voter a mail-in ballot for the November 3, 2020 election to all elections. It maintains the parameters for the distribution and tracking of vote-by-mail ballots implemented for the 2020 General Election, with the addendum that if a better system for tracking mail-in ballots is discovered, it may be implemented.

The 2020 General Election saw historic voter turnout nationwide, with roughly two-thirds of eligible voters submitting ballots.<sup>1</sup> This was largely due to the record numbers of vote-by-mail ballots distributed by states. In California, 86.72% of ballots cast were vote-by-mail ballots.<sup>2</sup> This unprecedented level of mail-in ballot usage was primarily due to the pandemic, but it reveals the potential for a fairer system of voting in California. For many, accessing polling places on Election Day is inconvenient, costly, or simply impossible. This inconvenience disproportionately affects minority communities. According to a study by the American Bar, 15% of Black voters reported difficulties accessing a polling place, compared to only 5% of white voters.<sup>3</sup> By mailing all registered voters a ballot, the State of California can increase voter turnout and ensure that more voices are heard by our government. The states of Oregon and Washington already mail each eligible voter a ballot, and studies have shown that these states have seen increased voter turnout without increased fraud or partisan advantage.<sup>4</sup>

<sup>1</sup> <https://www.pewresearch.org/fact-tank/2021/01/28/turnout-soared-in-2020-as-nearly-two-thirds-of-eligible-u-s-voters-cast-ballots-for-president/>

<sup>2</sup> <https://www.sos.ca.gov/elections/historical-absentee>

<sup>3</sup> [https://www.americanbar.org/groups/crsj/publications/human\\_rights\\_magazine\\_home/voting-in-2020/why-minority-voters-have-a-lower-voter-turnout/](https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/voting-in-2020/why-minority-voters-have-a-lower-voter-turnout/)

<sup>4</sup> <https://www.seattletimes.com/seattle-news/politics/washington-was-a-vote-by-mail-pioneer-now-other-states-are-following-suit-amid-coronavirus/>

As a city dedicated to citizen participation and democracy, the City of Berkeley should support this bill by sending a letter of support to Assemblymember Marc Berman, Senator Nancy Skinner, and Assemblymember Buffy Wicks.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Arev Walker, Intern

Attachments:

1: Letter of support

2: Bill text

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB37](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB37)



March 30, 2021

The Honorable Marc Berman  
California State Assembly  
State Capitol, Room 3123  
Sacramento, CA 95814

**RE: City of Berkeley's Support of AB 37**

Dear Assemblymember Berman,

The Berkeley City Council would like to convey its full support for Assembly Bill 37.

The 2020 General Election saw historic voter turnout nationwide, with roughly two-thirds of eligible voters submitting ballots. This was largely due to the record numbers of vote-by-mail ballots distributed by states. In California, 86.72% of ballots cast were vote-by-mail ballots. This unprecedented level of mail-in ballot usage was primarily due to the pandemic, but it reveals the potential for a fairer system of voting in California.

For many, accessing polling places on Election Day is inconvenient, costly, or simply impossible. By mailing all registered voters a ballot, California can increase voter turnout and ensure that more voices are heard by our government. The states of Oregon and Washington mail each eligible voter a ballot, and studies have shown that these states have seen increased voter turnout without increased fraud or partisan advantage.

AB 37 is an essential step along the way to making voting more accessible for all Californians, and we thank you for introducing this important piece of legislation.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner  
Assemblymember Buffy Wicks





Cheryl Davila  
Councilmember  
District 2

ACTION CALENDAR

March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Introduce an Ordinance permanently banning the use of less lethal weaponry, chemical irritants, smoke projectiles, acoustic weapons, directed energy weapons, water cannons, disorientation devices and ultrasonic cannons used by the police on civilians.

RECOMMENDATION

Direct the City Manager and City Attorney to prepare the attached ordinance: "Prohibition On The Use Of Certain Munitions Ordinance" for first reading for the October 27, 2020 Regular City Council Meeting.

POLICY COMMITTEE RECOMMENDATION

On March 1, 2021, the Public Safety Policy Committee moved to send the item back to Council with a negative recommendation and recommend that Council take no action. Vote: All Ayes.

BACKGROUND

At the June 9, 2020 City Council Special Meeting, the Council considered an [Urgency Item: Prohibiting the use of Chemical Agents for Crowd Control during the COVID-19 pandemic](#). The item was to establish an official City of Berkeley policy prohibiting the use of tear gas (CS gas), pepper spray, or smoke for crowd control by the Berkeley Police Department, or any outside department or agency called to respond to mutual aid in Berkeley, during the COVID-19 pandemic, until such time that the City Council removes this prohibition. The Council voted to prohibit the use of tear gas (CS) permanently.

Police officers in Berkeley and other jurisdictions use other chemicals and munitions against civilians such as: less-lethal weaponry (e.g. hard foam, rubber bullets, and pepper spray), chemical irritants, smoke projectiles, acoustic weapons, directed energy weapons, water cannons, disorientation devices, ultrasonic cannons, or any other device that is designed to be used on multiple individuals for crowd control and is designed to cause pain or discomfort.

The 1993 Chemical Weapons Convention banned international militaries from using riot control agents, and chemical weapons, on each other during war. It is unethical for police to use an outlawed chemical weapon on its own civilians. The police should not have the ability to use chemicals that can create life-threatening health consequences on fellow Americans, especially innocent civilians.

The proposed ordinance "Prohibition On The Use Of Certain Munitions" contains the following provisions:

**Definitions:**

1. "City" means the City of Berkeley, California.
2. "Prohibited Munitions" means less-lethal weaponry, chemical irritants, smoke projectiles, acoustic weapons, directed energy weapons, water cannons, disorientation devices, and ultrasonic cannons.

**Prohibition On The Use Of Certain Munitions:**

It shall be a violation of this Ordinance for any City staff to use Prohibited Munitions on any individual.

**Enforcement:**

- A. Any violation of this ordinance constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in the Superior Court of the State of California to enforce this ordinance.
- B. Civil Penalties. If the City is found liable in a cause of action brought by an individual under section (b) above, for a violation that is the result of arbitrary or capricious action by the City or an employee or agent thereof in their official capacity, the City shall be liable for a civil penalty no greater than \$5,000 per violation, as determined by the court. In determining the amount of the civil penalty, the court shall consider prior violations of this ordinance by the City department that committed the violation.
- C. Attorney's Fees and Costs. A court shall award a plaintiff who prevails on a cause of action under subsection (a) reasonable attorney's fees and costs.

FINANCIAL IMPLICATIONS

By banning the use of chemicals and less-lethal weaponry, this resolution would avoid future legal costs to the city.

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)

Eshal Sandhu  
Jovi Tseng  
Sanjita Pamidimukkala  
District 2 Interns

ATTACHMENTS:

1. Ordinance
2. City Inventory of less than lethal weapons and munitions

REFERENCES:

1. [Urgency Item: Prohibiting the use of Chemical Agents for Crowd Control during the COVID-19 pandemic](#)
2. City Inventory of less than lethal weapons and munitions  
[https://www.cityofberkeley.info/uploadedFiles/Police\\_Review\\_Commission/Commissions/2016/PRC%20Pkt.%2004-27-16.pdf](https://www.cityofberkeley.info/uploadedFiles/Police_Review_Commission/Commissions/2016/PRC%20Pkt.%2004-27-16.pdf)

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BERKELEY, CALIFORNIA, TO PERMANENTLY BAN THE USE OF LESS LETHAL WEAPONRY, CHEMICAL IRRITANTS, SMOKE PROJECTILES, ACOUSTIC WEAPONS, DIRECTED ENERGY WEAPONS, WATER CANNONS, DISORIENTATION DEVICES AND ULTRASONIC CANNONS USED BY THE POLICE ON CIVILIANS.

WHEREAS, At the June 9, 2020 City Council Special Meeting, the Council considered an [Urgency Item: Prohibiting the use of Chemical Agents for Crowd Control during the COVID-19 pandemic](#) . The item was to establish an official City of Berkeley policy prohibiting the use of tear gas (CS gas), pepper spray, or smoke for crowd control by the Berkeley Police Department, or any outside department or agency called to respond to mutual aid in Berkeley, during the COVID-19 pandemic, until such time that the City Council removes this prohibition. The Council voted to prohibit the use of tear gas (CS) permanently.

WHEREAS, Police officers in Berkeley and other jurisdictions use other chemicals and munitions against civilians such as: less-lethal weaponry (e.g. hard foam, rubber bullets, and pepper spray), chemical irritants, smoke projectiles, acoustic weapons, directed energy weapons, water cannons, disorientation devices, ultrasonic cannons, or any other device that is designed to be used on multiple individuals for crowd control and is designed to cause pain or discomfort.

WHEREAS, The 1993 Chemical Weapons Convention banned international militaries from using riot control agents, and chemical weapons, on each other during war. It is unethical for police to use an outlawed chemical weapon on its own civilians. The police should not have the ability to use chemicals that can create life-threatening health consequences on fellow Americans, especially innocent civilians.

NOW, THEREFORE, the Council of the City of Berkeley does ordain as follows:

**Section 1. Title**

This ordinance shall be known as the Prohibition On The Use Of Certain Munitions Ordinance.

**Section 2. Definitions**

1. "City" means the City of Berkeley, California.
2. "Prohibited Munitions" means less-lethal weaponry, chemical irritants, smoke projectiles, acoustic weapons, directed energy weapons, water cannons, disorientation devices, and ultrasonic cannons.

**Section 3. Prohibition On The Use Of Certain Munitions**

It shall be a violation of this Ordinance for any City staff to use Prohibited Munitions on any individual.

**Section 4. Enforcement**

- A. Any violation of this ordinance constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in the Superior Court of the State of California to enforce this ordinance.
- B. Civil Penalties. If the City is found liable in a cause of action brought by an individual under section (b) above, for a violation that is the result of arbitrary or capricious action by the City or an employee or agent thereof in their official capacity, the City shall be

liable for a civil penalty no greater than \$5,000 per violation, as determined by the court. In determining the amount of the civil penalty, the court shall consider prior violations of this ordinance by the City department that committed the violation.

- C. Attorney's Fees and Costs. A court shall award a plaintiff who prevails on a cause of action under subsection (a) reasonable attorney's fees and costs.

**Section 5. Severability**

The provisions in this Ordinance are severable. If any part of provision of this Ordinance, or the application of this Ordinance to any person or circumstance, is held invalid, the remainder of this Ordinance, including the application of such part or provisions to other persons or circumstances, shall not be affected by such holding and shall continue to have force and effect.

**Section 6. Construction**

The provisions of this Ordinance are to be construed broadly to effectuate the purposes of this Ordinance.

**Section 7. Effective Date**

This Ordinance shall take effect on [DATE].

ATTACHMENT 2:

City Inventory of less than lethal weapons and munitions



Police Department

March 15, 2016

To: Katherine J. Lee, PRC Officer

From: Michael Meehan, Chief of Police

Re: Inventory of Less-than-lethal Weapons and Munitions

The Berkeley Police Department conducted an inventory of less-than-lethal weapons and munitions on February 19, 2016. The 37 mm launchers have smooth bores and are currently used for training purposes only. One 40 mm launcher is out of service while being repaired. An estimate of when it may be back in service is not available.

| MAKE       | MODEL  | Caliber | Type                             | Year      | Comments                               | #   |
|------------|--------|---------|----------------------------------|-----------|----------------------------------------|-----|
| CTS        | 4300   | 40 mm   | Liquid Barricade/Training Rounds | 2008      |                                        | 3   |
| CTS        | 4300   | 40 mm   | Liquid Barricade/Training Rounds | 2010      |                                        | 17  |
| CTS        | 4330   | 40 mm   | Liquid CS Barricade Rounds       | 2008      |                                        | 31  |
| CTS        | 4330   | 40 mm   | Liquid CS Barricade Rounds       | 2010      |                                        | 8   |
| CTS        | 3230   | 37 mm   | Riot CS Smoke Projectile         | 2003      | Training only                          | 11  |
| CTS        | 4230   | 40 mm   | Riot CS Smoke Projectile         | 2010      |                                        | 6   |
| CTS        | 3233   | 37 mm   | Riot CS Smoke Multi-Projectile   | 2003      | Training only                          | 11  |
| CTS        | 4210   | 40 mm   | White Smoke Projectile           | 2008      |                                        | 24  |
| CTS        | 4210   | 40 mm   | White Smoke Projectile           | 2010      |                                        | 5   |
| CTS        | 4630   | 40 mm   | Riot CS Powder, Muzzle Blast     | 2010      |                                        | 16  |
| CTS        | 4630   | 40 mm   | Riot CS Powder, Muzzle Blast     | 2014      |                                        | 15  |
| CTS        | 4557   | 40 mm   | Foam Baton                       | 2014/2015 |                                        | 191 |
| CTS        | T4557  | 40 mm   | Training, reloadable Foam Baton  | n/a       |                                        | 75  |
| Fed Labs   |        | 37 mm   | single round launcher            |           | Training only                          | 7   |
| Penn Arms  | GL1    | 40 mm   | single round launcher            |           |                                        | 5   |
| Penn Arms  | PGL65  | 40 mm   | multi-round launcher             |           | *1 launcher out of service for repairs | 2*  |
| FN Herstal | FN-303 | 18 mm   | multi-round launcher             |           |                                        | 2   |

cc: Firearm and Tactics Unit, Specialty Weapons Coordinator





Cheryl Davila  
Councilmember  
District 2

ACTION CALENDAR  
March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Providing our Unhoused Community with Fire Extinguishers

#### RECOMMENDATION

Direct the City Manager to use existing homeless services funding to develop a program to provide fire extinguishers, fire prevention tools and deploy them through the community based homeless services providers to distribute to our unhoused community.

Short term referral to additionally, require some elements of this program be deployed immediately, with a full program deployment within six months.

#### POLICY COMMITTEE RECOMMENDATION

On March 1, 2021, the Public Safety Policy Committee moved to send the item with a qualified positive recommendation to refer the item to the City Manager and the Disaster and Fire Safety Commission to consider fire extinguishers and other fire prevention tools such as wool blankets. Vote: Ayes – Kesarwani, Bartlett; Noes – None; Abstain – None; Absent – Wengraf.

#### BACKGROUND

On any given night, more than 1,000 Berkeley residents do not have shelter (i.e. living outdoors in tents, on sidewalks or in vehicles) according to the [Alameda County 2019 Point-In-Time Count](#). A growing number of residents are housing insecure and at risk of becoming homeless. A majority of unhoused Berkeley residents are people of color, seniors and disabled.

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.

Cooking fires and accidents are common among unhoused populations as they often use portable stoves, wood, and charcoal briquettes which lack safety precautions. Combined with strong winds near brushes these small fires have dangerous implications. For example, in 2018, a fire from a stove at a homeless encampment in Bel Air caused a large brush fire that incinerated several homes. It became dangerous very quickly because the homeless population lacked extinguishing equipment and the winds allowed to fire to travel. This same thing occurred multiple times in Malibu. In just May of this year, a homeless encampment in San Jose was on fire and began to spread to Guadalupe River.

Consider the Homeless has acquired and deployed fire extinguishers to those temporarily living in tents and other alternative housing. They have personally delivered those extinguishers and track use, as well as helping to formulate safety plans. Each time an extinguisher is used it must be replaced or refilled.

With the growing climate concerns and fires plaguing California, it is essential that the City does everything it can to protect the safety of our people and preemptively stop the spread of preventable fires. Recently, there have been a few encampment fires. One fire resulted in injuries to one of the encampment residents leading to extensive burns to their body requiring surgeries and extended hospitalization.

#### FINANCIAL IMPLICATIONS

An estimate of \$25,000 for the first year, with the purchase of about 500 fire extinguishers to place across encampments and RV and vehicle communities in the City of Berkeley that are easily accessible to our unhoused residents. The average cost of a Fire Extinguishers is \$50. A bulk purchase, as well as reconditioned equipment could result in additional saving. New fire extinguisher equipment comes with approximately a six year warranty. Best Equipment Co. LLC, provided discounted fire extinguishers at the Shake Out last year, for about \$38, \$41.52 with tax. Fire extinguisher boxes to house the extinguishers would require additional costs of approximately \$50 per unit. However, the housing box may not be appropriate for this purpose.

#### ENVIRONMENTAL SUSTAINABILITY

Allowing communities to have tools to prevent and stop fires furthers protects other communities and the environment.

#### CONTACT PERSONS

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

Sanjita Pamidimukkala  
Eshal Sandhu  
District 2 Interns

#### ATTACHMENTS:

1. Resolution

#### REFERENCES:

1. Best Equipment Co. LLC 510.655.8882
2. Fire Extinguisher at Home Depot  
<https://www.homedepot.com/p/Kidde-PRO-210-2A-10B-C-Fire-Extinguisher-21029292/100552654>

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY, CALIFORNIA,  
PROVIDING OUR HOUSELESSNESS COMMUNITY WITH FIRE EXTINGUISHERS

WHEREAS, On any given night, more than 1,000 Berkeley residents do not have shelter (i.e. living outdoors in tents, on sidewalks or in vehicles) according to the [Alameda County 2019 Point-In-Time Count](#). A growing number of residents are housing insecure and at risk of becoming homeless. A majority of unhoused Berkeley residents are people of color, seniors and disabled; and

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.

WHEREAS, Cooking fires and accidents are common among unhoused populations as they often use portable stoves, wood, and charcoal briquettes which lack safety precautions. Combined with strong winds near brushes these small fires have dangerous implications. For example, in 2018, a fire from a stove at a homeless encampment in Bel Air caused a large brush fire that incinerated several homes. It became dangerous very quickly because the homeless population lacked extinguishing equipment and the winds allowed to fire to travel. This same thing occurred multiple times in Malibu. In just May of this year, a homeless encampment in San Jose was on fire and began to spread to Guadalupe River.; and

WHEREAS, Consider the Homeless has acquired and deployed fire extinguishers to those temporarily living in tents and other alternative housing. They have personally delivered those extinguishers and track use, as well as helping to formulate safety plans. Each time an extinguisher is used it must be replaced or refilled; and

WHEREAS, With the growing climate concerns and fires plaguing California, it is essential that the City does everything it can to protect the safety of our people and preemptively stop the spread of preventable fires. Recently, there have been a few encampment fires. One fire resulted in injuries to one of the encampment residents leading to extensive burns to their body requiring surgeries and extended hospitalization.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Berkeley, California supports not only the increased accessibility of fire extinguishers and fire prevention products for the homeless; and

BE IT FURTHER RESOLVED, the Council of the City of Berkeley hereby direct the City Manager to use existing homeless services funding to develop a program to provide fire extinguishers, fire prevention tools and deploy them through the community based homeless services providers to distribute to our unhoused community.

BE IT FURTHER RESOLVED, the Council of the City of Berkeley hereby does a short term referral to additionally, require some elements of this program be deployed immediately, with a full program deployment within six months.





Cheryl Davila  
Councilmember  
District 2

ACTION CALENDAR

March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Recognize the Rights of Nature

RECOMMENDATION

Adopt a resolution to recognize that the natural living world has a right to exist, thrive, regenerate and evolve its life cycles; to protect the ecosystems upon which our own vitality depends; and to transform our human relationship with nature from a property-based to a legal rights-bearing entity.

POLICY COMMITTEE RECOMMENDATION

On March 3, 2021, the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee moved to send the item back to Council with the qualified positive recommendation revising the final resolved clause of the draft resolution to place obligation on the City and not the residents. Vote: All Ayes

BACKGROUND

Currently, the legal systems are doing very little to protect our ecosystems from the destruction by economically driven industrialization. In fact, not only is there no regard to the impacts this will have on future generations, but the degradation of our natural world is often encouraged. Currently, our laws view nature as human-owned property, confirming human authority over all of nature. The natural world has no legal standing in a court of law. There needs to be a legal shift in the way we view our human relationship with the natural world. It is our responsibility to live respectfully within the natural order of life. We must redraw the boundaries of the economy taking into consideration the ecological and planetary limits. All rights, including human rights depend on the health and vitality of Earth's living systems. Therefore, the needs of nature must be elevated and protected by legal rights and maintained through life-sustaining systems of exchange and reciprocity.

Five countries and dozens of US communities have recognized the rights of nature and are resolving to provide adequate protection for the health of local ecosystems. It is our responsibility to recognize and respect the rights of the natural world so that we may sustain and protect our environment, and help secure the well-being of future generations.

ENVIRONMENTAL SUSTAINABILITY

From the impacts of climate change, to the tar sands of Alberta to mountaintop removal for coal

extraction, to fracking and the destruction of vast tropical rainforests, we have witnessed the horrifying damage these negligent practices are imposing on our environment. This resolution will help provide environmental protection and sustainability.

FINANCIAL IMPLICATIONS

There is no limit on the value of the Rights of Nature.

References:

Global Alliance for the Rights of Nature

[https://therightsofnature.org/what-is-rights-of-](https://therightsofnature.org/what-is-rights-of-nature/#:~:text=Rights%20of%20Nature%20is%20the%20recognition%20and%20honoring%20t)

[nature/#:~:text=Rights%20of%20Nature%20is%20the%20recognition%20and%20honoring%20t](https://therightsofnature.org/what-is-rights-of-nature/#:~:text=Rights%20of%20Nature%20is%20the%20recognition%20and%20honoring%20t)  
[hat%20Nature%20has%20rights.&text=Rather%20than%20treating%20nature%20as,and%20r](https://therightsofnature.org/what-is-rights-of-nature/#:~:text=Rights%20of%20Nature%20is%20the%20recognition%20and%20honoring%20t)  
[egenerate%20its%20vital%20cycles.](https://therightsofnature.org/what-is-rights-of-nature/#:~:text=Rights%20of%20Nature%20is%20the%20recognition%20and%20honoring%20t)

CONTACT PERSONS

Cheryl Davila

Councilmember District 2

510.981.7120

[cdavila@cityofberkeley.info](mailto:cdavila@cityofberkeley.info)

ATTACHMENTS:

1. Resolution

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY, CALIFORNIA, RECOGNIZING THAT THE NATURAL LIVING WORLD HAS A RIGHT TO EXIST, THRIVE, REGENERATE AND EVOLVE ITS LIFE CYCLES; TO PROTECT THE ECOSYSTEMS UPON WHICH OUR OWN VITALITY DEPENDS

WHEREAS, the natural living world has a right to exist, thrive, regenerate and evolve its life cycles; and

WHEREAS, all rights, including human rights, depend on the health and vitality of Earth's living systems; and

WHEREAS, our current laws view nature as human-owned property, confirming human authority over all of nature; and

WHEREAS, the natural world has no legal standing in a court of law; and

WHEREAS, the current legal systems are doing very little to protect our ecosystems from the destruction by economically driven industrialization; and

WHEREAS, from the impacts of climate change, to the tar sands of Alberta to mountaintop removal for coal extraction, to fracking and the destruction of vast tropical rainforests, we have witnessed the horrifying damage these negligent practices are imposing on our environment; and

WHEREAS, not only is there no regard to the impacts this will have on future generations, but the degradation of our natural world is often encouraged; and

WHEREAS, we must redraw the boundaries of the economy taking into consideration the ecological and planetary limits; and

WHEREAS, there needs to be a legal shift in the way we view our human relationship with the natural world; and

WHEREAS, we must transform our human relationship with nature from a property-based to a legal rights-bearing entity; and

WHEREAS, the needs of nature must be elevated and protected by legal rights, and maintained through life-sustaining systems of exchange and reciprocity; and

WHEREAS, five countries and dozens of US communities have recognized the rights of nature and are dedicated to providing adequate protection for the health of the local ecosystem; and

WHEREAS, it is our responsibility to recognize and respect the rights of the natural world so that we may sustain and protect our environment, and help secure the well-being of future generations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Berkeley recognizes the Rights of our local ecosystem to exist, flourish, and regenerate its natural capacities.

Recognizing these rights places obligations on the City to live within, not above, the natural world, of which we are only one part, and to protect and replenish the ecosystems upon which our mutual well being depends. In essence, it is necessary to transform our human relationship with nature from property-based to a legal rights-bearing entity.





CONSENT CALENDAR  
DATE: March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Letter to Google Requesting Commercial Truck Routes on Google Maps

#### RECOMMENDATION

Send a letter to Google headquarters in Mountain View, CA, to request the inclusion of commercial truck routes on the Google Maps platform.

#### BACKGROUND

Berkeley Municipal Code 14.56.060 establishes “designated commercial truck route system requiring such vehicles exceeding seven tons gross vehicle weight to use the following streets or portions of streets within the City of Berkeley except when taking the shortest possible route between the truck route system and the point of origin or destination in the City of Berkeley:

1. Adeline Avenue between Martin Luther King Jr. Way (62nd Street) and Shattuck Avenue;
2. Ashby Avenue/Tunnel Road (SR13) between I-80 and east city limit;
3. Gilman Street between West Frontage Road and San Pablo Avenue (SR123);
4. Henry Street between Rose Street and Eunice Street;
5. Martin Luther King Jr. Way between Adeline Avenue (62nd Street) and south city limits;
6. San Pablo Avenue (SR123) between south city limits and north city limits;
7. Shattuck Avenue between Adeline Avenue and Shattuck Place;
8. Shattuck Place between Shattuck Avenue and Rose Street;

9. Solano Avenue between Del Norte Street and west city limits;
10. Sutter Street between Eunice Street and Del Norte Street;
11. University Avenue between I-80 and Oxford Street.”

The California Department of Transportation (Caltrans) also provides an official Caltrans Truck Network Map for all of its 12 districts across the state.

However, Google Maps currently does not offer any feature to filter streets for commercial truck routes when determining optimal driving directions to a specific destination.

Unfortunately, Berkeley residents have reported reckless behavior by truck drivers on residential streets where multi-axle commercial vehicles are discouraged or restricted, which endangers public safety.

In a March 8, 2021 letter to the Berkeley City Council, local resident Scott Schwalbach wrote:

*Addison between San Pablo and 10th is constantly blocked by completing delivery vehicles who aren't allowed to block San Pablo. By construction blocking the street without permits for dumpsters and the like. Drivers of those vehicles do not care and have stated such since there is no enforcement.*

*I continued to watch large vehicles attempt to make turns on the corner of Addison and 10th, often having to back up, adjust, back up, adjust, to make the turn and avoid hitting a legally parked vehicle. This corner is not designed to handle 53 foot tractor trailer[s]. We have many pedestrians, bicycles, strollers and mobility impaired people using the streets and sidewalks constantly put in danger.*

*And I have been calling this out with city staff from nearly day I moved in, warning that people and property would be hurt, killed or damaged. And on Feb 27th, that happened when an out of state Car Carrier Semi Tractor Trailer, drove down 9th Street from University, turned onto Addison headed east (driving over and damaging the traffic circle) and then attempted to turn from Addison to 10th Street southbound. Please see the video:*

<https://share.icloud.com/photos/0IBFA23Nyu6Ew7sWS2e95rohQ>

*That car being dragged by the truck was mine. Legally parked. The driver's excuse was that he was wanting to go eat on San Pablo at Gallego's and he's not allowed to park his truck on San Pablo. 5 minutes prior to him hitting the car, two women were walking their children in strollers. If you watch the video closely, you will see a small black truck zooming through the intersection past*

*the semitruck on the wrong side of the street to beat the truck from turning. You can see how close he came to hitting other vehicles and people.*

*He caused over \$4000 in damages.*

#### RATIONALE FOR RECOMMENDATION

While there are some proprietary truck route guides available in the state of California, none are as ubiquitous or easily available to the general public as Google Maps. This platform comes installed by default on new Android smartphones and tablets.

The OpenStreetMap (OSM) platform, an open source data project that maps streets worldwide, already includes data on state truck routes. The Overpass turbo<sup>1</sup> tool queries the OpenStreetMap API to visualize this data, and includes data on “HGV” (heavy goods vehicle) routes with reference to the Caltrans truck routes. Mapping truck routes is therefore well within the capabilities of a multi-billion-dollar corporation.

#### ENVIRONMENTAL IMPACTS

Improvements to public safety and potential reductions in Vehicle Miles Traveled (VMT) by large commercial vehicles.

#### FISCAL IMPACTS

None.

#### CONTACT

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

#### ATTACHMENTS/SUPPORTING MATERIALS

1. Letter
2. BMC Chapter 14

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<sup>1</sup> <https://overpass-turbo.eu/>



Google HQ  
1600 Amphitheatre Parkway  
Mountain View, CA 94043

March 30, 2021

Google Maps team:

Pursuant to Berkeley Municipal Code 14.56.060, the city's designated commercial truck route system requires "vehicles exceeding seven tons gross vehicle weight" to use these routes "except when taking the shortest possible route between the truck route system and the point of origin or destination in the City of Berkeley." Additionally, BMC 14.56.070 lists fifty-five street segments that prohibit "vehicles exceeding three tons gross vehicle weight." A list of those streets is included in the text of the code chapter attached with this letter. Unfortunately, many of our constituents have reported large trucks and other commercial vehicles driving through and parking on smaller residential streets, jeopardizing public safety and the structural integrity of our pavement. While there are some proprietary truck route guides available in the state of California, none enjoy the ubiquitous popularity and ease of access of Google Maps, which comes installed by default on new Android smartphones. Your platform offers a potential tool for alerting commercial vehicle drivers of these restrictions and directing them to designated truck routes, and we request that you develop this feature on Google Maps with all deliberate haste.

Google Maps currently allows users to filter for bike routes or avoiding highways, tolls, and ferries on the way to their destination. However, no option is available for drivers of large commercial vehicles to avoid restricted streets or adhere to truck routes. Providing truck drivers with the same routes as a small sedan presents significant hazards for the public.

The California Department of Transportation (Caltrans) provides an official Caltrans Truck Network Map for all of its 12 districts across the state. This data is already available in maps using the OpenStreetMap API. We request that you incorporate commercial vehicle restrictions from *both* state *and* local jurisdictions in Google Maps as soon as possible.

Thank you for your prompt attention to this urgent public safety matter.

City Council, City of Berkeley  
2180 Milvia St  
Berkeley, CA 94704

Title 14

VEHICLES AND TRAFFIC\*\*

Chapters:

**Division I. Traffic Regulations\***

- 14.04 DEFINITIONS
- 14.08 ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS
- 14.12 TRAFFIC CONTROL DEVICES
- 14.16 TURNING MOVEMENTS
- 14.20 SPECIAL STOPS REQUIRED
- 14.24 MISCELLANEOUS DRIVING RULES
- 14.26 PROHIBITING HARASSMENT OF BICYCLISTS
- 14.28 GRADE SEPARATIONS
- 14.32 PEDESTRIAN REGULATIONS
- 14.36 STOPPING, STANDING AND PARKING FOR CERTAIN PURPOSES OR IN CERTAIN PLACES
- 14.40 STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS
- 14.44 STOPPING FOR LOADING OR UNLOADING ONLY
- 14.46 ELECTRIC VEHICLE PARKING
- 14.48 MISCELLANEOUS USE OF STREETS AND SIDEWALKS
- 14.52 PARKING METERS
- 14.56 MOVEMENT OF HEAVY VEHICLES AND EQUIPMENT
- 14.60 TRAINS
- 14.62 VEHICLE SHARING
- 14.64 PENALTIES AND EFFECT OF ORDINANCE
- 14.66 DOUBLE FINES – Sunsetting and Repealed January 1, 2007.

\*Editor's Note: Division I, Traffic Regulations, is a codification of the City of Berkeley Traffic Ordinance (Ord. 3262-NS) and all amending ordinances. Prior ordinance section information can be found in the traffic ordinance cross-reference table located at the end of this title.

**Division II. Bicycles**

- 14.68 BICYCLES AND BICYCLE ESTABLISHMENTS

**Division III. Preferential Parking**

- 14.72 PREFERENTIAL PARKING PROGRAM
- 14.76 AREA A--BATEMAN NEIGHBORHOOD PREFERENTIAL PARKING DISTRICT
- 14.80 AREA B--WILLARD NEIGHBORHOOD PREFERENTIAL PARKING DISTRICT
- 14.84 AREA C--MAGNA NEIGHBORHOOD PREFERENTIAL PARKING DISTRICT

**Division IV. Pedestrian Malls**

- 14.88 PEDESTRIAN MALLS IN THE BATEMAN NEIGHBORHOOD

**Division V. Trip Reduction**

- 14.92 TRIP REDUCTION INFORMATION PROGRAM

**TRAFFIC ORDINANCE CROSS-REFERENCE TABLE**

\*\*For municipal off-street parking lots, see Ch. 6.24 of this code.

For traffic regulations in public parks, see Chs. 6.28 and 6.32 of this code.

For taxicab licensing and regulations, see Ch. 9.52 of this code.

For campers and house cars, see Ch. 12.76 of this code.

For assemblies and parades, see Ch. 13.44 of this code.

For trespassing by automobiles, see Ch. 13.52 of this code.

Chapter 14.04

DEFINITIONS

Sections:

|           |                                                     |
|-----------|-----------------------------------------------------|
| 14.04.010 | Definitions of words and phrases.                   |
| 14.04.020 | Motor vehicle code definitions to be used.          |
| 14.04.030 | Bicycle.                                            |
| 14.04.040 | Coach.                                              |
| 14.04.050 | Council.                                            |
| 14.04.060 | Curb.                                               |
| 14.04.070 | Divisional island.                                  |
| 14.04.080 | Grade separation.                                   |
| 14.04.090 | Loading zone.                                       |
| 14.04.100 | Official time standard.                             |
| 14.04.110 | Official traffic control devices.                   |
| 14.04.120 | Official traffic signals.                           |
| 14.04.130 | Park.                                               |
| 14.04.140 | Parking meter.                                      |
| 14.04.143 | Pay-and-display station.                            |
| 14.04.146 | Pay-and-display station--Dispensing machine ticket. |
| 14.04.150 | Pedestrian.                                         |
| 14.04.160 | Police officer.                                     |
| 14.04.170 | Stop.                                               |
| 14.04.180 | Stopping or standing.                               |
| 14.04.190 | Traffic.                                            |
| 14.04.200 | Vehicle Code.                                       |

**Section 14.04.010 Definitions of words and phrases.**

The following words and phrases when used in this division shall for the purpose of this division have the meanings respectively ascribed to them in this article. (Ord. 3262-NS § 1, 1952)

**Section 14.04.020 Motor vehicle code definitions to be used.**

Whenever any words or phrases used in this division are not defined herein, but are defined in the Vehicle Code of the state and amendments thereto, such definitions are incorporated herein and shall be deemed to apply to such words and phrases used herein as though set forth herein in full. (Ord. 3262-NS § 1.1, 1952)

**Section 14.04.030 Bicycle.**

A light vehicle without a motor, having two wheels, handle bars and a seat or seats, and propelled by the operator. (Ord. 3262-NS § 1.2, 1952)

**Section 14.04.040 Coach.**

Any motor bus, motor coach, trackless trolley, or passenger stage used as a common carrier of passengers. (Ord. 3262-NS § 1.3, 1952)

**Section 14.04.050 Council.**

The Council of the City of Berkeley. (Ord. 3262-NS § 1.4, 1952)

**Section 14.04.060 Curb.**

The lateral boundary of the roadway whether such curb be marked by curbing construction, or not so marked; the word "curb" as herein used shall not include the line dividing the roadway of a street from parking strips in the center of a street, nor from tracks or rights-of-way of public utility companies. (Ord. 3262-NS § 1.5, 1952)

**Section 14.04.070 Divisional island.**

A raised island located in the roadway and separating opposing or conflicting streams of traffic. (Ord. 3262-NS § 1.6, 1952)

**Section 14.04.080 Grade separation.**

Every structure by means of which any street passes over or under any stationary rails or tracks or another street. (Ord. 3262-NS § 1.7, 1952)

**Section 14.04.090 Loading zone.**

The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials. (Ord. 3262-NS § 1.9, 1952)

**Section 14.04.100 Official time standard.**

Whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in this City. (Ord. 3262-NS § 1.10, 1952)

**Section 14.04.110 Official traffic control devices.**

All signs, signals, markings and devices not inconsistent with this division placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic. (Ord. 3262-NS § 1.11, 1952)

**Section 14.04.120 Official traffic signals.**

Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction. (Ord. 3262-NS § 1.12, 1952)

**Section 14.04.130 Park.**

To stand or leave standing any vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of passengers or materials. (Ord. 3262-NS § 1.13, 1952)

**Section 14.04.140 Parking meter.**

A mechanical device installed within or upon the curb or sidewalk area, immediately adjacent to a parking space, for the purpose of controlling the period of time occupancy of such parking meter space by any vehicle. (Ord. 3262-NS § 1.14, 1952)

**Section 14.04.143 Pay-and-display station.**

An electronic pay station installed within or upon the curb or sidewalk area within a designated parking zone for the purpose of controlling the period of time of occupancy of such pay-and-display space by any vehicle. (Ord. 6839-NS § 1 (part), 2005)

**Section 14.04.146 Pay-and-display station--Dispensing machine ticket.**

A parking ticket receipt dispensed from a pay-and-display station that when attached properly to a vehicle authorizes the legal parking of said vehicle for the time period indicated on the dispensing machine ticket. (Ord. 6839-NS § 2 (part), 2005)

**Section 14.04.150 Pedestrian.**

Any person afoot. (Ord. 3262-NS § 1.15, 1952)

**Section 14.04.160 Police officer.**

Every officer of the Police Department of the City or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. (Ord. 3262-NS § 1.16, 1952)



**Section 14.04.170 Stop.**

When required, means complete cessation of movement. (Ord. 3262-NS § 1.17, 1952)

**Section 14.04.180 Stopping or standing.**

When prohibited means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. (Ord. 3262-NS § 1.18, 1952)

**Section 14.04.190 Traffic.**

Pedestrians, ridden or herded animals, vehicles, trains and other conveyances either singly or together while using any street for purposes of travel. (Ord. 3262-NS § 1.19, 1952)

**Section 14.04.200 Vehicle Code.**

The Vehicle Code of the state of California. (Ord. 3262-NS § 1.20, 1952)

Chapter 14.08

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

Sections:

- 14.08.010 Authority of Police and Fire Department officials.
- 14.08.020 Persons other than officials shall not direct traffic.
- 14.08.030 Obedience to police or authorized officers.
- 14.08.040 Obstruction or interference with police or authorized officers.
- 14.08.050 Public employees to obey traffic regulations.
- 14.08.060 Exemption to certain vehicles.
- 14.08.070 Report of damage to certain property.
- 14.08.080 Authority of police in crowds.
- 14.08.090 When vehicles may be removed from streets.
- 14.08.100 Authority to give notice of violations.

**Section 14.08.010 Authority of Police and Fire Department officials.**

Officers of the Police Department and such officers as are assigned by the Chief of Police are authorized to direct all traffic by voice, hand, audible or other signal in conformance with traffic laws, except that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department or members of the Fire Department may direct traffic as conditions may require, notwithstanding the provisions to the contrary contained in this division or the Vehicle Code. (Ord. 3262-NS § 2, 1952)

**Section 14.08.020 Persons other than officials shall not direct traffic.**

It is unlawful for any person other than an officer of the Police Department or members of the Fire Department or a person authorized by the Chief of Police or a person authorized by law to direct or attempt to direct traffic by voice, hand or other signal, except that persons may operate, when and as herein provided, any mechanical push-button signal erected by order of the City Traffic Engineer. (Ord. 3262-NS § 2.1, 1952)

**Section 14.08.030 Obedience to police or authorized officers.**

It is unlawful for any person to refuse or fail to comply with or to perform any act forbidden by any lawful order, signal, or direction of a traffic or police officer, or a member of the Fire Department, or a person authorized by the Chief of Police or by law. (Ord. 3262-NS § 2.2, 1952)

**Section 14.08.040 Obstruction or interference with police or authorized officers.**

It is unlawful for any person to interfere with or obstruct in any way any police officer or other officer or employee of the City in their enforcement of the provisions of this division. The removal, obliteration or concealment of any chalk mark or other distinguishing mark used by any police officer or other employee or officer of the City in connection with the enforcement of the parking regulations of this division shall constitute such interference or obstruction. (Ord. 3620-NS § 1, 1958)

**Section 14.08.050 Public employees to obey traffic regulations.**

The provisions of this division shall apply to the operator of any vehicle owned by or used in the service of the United States Government, this state, any county or city, and it is unlawful for any said operator to violate any of the provisions of this division except as otherwise permitted in this division or by the Vehicle Code. (Ord. 3262-NS § 2.3, 1952)

**Section 14.08.060 Exemption to certain vehicles.**

A. The provisions of this division regulating the operation, parking and standing of vehicles shall not apply to authorized emergency vehicles operated by the Police or Fire Department, any public ambulance or any public utility vehicle or any private ambulance, which public utility vehicle or private ambulance has qualified as an

authorized emergency vehicle, when any vehicle mentioned in this section is operated in the manner specified by the Vehicle Code in response to an emergency call.

B. The foregoing exemptions shall not, however, protect the operator of any such vehicle from the consequences of their willful disregard of the safety of others.

C. The provisions of this division regulating the parking or standing of vehicles shall not apply to any vehicle of the City department or public utility while necessarily in use for construction or repair work or any vehicle owned or operated by the United States Post Office Department while in use for the collection, transportation or delivery of United States mail.

D. The provisions of this division regulating the parking or standing of vehicles shall not apply to any vehicle of the City that carries an (E) license plate and a decal or other insignia identifying it as a City vehicle. The exemption provided by this section shall not apply to City vehicles parked in locations and during the time periods specified in the administrative regulation on employee parking policies issued by the City Manager.

E. The provisions of this division regulating the parking or standing of vehicles shall not apply to any City CarShare vehicle that carries a decal or other insignia identifying it as a vehicle dedicated solely for city business during Monday through Friday from 8:00 AM to 6:00 PM. The exemption provided by this section shall not apply to City CarShare vehicles dedicated solely for city business during these hours parked in locations and during the time periods specified in the administrative regulation on employee parking policies issued by the City Manager.

F. The provisions of this division regulating the parking or standing of vehicles shall not apply to any vehicle displaying a "FIELD" parking permit. The exemption provided by this section shall not apply during time periods and locations specified in the administrative regulation on employee parking policies issued by the City Manager. (Ord. 6937-NS § 1, 2006)

#### **Section 14.08.070 Report of damage to certain property.**

A. The operator of a vehicle or the person in charge of any animal involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including but not limited to any fire hydrant, parking meter, lighting post, telephone pole, electric light or power pole, or resulting in damage to any tree, traffic control device or other property of a like nature located in or along any street, shall within 24 hours after such accident make a written report of such accident to the Police Department of this City.

B. Every such report shall state the time when and the place where the accident took place, the name and address of the person owning and of the person operating or in charge of such vehicle or animal, the license number of every such vehicle, and shall briefly describe the property damage in such accident.

C. The operator of any vehicle involved in an accident shall not be subject to the requirements or penalties of this section if and during the time they are physically incapable of making a report, but in such event they shall make a report as required in subsection A of this section within 24 hours after regaining ability to make such report. (Ord. 3262-NS § 2.5, 1952)

#### **Section 14.08.080 Authority of police in crowds.**

At places where large numbers of people and vehicles are to gather or have gathered, nothing in this division shall be construed to prevent any police officer from prohibiting any person from parking any vehicle upon or using any street or sidewalk, or from prohibiting any pedestrian from using any street or sidewalk, and said police officer shall have authority to direct the parking of vehicles in any reasonable manner, way or direction, and it is declared to be unlawful for any person to fail to promptly obey the said police officer's order, signal or command, regardless of any other provision of this division. (Ord. 3262-NS § 2.6, 1952)

#### **Section 14.08.090 When vehicles may be removed from streets.**

Any regularly employed and salaried employee of the City of Berkeley Police Department designated by the Chief of Police may remove or cause to be removed:

A. Any vehicle that has been parked or left standing upon a street or highway for 72 or more consecutive hours;

B. Any vehicle that is parked or left standing upon a street or highway when such parking or standing is prohibited by ordinance or resolution of the City and signs are posted giving notice of such removal;

C. Any vehicle which is parked or left standing upon a street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or for the installation of underground facilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any

portion thereof is necessary for the movement of equipment, articles or structures of unusual size and the parking of such vehicle would prohibit or interfere with such use or movement; provided that signs giving notice that such vehicle may be removed are erected or placed at least 24 hours prior to the removal limit for the above purposes other than construction, and at least 72 hours for construction. (Ord. 6778-NS § 1, 2003: Ord. 4854-NS § 1 (part), 1976: Ord. 4006-NS § 1 (part), 1964: Ord. 3786-NS § 1 (part), 1961: Ord. 3634-NS § 1 (part), 1958)

**Section 14.08.100 Authority to give notice of violations.**

Those employees of the City who are classified as parking supervisor, assistant parking supervisor, or parking enforcement representative, or who may hereafter be classified by some other appropriate designation with substantially the same duties and responsibilities as parking supervisor, assistant parking supervisor, or parking enforcement representative, or who are designated by the Chief of Police, are authorized to give the notice required by Section 40202 of the Vehicle Code of the state of violation of any provisions of said Vehicle Code governing the standing or parking of a vehicle, or requiring the display or any evidence of registration with respect to an unattended vehicle, or any provision of any ordinance enacted by the City governing the standing or parking of a vehicle or relating to parking meters or parking meter stands, either on the public street, highway or right-of-way, or on municipal off-street parking lots. In addition, employees of an independent contractor which has entered into a contract with the City to operate Sather Gate Garage are authorized to give the notice required by Section 40202 of the Vehicle Code of the state to persons who park illegally in the City-owned, contractor-operated garage at which that employee is employed. Training in the issuance of notices of violation for these contractors' employees shall be substantially similar to the training given to City parking enforcement representatives and such training shall be approved by the Chief of Police or their designee. (Ord. 6253-NS § 1, 1994: Ord. 4854-NS § 1 (part), 1976: Ord. 4182-NS § 1, 1966: Ord. 3825-NS § 1, 1961: Ord. 3795-NS § 1, 1961)

Chapter 14.12

TRAFFIC CONTROL DEVICES

Sections:

- 14.12.010 Authority to install traffic control devices.
- 14.12.020 Traffic control signs required for enforcement purposes.
- 14.12.030 Obedience to traffic control devices.
- 14.12.040 Installation of traffic signals.
- 14.12.050 Lane marking.
- 14.12.060 Authority to remove, relocate and discontinue traffic control devices.
- 14.12.070 Traffic control devices--Hours of operation.
- 14.12.080 Unauthorized painting of curbs.
- 14.12.090 Distinctive roadway markings.
- 14.12.100 Experimental neighborhood traffic control.

**Section 14.12.010 Authority to install traffic control devices.**

A. The City Traffic Engineer shall place and maintain or cause to be placed and maintained official traffic control devices when and as required to make effective the provisions of this division.

B. Whenever the Vehicle Code requires for the effectiveness of any provision thereof that traffic control devices be installed to give notice to the public of the application of such law the City Traffic Engineer is authorized to install the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.

C. The City Traffic Engineer may also place and maintain such additional traffic control devices as they may deem necessary or proper to regulate traffic or to guide or warn traffic, but they shall make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations, and rules as may be set forth in this division or as may be determined by ordinance or resolution of the Council. (Ord. 3262-NS § 3, 1952)

**Section 14.12.020 Traffic control signs required for enforcement purposes.**

No provision of the Vehicle Code or of this division for which signs are required shall be enforced against an alleged violator unless appropriate signs are in place and are sufficiently legible to be seen by an ordinarily observant person, giving notice of such provisions of the traffic laws. (Ord. 3262-NS § 3.1, 1952)

**Section 14.12.030 Obedience to traffic control devices.**

It is unlawful for the operator of any vehicle or train to disobey the instructions of any official traffic control device placed in accordance with this division unless otherwise directed by a police officer or other authorized person subject to the exceptions granted the operator of an authorized emergency vehicle when responding to emergency calls. (Ord. 3262-NS § 3.2, 1952)

**Section 14.12.040 Installation of traffic signals.**

A. The City Traffic Engineer is directed to install and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.

B. The City Traffic Engineer shall ascertain and determine the locations where such signals are required by field investigation, traffic counts and other traffic information as may be pertinent and their determinations therefrom shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the California Maintenance Manual issued by the Division of Highways of the State Department of Public Works. (Ord. 3262-NS § 3.3, 1952)

**Section 14.12.050 Lane marking.**

The City Traffic Engineer is authorized to mark center lines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway. (Ord. 3262-NS § 3.4, 1952)

**Section 14.12.060 Authority to remove, relocate and discontinue traffic control devices.**

The City Traffic Engineer is authorized to remove, relocate or discontinue the operation of any traffic control device not specifically required by the Vehicle Code or this division whenever they shall determine in any particular case that the conditions which warranted or required the installation no longer exist. (Ord. 3262-NS § 3.5, 1952)

**Section 14.12.070 Traffic control devices--Hours of operation.**

The City Traffic Engineer shall determine the hours and days during which any traffic control device shall be in operation or be in effect, except in those cases where such hours or days are specified in this division. (Ord. 3262-NS § 3.6, 1952)

**Section 14.12.080 Unauthorized painting of curbs.**

It is unlawful for any person, unless authorized by the City, to paint any street or curb surface; provided, however, that this section shall not apply to the painting of numbers on a curb surface by any person who has complied with the provisions of any resolution or ordinance of the City pertaining thereto. (Ord. 3262-NS § 3.7, 1952)

**Section 14.12.090 Distinctive roadway markings.**

The City Traffic Engineer is authorized to place and maintain distinctive roadway markings as described in the Vehicle Code on those streets or parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or signs and markings. Such marking or signs and marking shall have the same effect as similar markings placed by the State Department of Public Works pursuant to the provisions of the Vehicle Code. (Ord. 3786-NS § 2 (part), 1961)

**Section 14.12.100 Experimental neighborhood traffic control.**

A. The City Traffic Engineer is authorized to place and maintain road traffic control devices in the roadway that require a motorist to change said motorist's normally straight direction of travel and require a right turn, left turn or U-turn. Said devices shall include, but shall not be limited to, signs, markings and barriers. Said control devices may be placed or installed at an intersection or between intersections on streets that are classified as local streets in the Circulation Section of the Berkeley Master Plan as adopted by the City Council in August 1968, a copy of which Circulation Section is attached hereto by reference as Exhibit A, a copy of which is on file in the office of the City Clerk. All such signs, markings, barriers or other devices shall comply with the California Vehicle Code, the Traffic Manual of the California Division of Highways, the Uniform Manual of Traffic Control Devices of the United States Department of Transportation.

B. All such proposed control device installations or placements shall be reviewed and approved by the following departments or individuals prior to installation or placement: Department of Planning, Department of Public Works, Fire Department, Police Department and a majority of the residents residing within one block of each direction of the control device location. (Ord. 4664-NS § 2 (part), 1973)

Chapter 14.16

TURNING MOVEMENTS

Sections:

- 14.16.010 Authority to place turning markers.
- 14.16.020 Authority to place and obedience to restricted turn signs.
- 14.16.030 Left turns between intersections.
- 14.16.040 Required turns.

**Section 14.16.010 Authority to place turning markers.**

The City Traffic Engineer is authorized to place markers, signs or devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and the City Traffic Engineer is authorized to allocate and indicate more than one lane of traffic from which operators of vehicles may make right or left hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by the Vehicle Code or this division. (Ord. 3262-NS § 4, 1952)

**Section 14.16.020 Authority to place and obedience to restricted turn signs.**

A. The City Traffic Engineer is authorized to determine those intersections at which it shall be unlawful for the operator of any vehicle to make a right, left, or U-turn, and shall place appropriate signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours in which event the same shall be plainly indicated on the signs.

B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, it is unlawful for the operator of any vehicle to disobey the directions of any such sign. (Ord. 3262-NS § 4.1, 1952)

**Section 14.16.030 Left turns between intersections.**

It is unlawful for the operator of any vehicle to turn such vehicle to the left, whether for the purpose of entering or leaving a driveway or otherwise, at any place between the intersections and during the times so designated by the City Traffic Engineer when such places are appropriately signed or marked. (Ord. 3262-NS § 4.2, 1952)

**Section 14.16.040 Required turns.**

The City Traffic Engineer is authorized to determine those intersections or segments of roadway between intersections which require a motorist to change said motorist's normally straight direction of travel and require either a right turn, left turn or U-turn. (Ord. 4664-NS § 2 (part), 1973)

Chapter 14.20

**SPECIAL STOPS REQUIRED**

**Sections:**

- 14.20.010 Authority to erect stop signs.**
- 14.20.020 Emerging from alley or private driveway.**

**Section 14.20.010 Authority to erect stop signs.**

A. The Council may by resolution designate and describe any street or portion thereof as a through street, or any intersection thereto, or any railroad grade crossing at which vehicles are required to stop.

B. The City Traffic Engineer shall erect and maintain stop signs on each and every street intersecting such through street or portion thereof so designated and at those entrances of other intersections where a stop is required and at any railroad grade crossing so designated; provided, however, that stop signs shall not be erected or maintained at any entrance to an intersection when such entrance is controlled by an official traffic control signal. Every such sign shall conform with and shall be placed as provided in the Vehicle Code.

C. The City Traffic Engineer is authorized to install and maintain stop signs at one or more of the intersecting approaches to street intersections classified as local streets in the Circulation Section of the Berkeley Master Plan, as adopted by the City Council in August 1968, a copy of which Circulation Section on file with the City Clerk. Every such sign shall conform and be installed in accordance with the recommendations of the Traffic Manual of the California Division of Highways. (Ord. 4664-NS § 1, 1973: Ord. 3982-NS § 1, 1963: Ord. 3262-NS § 5, 1952)

**Section 14.20.020 Emerging from alley or private driveway.**

The operator of any vehicle emerging from an alley, driveway or building, shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any driveway. (Ord. 3262-NS § 5.1, 1952)



Chapter 14.24

MISCELLANEOUS DRIVING RULES

Sections:

- 14.24.010 Driving through funeral procession.
- 14.24.020 Clinging to moving vehicle.
- 14.24.030 Commercial vehicles using private driveways.
- 14.24.040 Riding or driving on sidewalk.
- 14.24.050 New pavement and markings.
- 14.24.060 Limited access.
- 14.24.070 Vehicles on private property.
- 14.24.080 Removal of vehicle illegally parked on private property.
- 14.24.090 Liability for wrongful removal of vehicle.
- 14.24.100 Removal of vehicle to place of safety.
- 14.24.110 Notice to owner of removed vehicle.
- 14.24.120 Garage keeper's lien.
- 14.24.130 Obedience to barriers and signs.
- 14.24.140 No entrance into intersection that would obstruct traffic.
- 14.24.150 Prima facie speed limit on frontage road
- 14.24.160 Prohibiting the operation of a vehicle down grade on Marin Avenue between Grizzly Peak Boulevard and The Circle at a speed greater than twenty miles per hour.
- 14.24.170 Prima facie speed limit on Sacramento Street.
- 14.24.180 Prima facie speed limit on Solano Avenue.
- 14.24.190 Prohibiting bicycles on Solano Avenue between Del Norte Street and Contra Costa Avenue.
- 14.24.200 Prima facie speed limit on University Avenue.
- 14.24.210 Prima facie speed limit on West Frontage Road.
- 14.24.220 Prima facie speed limit on Claremont Avenue
- 14.24.230 Driving in transit-only lanes.
- 14.24.240 Closure of Camelia Street at Union Pacific Railroad Crossing

**Section 14.24.010 Driving through funeral procession.**

It is unlawful for the operator of any vehicle to drive between the vehicles comprising a funeral procession or a parade, provided that such vehicles are conspicuously so designated. The directing of all vehicles and traffic on any street over which such funeral procession or parade wishes to pass shall be entirely subject to the orders of the Police Department. (Ord. 3262-NS § 6, 1952)

**Section 14.24.020 Clinging to moving vehicle.**

It is unlawful for any person to attach themselves with their hands, or to catch on, or hold on to with their hands or by other means, to any moving vehicle or train for the purpose of receiving motive power therefrom. (Ord. 3262-NS § 6.1, 1952)

**Section 14.24.030 Commercial vehicles using private driveways.**

A. It is unlawful for any person to operate or drive a commercial vehicle in, on or across any private driveway approach or sidewalk area or the driveway itself without the consent of the owner or occupant of the property, if a sign or markings are in place indicating that the use of such driveway is prohibited.

B. For the purpose of this section a commercial vehicle shall mean a vehicle having a rated capacity in excess of one-half ton. (Ord. 3262-NS § 6.2, 1952)

**Section 14.24.040 Riding or driving on sidewalk.**

It is unlawful for any person to ride, drive, propel or cause to be propelled any vehicle or animal across or upon any sidewalk excepting over permanently constructed driveways and excepting when it is necessary for any

temporary purpose to drive a loaded vehicle across a sidewalk; provided further, that said sidewalk area be substantially protected by wooden planks two inches thick, and written permission be previously obtained from the Director of Public Works. Such wooden planks shall not be permitted to remain upon such sidewalk area during the hours from six p.m. to six a.m. (Ord. 3262-NS § 6.3, 1952)

**Section 14.24.050 New pavement and markings.**

It is unlawful for any person to ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted marking in any street when a barrier or sign is in place warning persons not to drive over or across such pavement or marking, or when a sign is in place stating that the street or any portion thereof is closed. (Ord. 3262-NS § 6.4, 1952)

**Section 14.24.060 Limited access.**

It is unlawful for any person to drive a vehicle onto or from any limited access roadway except at such entrances and exits as are lawfully established. (Ord. 3262-NS § 6.5, 1952)

**Section 14.24.070 Vehicles on private property.**

It is unlawful for any person to operate or drive or leave any vehicle in, over, or upon any private property without express or implied permission of the owner thereof, or the person entitled to the possession thereof for the time being, or the authorized agent of either, except that this section shall not apply to public or private parking lots. (Ord. 3315-NS § 1, 1953; Ord. 3262-NS § 6.6, 1952)

**Section 14.24.080 Removal of vehicle illegally parked on private property.**

Any regularly employed and salaried officer of the Police Department of the City, the owner of any private property or the person entitled to the possession thereof for the time being, or the authorized agent of either, may remove or cause to be removed any vehicle that has been parked or left standing on any private property in violation of Section 14.24.070 of this chapter. (Ord. 3315-NS § 6.6-a, 1953)

**Section 14.24.090 Liability for wrongful removal of vehicle.**

If a vehicle removed from such private property was rightfully there, the person or persons who complained of the presence of such vehicle and/or the person or persons (other than employees of the Police Department) who caused such vehicle to be removed shall be liable for any and all charges for towage and for caring for and keeping safe such vehicle. (Ord. 3315-NS § 6.6-b, 1953)

**Section 14.24.100 Removal of vehicle to place of safety.**

Any person referred to in Section 14.24.070 of this chapter who removes any vehicle from any private property in the City is authorized to remove said vehicle to the nearest garage or other place of safety, or to a garage designated or maintained by the City. (Ord. 3315-NS § 6.6-c, 1953)

**Section 14.24.110 Notice to owner of removed vehicle.**

Any person referred to in Section 14.24.070 of this chapter who removes a vehicle from private property shall give notice to the owner of the vehicle as provided in Section 585 of the Vehicle Code of the state. (Ord. 3315-NS § 6.6-d, 1953)

**Section 14.24.120 Garage keeper's lien.**

The keeper of any garage in which any vehicle is stored in accordance with the provisions of this chapter shall have a lien thereon for their compensation for towage and for caring for and keeping safe such vehicle, and may satisfy such lien upon compliance with and under the conditions stated in Section 585 of the Vehicle Code of the state. (Ord. 3315-NS § 6.6-e, 1953)

**Section 14.24.130 Obedience to barriers and signs.**

It is unlawful for any person, public utility or department in the City to erect or place any barrier or sign on any street unless of a type approved by the director of public works, or to disobey the instructions, remove, tamper

with or destroy any barrier or sign lawfully placed on any street by any person, public utility or by any department of this City. (Ord. 3262-NS § 6.7, 1952)

**Section 14.24.140 No entrance into intersection that would obstruct traffic.**

It is unlawful for the operator of any vehicle to enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle they are operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. (Ord. 3262-NS § 6.8, 1952)

**Section 14.24.150 Prima facie speed limit on frontage road**

A prima facie speed limit of thirty-five miles per hour is established on the westerly frontage road of the Eastshore Highway from Hearst Avenue to Gilman Street. (Ord. 6945-NS § 1 (part), 2006: Ord. 3614-NS § 2, 1958)

**Section 14.24.160 Prohibiting the operation of a vehicle down grade on Marin Avenue between Grizzly Peak Boulevard and The Circle at a speed greater than twenty miles per hour.**

When authorized signs are in place giving notice thereof, it is unlawful for any person to operate a vehicle at a speed greater than twenty miles per hour down grade on Marin Avenue between Grizzly Peak Boulevard and The Circle. (Ord. 3684-NS § 1, 1959)

**Section 14.24.170 Prima facie speed limit on Sacramento Street.**

A prima facie speed limit of thirty miles per hour is established on Sacramento Street between Rose Street and the south City limits. (Ord. 3817-NS § 1, 1961)

**Section 14.24.180 Prima facie speed limit on Solano Avenue.**

A prima facie speed limit of twenty-five miles per hour is established on Solano Avenue, between Del Norte Street and The Alameda. (Ord. 3921-NS § 1, 1963)

**Section 14.24.190 Prohibiting bicycles on Solano Avenue between Del Norte Street and Contra Costa Avenue.**

It is unlawful for any person to ride, push or wheel a bicycle on the Solano Avenue roadway between Del Norte Street and Contra Costa Avenue. (Ord. 3967-NS § 1, 1963)

**Section 14.24.200 Prima facie speed limit on University Avenue.**

A prima facie speed limit of thirty-five miles per hour is established on University Avenue, between Eastshore Highway and Marina Boulevard. (Ord. 4574-NS § 1 (part), 1972)

**Section 14.24.210 Prima facie speed limit on West Frontage Road.**

A prima facie speed limit of thirty-five miles per hour is established on the West Frontage Road between Gilman Street and the south City limit. (Ord. 6276-NS § 1, 1995: Ord. 4574 § 1 (part), 1972)

**Section 14.24.220 Prima facie speed limit on Claremont Avenue**

A prima facie speed limit of twenty-five miles per hour is established on Claremont Avenue between Ashby Avenue and Alcatraz Avenue/Oakland City limit. (Ord. 6945-NS § 2 (part), 2006: Ord. 6581-NS § 1, 2000)

**Section 14.24.230 Driving in transit-only lanes.**

In vehicle lanes designated by the use of markings and/or posting for transit-only use, public transit vehicles and bicycles are the only vehicles allowed to operate within such lanes during hours and days indicated by posting and/or marking. Vehicles may be operated momentarily within a transit-only lane while preparing to make

a turn or entering into or exiting from a designated parking space or a driveway. Parking, passenger loading and unloading by non-public transit vehicles, and freight loading or unloading are prohibited in the transit-only lane unless otherwise indicated by markings and/or posting. (Ord. 7576-NS § 1, 2017)

**Section 14.24.240 Closure of Camelia Street at Union Pacific Railroad Crossing**

As part of the safety improvements for I-80 Gilman Interchange Project the at-grade crossing of Union Pacific railroad corridor at Camelia Street is permanently closed to all traffic, allowing the City to bank credits towards a possible railroad quiet zone in the future. (Ord. 7738-NS § 1, 2020)

Chapter 14.26

PROHIBITING HARASSMENT OF BICYCLISTS

Sections:

- 14.26.010 Findings and purpose.
- 14.26.020 Definitions.
- 14.26.030 Prohibited conduct.
- 14.26.040 Remedies.

**Section 14.26.010 Findings and purpose.**

Harassment of bicyclists in Berkeley occurs solely based on their status as bicyclists. Persons who harass bicyclists solely based on their status as bicyclists endanger bicyclists and discourage bicyclists from using bicycles for transportation. (Ord. 7221-NS § 1 (part), 2012)

**Section 14.26.020 Definitions.**

"Bicycle" shall have the same definition as set forth in Vehicle Code section 231.

"Bicyclist" shall mean a person riding a Bicycle. (Ord. 7221-NS § 1 (part), 2012)

**Section 14.26.030 Prohibited conduct.**

A person is prohibited by this Section from doing or attempting to do the following:

- A. Physically assaulting a Bicyclist because of, in whole or in part, the Bicyclist's status as a Bicyclist.
- B. Threatening to physically assault or injure a Bicyclist because of, in whole or in part, the Bicyclist's status as a Bicyclist.
- C. Intentionally injuring a Bicyclist because of, in whole or in part, the Bicyclist's status as a Bicyclist.
- D. Intentionally distracting a Bicyclist because of, in whole or in part, the Bicyclist's status as a Bicyclist.
- E. Intentionally forcing a Bicyclist off a roadway for a purpose unrelated to public safety. (Ord. 7221-NS § 1 (part), 2012)

**Section 14.26.040 Remedies.**

A. An aggrieved Bicyclist may bring a civil lawsuit, including a small claims court action, against a person who violates this Chapter.

B. A person who violates this Chapter shall be liable for (1) treble compensatory damages for each violation, or \$1,000, whichever is greater, and (2) attorney's fees and costs of suit. Additionally, a jury or court may award punitive damages, if warranted.

C. Violations of this Chapter shall not be considered a criminal offense, except where the underlying act independent of this Chapter constitutes a criminal offense.

D. The remedies provided in this Section are in addition to other remedies that may be provided by law. Nothing in this Chapter is intended to preclude a Bicyclist from pursuing any other remedy at law in addition to the remedies provided here. (Ord. 7221-NS § 1 (part), 2012)

Chapter 14.28

GRADE SEPARATIONS

Sections:

- 14.28.010 Use of grade separations by pedestrians.
- 14.28.020 Use of grade separations by bicycles.
- 14.28.030 Use of grade separations by animals.
- 14.28.040 Operation of vehicles on grade separations.
- 14.28.050 Stopping, standing or parking on grade separations.
- 14.28.060 Removal of vehicles from grade separations.
- 14.28.070 Prima facie speed limit.

**Section 14.28.010 Use of grade separations by pedestrians.**

It is unlawful for any pedestrian to be in or upon any grade separation, except such grade separations as shall have pedestrian walks specifically designated or constructed thereon, provided that the provisions of this section shall not apply, in the event of an emergency, to persons employed to do work or labor upon such grade separation, or to members of the Police Department when engaged in law enforcement or traffic regulation. (Ord. 3262-NS § 7, 1952)

**Section 14.28.020 Use of grade separations by bicycles.**

It is unlawful for any person to ride a bicycle upon any grade separation. (Ord. 3262-NS § 7.1, 1952)

**Section 14.28.030 Use of grade separations by animals.**

It is unlawful for any person to ride or drive any animal, even though tethered or harnessed, in or upon any grade separation. (Ord. 3262-NS § 7.2, 1952)

**Section 14.28.040 Operation of vehicles on grade separations.**

Unless otherwise directed by a member of the Police Department or other authorized person, vehicles in or upon any grade separation shall at all times stay to the right of the center of all grade separations; slow moving vehicles shall remain as close as possible to the right hand side or curb of the grade separation; and where a grade separation is marked with traffic lanes, vehicles shall cross the markings only when overtaking and passing other vehicles. It is unlawful for the operator of any vehicle to cross any such marking unless such movement can be made with safety. (Ord. 3262-NS § 7.3, 1952)

**Section 14.28.050 Stopping, standing or parking on grade separations.**

It is unlawful for the operator of any vehicle to stop, stand or park said vehicle in or upon any grade separation, except in the event of an emergency, or when necessary to avoid injury or damage to persons or property, or in compliance with the direction of a member of the Police Department or other authorized person, or with the direction of a sign or signal. (Ord. 3262-NS § 7.4, 1952)

**Section 14.28.060 Removal of vehicles from grade separations.**

When any vehicle in or on any grade separation is stopped for any reason and is obstructing or may obstruct the flow of traffic, any member of the Police Department may move such vehicle or have such vehicle moved to the nearest terminus of said grade separation and beyond to a place of safety. The registered owner or owners and the operator of such vehicle shall be responsible for all reasonable charges for the moving services. (Ord. 3262-NS § 7.5, 1952)

**Section 14.28.070 Prima facie speed limit.**

A prima facie speed limit of thirty-five miles per hour is established on the overpass on University Avenue from East Shore Highway to Fifth Street. (Ord. 3262-NS § 7.6, 1952)

Chapter 14.32

PEDESTRIAN REGULATIONS

Sections:

- 14.32.010 Traffic Engineer to establish marked crosswalks.
- 14.32.020 When pedestrian must use crosswalks.
- 14.32.030 Crossing at right angles.
- 14.32.040 Standing in roadway--Use of divisional islands.
- 14.32.050 Pedestrians to obey special pedestrian traffic signals.
- 14.32.060 Regulating the use of skateboards.

**Section 14.32.010 Traffic Engineer to establish marked crosswalks.**

The City Traffic Engineer is authorized to establish and maintain crosswalks and to designate them by appropriate devices or painted signs upon the surface of the roadway. (Ord. 3262-NS § 8, 1952)

**Section 14.32.020 When pedestrian must use crosswalks.**

It is unlawful for any pedestrian to cross a roadway in any business district other than by a crosswalk. (Ord. 3262-NS § 8.1, 1952)

**Section 14.32.030 Crossing at right angles.**

It is unlawful for any pedestrian to cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk. (Ord. 3262-NS § 8.2, 1952)

**Section 14.32.040 Standing in roadway--Use of divisional islands.**

It is unlawful for any person to stand in any roadway other than in a safety zone or in a crosswalk if such action interferes with the lawful movement of traffic and it is unlawful for any person to use any safety zone or divisional island for any purpose other than that necessary to provide temporary safety from moving vehicular traffic. This section shall not apply to any public officer or employee, or employee of a public utility when necessarily upon a street or divisional island in the line of duty. (Ord. 4241-NS § 1, 1967; Ord. 3262-NS § 8.3, 1952)

**Section 14.32.050 Pedestrians to obey special pedestrian traffic signals.**

Pedestrians shall obey the indication of special traffic signals installed for pedestrians only and shall disregard the indication of a vehicular traffic signal at any location where special pedestrian traffic signals are in place. (Ord. 3262-NS § 8.4, 1952)

**Section 14.32.060 Regulating the use of skateboards.**

Skateboards shall obey all rules applicable to pedestrians, the California Vehicle Code and comply with the following regulations:

- A. No age restrictions shall be placed upon skateboard users;
- B. Skateboarders shall wear reflecting material and/or light colored clothing when skateboarding after dark;
- C. Butt boarding and lying down on skateboards shall be prohibited;
- D. Home made ramps in streets shall be prohibited;
- E. Sidewalks shall be used for skateboarding where available, and skateboarders will yield the right-of-way to pedestrians;
- F. Where sidewalks are not available, the skateboarder will be required to use the extreme left-hand edge of the roadway; facing oncoming traffic;
- G. Skateboarders are required to obey traffic laws and vehicles codes set forth in California Highway Patrol's Skateboard Safety Handbook. (Ord. 5853-NS § 1, 1988)

Chapter 14.36

STOPPING, STANDING AND PARKING FOR CERTAIN PURPOSES OR IN CERTAIN PLACES

Sections:

- 14.36.010 Application of regulations.
- 14.36.020 Traffic Engineer to maintain no stopping zones and no parking areas.
- 14.36.030 No parking areas.
- 14.36.040 Use of streets for storage of vehicles prohibited.
- 14.36.050 Seventy-two hour limit.
- 14.36.060 Repairing or greasing vehicles on public streets.
- 14.36.070 Washing or polishing vehicles.
- 14.36.080 Parking adjacent to schools.
- 14.36.090 Parking on grades.
- 14.36.100 Parking under overpass.
- 14.36.110 Emergency parking signs.
- 14.36.120 Display of warning devices when commercial vehicle disabled.
- 14.36.130 Designated parking--Disabled persons.

**Section 14.36.010 Application of regulations.**

A. The provisions of this chapter prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times herein specified, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

B. The provisions of this chapter imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or the ordinances of this City prohibiting or limiting the standing or parking of vehicles in specified places or at specified times. (Ord. 3262-NS § 9, 1952)

**Section 14.36.020 Traffic Engineer to maintain no stopping zones and no parking areas.**

A. The City Traffic Engineer is authorized to maintain, by appropriate signs or by paint upon the curb surface, all no stopping zones, no parking areas, and restricted parking areas, as defined and described in this division.

B. When said curb markings or signs are in place it is unlawful for the operator of any vehicle to stop, stand or park such vehicle adjacent to any such legible curb marking or sign in violation of any of the provisions of this division. (Ord. 3262-NS § 9.1, 1952)

**Section 14.36.030 No parking areas.**

It is unlawful for the operator of any vehicle to stop, stand, park, or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized officer, or traffic sign or signal:

A. Within any divisional island unless authorized and clearly indicated with appropriate signs or markings;

B. On either side of any street between the projected property lines of any public walk, public steps, street, or thoroughfare terminating at such street, when such area is indicated by appropriate signs or by red paint upon the curb surface;

C. In any area where the City Traffic Engineer determines that the parking or stopping of a vehicle would constitute a traffic hazard or would endanger life or property, when such area is indicated by appropriate signs or by red paint upon the curb surface;

D. In any area established by resolution of the Council as a no parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface;

E. Upon, along or across any railway track in such manner as to hinder, delay, or obstruct the movement of any car traveling upon such track;

F. In any area where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property;



G. On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided that signs giving notice of such no parking are erected or placed at least twenty-four hours prior to the effective time of such no parking.

H. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6686-NS § 2 (part), 2002: Ord. 3634-NS § 1 (part), 1958: Ord. 3366-NS § 1, 1954: Ord. 3270-NS § 1 (part), 1952: Ord. 3262-NS § 9.2, 1952)

**Section 14.36.040 Use of streets for storage of vehicles prohibited.**

It is unlawful for any person to park, keep or store any motor vehicle which has been damaged, wrecked or is in a state of disrepair upon any public street in the City in connection with or as a part of the business operation of any automobile repair garage, body repair shop, auto wrecking establishment or similar business activity. (Ord. 3954-NS § 1, 1963: Ord. 3262-NS § 9.3, 1952)

**Section 14.36.050 Seventy-two hour limit.**

It is unlawful for any person to park or leave standing, or cause to be parked or left standing any vehicle upon any public street in the City for seventy-two or more consecutive hours. (Ord. 4006-NS § 1 (part), 1964: Ord. 3954-NS § 2, 1963)

**Section 14.36.060 Repairing or greasing vehicles on public streets.**

It is unlawful for any person to construct or cause to be constructed, repair or cause to be repaired, to grease or cause to be greased any vehicle or any part thereof upon any public street in the City; provided, however, that temporary repairs in case of an emergency may be made upon a public street in the City. (Ord. 3262-NS § 9.5, 1952)

**Section 14.36.070 Washing or polishing vehicles.**

It is unlawful for any person to wash or cause to be washed, to polish or cause to be polished any vehicle or any part thereof upon any public street in the City when a charge is made for such service. (Ord. 3262-NS § 9.6, 1952)

**Section 14.36.080 Parking adjacent to schools.**

A. The City Traffic Engineer is authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, in their opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking upon that side of a street adjacent to any school property, it is unlawful for the operator of any vehicle to park said vehicle in any such designated place. (Ord. 3262-NS § 9.7, 1952)

**Section 14.36.090 Parking on grades.**

It is unlawful for the operator of any vehicle to stand or park said vehicle upon any street, the grade of which exceeds three percent, without setting the brakes thereon and blocking the wheels of said vehicle by turning them against the curb or by other means. (Ord. 3262-NS § 9.8, 1952)

**Section 14.36.100 Parking under overpass.**

A. Vehicles may be parked in the center of University Avenue under the overpass on University Avenue between Fifth Street and State Highway No. 60 (East Shore Highway).

B. The City Traffic Engineer shall cause painted or marked lines to be placed on the pavement in said area for the purpose of allotting spaces in which to park vehicles, and it is unlawful for the operator of any vehicle to

park said vehicle in said area unless said vehicle is entirely within one allotted space, and is parked in the manner and in the position indicated by the markings. (Ord. 3262-NS § 9.9, 1952)

**Section 14.36.110 Emergency parking signs.**

A. Whenever the City Traffic Engineer or the Chief of Police shall determine that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions, or for other reasons, the City Traffic Engineer shall have authority to order temporary signs to be erected or posted on the affected streets, indicating that the operation, parking and standing of vehicles is prohibited or restricted on such streets and that vehicles in violation are subject to removal during the time such emergency signs are in place.

B. Temporary no parking signs may be issued and used in accordance with rules and regulations therefor as adopted by the City Council. It is unlawful for any person to use such signs except in compliance with such rules and regulations.

C. When authorized signs are in place giving notice thereof, it is unlawful for any person to operate, park or stand any vehicle contrary to the directions and provisions of such signs, except when the driver of said vehicle is so authorized by any police officer.

D. Any vehicle found to be in violation of the provisions of this section may be removed or caused to be removed by any regularly employed and salaried employee of the Police Department of the City, designated by the Chief of Police. (Ord. 5379-NS § 1, 1981: Ord. 3875-NS § 1, 1962: Ord. 3381-NS § 1, 1954: Ord. 3262-NS § 9.10, 1952)

**Section 14.36.120 Display of warning devices when commercial vehicle disabled.**

When any motor truck having an unladen weight of four thousand pounds or more, any truck tractor irrespective of weight, or any trailer or semitrailer, is, at any time mentioned in 618 of the Vehicle Code, disabled upon the roadway, or within ten feet thereof, of any highway outside of any business or residence district, upon which highway there is insufficient street lighting to reveal a vehicle at a distance of two hundred feet, a warning signal of the character indicated in Section 590 of the Vehicle Code shall be immediately placed at a distance of approximately one hundred feet in advance of and one hundred feet to the rear of such disabled vehicle. The continuous flashing of at least four approved Class A-Type I turn signal lamps, at least two toward the front and at least two toward the rear of the vehicle shall be considered to meet the requirements of this section until the devices mentioned above and in said Section 590 of the Vehicle Code can be placed in the required locations. The warning signals herein mentioned should be displayed continuously during the times mentioned in said Section 618 while such vehicle remains disabled upon the roadway or within ten feet thereof. (Ord. 3658-NS § 1 (part), 1958)

**Section 14.36.130 Designated parking--Disabled persons.**

A. The City Manager or the City Manager's designee is authorized to place and maintain distinctive traffic markings in compliance with Section 22511.7 of California Vehicle Code to designate parking spaces for the exclusive use of physically handicapped persons whose vehicles display either one of the distinguishing license plates issued to disabled persons pursuant to Section 22511.5 or to disabled veterans as specified in Section 9105 or bear a properly mounted distinguishing placard as specified under these same sections. Any such spaces shall be designated by appropriate blue markings on the curb or edge of pavement and may also be indicated by signs or other suitable means.

B. In determining the location of such designated parking spaces, the City Manager or the City Manager's designee shall consider the interests of all members of the public. (Ord. 4963-NS § 1, 1976)

Chapter 14.40

**STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS**

**Sections:**

- 14.40.010 Short time limit parking.
- 14.40.020 Thirty minute parking.
- 14.40.030 One hour parking.
- 14.40.035 Ninety minute parking.
- 14.40.040 Two hour parking.
- 14.40.045 Long term parking.
- 14.40.050 Parallel parking.
- 14.40.060 Diagonal parking.
- 14.40.070 No stopping zones.
- 14.40.080 No parking zones to prevent flooding.
- 14.40.090 Preferential parking.
- 14.40.100 Disabled persons--Exempt parking.
- 14.40.110 Waiver of time limit provisions.
- 14.40.120 No parking between two a.m. and five a.m.
- 14.40.130 Use of driveways and parking spaces in City Hall area and City parking lots.
- 14.40.140 Curb parking--Right-of-way.
- 14.40.150 Special parking regulations for two-wheeled and three-wheeled motor vehicles.
- 14.40.160 Commercial parking.

**Section 14.40.010 Short time limit parking.**

A. When authorized signs, parking meters, pay-and-display stations or curb markings are in place giving notice of time limit parking of 24 minutes or less, it is unlawful for the operator of any vehicle to stop, stand or park said vehicle adjacent to any such legible curb marking or sign or parking meter in violation thereof. Such parking time limit shall be applicable for the total time parked within one or more designated parking spaces of a street frontage between intersecting streets, and during the hours and on the days indicated by said signs, parking meters, pay-and-display stations, or curb markings. In addition to said signs, parking meters, pay-and-display stations or curb markings, adjacent curbs may be painted green to indicate such short time limit parking.

B. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6840-NS § 1 (part), 2005: Ord. 6686-NS § 3 (part), 2002: Ord. 5483-NS § 1 (part), 1982: Ord. 4080-NS § 1, 1965: Ord. 3701-NS § 1 (part), 1959: Ord. 3262-NS § 10, 1952)

**Section 14.40.020 Thirty minute parking.**

A. When authorized signs, parking meters, pay-and-display stations or curb markings are in place giving notice thereof, it is unlawful for the operator of any vehicle to stop, stand or park said vehicle within the City between the hours of nine a.m. and six p.m. of any day except Sundays for a period of time longer than 30 minutes. Such parking limit shall be applicable for the total time parked within one or more designated parking spaces of a street frontage between intersecting streets.

B. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6840-NS § 2 (part), 2005: Ord. 6686-NS § 4 (part), 2002: Ord. 5483-NS § 1 (part), 1982: Ord. 3701-NS § 1 (part), 1959: Ord. 3569-NS § 1, 1957: Ord. 3262-NS § 10-a, 1952)

**Section 14.40.030 One hour parking.**

A. When authorized signs, parking meters, pay-and-display stations or curb markings are in place giving notice thereof, it is unlawful for the operator of any vehicle to stop, stand or park said vehicle within the City between the hours of nine a.m. and six p.m. of any day except Sundays for a period of time longer than one hour. Such parking time limit shall be applicable for the total time parked within one or more designated parking spaces of a street frontage between intersecting streets.

B. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6840-NS § 3 (part), 2005: Ord. 6686-NS § 5 (part), 2002: Ord. 5483-NS § 1 (part), 1982: Ord. 3701-NS § 1 (part), 1959: Ord. 3262 § 10.1, 1952)

**Section 14.40.035 Ninety minute parking.**

A. When authorized signs, parking meters, pay-and-display stations or curb markings are in place giving notice of parking time limits of ninety minutes, it is unlawful for the operator of any vehicle to stop, stand or park said vehicle within the City between the hours of nine a.m. and six p.m. of any day except Sundays for a period of time longer than ninety minutes adjacent to any such legible curb markings, sign, parking meter or pay-and-display station in violation thereof. Such parking time limit shall be applicable for the total time parked within one or more designated parking spaces of a street frontage between intersecting streets.

B. Each person shall be guilty of a separate and distinct offense for each and every ninety minutes of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6912-NS § 2 (part), 2006)

**Section 14.40.040 Two hour parking.**

A. When authorized signs, parking meters, pay-and-display stations or curb markings are in place giving notice of parking time limits of two hours, it is unlawful for the operator of any vehicle to stop, stand or park said vehicle within the City between the hours of nine a.m. and six p.m. of any day except Sundays for a period of time longer than two hours adjacent to any such legible curb markings, sign, parking meter or pay-and-display station in violation thereof. Such parking time limit shall be applicable for the total time period parked within one or more designated parking spaces of street frontage between intersecting streets.

B. Each person shall be guilty of a separate and distinct offense for each and every two hours of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6912-NS § 3 (part), 2006: Ord. 6840-NS § 4 (part), 2005: Ord. 6686-NS § 6 (part), 2002: Ord. 5483-NS § 1 (part), 1982: Ord. 3701-NS § 1 (part), 1959: Ord. 3262-NS § 10.2, 1952)

**Section 14.40.045 Long term parking.**

A. When authorized signs, parking meters, pay-and-display stations are in place giving notice of parking longer than two-hours time limit, it is unlawful for the operator of any vehicle to stop, stand or park said vehicle within the City between the hours of nine a.m. and six p.m. of an day except Sundays adjacent to any such legible sign, parking meter or pay-and-display station in violation thereof. Such parking time limit shall be applicable for a total period within one or more designated parking spaces of street frontage between intersecting streets.

B. Each person shall be guilty of a separate and distinct offence for each and every time limit of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6912-NS § 4 (part), 2006)

**Section 14.40.050 Parallel parking.**

A. In such areas where any painted or marked lines have been placed on the pavement for the purpose of allotting space to parked vehicles, it is unlawful for the operator of any vehicle to park said vehicle unless said vehicle is entirely within the limits of said allotted space.

B. Any vehicle parked on a street designated as a one-way street shall be parked in accordance with the provisions of this chapter, except that such vehicle shall be faced in the direction indicated by the one-way street sign, and both wheels of such vehicle on the side nearest the curb shall be not more than 18 inches distant from the curb or the bike lane dividing line or buffer.

C. The provisions of this section shall not apply in the event any commercial vehicle is actually engaged in the process of loading or unloading freight or goods, in which case that vehicle may be backed up to the curb, provided that such vehicle does not extend beyond the center line of the street and does not block traffic thereby. (Ord. 7576-NS § 2, 2017: Ord. 3262-NS § 10.3, 1952)

**Section 14.40.060 Diagonal parking.**

On any of the streets or portions of streets established by resolution of the Council as diagonal parking zones, when signs or pavement markings are in place indicating such diagonal parking, it is unlawful for the operator of any vehicle to park said vehicle except:

A. At the angle and in the direction to the curb indicated by signs or pavement markings allotting space to parked vehicles and entirely within the limits of such allotted space, and with the bumper of the vehicle nearest the curb within 12 inches of the curb, or where a bike lane is marked between the diagonal parking and the curb, within 12 inches of the bike lane dividing line or buffer.

B. Upon any portion of a street where back-in diagonal parking is indicated by a traffic control device, no vehicle shall idle more than sixty seconds.

C. No vehicle shall be parked in a diagonal parking zone if it exceeds twenty feet in length or eight feet in width, including cargo or load.

The provisions of this section shall not apply when such vehicle is actually engaged in the process of loading or unloading passengers, freight or goods, in which event the provisions applicable in Section 14.40.050 of this chapter shall be complied with. (Ord. 7576-NS § 3, 2017; Ord. 3584-NS § 1, 1957; Ord. 3262-NS § 10.4, 1952)

**Section 14.40.070 No stopping zones.**

A. The City Traffic Engineer shall designate established no stopping zones by placing and maintaining appropriate signs indicating that stopping vehicles is prohibited and indicating the hours and day when stopping is prohibited.

B. During the hours and on the days designated on the signs, it is unlawful for the operator of any vehicle to stop said vehicle on any of the streets or parts of streets established by Resolution of the Council as no stopping zones. (Ord. 3262-NS § 10.5, 1952)

**Section 14.40.080 No parking zones to prevent flooding.**

A. In order to prevent flooding of adjacent property, the City Traffic Engineer shall designate established no parking zones by placing and maintaining appropriate signs indicating that parking of vehicles is prohibited and indicating the hours and days when parking is prohibited.

B. During the hours and on the days designated on the signs, it is unlawful for the operator of any vehicle to park said vehicle on any of the streets or parts of streets established by Resolution of the Council as such no parking zones. (Ord. 3334-NS § 1, 1953)

**Section 14.40.090 Preferential parking.**

A. The City Traffic Engineer shall designate established preferential parking zones by placing and maintaining appropriate signs indicating that parking of vehicles beyond the permitted time within the zone is prohibited, unless a valid permit is attached to the left rear bumper. Unless a valid parking permit is properly displayed, it is unlawful for the operator of any vehicle to park said vehicle in excess of the posted time during the days designated on the signs on a preferential parking street or parts of streets as established by Resolution of the Council.

B. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6686-NS § 7 (part), 2002; Ord. 5248-NS § 1, 1980)

**Section 14.40.100 Disabled persons--Exempt parking.**

Disabled person, as used in this section, shall mean any person who has completely lost by paralysis the use of one or both feet or one or both legs, or who has had one or both feet or one or both legs amputated.

The provisions of this section regulating overtime parking shall not apply to any vehicle owned and operated by a disabled person as herein defined when parked by said disabled person in any area limiting parking, nor shall they be required to operate any parking meter, subject to the following requirements:

A. The disabled person shall complete an application on a form furnished by the Police Department. Upon approval of the application by the Police Department the disabled person will be issued one special vehicle identification windshield sticker and one personal identification card.

B. The disabled person shall have a valid driver's license and the personal identification card in their immediate possession at all times when driving or parking a motor vehicle and shall display said driver's license and identification card to any police officer upon request.

C. The disabled person shall display the special vehicle identification windshield sticker in compliance with the provisions of Section 676 (a) of the Vehicle Code.

D. The disabled person shall operate the motor vehicle themselves when expecting the benefits herein stated.

E. The disabled person will not be permitted to park a motor vehicle in any zone where it is otherwise unlawful to park, nor to claim the benefits of this section while parked in a 24 minute parking zone.

Abuse of privileges, or noncompliance with any of the above mentioned requirements by disabled persons will constitute sufficient grounds for revocation by the Chief of Police of all privileges herein granted. (Ord. 3314-NS § 1, 1953; Ord. 3262-NS § 10.7, 1952)

**Section 14.40.110 Waiver of time limit provisions.**

In its sound discretion and good cause appearing therefore, the Council, by Resolution, may waive the provisions of Sections 14.40.010, 14.40.020, 14.40.030 and 14.40.040 of this chapter and permit the parking of vehicles in 24-minute, 30-minute and one- and two-hour zones for extended periods of time. (Ord. 6686-NS § 8 (part), 2002; Ord. 3614-NS § 1, 1958; Ord. 3262-NS § 10.8, 1952)

**Section 14.40.120 No parking between two a.m. and five a.m.**

A. It is unlawful for any person to park any oversize or heavy duty commercial vehicle on any street between the hours of two a.m. and five a.m. for a greater length of time than one hour.

B. For the purpose of this section, oversize or heavy duty commercial vehicle shall mean a single vehicle or combination of vehicles having more than two axles, a single vehicle or combination of vehicles 20 feet or more in length, or a single vehicle or combination of vehicles six feet six inches or more in width, and shall include, but shall not be limited to dump trucks, moving vans, tractors, pole or pipe dollies, recreational vehicles (RVs), campers. (Ord. 7643-NS § 1, 2019; Ord. 3262-NS § 10.9, 1952)

**Section 14.40.130 Use of driveways and parking spaces in City Hall area and City parking lots.**

A. The roadways, driveways, and parking spaces in the City-operated parking lots in the City Hall area, bounded by Grove Street, Allston Way, McKinley Avenue and Addison Street, the City-operated parking lots on the west side of McKinley Avenue between Allston Way and Addison Street and the City-operated parking lots in the Corporation Yard area bounded by Allston Way, Acton Street, Bancroft Way and West Street are hereby reserved for the use of City-, county-, and state-owned equipment and vehicles and the vehicles of City, county and state officers and employees and other authorized persons who have been so authorized by the issuance of approved stickers, which shall be placed in the lower right-hand corner of the windshield of the vehicle or in such other place on the vehicle as may be specified when said stickers are issued. It is unlawful for any person other than those so authorized as hereinabove set forth to park any motor vehicle in said areas, or to use the roadway or driveways for vehicular traffic, or as a thoroughfare from one street to another in the City Hall area or parking lots referred to in this section.

B. When signs are in place or painted or marked lines are placed on the pavement in the City Hall area or City-owned parking lots for allotting space to parked vehicles, or directing the movement of vehicles, it is unlawful for the operator of any vehicle to park said vehicle unless it is entirely within the limits of said allotted space or to move a vehicle contrary to said signs or markings.

C. It is further unlawful for the operator of any vehicle to park said vehicle in a space marked "No Parking", "Emergency" or "Reserved", except those vehicles for which the space is specifically provided, or to park any vehicle in a backed-in position in any diagonal parking space.

D. The City Traffic Engineer shall cause appropriate signs to be erected, indicating that the roadways, driveways and parking spaces in the City Hall property and City-owned parking lots are restricted as hereinabove indicated.

E. Any regularly employed and salaried officer of the Police Department of the City may remove or cause to be removed any vehicle that has been parked or left standing in violation of the provisions of this section upon the roadways, driveways or parking spaces in the City-operated parking lots in the City Hall area bounded by Grove Street, Allston Way, McKinley Avenue and Addison Street, the City-operated parking lots on the west side of McKinley Avenue between Allston Way and Addison Street, and the City-operated parking lots in the

Corporation Yard area bounded by Allston Way, Acton Street, Bancroft Way and West Street, provided signs are posted giving notice of such removal. (Ord. 4459-NS § 1, 1969: Ord. 4398-NS § 1, 1969: Ord. 3937-NS § 1, 1963: Ord. 3721-NS § 1, 1959: Ord. 3658-NS § 1 (part), 1958: Ord. 3262-NS § 10.10, 1952)

**Section 14.40.140 Curb parking--Right-of-way.**

A. Definition--Limited Curb Parking Space. For the purpose of this section, a "limited curb parking space" means an area open for lawful parking along side of, and adjacent to, a curb, which area is not of sufficient length to permit two or more vehicles to freely move for parking therein at the same time.

B. Parking at Curb--Right-of-Way. Any person seeking to park their vehicle, in a limited curb parking space, whose vehicle arrives at said parking space prior to any other vehicle, and who proceeds beyond said space a distance not to exceed ten feet for the purpose of backing their vehicle therein, shall have the right-of-way over any person driving or attempting to drive any other vehicle directly into such limited curb parking space or who in any manner obstructs such limited curb parking space and the driver of such other vehicle shall yield the right-of-way to the driver who first arrived at said parking space. (Ord. 3786-NS § 2 (part), 1961)

**Section 14.40.150 Special parking regulations for two-wheeled and three-wheeled motor vehicles.**

A. The City Traffic Engineer is authorized to establish special parking zones for two-wheeled and three-wheeled motor vehicles. When authorized signs or curb markings are in place giving notice of such special parking zones, it is unlawful for the operator of any vehicle except a two-wheeled or three-wheeled motor vehicle to stop, stand or park such vehicle in such special parking zone.

B. The City Traffic Engineer is authorized to establish parking time limits for special parking zones for two-wheeled and three-wheeled motor vehicles. When authorized signs or curb markings are in place giving notice of such parking time limit, it is unlawful for the operator of any vehicle to stop, stand or park such vehicle in such special parking zone for a period of time greater than the parking time limit specified on such authorized signs or curb markings. (Ord. 6545-NS § 1, 2000: Ord. 4130-NS § 1, 1965)

**Section 14.40.160 Commercial parking.**

When authorized signs are in place, commercial vehicles are prohibited from stopping, parking, or standing with the wheels of such vehicle more than 18 inches from the curb on the south side of Center Street adjacent to the established taxi stand zone between Shattuck Avenue and Milvia Street, more specifically described as that area beginning at the front of the passenger loading zone and extending 150' in the westerly direction.(Ord. 6689-NS § 1, 2002)

Chapter 14.44

STOPPING FOR LOADING OR UNLOADING ONLY

Sections:

- 14.44.010 Authority to establish loading zones.
- 14.44.020 Standing for loading or unloading only.
- 14.44.030 Standing in passenger loading zones.
- 14.44.040 Bicycle zones.
- 14.44.050 Special passenger loading zones.
- 14.44.060 Coach zones.
- 14.44.070 Funeral zones.
- 14.44.080 Taxicab stands.

**Section 14.44.010 Authority to establish loading zones.**

The City Traffic Engineer is authorized to determine and to mark loading zones in metered or unmetered areas, and passenger loading zones at any place in any business district, or elsewhere in front of or adjacent to any place of business or any hall or place used for the purpose of public assembly. (Ord. 7586-NS § 1, 2017: Ord. 3262-NS § 11, 1952)

**Section 14.44.020 Standing for loading or unloading only.**

A. Yellow curb marking shall mean no stopping, standing, or parking at any time between seven a.m. and six p.m. of any day except Sundays, unless other times are designated by appropriate signs, for any purpose other than the loading or unloading of passengers or materials, provided that the loading or unloading of passengers shall not consume more than three minutes, nor the loading or unloading of materials more than twenty minutes.

B. Passenger vehicles may use a loading zone for the purpose of loading or unloading passengers but may not load or unload materials unless said passenger vehicles are used for commercial purposes, which fact is plainly indicated by signs placed in the windows of such vehicles, or by other appropriate markings.

C. When authorized signs or curb markings are in place, it is unlawful for the operator of any vehicle to stop, stand, or park said vehicle in any loading zone for any purpose other than loading or unloading passengers or materials for such time as is permitted in this section.

D. When commercial loading zones are designated as paid parking areas by appropriate signs, drivers of commercial vehicles using the metered yellow curb must pay the applicable fee.

E. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 7586-NS § 2, 2017: Ord. 6686-NS § 9 (part), 2002: Ord. 4170-NS § 1, 1966: Ord. 3701-NS § 1 (part), 1959: Ord. 3262-NS § 11.1, 1952)

**Section 14.44.030 Standing in passenger loading zones.**

A. White curb marking shall mean no stopping, standing or parking for any purpose other than loading or unloading of passengers which shall not exceed three minutes, except when otherwise designated by appropriate signs.

B. When authorized signs or curb markings are in place, it shall be unlawful for the operator of any vehicle to stop, stand or park said vehicle in any passenger loading zone for any purpose other than the loading or unloading of passengers for such time as is specified in this section.

C. Each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized parking as defined by this section, after the issuance of the first citation, and may be cited accordingly. (Ord. 6686-NS § 10 (part), 2002: Ord. 3262-NS § 11.2, 1952)

**Section 14.44.040 Bicycle zones.**

A. It is unlawful for the operator of any vehicle to stop or park such vehicle in any of those zones designated by the City Traffic Engineer as bicycle zones.



B. The City Traffic Engineer shall cause the provisions of this section to be designated by placing and maintaining appropriate signs directing that the stopping of vehicles is prohibited, or by placing or maintaining red paint or other red material upon the entire curb surface within such zones. (Ord. 3262-NS § 11.3, 1952)

**Section 14.44.050 Special passenger loading zones.**

A. It is unlawful for the operator of any vehicle to stop, stand, or park said vehicle in any special passenger loading zone when approved permanent or portable signs are in place, as hereinafter provided, for any period of time longer than is necessary for the loading or unloading of passengers and not to exceed three minutes.

B. Special passenger loading zones, as used herein, shall be those areas adjacent to the curb, not more than sixty feet in length, located between two approved permanent or portable signs in front of or adjacent to, and within the projected real property boundaries of any church theater, club, or place of business or public gathering. Said signs shall be provided and paid for by the church, theater, club, or place of business or public gathering for which they are used and shall be approved by the City Traffic Engineer. The signs shall be located upon the sidewalk or pavement area within two feet of the curb, and shall be used under such terms and conditions as may be imposed by the City Traffic Engineer. (Ord. 3262-NS § 11.4, 1952)

**Section 14.44.060 Coach zones.**

A. The City Traffic Engineer is authorized to establish coach zones opposite curb space for the loading and unloading of coaches and to determine the location thereof subject to the directives and limitations set forth herein.

B. The City Traffic Engineer shall designate coach zones by painting the curb red or by placing and maintaining appropriate signs.

C. It is unlawful for the operator of any vehicle except a coach to stop, stand or park said vehicle in a coach zone, provided that if a coach zone is designated by a sign or signs and such sign or signs indicate that said zone is a coach zone only during specified hours, such prohibition shall apply only during such specified hours.

D. When stopping to load or unload passengers at places designated as coach zones, the operator of the coach must stop or park said coach within the coach zone and in such a manner that the front wheel of such coach on the side nearest the curb is not more than three feet distant from said curb; provided, however, when stopping to load or unload passengers at coach zones which are sixty feet or more in length, the operator of the coach must stop or park said coach within the coach zone and in such a manner that both wheels of such coach on the side nearest the curb are not more than eighteen inches distant from said curb. (Ord. 4411-NS § 1, 1969; Ord. 3338-NS § 1, 1953; Ord. 3262-NS § 11.5, 1952)

**Section 14.44.070 Funeral zones.**

It is unlawful for the operator of any vehicle to stop, stand or park said vehicle for any period of time longer than is necessary for the loading or unloading of passengers and not to exceed three minutes at any place between the limit markers or signs placed within the projected real property boundaries of any undertaking establishment, private residence, or any public or private place at any time during or within forty minutes prior to the beginning of any funeral or funeral service, unless the operator of said vehicle is directed by or has received permission from the director or other person in charge of such funeral or funeral service to park such vehicle in such place, provided that such director or person in charge shall have placed and maintained prior to and during the time limit herein specified two approved portable signs, one at each extremity of such place, upon the sidewalk or pavement area and within two feet of the curb. (Ord. 3262-NS § 11.6, 1952)

**Section 14.44.080 Taxicab stands.**

A. The curb surface within each taxicab stand shall be painted white and marked "Taxicab Stand" in red lettering, or shall be designated by signs of a type and size approved by the City Traffic Engineer.

B. It is unlawful for the operator of any vehicle, other than a taxicab or automobile for hire, to park said vehicle in such taxicab stand. (Ord. 3262-NS § 11.7, 1952)

Chapter 14.46

**ELECTRIC VEHICLE PARKING**

**Sections:**

- 14.46.010 Authority.**
- 14.46.020 Purpose.**
- 14.46.030 Definitions.**
- 14.46.040 Designation of electric vehicle parking spaces.**
- 14.46.050 Electric vehicle parking restriction.**

**Section 14.46.010 Authority.**

This chapter is enacted pursuant to California Vehicle Code §§ 22511 and 22511.1. (Ord. 7601-NS § 2 (part), 2018)

**Section 14.46.020 Purpose.**

The electric vehicle parking standards established in this chapter are intended to promote sustainable and alternative transportation practices; manage the availability of on-street parking, particularly in areas that will maximize the use of electric vehicles; and thereby improve traffic and parking circulation. (Ord. 7601-NS § 2 (part), 2018)

**Section 14.46.030 Definitions.**

As used in this chapter, unless otherwise apparent from the context, the following words and phrases shall have the following meanings:

A. "Electric vehicle (EV)" means any vehicle that operates, either partially or exclusively, on electrical energy from an off-board source that is stored on-board for motive purpose.

B. "Electric vehicle supply equipment (EVSE)" means a unit of fueling infrastructure that supplies electric energy for the recharging of electric vehicles, such as plug-in electric vehicles, including electric cars, neighborhood electric vehicles, and plug-in hybrids. EVSE is also referred to as EV charging station unit and EV charging infrastructure.

C. "Charging event" means an EV is plugged into the EVSE and in the process of charging.

D. "Electric vehicle charging station" means a parking space dedicated to active charging events. (Ord. 7601-NS § 2 (part), 2018)

**Section 14.46.040 Designation of electric vehicle parking spaces.**

A. Designation of Parking Spaces. The City Traffic Engineer is authorized in accordance with the purposes of this chapter to designate spaces on street for the exclusive parking of electric vehicles that are connected to electric vehicle charging stations for the purpose of transfer of electricity to the battery or other energy storage device of an electric vehicle.

B. Signs or Markings. Upon designation of a parking space or spaces for the exclusive use of electric vehicles pursuant to Subsection A of this section, the Public Works department shall place signs or markings giving adequate notice that the parking space or spaces are restricted and to be used only for such electric vehicles. The signs or markings shall be in compliance with California Vehicle Code § 22511 indicating that vehicles left standing in violation of the restriction may be removed. The parking restriction shall not apply to the designated parking spaces until the sign or markings have been placed. (Ord. 7601-NS § 2 (part), 2018)

**Section 14.46.050 Electric vehicle parking restriction.**

A. In parking stalls designated by the use of markings and/or posting as electric vehicle charging stations, only electric vehicles are allowed to park for charging events during designated hours.

B. It is unlawful for the operator of any vehicle to allow a vehicle to park or stand in a designated electric vehicle charging station longer than the posted time limit.

C. It is unlawful for the operator of an electric vehicle to allow that vehicle to park or stand in a designated electric vehicle charging station unless the vehicle is actively conducting a charging event.

D. The police department is authorized to cite and/or remove or cause the removal of vehicles parked in violation of this section in accordance with California Vehicle Code § 22511. (Ord. 7601-NS § 2 (part), 2018)

Chapter 14.48

MISCELLANEOUS USE OF STREETS AND SIDEWALKS

Sections:

- 14.48.010 One-way streets.
- 14.48.020 Obstructions on streets and sidewalks.
- 14.48.030 Objects in transit.
- 14.48.040 Construction materials and barricades.
- 14.48.050 Trees and shrubs.
- 14.48.060 Poles, hydrants, signs, etc.
- 14.48.070 Bicycle racks.
- 14.48.080 Bus benches and bus shelters.
- 14.48.090 Mail boxes and armed forces recruiting signs.
- 14.48.100 Newspaper racks and newspapers.
- 14.48.110 Authorized retail displays.
- 14.48.120 Temporary Noncommercial Objects.
- 14.48.130 Decorative noncommercial installations.
- 14.48.140 Public telephones.
- 14.48.150 Sidewalk seating, benches and planters.
- 14.48.160 Removal of obstructions on streets and sidewalks.
- 14.48.170 Use of streets and sidewalks by vendors.
- 14.48.180 Trap doors in sidewalks.
- 14.48.190 Parklets.

**Section 14.48.010 One-way streets.**

The City Traffic Engineer is authorized and directed to suitably indicate by appropriate signs those streets or portion of streets designated by resolution of the Council as one-way streets. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12, 1952)

**Section 14.48.020 Obstructions on streets and sidewalks.**

It is unlawful for any person to place or cause to be placed anywhere upon any Sidewalk, Parklet or roadway, any object which obstructs, restricts, or prevents the use of any portion of such Sidewalk, Parklet or roadway, except as set forth in this Chapter or in a regulation promulgated by the City Manager and adopted by the City Council.

For purposes of this Chapter, Sidewalk is defined as provided in BMC Section 1.04.010(18) as that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians. Parklet is defined as provided in BMC Section 14.48.190(B)(4). (Ord. 7632-NS § 1 (part), 2018: Ord. 7449-NS § 2, 2015: Ord. 6471-NS § 3, 1999: Ord. 4709-NS § 1, 1974: Ord. 3262-NS § 12.1, 1952)

**Section 14.48.030 Objects in transit.**

Goods, wares, merchandise, containers, furniture, suitcases and other similar objects in the immediate custody and control of individuals readily able to move or remove such objects may be allowed on the outer one-third of the sidewalk for up to one hour while in the actual course of receipt, delivery, transport, transit or removal. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12.1-a, 1952)

**Section 14.48.040 Construction materials and barricades.**

Materials used in the construction or repair of any building or structure, together with the necessary pedestrian walkways, barricades and warning signs, when required permits have been obtained from the City. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12.1-b, 1952)

**Section 14.48.050 Trees and shrubs.**

Trees, shrubs and flowers with the necessary barricades when planted or maintained by the City, or by private parties when expressly allowed by Council action or by the City Manager. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12.1-c, 1952)

**Section 14.48.060 Poles, hydrants, signs, etc.**

Poles, fire and police boxes, lamp posts, parking, street directional or warning signs, parking meters, drinking fountains, poster kiosks, hydrants, flag poles or standards, decorations for public events, sidewalk clocks, refuse cans, book return receptacles, barriers and any other similar installation; provided, however, that any such installation belongs to the City or is authorized by Council action. (Ord. 7632-NS § 1 (part), 2018: Ord. 4519-NS § 1, 1971: Ord. 3262-NS § 12.1-d, 1952)

**Section 14.48.070 Bicycle racks.**

Bicycle racks of a type and at locations approved by and under such conditions as may be imposed by the City Manager. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12.1-e, 1952)

**Section 14.48.080 Bus benches and bus shelters.**

Bus benches and bus shelters at such locations and in accordance with such rules and regulations as may be prescribed by the City Manager. (Ord. 7632-NS § 1 (part), 2018: Ord. 4677-NS § 1, 1973: Ord. 3382-NS § 1, 1954: Ord. 3262-NS § 12.1-g, 1952. Formerly 14.48.090)

**Section 14.48.090 Mail boxes and armed forces recruiting signs.**

Mail boxes and armed forces recruiting signs that are placed in such locations that they do not interfere with the normal use of the sidewalk by pedestrians. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12.1-h, 1952. Formerly 14.48.100)

**Section 14.48.100 Newspaper racks and newspapers.**

Newspaper racks which are installed and maintained in accordance with Chapter 16.40 or Chapter 16.44 of the Berkeley Municipal Code. (Ord. 7632-NS § 1 (part), 2018: Ord. 6471-NS § 4, 1999: Ord. 6326-NS § 3 (part), 1996: Ord. 3262-NS § 12.1-j, 1952. Formerly 14.48.120)

**Section 14.48.110 Authorized retail displays.**

Objects such as, but not limited to, tables, chairs, umbrellas and canopies that are permitted pursuant to Chapter 9.48. (Ord. 7632-NS § 1 (part), 2018: Ord. 7300-NS § 1, 2013. Formerly 14.48.160)

**Section 14.48.120 Temporary Noncommercial Objects.**

A. Temporary Noncommercial Objects ("TNC Objects") are personal belongings:

1. In the immediate custody and control of a person or persons at substantially all times;
2. Not offered for sale or exchange or involved in the solicitation of money for immediate payment;
3. Not otherwise prohibited and of a size, weight and quantity that can be easily moved by the owner.
4. Not furniture. Furniture is only allowed pursuant to BMC Chapter 9.48 or pursuant to BMC § 14.48.030

Objects in Transit.

The City Manager may adopt regulations specifying what TNC Objects may be permitted under this Section and where such TNC Objects may be permitted, as well as procedures and limitations to implement this Section. Any such regulation shall contain provisions and shall be applied in such a manner as to ensure that it does not deprive any person of rights protected by the state or federal constitutions, including freedom of expression, and any size limitation contained therein shall not apply to dogs, or to limited cushioning material being used to sit on such as, but not limited to, blankets, cushions or mats. Regulations adopted by the City Manager under this Section shall not take effect until they have been presented to the City Council for approval at a regularly scheduled meeting.

B. After approval by the City Council, the City Manager shall ensure that regulations adopted pursuant to this Section are publicized in a manner substantially equivalent to the manner in which ordinances are published, and that materials summarizing such regulations are available for dissemination in Commercial and

Manufacturing zones. The City may also post fixed signage in Commercial and Manufacturing zones informing the public of such regulations.

C. No person may be cited for a violation of this Section or the regulations adopted pursuant to it unless that person has first been warned that their conduct is in violation hereof, is allowed a reasonable opportunity to comply but refuses to do so.

D. Violations of this Section or City Manager regulations adopted pursuant to this Section shall be charged as infractions, and not as misdemeanors. (Ord. 7632-NS § 1 (part), 2018: Ord. 7527-NS § 1, 2017: Ord. 7449-NS § 3, 2015: Ord. 4686-NS § 1, 1974: Ord. 4594-NS § 1, 1972: Ord. 3389-NS § 1, 1954: Ord. 3262-NS § 12.1-o, 1952. Formerly 14.48.170)

#### **Section 14.48.130 Decorative noncommercial installations.**

Decorative noncommercial installations subject to the following regulations and requirements:

A. At least six feet of improved sidewalk area measured at right angles to the curb shall be kept open and unobstructed.

B. Such decorative noncommercial installations shall be placed and maintained in the portion of the sidewalk area farthest from the curb; provided, however, that subject to all other conditions herein specified, such installations may be placed and maintained in the portion of the sidewalk area adjacent to the curb if such installations will not interfere with access to or from any parked vehicle and are:

1. Not closer than twenty-five feet to any curb return or fire hydrant;
2. Not located adjacent to any commercial or passenger loading zone;
3. Not closer to the curb than eighteen inches;
4. Not affixed to any City or utility company-owned poles or appurtenances;
5. Not mounted in or affixed to the sidewalk;
6. Not inconsistent with safety, development in the area, or other decorative noncommercial installations.

C. No decorative noncommercial installation shall be placed or maintained in the sidewalk area without a permit therefor. Application for such permit shall be made to the office of the City Manager, who may require as part of the application such information as may be deemed necessary to determine compliance with this Section and other applicable laws and regulations, including but not limited to a scaled site plan, signature of the fronting property owner and permittee, and agreement to indemnify the City as specified in Subsection D. The application shall be referred to the Public Works Department and the Civic Art Commission for review to determine that it is in the public interest to grant the permit, and that the granting thereof will not be detrimental to the public health, safety or general welfare. The permit shall not be granted without the approval of both the Public Works Department and the Civic Art Commission. If such approval is given and the City Manager concurs, the permit shall be granted subject to the conditions hereinabove set forth, and such additional conditions as may reasonably be imposed. Such permit shall be subject to revocation by the City Manager without cause; the decorative noncommercial installation for which the permit has been given shall be removed within ten days after notice.

D. Anyone granted a permit for a decorative noncommercial installation shall agree to indemnify and hold harmless the City, its officers and employees of and from any and all claims, damages or suits that may arise or in any way be occasioned by the granting of the permit or the maintenance of the decorative noncommercial installation permitted thereby.

1. The permittee shall carry liability insurance in the amount of \$500,000.

E. For purposes of this Chapter, "Decorative Noncommercial Installations" shall include but are not limited to artwork, planters, and other objects that are placed within the public right-of-way by a private party for the purpose of decoration in a residential, commercial, or industrial district, not for the purpose of advertising, commerce or other economic benefit.

F. Decorative Noncommercial Installations that are not permitted under this Section are prohibited encroachments under 16.18 and shall constitute a public nuisance subject to the remedies in Chapter 1.26.

G. The City Council may by resolution establish fees for the implementation and administration of this Section. (Ord. 7632-NS § 1 (part), 2018: Ord. 7203-NS § 1, 2011: Ord. 4026-NS § 1, 1964: Ord. 3262-NS § 12.1-p, 1964. Formerly 14.48.180)

**Section 14.48.140 Public telephones.**

Telephones for public use of a type and at locations approved by and under such conditions as may be imposed by the City Manager. (Ord. 7632-NS § 1 (part), 2018: Ord. 4476-NS § 1, 1970: Ord. 3262 § 12.1-q. Formerly 14.48.190)

**Section 14.48.150 Sidewalk seating, benches and planters.**

A. Notwithstanding anything to the contrary in this Chapter, the City of Berkeley Engineering Division of the Department of Public Works, or its successor, may approve Sidewalk Seating, Benches and/or Planters on sidewalks, parking lanes, street areas, and other public right of way locations as set forth in, and in compliance with, this Section.

1. No permit may be issued under this Section for any sidewalk area in front of a single parcel if there are any current violations of this Chapter in that sidewalk area.

2. A permit for Sidewalk Seating, Benches and/or Planters may not be issued unless the business for which the Sidewalk Seating, Benches and/or Planters is/are proposed is in full compliance with Title 23 and any Permit issued thereunder.

B. For purposes of this Chapter, the following terms shall be defined as follows:

1. "Bench" means a seat designed for two or more persons.

2. "Bus Bench" means a bench installed and maintained under an agreement between the City, A.C. Transit and Lamar Transit Advertising or another public or semi-public transit provider.

3. "Commercial Establishment" means, but is not limited to, a place where Business Activity is established. Business activity is defined as any activity subject to BMC Chapter 9.04 and any economic activity which generates receipts but is exempt from BMC Chapter 9.04 by state or federal law.

4. "District-wide Sidewalk Bench/Planter Area Plan" means a City-approved plan for a specific commercial district as defined in said plan, that establishes area-specific regulations for benches, planters and/or plant material, and establishes general regulations for the placement of benches and planters in the public right-of-way, for the designated district.

5. "District-wide Sidewalk Seating Area Plan" means a City-approved plan for a specific commercial district as defined in said plan, that establishes area-specific regulations for sidewalk cafe seating, and establishes general regulations for the placement of sidewalk cafe seating in the public right-of-way, for the designated district.

6. "Food Service Establishment" has the same meaning as set forth in BMC Chapter 23F.04.

7. "Furniture" means amenities such as but not limited to tables, chairs, benches, and other equipment that facilitates the stationary use of sidewalk, parking lanes, street area, and other public right of way spaces.

8. "Planter" means a container that is designed or used for growing plants.

9. "Parking Lane" and "Street Area" are considered to be part of the Public right-of-way (PROW), known as, "any public street, public way, public place or rights-of-way, now laid out or dedicated, and the space on, above or below it, and all extensions thereof, and additions thereto, owned, operated and/or controlled by the City or subject to an easement owned by City and any privately-owned area within City's jurisdiction which is not yet, but is designated as a proposed public place on a tentative subdivision map approved by City." as defined in BMC 23F.04.010.

10. "Sidewalk" has the same meaning as set forth in BMC 1.04.010(18).

11. "Sidewalk Seating" means tables and/or chairs (including benches) and umbrellas and other associated furniture with lawfully operating Food Service Establishments or other commercial establishments, in or on the sidewalk. During cases of a declared City emergency in response to a disease outbreak, "Sidewalk Seating" includes seating and associated furniture in the public right-of-way or resting on, or projecting into, the sidewalk, parking lane, or street area, or any combination thereof which are not physically or structurally attached to a building, retaining wall or fence. Such Sidewalk Seating shall be permitted in any area of the public right-of-way for the duration of the declared City emergency if Traffic Engineer makes a finding that the use of the right-of-way for Sidewalk Seating purposes does not create a dangerous condition for customers, pedestrians, or bicycle or motor vehicle traffic. Upon termination of the declared City emergency, any Sidewalk Seating present in the public right-of-way and not on the sidewalk shall within 90 days of date of termination either obtain a valid encroachment permit or be removed from the public right-of-way.

12. "Transit Stop" means an AC Transit bus stop, UC Berkeley bus stop, a paratransit bus stop, Bay Area Rapid Transit station entrance, or another public transit provider.

13. "Window Box Planter" means a box, designed to hold soil for growing plants, attached at or on a windowsill.

C. Sidewalk Seating, Benches and Planters shall fully conform to the following requirements of this subdivision:

1. Any object permitted under this Section shall leave a minimum horizontal clear space of six feet for ADA-compliant path of travel, (or reduce to 5 feet at a single point of contact) or such greater (or smaller) amount of clear space as the Engineering Division finds necessary to protect and enhance pedestrian and vehicle traffic for public use in the sidewalk area, as that space is determined by the City of Berkeley Engineering Division of the Department of Public Works, or its successor.

2. Objects permitted under this Section shall not:

a. Unduly interfere with access by public employees and utility workers to meters, fire hydrants or other objects (street hardware) in the right-of-way;

b. Block or obstruct the view of necessary authorized traffic devices;

c. Unduly interfere with pedestrian traffic in the public ROW/sidewalk, pedestrian safety, access to public or private parking, traffic circulation, and/or vehicular safety;

d. Be closer than 25 feet to any curb return or fire hydrant; except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, Sidewalk Seating, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshal as appropriate;

e. Be affixed to any City or utility company-owned poles or appurtenances;

3. All sidewalk seating shall be subject to the following additional standards and requirements:

a. All Sidewalk Seating configurations shall comply with applicable Americans with Disabilities Act (ADA) accessibility standards.

b. All Sidewalk Seating components shall be stored in a secure location on private property when not in use.

c. The permittee shall regularly inspect and clean the Sidewalk Seating and that portion of the public sidewalk adjacent to the establishment. A waste receptacle shall be provided.

4. All benches and planters shall be subject to the following additional standards and requirements:

a. All proposals shall comply to the greatest extent possible with any design requirements adopted by the City for benches, planters and/or plant material.

D. All permits issued under this Section shall be subject to the following conditions:

1. The permittee shall be responsible for, and exercise reasonable care in the inspection, maintenance, and cleanliness of the area affected by any object(s) permitted by this Section, including any design requirements hereafter enacted, from the building frontage to the curb, parking lane, or street area.

2. The permittee shall restrict any objects permitted under this Section to the approved location(s) and configuration, and ensure compliance with all applicable laws, and the number of tables and chairs shall not be increased without prior approval of the Public Works or Public Health Department.

3. When any objects permitted under this Section are found to be in conflict with existing or proposed facilities or improvements owned, maintained, or operated by the City, or any existing or proposed City design plans, those objects shall, upon written demand of the City Manager or their designee, be removed or relocated in such a way as to eliminate the conflict. Should the permittee fail to comply with said written demand within a reasonable period of time, the City may cause such relocation of the placement at the expense of the permittee. Any such non-compliance shall also be a violation of this Section.

4. Permits issued under this Section shall be posted in plain view within the commercial establishment for which the permit has been issued along with any other relevant permits that support health and safety of patrons and the general public.

5. By accepting a permit under this Section, the permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the permittee's installation, operation, maintenance or removal of Sidewalk Seating, Furniture, Benches and/or Planters.

6. Prior to permit approval, the permittee shall demonstrate possession of liability insurance in the amount of \$1,000,000 for Benches and Planters, and related Sidewalk Seating furniture. Said insurance shall name the City of Berkeley as additionally insured and shall be in a form acceptable to the City Attorney.

7. The permittee shall monitor and control the use of the Sidewalk Seating so as to prevent disturbance of the surrounding neighborhood.

8. A food service establishment that proposes to serve alcoholic beverages within an outdoor dining area shall comply with the standards established by the State of California Department of Alcoholic Beverage Control. The dining area shall be:

a. Physically defined and clearly part of the restaurant it serves; and



b. Supervised by a restaurant employee to ensure compliance with laws regarding the on-site consumption of alcoholic beverages.

E. Permits under this Section are not transferable, and must be renewed annually.

F. Sidewalk Seating, Benches, Furniture, and/or Planters that are not permitted under this Section are prohibited encroachments under Chapter 16.18, and shall constitute public nuisances subject to the remedies in Chapter 1.26.

G. The City Council may by resolution establish or waive fees for the implementation and administration of this Section. (Ord. 7707-NS § 1, 2020: Ord. 7632-NS § 1 (part), 2018: Ord. 7468-NS § 1, 2016: Ord. 7401-NS § 1, 2015; Ord. 7203-NS § 2, 2011: Ord. 6281-NS § 5, 1995. Formerly 14.48.200)

#### **Section 14.48.160 Removal of obstructions on streets and sidewalks.**

Anything placed or permitted to remain upon any sidewalk or roadway in violation of this Chapter, is declared to constitute a nuisance and the City is authorized and empowered to abate such nuisance by removing the same to the custodian of lost property in the Police Department or the Corporation Yard of the City, or other location designated by the City. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12.2, 1952. Formerly 14.48.210)

#### **Section 14.48.170 Use of streets and sidewalks by vendors.**

Any properly licensed vendor may use the public streets of the City in commercial or industrial zones for the sale of goods, wares, merchandise, or food when conducted under the conditions stated in this section.

A. Sidewalk vending is permitted as regulated by Chapter 9.48 of the Berkeley Municipal Code.

B. Other street vending is permitted from vehicles which are lawfully parked upon streets which are not regulated by parking meters or other posted parking time limits.

C. It is unlawful for any person to vend in violation of this section. (Ord. 7632-NS § 1 (part), 2018: Ord. 5483-NS § 1 (part), 1982: Ord. 4587-NS § 1, 1972: Ord. 4569-NS § 1, 1972: Ord. 3262-NS § 12.3, 1952. Formerly 14.48.220)

#### **Section 14.48.180 Trap doors in sidewalks.**

A. Trap doors in sidewalks used to cover an opening for an elevator, stairway or chute must be kept in such a condition that they will not endanger persons or property, and it is unlawful for any person owning or being in charge or control of any such doors in sidewalks used for covering entrances to elevators, stairways or chutes, or other openings in the sidewalk leading to the basement, to allow said doors to remain open, except when such elevator, stairway or chute is being used and monitored for pedestrian safety while loading or unloading or transferring of merchandise or material.

B. The requirements of this section shall be in addition to and not in lieu of any other ordinance of the City having to do with doors or other openings in sidewalks. (Ord. 7632-NS § 1 (part), 2018: Ord. 3262-NS § 12.6, 1952. Formerly 14.48.250)

#### **Section 14.48.190 Parklets.**

A. Notwithstanding anything to the contrary in this Chapter, the City of Berkeley Engineering Division of the Department of Public Works, or its successor, may approve Parklets, Benches and/or Planters in the public right-of-way (excluding Sidewalks alone, which are subject to and governed by Section 14.48.150) as set forth in, and in compliance with, this Section.

1. No permit may be issued under this Section for any right-of-way area in front of a single parcel if there are any current violations of this Chapter in that right-of-way area.

2. A permit for a Parklet may not be issued unless the parklet Host is in full compliance with all applicable requirements of Title 23 and any Permit issued thereunder.

3. A permit for a Parklet may only be issued adjacent to parcels in the following zoning districts: all Commercial (C-prefixed districts), Mixed-Use Light Industrial (MU-LI), Mixed-Use Residential (MU-R), and Mixed Manufacturing (MM).

B. For purposes of this Chapter, the following terms shall be defined as follows:

1. "Bench" means a seat designed for two or more persons.

2. "Bike Parking" means a location with bike racks intended for the secure parking of bicycles.

3. "Furniture" means amenities such as but not limited to tables, chairs, benches, and other equipment that facilitates the stationary use of public space.

4. "Parklet" means a platform or similar level surface extending into the public right-of-way with amenities such as but not limited to tables and/or chairs (including Benches), Bike Parking, and umbrellas, designated as public space, located in or on the public right-of-way or resting on, or projecting into, the sidewalk and parking area, which are not physically or structurally attached to a building, retaining wall or fence.

5. "Planter" means a container that is designed or used for growing plants.

6. "Sidewalk" has the same meaning as set forth in Section 1.04.010(18).

7. "Sponsoring Business," "Host," "Permit Holder" or "Permittee" means, and is limited to, any establishment engaged in insuring and caring for the Parklet as set forth in the Parklet maintenance agreement.

8. "Transit Stop" means an AC Transit bus stop, UC Berkeley bus stop, a paratransit bus stop, Bay Area Rapid Transit station entrance, or another public transit provider.

C. Parklets, Benches and Planters shall fully conform to the following requirements of this subdivision:

1. Any object permitted under this Section shall leave a minimum of clear space as the Engineering Division finds necessary to protect and enhance pedestrian or vehicle traffic for public use in and around the Parklet area, as that space is determined by the City of Berkeley Engineering Division of the Department of Public Works, or its successor.

2. Parklets shall comply with applicable Americans with Disabilities Act (ADA) accessibility standards.

3. Objects permitted under this Section shall not:

a. Unduly interfere with access by public employees and utility workers to meters, fire hydrants or other objects (street hardware) in the right-of-way;

b. Block or obstruct the view of necessary authorized traffic devices;

c. Unduly interfere with pedestrian traffic in the right-of-way, including the Sidewalk, pedestrian safety, traffic circulation, and/or vehicular safety;

d. Be closer than 25 feet to any curb return or fire hydrant; except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, a parklet, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshal as appropriate;

e. Be affixed to any City or utility company-owned poles or appurtenances;

f. The width of the Parklet must not extend beyond six feet from the curb line, except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, a Parklet, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshal as appropriate.

4. All Parklets shall be subject to the following additional standards and requirements:

a. Parklets must remain publicly accessible and must include signage posted on site to this effect;

b. Parklet construction materials must be of high quality, durable, and suitable for public use;

c. A visible edge to the Parklet is required, which may consist of Planters, railing, or cabling. The edges should be visually permeable;

d. The Permittee shall regularly inspect and clean the Parklet and that portion of the public sidewalk adjacent to the Parklet;

e. Access panels must be included in order to maintain the gutter and area underneath the Parklet and the design must allow for drainage along the gutter to pass underneath the Parklet;

f. Safe hit posts and wheel stops, or approved equivalents, may be required. If Bike Parking is provided, the bike racks can be at street grade.

5. All Benches, Furniture, and Planters within the Parklet shall be subject to the following additional standards and requirements:

a. All proposals shall comply with any design requirements adopted by the City for Benches, Planters and/or plant material;

b. All non-secured Parklet components shall be stored in a secure location on private property when not in use;

c. Any unsecured Furniture must be clearly different from the Furniture used by a Parklet Host in order to emphasize that the Parklet is public space, as determined by City staff.

D. All permits issued under this Section shall be subject to the following conditions:

1. The Permittee shall be responsible for, and exercise reasonable care in the inspection, maintenance, and cleanliness of the area affected by any object(s) permitted by this Section, including any design requirements hereafter enacted, from the building frontage to the right-of-way, including the Parklet area.

2. The Permittee shall restrict any objects permitted under this Section to the approved location(s) and configuration, ensure compliance with all applicable laws, and the number and configuration of Benches, Furniture and Planters and overall square footage of the Parklet shall not be modified without prior approval of the Public Works Department.

3. When any objects permitted under this Section are found to be in conflict with existing or proposed facilities or improvements owned, maintained, or operated by the City, or any existing or proposed City design plans, those objects shall, upon written demand of the City Manager or their designee, be removed or relocated in such a way as to eliminate the conflict, at the sole expense of the Permittee. Should the Permittee fail to comply with said written demand within a reasonable period of time, the City may cause such relocation of the placement at the expense of the Permittee. Any such non-compliance shall also be a violation of this Section.

4. Permits issued under this Section, when under review prior to issuance, shall be posted in plain view within the sponsoring establishment(s) for which the permit has been issued. Public notice, permitting, and appeal for Parklets are set forth in BMC Section 16.18.060 (Permit procedure for minor encroachment) of the Berkeley Municipal Code. Section D(4) is not applicable in cases of declared local emergency due to disease outbreak.

5. By accepting a permit under this Section, the Permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the Permittee's installation, operation, maintenance or removal of the Parklet, Benches and/or Planters.

6. Prior to permit approval, the Permittee shall demonstrate possession of liability insurance, in the amount not less than \$1,000,000, for the Parklet including any associated Benches, Planters and Furniture. Said insurance shall name the City of Berkeley as an additional insured and shall be in a form acceptable to the City Attorney.

7. The City Manager or their designee may require a performance bond to ensure Parklet removal in the event of a permit cancellation.

8. The Permittee shall monitor and control the use of the Parklet to prevent disturbance of the surrounding neighborhood.

9. A Sponsoring Business or other business is not permitted to perform table service at a Parklet or otherwise incorporate a Parklet into its business operations. Section D(9) is not applicable in cases of declared local emergency due to disease outbreak.

10. Commercial signage, smoking, and advertising are prohibited at Parklets.

E. Parklets, Benches and/or Planters that are not permitted under this Section are prohibited encroachments under Chapter 16.18, and shall constitute public nuisances subject to the remedies in Chapter 1.26.

F. The City Council may by resolution establish or waive fees and guidelines for the implementation and administration of this Section. (Ord. 7706-NS § 1, 2020: Ord. 7632-NS § 1 (part), 2018: Ord. 7598-NS § 1, 2018. Formerly 14.48.300)

Chapter 14.52

PARKING METERS

Sections:

- 14.52.010 Parking meter zones.
- 14.52.020 Manner of installation.
- 14.52.030 Time of operation of parking meters and pay-and-display stations.
- 14.52.040 Operational procedure to be followed.
- 14.52.050 Unlawful to park after meter and/or pay-and-display station time has expired.
- 14.52.060 Unlawful to extend time beyond limit.
- 14.52.063 No pay-and-display dispensing machine ticket displayed.
- 14.52.066 Improperly displayed pay-and-display dispensing machine ticket.
- 14.52.070 Improper use of meter and pay-and-display station.
- 14.52.080 Deposit of coins in meter or coins, credit card, debit card, or epark card in pay-and-display station by unauthorized person.
- 14.52.090 Parking meters, pay-and-display stations and parking meter/pay-and-display station standards not to be used for certain purposes.
- 14.52.100 Rule of evidence.
- 14.52.110 Use of money deposited in parking meters and pay-and-display stations.
- 14.52.120 Parking meter and Pay-and-Display Station fees.
- 14.52.130 Time limits enforced at inoperable parking meters and pay-and-display stations.

**Section 14.52.010 Parking meter zones.**

A. Parking meter zones are those streets or portions of streets in the City hereinafter described as zones within which the parking of motor vehicles shall be controlled, regulated and inspected with the aid of parking meters, pay-and-display stations and/or a City-approved software application that processes pay-by-phone payments from a mobile phone, consisting of:

- Acton Street, both sides, from 150 feet north of University Avenue to University Avenue.
- Adeline Street, east side, from Ward to Stuart Street.
- Adeline Street, both sides, from Stuart Street to Oregon Street.
- Adeline Street, east side, from Oregon Street to Russell Street.
- Adeline Street, both sides, from Russell Street to Ashby Avenue.
- Alcatraz Avenue, south side, from 75 feet east of College Avenue to College Avenue.
- Ashby Avenue, both sides, from Domingo Avenue to Claremont Avenue.
- Blake Street, both sides, from Telegraph Avenue to 125 feet west of Telegraph Avenue.
- Bonar Street, east side, from University Avenue to 150 feet south of University Avenue.
- Bonar Street, west side, from University Avenue to Addison Street.
- California Street, both sides, from 100 feet north of University Avenue to 100 feet south of University Avenue.
- Camelia Street, north side, from Ninth Street to Tenth Street.
- Camelia Street, north side, from San Pablo Avenue to 100 feet west of San Pablo Avenue.
- Claremont Avenue, east side, from Russell Street to Ashby Avenue.
- Claremont Avenue, west side, from Russell Street to Claremont Boulevard.
- Colby Street, west side, from Webster Street to South Hospital Drive.
- College Avenue, east side, from 150 feet north of Alcatraz Avenue to Berkeley-Oakland city limits south of Alcatraz Avenue.
- College Avenue, west side, from Alcatraz Avenue to Berkeley-Oakland city limit, south of Alcatraz Avenue.
- Colusa Avenue, east side, from 225 feet south of Solano Avenue to Catalina Avenue.
- Colusa Avenue, west side, from 180 feet south of Solano Avenue to Catalina Avenue.
- Curtis Street, both sides, from 100 feet north of University Avenue to University Avenue.
- Derby Street, north side, from 150 feet east of Telegraph Avenue to 50 feet west of Telegraph Avenue.
- Derby Street, south side, from 150 feet east of Telegraph Avenue to Telegraph Avenue.
- Derby Street, south side from Milvia Street to 300 feet east of Milvia Street.
- Domingo Avenue, both sides, from Berkeley-Oakland city limit to Ashby Avenue.
- Dwight Way, north side, from San Pablo Avenue extending 40 feet east of San Pablo Avenue.

Ensenada Avenue, east side, from 90 feet south of Solano Avenue, to 66 feet north of Solano Avenue.  
 Fresno Avenue, east side, from 69 feet south of Solano Avenue to Solano Avenue.  
 Grayson Street, south side, from San Pablo Avenue extending 60 feet west of San Pablo Avenue.  
 Grove Street, both sides, from Allston Way to Berkeley Way.  
 Hearst Avenue, north side, from Third Street to Fifth Street.  
 Hearst Avenue, south side, from Third Street to Sixth Street.  
 McKinley Avenue, east side, from approximately 110 feet from Allston Way to 155 feet, Monday through Friday, nine a.m. to six p.m.  
 Milvia Street, east side from Derby Street to Ward Street.  
 Modoc Street, east side, from 90 feet south of Solano Avenue to Solano Avenue.  
 Modoc Street, west side, from 66 feet south of Solano Avenue to Solano Avenue.  
 Oregon Street, north side, from 75 feet east of Telegraph Avenue to 50 feet west of Telegraph Avenue.  
 Oregon Street, south side, from 175 feet east of Telegraph Avenue to Telegraph Avenue.  
 Oregon Street, both sides, from Adeline Street to Shattuck Avenue.  
 Page Street, north side, from San Pablo Avenue to Tenth Street.  
 Pardee Street, south side, from San Pablo Avenue extending 60 feet west of San Pablo Avenue.  
 Parker Street, both sides, from 200 feet west of Regent Street to 100 feet west of Telegraph Avenue.  
 Peralta Avenue, both sides, from Solano Avenue to Capistrano Avenue.  
 Regent Street, west side, from Ashby Avenue to South Hospital Drive.  
 Regent Street, east side, from Ashby Avenue to 125 feet south of Webster Street.  
 Russell Street, south side, from 75 feet east of Telegraph Avenue to 100 feet west of Telegraph Avenue.  
 San Pablo Avenue, both sides, from Hearst Avenue to Allston Way.  
 San Pablo Avenue, both sides, from Harrison Street to Gilman Street.  
 San Pablo Avenue, east side, from Gilman Street to Camelia Street.  
 San Pablo Avenue, both sides, from Camelia Street to Virginia Street.  
 San Pablo Avenue, both sides, from Virginia Street to Delaware Street.  
 San Pablo Avenue, both sides, from Delaware Street to Hearst Avenue.  
 San Pablo Avenue, both sides, from Allston Way to Channing Way.  
 San Pablo Avenue, east side, from Channing Way to Parker Street.  
 San Pablo Avenue, both sides, from Parker Street to Heinz Street.  
 San Pablo Avenue, east side, from Russell Street to Burnett Street.  
 San Pablo Avenue, west side, from Bancroft Way to Ashby Avenue.  
 Shattuck Avenue, both sides, from Carleton Street to Ashby Avenue.  
 Solano Avenue, both sides, from Tulare Avenue to The Alameda.  
 Solano Avenue, north side, from 140 feet to 184 feet east of The Alameda.  
 South Hospital Drive, south side, from Colby Street to 75 feet west of Colby Street.  
 Stuart Street, south side, from 50 feet east of Telegraph Avenue to Telegraph Avenue.  
 Stuart Street, north side, from Adeline Street to 70 feet east of Shattuck Avenue.  
 Tacoma Avenue, both sides, from Solano Avenue to 66 feet north of Solano Avenue.  
 Telegraph Avenue, west side, from Dwight Way to Prince Street.  
 Telegraph Avenue, east side, from Dwight Way to Woolsey Street.  
 The Alameda, east side, from Los Angeles Avenue to Solano Avenue.  
 Tenth Street, both sides, from Gilman Street to Camelia Street.  
 The Alameda, west side, from 220 feet north of Los Angeles Avenue to 90 feet north of Solano Avenue.  
 Tulare Avenue, east side, from 90 feet south of Solano Avenue to Solano Avenue.  
 University Avenue, both sides, from McGee Avenue to Third Street.  
 Ward Street, north side from Milvia Street to 300 feet east of Milvia Street.  
 Webster Street, north side, from Bateman Street to Regent Street.  
 Webster Street, north side, from Colby Street to 150 feet west of Telegraph Avenue.  
 Webster Street, south side, from Colby Street to 100 feet west of Telegraph Avenue.  
 Fifth Street, both sides, from Addison Street to Hearst Avenue.  
 Fifth Street, west side, from Hearst Street to Virginia Street.  
 Fourth Street, east side, from Addison Street to Virginia Street.  
 Fourth Street, west side, from Addison Street to Cedar Street.  
 Sixth Street, east side, Addison Street to University Avenue.  
 Seventh Street, east side, from University Avenue to 150 feet south of University Avenue.

Eighth Street, west side, from 100 feet north of University Avenue to 200 feet south of University Avenue.

Ninth Street, west side, from 75 feet north of University Avenue to 150 feet south of University Avenue.

Ninth Street, east side from Gilman Street to 300 feet north of Gilman Street.

Tenth Street, east side, from 100 feet north of University Avenue to 100 feet south of University Avenue.

Tenth Street, west side from Gilman Street to 300 feet north of Gilman Street.

B. goBerkeley Program parking meter zones are those streets or portions of streets in the City located within the goBerkeley Areas hereinafter described as zones within which the parking of motor vehicles shall be controlled, regulated and inspected with the aid of parking meters, pay-and-display stations, and/or a City-approved software application that processes pay-by-phone payments from a mobile phone at fees set in 14.52.120(B):

Addison Street, north side, from Martin Luther King Jr. Way to 170 feet west of Martin Luther King Jr. Way.

Allston Way, both sides, from Harold Way to Shattuck Avenue.

Allston way, south side, from Oxford Street to Martin Luther King Jr. Way.

Ashby Avenue, north side, from College Avenue to Benvenue Avenue.

Ashby Avenue, south side, from Benvenue Avenue to Elmwood Avenue.

Ashby Place, east side, from Ashby Avenue to a point 80 feet north of Ashby Avenue.

Bancroft Way, both sides, from Piedmont Avenue to Fulton Street.

Bancroft Way, both sides, from Fulton Street to Milvia Street.

Benvenue Avenue, west side, from Ashby Avenue to 100 feet south of Ashby Avenue.

Berkeley Way, south side, from Oxford Street to 385 feet west of Shattuck Avenue.

Berkeley Way, north side, from Oxford Street to Henry Street.

Blake Street, south side, from 80 feet west of Shattuck Avenue to Shattuck Avenue.

Bonita Avenue, east side, from University Avenue to Berkeley Way.

Bowditch Street, east side, from Bancroft Way to Dwight Way.

Center Street, north side, from Oxford Street to Martin Luther King Jr. Way.

Center Street, south side, from Oxford Street to Martin Luther King Jr. Way.

Channing Way, north side, from 200 feet west of Dana Street to College Avenue.

Channing Way, north side, beginning 250 feet west of Shattuck Avenue to Shattuck Avenue.

College Avenue, east side, from 75 feet south of Webster Street to 175 feet north of Russell Street.

College Avenue, west side, from 140 feet north of Russell Street to Webster Street.

College Avenue, east side, from Bancroft Way to 200 feet south of Dwight Way.

College Avenue, west side, from Bancroft Way to Dwight Way.

Dana Street, west side, between Bancroft Way and Channing Way.

Dana Street, west side, from Haste Street to 150 feet south of Haste Street.

Delaware Street, south side, from Shattuck Avenue to 60 feet east of Shattuck Avenue.

Durant Avenue, north side, from Ellsworth Street to College Avenue.

Durant Avenue, south side, from Ellsworth Street to College Avenue.

Durant Avenue, both sides, from Milvia Street to Fulton Street.

Dwight Way, both sides, from Milvia Street to Fulton Street.

Dwight Way, south side, from Hillegass Avenue to Benvenue Street.

Dwight Way, north side, from 300 feet east of Dana Street to 300 feet east of Telegraph Avenue.

Dwight Way, south side, beginning 325 feet west of Telegraph Avenue and extending 125 feet east of Regent Street.

Dwight Way, north side, from Bowditch Street to College Avenue.

Grant Street, both sides, from 100 feet north of University Avenue to 100 feet south of University Avenue.

Euclid Avenue, west side, beginning at Hearst Avenue and extending 130 feet north of Ridge Road.

Euclid Avenue, east side, beginning at Hearst Avenue and extending 135 feet north of Ridge Road.

Francisco Street, both sides, from Shattuck Avenue to 100 feet west of Shattuck Avenue.

Fulton Street, both sides, from Bancroft Way to Kittredge Street.

Fulton Street, west side, beginning at Durant Avenue and extending south for 80 feet.

Fulton Street, east side, from Bancroft Way to Durant Avenue.

Harold Way, both sides, from Allston Way to Kittredge Street.

Haste Street, both sides, from Milvia Street to 250 feet east of Shattuck Avenue.

Haste Street, north side, from College Avenue to Dana Street.

Haste Street, south side, beginning 350 feet west of Telegraph Avenue to 300 feet east of Telegraph Avenue.

Haste Street, south side, from Bowditch Street to College Avenue.

Hearst Avenue, north side, from Oxford Street to Shattuck Avenue.  
Hearst Avenue, south side, from Shattuck Avenue to Oxford Street  
Hearst Avenue, south side, from Oxford Street to Arch Street  
Hearst Avenue, north side, from Scenic Avenue to LaLoma Avenue.  
Hearst Avenue, south side, from Euclid Avenue to Gayley Road.  
Kittredge Street, both sides, from Shattuck Avenue to Oxford Street.  
LaLoma Avenue, both sides, from Hearst Avenue to Ridge Road.  
LeRoy Avenue, both sides, from Hearst Avenue to Ridge Road.  
Lincoln Street, south side, from Shattuck Avenue to 150 feet west of Shattuck Avenue.  
Martin Luther King Jr. Way, both sides, from Center Street to Addison Street.  
Milvia Street, both sides, from Berkeley Way to Addison Street.  
Oxford Street, west side, from Hearst Avenue to University Avenue.  
Ridge Road, north side, beginning 250 feet west of Euclid Avenue and extending 100 feet east of Euclid Avenue.  
Ridge Road, south side, from 250 feet west of Euclid Avenue to LeRoy Avenue.  
Rose Street, north side, from 100 feet east of Shattuck Avenue to 100 feet west of Henry Street.  
Rose Street, south side, from Walnut Street to Shattuck Place.  
Russell Street, north side, from 85 feet east of College Avenue to 175 feet west of College Avenue.  
Russell Street, south side, from 200 feet west of College Avenue to 120 feet east of College Avenue.  
Scenic Avenue, east side, from Hearst Avenue to Ridge Road.  
Shattuck Avenue, east side, from Rose Street to Vine Street.  
Shattuck Avenue, both sides, from 100 feet north of Rose Street to University Avenue.  
Shattuck Avenue, both sides, of the west roadway, from University Avenue to Addison Street (Shattuck Square).  
Shattuck Avenue, both sides, of the east roadway, from University Avenue to Addison Street (Shattuck Square).  
Shattuck Avenue, both sides, of the west roadway, from Addison Street to Center Street (Berkeley Square).  
Shattuck Avenue, both sides, of the east roadway, from Addison Street to Center Street (Berkeley Square).  
Shattuck Place, west side, from Rose Street to Shattuck Avenue.  
University Avenue, both sides, from Oxford Street to McGee Avenue.  
Webster Street, north side, from 125 feet east of College Avenue to 100 feet west of College Avenue.  
Webster Street, south side, from 100 feet west of College Avenue to 125 feet east of College Avenue.  
Addison Street, both sides, from Milvia Street to Oxford Street.  
Allston Way, both sides, from MLK Jr. Way to Oxford Street.  
Berkeley Square, both sides, from Addison Street to Center Street.  
Center Street, both sides, from MLK Jr. Way to Oxford Street.  
Harold Way, both sides, from Allston Way to Kittredge Street.  
Kittredge Street, both sides, from Milvia Street to Shattuck Avenue.  
Milvia Street, east side, from Kittredge Street to Center Street.  
Milvia Street, both sides, from Center Street to Addison Street.  
MLK Jr. Way, both sides, from Center Street to Allston Way.  
Oxford Street, both sides, from University Avenue to Kittredge Street.  
Oxford Street, east side, from Hearst Street to University Avenue.  
Parker Street, both sides, from 100 feet west of Shattuck Avenue to Shattuck Avenue.  
Parker Street, north side, from 100 feet east of Shattuck Avenue to Shattuck Avenue.  
Shattuck Avenue, both sides, from Center Street to Carleton Street.  
Telegraph Avenue, both sides, from Dwight Way to Bancroft Way.  
Vine Street, north side, from 75 feet east of Walnut Street to 100 feet east of Henry Street.  
Vine Street, south side, from 100 feet east of Henry Street to 150 feet east of Walnut Street.  
Virginia Street, north side, from 150 feet east of Shattuck Avenue to 150 feet west of Shattuck Avenue.  
Virginia Street, south side, from Shattuck Avenue to 125 feet west of Shattuck Avenue.  
Walnut Street, both sides, from University Avenue to Berkeley Way.  
Walnut Street, west side, from Rose Street to 200 feet south of Vine Street.  
Walnut Street, east side, from 75 feet north of Vine Street to 125 feet south of Vine Street.

C. The City Traffic Engineer shall cause parking meters and pay-and-display stations to be installed and maintained in all parking meter zones and goBerkeley Program parking meter zones. (Ord. 7679-NS § 1, 2019:

Ord. 7628-NS § 3, 2018: Ord. 7589-NS § 1, 2018: Ord. 7586-NS § 3, 2017: Ord. 7533-NS § 1, 2017: Ord. 7498-NS § 1, 2016: Ord. 7390-NS § 1, 2015: Ord. 7305-NS (part), 2013)

**Section 14.52.020 Manner of installation.**

A. Single space meters.

1. Parking meters shall be installed upon the curb or sidewalk area immediately adjacent to each parking space. Each meter shall be placed in such manner as to show or display by a sign or signal that the parking space adjacent thereto is or is not legally in use. Each parking meter shall indicate the limit of parking time in the parking space adjacent to the parking meter.

2. Each parking meter shall be set to display, after the operational procedure has been completed, a sign or signal indicating legal parking for that period of time conforming to the limit of parking time as indicated on the meter, and shall continue to operate from the time of the completion of the operational procedure until the expiration of the time fixed as the parking limit or a portion thereof for the part of the street upon which said meter is placed. Each said meter shall also be so arranged that upon the expiration of said legal parking time it will indicate by a mechanical operation and by proper signal that the lawful parking period has expired.

B. Pay-and-display stations.

1. Pay-and-display stations shall be installed upon the curb or sidewalk area within any designated meter zone. Each pay-and-display station shall indicate the limit of parking time in that particular designated meter zone.

2. Each pay-and-display station shall be set to dispense, after the operational procedure has been completed, a two-part windshield dispensing machine ticket indicating legal parking for that period of time conforming to the limit of parking time as indicated on the pay-and-display station or indicated by signage or curb markings. (Ord. 7305-NS (part), 2013)

**Section 14.52.030 Time of operation of parking meters and pay-and-display stations.**

The provision of this chapter relating to the operation of parking meters and pay-and-display stations shall be effective between the hours of nine a.m. and six p.m. every day except Sundays, and as may be otherwise provided for specific locations in the sections of establishing parking meter zones. (Ord. 7305-NS (part), 2013)

**Section 14.52.040 Operational procedure to be followed.**

A. Single space meters. Immediately after occupancy of a parking meter space, the operator of a vehicle shall, if necessary, deposit a coin of the United States, or use a credit or debit card acceptable to the City, or use a City-approved software application that processes pay-by-phone payments from a mobile phone, at said parking meter in accordance with the instructions posted on the face of the parking meter or the pay-by-phone software application that processes payments from a mobile device.

B. Pay-and-Display stations.

1. Immediately after occupancy of a pay-and-display station space, the operator of a vehicle shall, if necessary, locate the nearest pay-and-display station on the block and deposit a coin of the United States, or use a credit or debit card acceptable to the City, or use a City-approved software application that processes pay-by-phone payments from a mobile phone at said pay-and-display station and make selections in accordance with the instructions posted on the face of the pay-and-display station, or the pay-by-phone software application that processes payments from a mobile phone.

2. Upon obtaining the printed dispensing machine ticket from the pay-and-display station, the operator of the vehicle shall return immediately to their vehicle and place the dispensing machine ticket face up on the street-side of the vehicle's dashboard in such a manner that the expiration time and date are readily visible from the exterior. (Ord. 7628-NS § 4, 2018: Ord. 7586-NS § 4, 2017: Ord. 7305-NS (part), 2013)

**Section 14.52.050 Unlawful to park after meter and/or pay-and-display station time has expired.**

A. Single space meter. It is unlawful for the operator of any vehicle to permit said vehicle to remain parked in any parking space during any time that an operable meter is showing a signal indicating that such space is illegally in use, such as where the time has expired, other than such time immediately after the original occupancy as is necessary to operate the meter to show legal parking.

B. Pay-and-Display stations. It is unlawful for the operator of any vehicle to permit said vehicle to remain parked in any parking space during any time that pay-and-display station dispensing machine ticket is indicating that such space is illegally in use, such as where the time has expired, other than such time immediately after the



original occupancy as is necessary to obtain a receipt from the pay-and-display station and to place said dispensing machine ticket face up on the street-side of the vehicle's dashboard to show legal parking. (Ord. 7305-NS (part), 2013)

**Section 14.52.060 Unlawful to extend time beyond limit.**

A. Single space meter. It is unlawful and a violation of the provisions of this chapter for any person to follow the operational procedure or any part of the operational procedure for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established for the parking space adjacent to which said parking meter is placed.

B. Pay-and-Display stations. It is unlawful and a violation of the provisions of this chapter for any person to follow the operational procedure or any part of the operational procedure for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established for the parking space which is indicated on the pay-and-display station dispensing machine ticket. (Ord. 7305-NS (part), 2013)

**Section 14.52.063 No pay-and-display dispensing machine ticket displayed.**

A motor vehicle on which is properly displayed a valid pay-and-display dispensing machine ticket as provided for herein shall be permitted to stand or be parked in a pay-and-display zone for which the dispensing machine ticket has been issued for the period of time indicated on the dispensing machine ticket without being subject to parking penalties in effect for such area. However, any motor vehicle on which there is not displayed a valid dispensing machine ticket as provided herein shall be subject to parking regulations and consequent penalties in effect for such area. (Ord. 7305-NS (part), 2013)

**Section 14.52.066 Improperly displayed pay-and-display dispensing machine ticket.**

A motor vehicle on which the pay-and-display dispensing machine ticket is not properly displayed as provided herein shall be subject to parking regulations and consequent penalties in effect for such area. (Ord. 7305-NS (part), 2013)

**Section 14.52.070 Improper use of meter and pay-and-display station.**

It is unlawful to deposit or cause to be deposited in any parking meter any defaced or bent coin, or any slug, device or metallic substitute for a coin of the United States, or to otherwise use any card or other device in a parking meter or pay-and-display station having alternative payment capability in lieu of a card or device lawful and appropriate to an alternative payment process at such parking meter or pay-and-display station, or for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter or pay-and-display station. (Ord. 7305-NS (part), 2013)

**Section 14.52.080 Deposit of coins in meter or coins, credit card, debit card, or epark card in pay-and-display station by unauthorized person.**

A. Single space meter. It is unlawful for any person, other than the owner or operator of a vehicle, to deposit any coin, debit card or credit card in any parking meter without the knowledge or consent of said owner or operator of the vehicle using the parking space immediately adjacent to said meter.

B. Pay-and-display stations. It is unlawful for any person, other than the owner or operator of a vehicle, to deposit any coin, credit card, debit card, or epark card in any pay-and-display station without the knowledge or consent of said owner or operator of the vehicle using the parking space. (Ord. 7305-NS (part), 2013)

**Section 14.52.090 Parking meters, pay-and-display stations and parking meter/pay-and-display station standards not to be used for certain purposes.**

A. Single space meters. It is unlawful for any person to attach anything to or allow a bicycle, newsrack or any other article or thing to lean against a parking meter or a parking meter standard.

B. Pay-and-display stations. It is unlawful for any person to attach anything to or allow a bicycle, newsrack or any other article or thing to lean against a pay-and-display unit or a pay-and-display standard. (Ord. 7305-NS (part), 2013)

**Section 14.52.100 Rule of evidence.**

A. Single space meters. The parking or standing of any motor vehicle in a parking space, at which space the parking meter displays the sign or signal indicating illegal parking, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter.

B. Pay-and-display stations. The parking or standing of any motor vehicle in a parking space, at which space the pay-and-display station dispensing machine ticket indicates illegal parking, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter. (Ord. 7305-NS (part), 2013)

**Section 14.52.110 Use of money deposited in parking meters and pay-and-display stations.**

Except as permitted under subdivision G below, all moneys collected from parking meters and pay-and-display stations in the City shall be placed in a special fund, which fund shall be used for the following purposes:

A. For the purchasing, leasing, installing, repairing, maintaining, operating, removing, regulating and policing of parking meters and pay-and-display stations in the City and for the payment of any and all expenses relating or incidental thereto.

B. For the purchasing, leasing, acquiring, improving, operating and maintaining of off-street parking facilities in the City.

C. For the installation and maintenance of traffic control devices and signals.

D. For the painting and marking of streets and curbs required for the direction of traffic and the parking of motor vehicles.

E. For the proper regulation, control and inspection of parking and traffic upon the public streets.

F. To be pledged as security for the payment of principal of and interest on off-street parking revenue bonds issued by the City.

G. Additional Revenue deemed to be generated by the goBerkeley Pilot Program will be used to fund goBerkeley efforts, pursuant to Section 1012(b) of Intermodal Surface Transportation Efficiency Act of 1991, as amended, as agreed in the 2012 Cooperative Agreement between the City of Berkeley, the California Department of Transportation and the Federal Highway Administration.

H. Surplus money not utilized under subdivision A through F above may be transferred to the general fund. The City Manager or their designee may make an annual determination as to what is surplus based on the needs and obligations of the special fund and transfer such surplus to the general fund. (Ord. 7498-NS § 2, 2016: Ord. 7305-NS (part), 2013)

**Section 14.52.120 Parking meter and Pay-and-Display Station fees.**

Parking meter and Pay-and-Display Station fees for the parking meter zones hereinabove set forth shall be as follows:

A. For parking meter zones set forth in 14.52.010(A) and 14.52.010(B):

1. Pay-and-Display Stations and credit card enabled single-space meters shall accept nickels, dimes, quarters, one dollar coins and credit/debit cards.

2. Single-space parking meters that accept coins only shall accept nickels, dimes and quarters.

3. The minimum transaction amount for cash payment shall be five cents (\$0.05) and shall purchase a segment of time proportional to the prevailing hourly rate, rounded up to the nearest whole minute. The prevailing hourly rate for meter zones specified in 14.52.010(A) shall be \$1.50 per hour. The prevailing hourly rate for meter zones specified in 14.52.010(B) shall be set by section 14.52.120(B).

4. The 12-minute minimum transaction amount for credit/debit card payment shall purchase a segment of time proportional to the prevailing hourly rate, rounded up to the nearest whole minute. The prevailing hourly rate for meter zones specified in 14.52.010(A) shall be \$1.50 per hour. The prevailing hourly rate for meter zones specified in 14.52.010(B) shall be set by section 14.52.120(B).

B. For parking meter zones set forth in Section 14.52.010(B) (goBerkeley Program Areas):

At single-space meters and Pay-and-Display Stations within the goBerkeley Program parking meter zones:

1. The hourly rate may vary between \$0.50 and \$5.00 per hour effective FY 2017, between \$0.50 and \$6.00 per hour effective FY 2018, between \$0.50 and \$7.00 effective FY 2019, and between \$0.50 and \$8.00 effective FY 2020, as set by the City Manager.

2. The parking fee may be either flat rates (same rate for a specified time period e.g. 1 hour, 4 hours, all day), or may be variable rates based on time of day, length of stay, or a combination of those pricing structures, as set by the City Manager.
3. The City Manager may adjust the parking fee by increments no larger than 50 cents (\$0.50) per hour.
4. The City Manager may implement special event pricing at designated times and at designated pay-and-display stations and parking meters,
5. Adjustments to the parking fee must be supported by published data on parking usage statistics with the goal of achieving 65-85% parking occupancy of spaces as calculated in the goBerkeley Program Guidelines.
6. Adjustments to the parking fee at pay-and-display stations and parking meters must be posted to the City's website no later than 30 calendar days prior to the adjustment.
7. Parking rates may be adjusted no more frequently than once per 60 calendar days. (Ord. 7498-NS § 3, 2016; Ord. 7308-NS § 1, 2013; Ord. 7305-NS (part), 2013)

**Section 14.52.130 Time limits enforced at inoperable parking meters and pay-and-display stations.**

- A. Single space meters. Where parking meters are installed in the City, if the parking meter is inoperable, the time limits posted on the parking meter shall be enforced during the hours of operation of parking meters.
- B. Pay-and-display stations. Where pay-and-display stations are installed in the City, if the pay-and-display station is inoperable, the time limits posted on the pay-and-display station within the block that the vehicle is parked or indicated by signage or curb markings shall be enforced during the hours of operation of the pay-and-display station. (Ord. 7600-NS § 1, 2018; Ord. 7305-NS (part), 2013)

Chapter 14.56

MOVEMENT OF HEAVY VEHICLES AND EQUIPMENT

Sections:

- 14.56.010 Permit required.
- 14.56.020 Flange wheel machinery.
- 14.56.030 Prohibiting commercial vehicles on Bolivar Drive.
- 14.56.040 Prohibiting the operation of commercial vehicles on Marin Avenue between Grizzly Peak Boulevard and The Circle.
- 14.56.050 Prohibiting the use of certain streets by vehicles exceeding five tons gross vehicle weight.
- 14.56.060 Designated truck route system.
- 14.56.070 Prohibiting the use of certain streets by commercial trucks exceeding three tons gross vehicle weight.
- 14.56.080 Definitions and truck classification.

**Section 14.56.010 Permit required.**

A. It is unlawful for any person to move or operate upon any street in the City any vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or load exceeding the maximum specified in the Vehicle Code without a written permit from the Director of Public Works.

B. The Director of Public Works may, by written permit, authorize a vehicle, combination of vehicles or special mobile equipment of a size or weight in excess of the maximum specified in the Vehicle Code if, in their judgment, the streets upon which such vehicle, combination of vehicles or special mobile equipment is to be operated can safely withstand the additional weight or size and if the applicant will guarantee to the City that all costs of repair to the streets or to the public property of the City damaged by the movement of such load or of such overweight or oversized vehicle, combination of vehicles or special mobile equipment will be paid in full, and will provide indemnity for any injury resulting from the operation of such vehicle, combination of vehicles or special mobile equipment. Such permit shall be granted upon such conditions as the Director of Public Works in their discretion may require and upon filing such indemnity bond or certificate of insurance as the Director of Public Works may require. (Ord. 3786-NS § 1 (part), 1961; Ord. 3262-NS § 14, 1952)

**Section 14.56.020 Flange wheel machinery.**

It is unlawful for any person to operate over the City streets any vehicle, piece of equipment or machinery which has lugs, cleats, flanges or other projections on the wheels or tracks. If the tread of the track has projections or corrugations, a filler block may be placed on each section so that a flat bearing surface will be in contact with the pavement at all times. (Ord. 3262-NS § 14.1, 1952)

**Section 14.56.030 Prohibiting commercial vehicles on Bolivar Drive.**

It is unlawful for any person to operate any commercial vehicle upon Bolivar Drive in the Aquatic Park. (Ord. 3304-NS § 1, 1953)

**Section 14.56.040 Prohibiting the operation of commercial vehicles on Marin Avenue between Grizzly Peak Boulevard and The Circle.**

A. It is unlawful for any person to operate any commercial vehicle over four tons gross weight on Marin Avenue between Grizzly Peak Boulevard and The Circle. Provided, however, that this section shall not apply to any commercial vehicle using said street when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on said portion of Marin Avenue or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such portion of Marin Avenue for which a building permit has previously been obtained therefore, providing the operator of said commercial vehicle enters and leaves said portion of Marin Avenue by the cross street either above or below the point of pickup or delivery. Provided, further,

that this section shall not apply to any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility. (Ord. 6799-NS § 1 (part), 2004: Ord. 3600-NS § 1, 1957)

**Section 14.56.050 Prohibiting the use of certain streets by vehicles exceeding five tons gross vehicle weight.**

A. It is unlawful for any person to operate any vehicle exceeding five tons gross vehicle weight on the following portions of streets, hereafter referred to as "restricted streets":

1. Gilman Street east of San Pablo Avenue;
2. Martin Luther King Jr. Way between Hearst Avenue and Hopkins Street;
3. Hopkins Street between Gilman Street and Sacramento Street;
4. Martin Luther King Jr. Way between Hearst Avenue and University Avenue;
5. The Alameda between Martin Luther King Jr. Way and Solano Avenue.

B. The provisions of this section shall not apply to:

1. Any vehicle subject to Sections 1031 through 1036 of the California Public Utilities Code (governing certain common carriers engaged in the transportation of passengers for compensation);

2. Any vehicle owned by a public utility company or a licensed contractor while necessarily in use in the construction, installation or repair of any public utility;

3. Any commercial vehicle using any restricted street for the purpose of (a) making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on such restricted street; or (b) delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon any restricted street for which a building permit has previously been obtained;

4. Any vehicle owned, leased, operated or controlled by any licensed contractor while necessarily in use in the construction, maintenance, or repair of a public works project, or by any highway carrier regulated by the Public Utilities Commission while transporting any materials to or from a public works project, when the bids for such project were opened prior to the adoption of the ordinance establishing this section, unless an alternate direct route is provided substantially within and by the City.

C. The prohibitions established herein shall not be effective until appropriate signs are erected indicating the streets affected by this section. (Ord. 6799-NS § 1 (part), 2004: Ord. 6751-NS § 1, 2003: Ord. 6526-NS § 1, 2000: Ord. 6508-NS § 1, 1999: Ord. 6426-NS § 1, 1998: Ord. 6351-NS § 1, 1996: Ord. 6265-NS § 1, 1994: Ord. 6102-NS § 1, 1992)

**Section 14.56.060 Designated truck route system.**

The City establishes a designated commercial truck route system requiring such vehicles exceeding seven tons gross vehicle weight to use the following streets or portions of streets within the City of Berkeley except when taking the shortest possible route between the truck route system and the point of origin or destination in the City of Berkeley:

1. Adeline Avenue between Martin Luther King Jr. Way (62nd Street) and Shattuck Avenue;
2. Ashby Avenue/Tunnel Road (SR13) between I-80 and east city limit;
3. Gilman Street between West Frontage Road and San Pablo Avenue (SR123);
4. Henry Street between Rose Street and Eunice Street;
5. Martin Luther King Jr. Way between Adeline Avenue (62nd Street) and south city limits;
6. San Pablo Avenue (SR123) between south city limits and north city limits;
7. Shattuck Avenue between Adeline Avenue and Shattuck Place;
8. Shattuck Place between Shattuck Avenue and Rose Street;
9. Solano Avenue between Del Norte Street and west city limits;
10. Sutter Street between Eunice Street and Del Norte Street;
11. University Avenue between I-80 and Oxford Street. (Ord. 6799-NS § 1 (part), 2004: Ord. 6535-NS § 1, 2000)

**Section 14.56.070 Prohibiting the use of certain streets by commercial trucks exceeding three tons gross vehicle weight.**

A. It is unlawful for any person to operate any commercial vehicle exceeding three tons gross vehicle weight on the following portions of streets, hereafter referred to as "restricted streets":

1. Hearst Avenue between 6th Street and San Pablo Avenue;
2. Hearst Avenue between San Pablo Avenue and Sacramento Street;

3. 7th Street between University Avenue and Cedar Street;
4. 8th Street between University Avenue and Cedar Street;
5. 9th Street between University Avenue and Cedar Street;
6. 10th Street between University Avenue and Cedar Street;
7. Delaware Street between San Pablo Avenue and 6th Street;
8. Delaware Street between San Pablo Avenue and Sacramento Street;
9. Virginia Street between San Pablo Avenue and 6th Street;
10. Virginia Street between San Pablo Avenue and Sacramento Street;
11. Francisco Street between San Pablo Avenue and Sacramento Street;
12. Hopkins Street west of Gilman Street;
13. Blake Street between Shattuck Avenue and Telegraph Avenue;
14. Blake Street between San Pablo Avenue and Sacramento Street;
15. Parker Street between Shattuck Avenue and Telegraph Avenue;
16. Carleton Street between Shattuck Avenue and Telegraph Avenue;
17. Carleton Street between San Pablo Avenue and Sacramento Street;
18. Channing Way between San Pablo Avenue and Sacramento Street;
19. Derby Street between Shattuck Avenue and Telegraph Avenue;
20. Ward Street between Shattuck Avenue and Telegraph Avenue;
21. Stuart Street between Shattuck Avenue and Telegraph Avenue;
22. Oregon Street between Shattuck Avenue and Telegraph Avenue;
23. Parker Street between San Pablo Avenue and Sacramento Street;
24. Russell Street between Shattuck Avenue and Telegraph Avenue;
25. Howe Street between Ellsworth Street and Telegraph Avenue;
26. Fulton Street between Ashby Avenue and Dwight Way;
27. Ellsworth Street between Ashby Avenue and Dwight Way;
28. Dana Street between Ward Street and Dwight Way;
29. Spaulding Avenue between Dwight Way and Addison Street;
30. California Street between Dwight Way and University Avenue;
31. Jefferson Avenue between Dwight Way and University Avenue;
32. McGee Avenue between Dwight Way and University Avenue;
33. Roosevelt Avenue between Dwight Way and Addison Street;
34. McKinley Avenue between Dwight Way and Addison Street;
35. Addison Street between Sacramento Street and Martin Luther King Jr. Way;
36. Allston Way between Sacramento Street and Martin Luther King Jr. Way;
37. Bancroft Way between Sacramento Street and Martin Luther King Jr. Way;
38. Channing Way between Sacramento Street and Martin Luther King Jr. Way;
39. Grant Street between Dwight Way and University Avenue;
40. Cedar Street east of 6th Street;
41. Dwight Way between San Pablo Avenue and Martin Luther King Jr. Way;
42. Claremont Avenue between Ashby Avenue and Belrose Avenue;
43. Belrose Avenue between Claremont Avenue and Derby Street;
44. Derby Street between Belrose Avenue and Warring Street;
45. Warring Street between Derby Street and Dwight Way;
46. Piedmont Avenue between Dwight Way and Bancroft Way;
47. Milvia Street between Dwight Way and Hopkins Street;
48. The Uplands between Claremont Avenue and Tunnel Road;
49. Panoramic Way between Canyon Road and Berkeley/Oakland city limits;
50. Kains Avenue between Virginia Street and Harrison Street;
51. Virginia Street between Shattuck Avenue and Martin Luther King Jr. Way;
52. Francisco Street between Shattuck Avenue and Martin Luther King Jr. Way;
53. Delaware Street between Shattuck Avenue and Martin Luther King Jr. Way;
54. Hearst Avenue between Shattuck Avenue and Martin Luther King Jr. Way;
55. Berkeley Way between Shattuck Avenue and Martin Luther King Jr. Way.

B. All inter-city buses and tourist buses will be prohibited on these streets. School buses, emergency vehicles, and buses converted for use by disabled people will be allowed to use three-ton commercial truck weight limit routes.

C. The provisions of this section shall not apply to subsections 14.56.050 B and C. (Ord. 7428-NS § 1, 2015: Ord. 6799-NS § 1 (part), 2004)

**Section 14.56.080 Definitions and truck classification.**

For purposes of this chapter:

- A. Commercial vehicle shall mean a vehicle having a commercial license plate.
- B. 1 ton = 2000 LBS.
- C. Truck classifications shall be defined as follows:

| Descriptive Size   | Class | Gross Vehicle Weight (lbs) | # Of Axles | # Of Tires | Representative Vehicles                                                                                          |
|--------------------|-------|----------------------------|------------|------------|------------------------------------------------------------------------------------------------------------------|
| <b>Light</b>       | 1     | <6,000                     | 2          | 4          | Pick-Up, Van                                                                                                     |
|                    | 2     | 6,000-10,000               | 2          | 4          | Step Van, Small Courier Van                                                                                      |
| <b>Medium</b>      | 3     | 10,000-14,000              | 2          | 6          | Metro Van, Small Tow Truck                                                                                       |
|                    | 4     | 14,000-16,000              | 2          | 6          | Flat Bed                                                                                                         |
|                    | 5     | 16,000-19,500              | 2          | 6          | Large Tow Truck, Stake Truck, Package Delivery Van                                                               |
| <b>Light-Heavy</b> | 6     | 19,500-26,000              | 3          | 6          | Single Unit Truck (30'), Moving Van, Beverage Truck, Home Heating Oil Truck, Armored Car, Mini Bus               |
| <b>Heavy</b>       | 7     | 26,000-33,000              | 3          | 10         | Tractor/Trailer (40'), Moving Truck, Dump Truck, Transit Bus                                                     |
|                    | 8     | >33,000                    | 3<br>3 +   | 10<br>10 + | Tractor/Trailer (50'), Moving Truck, Freight Truck, Concrete Truck, Gravel Truck, Articulated Bus, Greyhound Bus |

(Ord. 6799-NS § 1 (part), 2004)

**Chapter 14.60**

**TRAINS**

**Sections:**

**14.60.010 Trains not to block crossing for more than five minutes.**

**14.60.020 Railway gates.**

**14.60.030 Speed limit of trains in residential districts.**

**Section 14.60.010 Trains not to block crossing for more than five minutes.**

It is unlawful for any person, firm or corporation either as owner, employee or otherwise, controlling, operating or in charge of any car or train of cars, or any portion of such train, to cause or permit such car or train of cars, or any portion of such train, to stand or to be moved along or across any public street in such a manner as to prevent for a period of more than five minutes, any person or vehicle from crossing the track or tracks on which such car or train of cars is standing or being moved. (Ord. 3262-NS § 15, 1952)

**Section 14.60.020 Railway gates.**

No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed. (Ord. 3786-NS § 2 (part), 1961)

**Section 14.60.030 Speed limit of trains in residential districts.**

The maximum speed limit of trains in any district of the City designated as a residential district by the Zoning Ordinance shall be fifteen miles per hour. (Ord. 4494-NS § 1, 1970)



Chapter 14.62

VEHICLE SHARING

Sections:

- 14.62.010 Findings and purpose.
- 14.62.020 Definitions.
- 14.62.030 Term.
- 14.62.040 Permit parking exemption.
- 14.62.050 Free-floating parking permit.
- 14.62.060 Master residential parking permit.
- 14.62.070 One-way vehicle share parking zone.
- 14.62.080 Modification after initial designation of one-way vehicle share parking zone.
- 14.62.090 Issuance of parking permits.
- 14.62.100 Parking permit fees.
- 14.62.110 Suspension or revocation.
- 14.62.120 Penalties, liability and enforcement.

**Section 14.62.010 Findings and purpose.**

The Council finds that the use of vehicle sharing within Berkeley has numerous benefits, including improved mobility for residents, reduced personal vehicle ownership and vehicle miles traveled and overall reduction in greenhouse gas emissions. The purpose of this Chapter is to facilitate vehicle sharing within Berkeley by establishing a program under which permitted one-way vehicle share vehicles may park in metered and unmetered spaces in which parking is allowed for up to two hours or longer. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.020 Definitions.**

A. "Vehicle sharing" means a membership-based service, available to all licensed drivers, who meet the vehicle sharing organization's eligibility requirements, which offers members access to a network of vehicles, 24 hours per day, 7 days a week, at self-service locations and allows members to reserve and use a one-way vehicle share vehicle without a separate written agreement, at rates that are proportional to usage.

B. "One-way vehicle sharing" means a vehicle sharing model that allows members to pick up a vehicle from one location and drop it off at a different location within a defined geographic area, as specified by the qualified vehicle share organization that operates that vehicle.

C. "Vehicle share organization" means an entity that provides shared-use vehicles for its members at geographically distributed locations at hourly, daily and weekly rates (or fractions thereof) with insurance coverage provided by the vehicle share organization. The Public Works Department will maintain the criteria necessary to become a qualified vehicle share organization. The Public Works Department will compile a list of qualified vehicle share organizations entitled to apply for one-way vehicle share permits. The Public Works Director or their designee may make changes to these criteria at any time.

D. "One-way vehicle share vehicle" means a vehicle requiring a driver's license to operate it, (including, but not limited to, passenger cars, motorized sit scooters, and motorcycles) owned and operated by a qualified vehicle share organization that is clearly and distinctly branded, is constantly tracked through Global Positioning System ("GPS"), and is technologically-enabled to allow members to pick up a vehicle from one location and drop it off at a different location within a defined geographic area, as specified by the vehicle share organization.

E. "Qualified vehicle share organization" is a vehicle share organization that has a fleet of at least twenty one-way vehicles for member use.

F. "One-way vehicle share parking zone" is the area agreed upon by the qualified vehicle share organization permit holder and the Public Works Department, which bounds the geographic area where one-way vehicle share members may legally park one-way vehicle share vehicles within Berkeley. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.030 Term.**

Reserved. (Ord. 7722-NS § 1 (part), 2020: Ord. 7653-NS § 1 (part), 2019: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.040 Permit parking exemption.**

A. A one-way vehicle share vehicle with a free-floating parking permit, parked at metered parking spaces in which parking is allowed for up to two hours or longer, that is located within the company's defined one-way vehicle share parking zone, shall be exempt from the provisions stated in Chapter 14.52, which regulate the parking or standing of vehicles, which includes time limits enforced at inoperable parking meters and pay-and-display stations except that it may not remain parked at the same location for more than 72 hours.

B. A one-way vehicle share vehicle with a master residential parking permit shall be permitted to stand or be parked in any of the residential permit parking areas established pursuant to Chapter 14.72 Preferential Parking Program with the same rights and restrictions as RPP holders. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.050 Free-floating parking permit.**

A. A free-floating parking permit entitles qualified vehicle share organization members to park one-way vehicle share vehicles in metered and unmetered spaces in which parking is allowed for up to two hours or longer, for up to 72 hours within the designated free-floating zone.

B. This Chapter shall not exempt a member of a vehicle share organization or qualified vehicle share organization from any other traffic controls and regulations. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.060 Master residential parking permit.**

A. A master residential parking permit entitles qualified vehicle share organization members to park one-way vehicle share vehicles in a residential parking permit area as if the member had a residential parking permit for that zone as designated by chapter 14.72.050, even if the member is not a resident or employee within that zone.

B. The master residential parking permit does not guarantee or reserve a parking space for the member of the vehicle share organization.

C. This Chapter shall not exempt a member of a vehicle share organization or qualified vehicle share organization from any other traffic controls and regulations. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.070 One-way vehicle share parking zone.**

The one-way vehicle share parking zone boundaries will be established by a qualified vehicle share organization in consultation with the Public Works Department. Current and updated maps of one-way vehicle share parking zones will be publicly available on the City of Berkeley's website. The GPS coordinates of one-way vehicle share parking zones shall be programmed into the navigation equipment of those vehicles in order to alert members using those vehicles where parking is permitted. Qualified vehicle share organizations shall notify their members of any modifications to the one-way vehicle share parking zones applicable to their vehicles at least three days prior to such modification. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.080 Modification after initial designation of one-way vehicle share parking zone.**

A qualified vehicle share organization may request up to four modifications to the one-way vehicle share parking boundary zone during the term of the parking permit. Application for such modifications shall be made to the Public Works Department. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.090 Issuance of parking permits.**

A. Free-floating parking permits shall be issued by the Public Works Department in accordance with requirements set forth in this chapter.

B. Master residential parking permits shall be issued by the Public Works Department in accordance with requirements set forth in this chapter.

C. A vehicle share organization applying for parking permits shall provide the license plate numbers for the one-way vehicle share vehicles for which permits are sought to the Public Works Department.

D. The Public Works Department shall issue the permits with a maximum term of one year. Permits can be granted quarterly each year through the end of the City's fiscal year.

E. A vehicle share organization can apply for up to 700 parking permits to be used on vehicle share vehicles based within fifty miles of the Berkeley city limits. A vehicle share organization may alternatively apply for up to 500 parking permits to be used on vehicles based within fifty miles of the Berkeley city limits plus up to 300 parking permits for vehicles based more than fifty miles from the Berkeley city limits. The Public Works Department will review the quantity of parking permits requested by the vehicle share organization to balance the parking needs of the vehicle share organization with the on-street parking needs of private residents and employees.

F. Any free-floating and master residential parking permits which are renewed shall be subject to the same conditions applicable to the permits when originally issued. The Public Works Department may attach additional conditions to a renewed permit.

G. The Public Works Department shall issue rules and regulations consistent with this Chapter governing issuance and display of proof that a one-way vehicle share vehicle is owned by a qualified vehicle share organization with a valid free-floating and/or master residential parking permit. (Ord. 7722-NS § 1 (part), 2020: Ord. 7653-NS § 2, 2019: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.100 Parking permit fees.**

A. Fees for master residential parking permits and free-floating parking permits, and for the implementation and administration of this Chapter may be adopted by resolution of the City Council. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.110 Suspension or revocation.**

A. The City may suspend or revoke the status of any qualified vehicle share organization for any violation of the provisions of this Chapter or regulations promulgated to implement this Chapter. During the time that the permit is suspended or revoked, it shall be unlawful for the vehicle share organization to exercise any of the rights granted under this Chapter.

B. The permit holder shall be entitled to appeal the City's decision to suspend or revoke its permit by filing a written notice of appeal with the City Manager within ten days from the date the notice of suspension or revocation is mailed.

a. The appeal shall clearly and concisely set forth the grounds upon which it is based.

b. If the permit holder files a timely request for appeal, a hearing shall be held before the City Manager or their designee. The decision of the City Manager or their designee shall be final.

C. Pending the appeal hearing it shall be unlawful for the permit holder to exercise its rights under this Chapter. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

**Section 14.62.120 Penalties, liability and enforcement.**

A. Every person who violates any provision of this chapter may be subject to administrative citations pursuant to Chapter 1.28.

B. Each violation of this chapter and each day of violation of this chapter shall be considered a separate and distinct violation thereof and the imposition of a penalty shall be as set forth in subsection A of this section for each and every separate violation and each and every day of violation. (Ord. 7722-NS § 1 (part), 2020: Ord. 7508-NS § 1 (part), 2016)

**Chapter 14.64**

**PENALTIES AND EFFECT OF ORDINANCE**

**Sections:**

**14.64.010 Penalties.**

**Section 14.64.010 Penalties.**

Any person violating any provisions of this title, or any other provisions regulating the parking and standing of vehicles in the City, or failing to comply with any orders pursuant to this section, thereof shall be guilty of an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code.

After the issuance of the first citation, therefore, each person shall be guilty of a separate and distinct offense for each and every hour of unauthorized vehicle parking in violation of the provisions of Titles 6 and 14, and may be cited accordingly.

Except that violations of the following sections of this division shall be deemed misdemeanors:

- A. Section 14.08.030 "Obedience to Police or Authorized Officers;"
- B. Section 14.08.040 "Obstruction or Interference with Police or Authorized Officers;"
- C. Section 14.08.080 "Authority of Police in Crowds."

Further, where required by state law, a person shall be deemed guilty of a misdemeanor. (Ord. 6686-NS § 14 (part), 2002: Ord. 5716-NS § 3 (17), 1986: Ord. 4395-NS § 1, 1968: Ord. 3262-NS § 17, 1952)

## **Chapter 14.66**

### **DOUBLE FINES**

Chapter 14.66 (Ordinance No. 6,828-N.S., adopted November 9, 2004) sunsets on January 1, 2007, and as of that date is repealed.

Chapter 14.68

BICYCLES AND BICYCLE ESTABLISHMENTS\*

Sections:

14.68.010 Definitions.

Article I. Bicycles and Motorized Bicycles

- 14.68.020 License and registration required.
- 14.68.030 Applicability of provisions.
- 14.68.040 License--Application required.
- 14.68.050 License--Proof of ownership.
- 14.68.060 License--Bicycle to be presented.
- 14.68.070 License--Examination of applicant required when.
- 14.68.080 License--Renewal procedures.
- 14.68.090 License--Fees.
- 14.68.100 License--Issuance.
- 14.68.110 Operation--Conformity with chapter provisions required.
- 14.68.120 Riding motorized bicycles on sidewalk prohibited.
- 14.68.130 Riding bicycles on sidewalk permitted when.
- 14.68.140 Operation restrictions--Playgrounds, parks, school grounds.
- 14.68.150 Operation restrictions--Public places.
- 14.68.160 Stunt riding.
- 14.68.170 Procedures on emerging from driveway or alley.
- 14.68.180 Parking restrictions.
- 14.68.190 Accidents--Procedures required.
- 14.68.200 Accidents--Report required when.

Article II. Bicycle Establishments

- 14.68.210 Business license and permit required.
- 14.68.220 Permit--Application.
- 14.68.230 Permit--Not transferable.
- 14.68.240 Weekly secondhand buy report required.
- 14.68.250 Dealer's report of sale required weekly.
- 14.68.260 Holding period for bicycles and parts.
- 14.68.270 Bicycle register--Required--Contents.
- 14.68.280 Bicycle register--Disposition of purchased items.
- 14.68.290 Bicycle register--Safekeeping--Inspection.
- 14.68.300 Permit--Revocation conditions.

Article III. General Regulations

- 14.68.310 Provisions supersede other regulations.
- 14.68.320 License transfer prohibited.
- 14.68.330 Dismantled or junked bicycles--Return of registration certificate.
- 14.68.340 Bicycle rental agency--Licensing requirements.
- 14.68.350 Abandoned or unidentified bicycles.
- 14.68.360 Violation of provisions by persons under eighteen--Penalty.
- 14.68.370 Violations Generally--Penalty.

\*Editor's Note: This chapter was editorially renumbered from 14.04 to 14.68 during 1999 recodification.

**Section 14.68.010 Definitions.**

A. "Bicycle" means a device upon which any person may ride, propelled exclusively by human power through a belt, chain or gears, and having either two or three wheels in a tandem or tricycle arrangement.

B. "Bicycle establishment" means and includes a business operated by any person, partnership, association or corporation, wherein new or used bicycles or bicycle parts are purchased, sold, dismantled or junked.

C. "Motorized bicycle" means any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor which produces less than two gross brake horsepower and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground. (Ord. 4957-NS §§ 1-3, 1976)

## **Article I. Bicycles and Motorized Bicycles**

### **Section 14.68.020 License and registration required.**

It is unlawful for any person to operate or use a bicycle or motorized bicycle in the city which has not been registered and licensed in accordance with Section 39002(a) of the Vehicle Code of the state. (Ord. 4957-NS § 4, 1976)

### **Section 14.68.030 Applicability of provisions.**

Any bicycle or motorized bicycle not subject to the provisions of Division 16.7 of the Vehicle Code of the state of California shall be subject to this chapter, as provided by Section 39002(b) of the Vehicle Code of the state. (Ord. 4957-NS § 5, 1976)

### **Section 14.68.040 License--Application required.**

Every person making application for a bicycle license or registration in the City shall make application to the Chief of Police, either directly or through a bicycle establishment, upon forms provided by the Chief of Police. Said application form shall contain such information as may be required by the Chief of Police as to the applicant and the description of the bicycle licensed. (Ord. 6230-NS § 1, 1994; Ord. 4957-NS § 6, 1976)

### **Section 14.68.050 License--Proof of ownership.**

For each bicycle license issued, the applicant may be required to provide proof of ownership to the Chief of Police. Said proof shall be in any form designated by the Chief of Police to be satisfactory for such purpose. (Ord. 4957-NS § 7, 1976)

### **Section 14.68.060 License--Bicycle to be presented.**

Upon making application for a bicycle license or bicycle license renewal, the applicant shall present the bicycle at such place designated by the Chief of Police as a licensing facility. (Ord. 4957-NS § 8, 1976)

### **Section 14.68.070 License--Examination of applicant required when.**

Upon making an application for a first bicycle license, the applicant may be required to be examined by an examining officer designated by the Chief of Police. The Chief of Police may further designate the manner of examination. Upon completion of said examination, the examining officer may refuse to issue a license to the applicant if the said examination discloses to the examining officer that the applicant does not have a reasonable knowledge of the provisions of this chapter, the provisions of Division 11 (commencing with Section 21220) of the Vehicle Code of the state, or that the applicant is unable to exercise reasonable control in operating a bicycle. (Ord. 4957-NS § 9, 1976)

### **Section 14.68.080 License--Renewal procedures.**

Application for a bicycle license renewal shall be made by presentation of the licensed bicycle and the registration certificate last issued for the bicycle, and by payment of the full annual fee for said bicycle as provided by this chapter. (Ord. 4957-NS § 10, 1976)

### **Section 14.68.090 License--Fees.**

The fees required to be paid pursuant to the provisions of this chapter are:

A. For each new bicycle license and registration certificate, the sum shall be two dollars per year or any portion thereof;

- B. For each transfer of registration certificate, the sum shall be one dollar;
- C. For each replacement of a bicycle license and registration certificate, the sum shall be one dollar;
- D. For each replacement of a registration certificate only, there shall be no fee;
- E. For each bicycle license renewal, the sum shall be one dollar. (Ord. 5181-NS § 1, 1979: Ord. 4957-NS § 11, 1976)

**Section 14.68.100 License--Issuance.**

Upon approval of the application and payment of the license fee, the Chief of Police will issue a license and a copy of the registration certificate to the applicant pursuant to Section 39003 of the Vehicle Code of the state. (Ord. 4957-NS § 12, 1976)

**Section 14.68.110 Operation--Conformity with chapter provisions required.**

It is unlawful for any person to operate a bicycle or motorized bicycle in the City in violation of any of the provisions of this chapter. (Ord. 4957-NS § 13, 1976)

**Section 14.68.120 Riding motorized bicycles on sidewalk prohibited.**

No person shall ride or operate a motorized bicycle on any sidewalk in the City. (Ord. 4957-NS § 14, 1976)

**Section 14.68.130 Riding bicycles on sidewalk permitted when.**

No person shall ride or operate a bicycle on any sidewalk in the city except:

- A. Juveniles, exercising the due care and giving the pedestrian the right-of-way, may ride and operate their bicycles upon the sidewalk, except such sidewalks as are in front of schools, stores or buildings used for business purposes;
- B. Juveniles riding or operating a bicycle on the sidewalk shall do so in single file;
- C. Peace officers who determine in good faith that riding or operating a bicycle on the sidewalk is necessary to perform official duties. (Ord. 6113-NS § 1, 1992: Ord. 4957-NS § 15, 1976)

**Section 14.68.140 Operation restrictions--Playgrounds, parks, school grounds.**

No person shall ride or operate a bicycle or motorized bicycle upon any playground, park, or school ground where children are playing, without the permission of the person having supervision of said playground, park or school ground. (Ord. 4957-NS § 16, 1976)

**Section 14.68.150 Operation restrictions--Public places.**

No person shall ride or operate a bicycle or motorized bicycle upon any public place in the City other than a public street or highway, without due regard for the safety of the operator and other persons upon such public place. (Ord. 4957-NS § 17, 1976)

**Section 14.68.160 Stunt riding.**

No person riding or operating a bicycle or motorized bicycle shall perform or attempt to perform any acrobatic, fancy or stunt riding upon any public place, other than a street or highway, in the City. (Ord. 4957-NS § 18, 1976)

**Section 14.68.170 Procedures on emerging from driveway or alley.**

The operator of a bicycle or motorized bicycle, on leaving a driveway or alley when the operator's view of either the sidewalk or street area is obstructed, shall stop such bicycle or motorized bicycle immediately prior to riding upon or across such sidewalk or street area. (Ord. 4957-NS § 19, 1976)

**Section 14.68.180 Parking restrictions.**

No person shall park any bicycle or motorized bicycle against windows or parking meters or on the main-traveled portion of the sidewalk, nor in such manner as to constitute a hazard to pedestrians, traffic or property. (Ord. 4957-NS § 20, 1976)



**Section 14.68.190 Accidents--Procedures required.**

The operator of any bicycle or motorized bicycle involved in an accident shall take reasonable steps to ascertain whether or not anyone was injured, and shall give their name, address and the license number of their bicycle or motorized bicycle to the person with whom they had the accident, and shall obtain the same information from the other person. (Ord. 4957-NS § 21, 1976)

**Section 14.68.200 Accidents--Report required when.**

It shall be the duty of the operator of any bicycle or motorized bicycle to make a written report of any accident resulting in death or injury to the Police Department immediately after such accident. (Ord. 4957-NS § 22, 1976)

**Article II. Bicycle Establishments**

**Section 14.68.210 Business license and permit required.**

No person or persons in the city shall establish, carry on or operate a bicycle establishment, except as authorized by this chapter, and without first obtaining a business license as provided in Ordinance 2805-NS of the City, and a permit from the Chief of Police. (Ord. 4957-NS § 23, 1976)

**Section 14.68.220 Permit--Application.**

A. The application for such permit shall be in writing and signed by the applicant and shall set forth the following information: The name, age and residence address of the applicant if a natural person, or if a corporation, its name, date and place of incorporation, address of its principal place of business and the names of all its officers with their respective residence addresses, or if a partnership, association or unincorporated company, the names of the partners or persons comprising the partnership, association or company with their respective residence addresses. The application shall state whether the applicant had conducted a bicycle establishment prior to the current filing. If so, the applicant shall specify each and every such business, its location and dates of operation.

B. The application shall be made on forms provided by the Chief of Police and filed in duplicate with the Chief of Police. (Ord. 4957-NS § 24, 1976)

**Section 14.68.230 Permit--Not transferable.**

No person having a bicycle establishment permit under the provisions of this chapter shall transfer, sell, assign, loan or permit any person to have or use such permit. (Ord. 4957-NS § 25, 1976)

**Section 14.68.240 Weekly secondhand buy report required.**

A. All persons operating a bicycle establishment are required to make a weekly report to the Chief of Police upon forms provided for that purpose by the Chief of Police, giving the true name and address of the person from whom each bicycle or bicycle part is purchased, and a description of each bicycle, its frame number and the number of any license found thereon, if any. If the bicycle does not have a license, the buyer shall require the seller to obtain the approval of the Chief of Police to complete such sale or exchange. This report shall be known as the "secondhand buy report," and shall be made in triplicate. The original shall be mailed or delivered to the Chief of Police, the duplicate shall remain with the dealer, and the triplicate shall be given to the seller. It shall be the duty of the dealer to mail or deliver to the Chief of Police all reports at the close of each business week.

B. This section shall not apply to new bicycles or bicycle parts purchased at wholesale. (Ord. 4957-NS § 26, 1976)

**Section 14.68.250 Dealer's report of sale required weekly.**

All persons operating a bicycle establishment shall make a weekly report to the Chief of Police upon forms provided for that purpose by the Chief of Police, to report all sales made, including the name and address of each person to whom a bicycle is sold, together with the make, frame number and license number found thereon, if any. These reports shall be known as the "dealer's report of sale," and shall be made in triplicate. The original shall be mailed or delivered to the Chief of Police, the duplicate shall be retained by the dealer, and the triplicate shall be given to the seller. It shall be the duty of the dealer to make or deliver all reports to the Chief of Police at the close of each business week. (Ord. 4957-NS § 27, 1976)

**Section 14.68.260 Holding period for bicycles and parts.**

No person operating a bicycle establishment shall alter, repair or dispose of any bicycle or bicycle part purchased or taken in exchange as secondhand bicycle or bicycle part thereof until after the expiration of thirty days from the date of purchase or exchange, and during those thirty days the bicycle or bicycle part so obtained shall remain without alteration on the premises of such bicycle establishment, shall be kept separate from bicycles or bicycle parts previously purchased, and shall be subject to inspection at any time during business hours by the Chief of Police, or any police officer or other person designated by the Chief of Police. (Ord. 4957-NS § 28, 1976)

**Section 14.68.270 Bicycle register--Required--Contents.**

A. The Chief of Police shall furnish free of charge to every person operating a bicycle establishment a book known as the "bicycle register" in which shall be entered in plain and legible handwriting a record of all bicycles or bicycle parts purchased or taken in exchange. The entry must be made at the time of purchase or immediately thereafter and shall include, in addition to the date and hour of purchase, a full description of the bicycle or bicycle part, the price paid therefor, and the name, address, age, height, weight and complexion of the seller. In entering the description of the bicycle, the name of the manufacturer and the factory serial number thereof shall in every case be recorded if known or if it can be ascertained.

B. This section shall not apply to new bicycles or bicycle parts purchased at wholesale. (Ord. 4957-NS § 29, 1976)

**Section 14.68.280 Bicycle register--Disposition of purchased items.**

The operator of a bicycle establishment shall also enter in the bicycle register a record showing the disposition of each bicycle purchased, indicating whether such bicycle was resold or dismantled. (Ord. 4957-NS § 30, 1976)

**Section 14.68.290 Bicycle register--Safekeeping--Inspection.**

The operator of a bicycle establishment shall keep the bicycle register in a safe place and see that it is not mutilated or destroyed. The bicycle register shall remain the property of the City, and shall be opened to inspection by the Chief of Police or any police officer at any time the establishment is open for business, and it may be taken by such police officer from the possession of the operator of a bicycle establishment if deemed necessary. (Ord. 4957-NS § 31, 1976)

**Section 14.68.300 Permit--Revocation conditions.**

A. Bicycle establishment licenses issued pursuant to this chapter may be revoked by the Chief of Police after notice and hearing for any of the following reasons:

1. Fraud, misrepresentation, or any false statement contained in the application for a permit;
2. Any violation of any provision of this chapter or any provisions of any other chapter or law relating to and regulating the bicycle establishment;
3. Conviction of the permit holder of any felony or lesser crime reasonably related to the purposes of this chapter.

B. Any hearing on revocation or suspension conducted by the Chief of Police shall be conducted pursuant to written rules of procedure adopted by the City Council. (Ord. 4957-NS § 32, 1976)

**Article III. General Regulations**

**Section 14.68.310 Provisions supersede other regulations.**

The provisions of this chapter with reference to bicycles shall supersede and be in lieu of any other ordinance or section of any other ordinance which is in conflict with the provisions of this chapter. (Ord. 4957-NS § 40, 1976)

**Section 14.68.320 License transfer prohibited.**

It is unlawful to transfer a bicycle license from one bicycle or motorized bicycle to another. (Ord. 4957-NS § 34, 1976)

**Section 14.68.330 Dismantled or junked bicycles--Return of registration certificate.**

Upon dismantling or disposing of a bicycle or motorized bicycle as junk, the licensee shall turn in the registration certificate for such bicycle or motorized bicycle to the Chief of Police within ten days of the date of said disposal indicating that the bicycle or motorized bicycle was junked. (Ord. 4957-NS § 35, 1976)

**Section 14.68.340 Bicycle rental agency--Licensing requirements.**

All persons engaged in operating a bicycle rental agency for the purpose of renting or lending bicycles or motorized bicycles to patrons shall first obtain a bicycle license and registration certificate for each bicycle or motorized bicycle prior to renting or lending such bicycle or motorized bicycle. (Ord. 4957-NS § 36, 1976)

**Section 14.68.350 Abandoned or unidentified bicycles.**

All bicycles and motorized bicycles that are abandoned or unidentified remaining in the hands of the Chief of Police shall at the end of six months be sold at auction and the proceeds therefrom deposited in the general fund of the City. (Ord. 4957-NS § 37, 1976)

**Section 14.68.360 Violation of provisions by persons under eighteen--Penalty.**

Where this chapter has been violated by juveniles under the age of eighteen years, in lieu of such fine and imprisonment provided in Section 14.68.370, and in lieu of filing charges in the juvenile court, the Chief of Police may prohibit the operation upon the streets, alleys and public places in the City for a period not to exceed thirty days of a bicycle so used in such violation, in which event the bicycle so used in such violation shall be impounded by the Chief of Police and retained by them during the period of the operation which is prohibited, and the owner's registration card shall be held for a like period. (Ord. 4957-NS § 39, 1976)

**Section 14.68.370 Violations Generally--Penalty.**

Any person found to be in violation of any of the provisions of this chapter, except for Section 14.68.130, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as set forth in Chapter 1.20 of this code. Any person found to be in violation of Section 14.68.130 shall be deemed guilty of an infraction and upon conviction thereof shall be punished as set forth in Chapter 1.20 of this code. (Ord. 6921-NS § 1, 2006; Ord. 5716-NS § 3 (part), 1986; Ord. 4957-NS § 38, 1976)

Chapter 14.72

PREFERENTIAL PARKING PROGRAM\*

Sections:

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\*Editor's Note: This chapter was editorially renumbered from 14.08 to 14.72 during 1999 recodification.

**Section 14.72.010 Legislative purpose.**

This chapter is enacted in response to the serious adverse effects caused in certain areas and neighborhoods of Berkeley by motor vehicle congestion, particularly the long-term parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents thereof. As set forth in more specific detail in Section 14.72.020, such long term parking by nonresidents threatens the health, safety and welfare of all of the residents of Berkeley. In order to protect and promote the integrity of these areas and neighborhoods, it is necessary to enact parking regulations restricting unlimited parking by nonresidents therein, while providing the opportunity for residents to park near their homes. Uniform parking regulations restricting residents and nonresidents alike would not serve the public interest, rather such regulations would contribute to neighborhood decline while ignoring the public transit alternatives to automobile travel available to nonresidents. For the reasons set forth in this chapter, a system of preferential resident parking is enacted hereby for the City of Berkeley (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2, (part), 1987)

**Section 14.72.020 Legislative findings.**

A. General Finding. The City Council finds as a result of public testimony, evidence generated by both professional urban planning studies and derived from other sources, that the continued vitality of Berkeley depends on the preservation of safe, healthy and attractive neighborhoods and other residential areas therein. The Council further finds that one factor that has detracted from the safety, health and attractiveness of neighborhoods and other residential areas of the City is the excessive and burdensome practice of nonresidents of certain areas and neighborhoods parking their motor vehicles for extended periods of time therein. Since there is in Berkeley at any one time a large surplus of motor vehicles over available on and off-street parking spaces, this condition detracts from a healthy and complete urban environment. A system of preferential resident parking will serve to reduce a number of strains on residents of the City and thus promote the general public welfare.

B. Specific Findings. The following specific legislative findings of the City Council in support of preferential resident parking are set forth as illustrations only and do not exhaust the subject of the factual basis supporting its adoption:

1. The safety, health and welfare of the residents of Berkeley can be greatly enhanced by maintenance of the attractiveness and livability of its neighborhoods and other residential areas.

2. A large portion of Berkeley residents possess automobiles and as a result are daily faced with the need to store these automobiles in or near their residences.

3. Certain neighborhoods and areas of Berkeley do not have sufficient on or off-street space to accommodate the convenient parking of motor vehicles by residents thereof in the vicinity of their homes. To the extent that such facilities do exist, the program set forth herein is designed to encourage the maximum feasible utilization of off-street parking facilities.

4. Such areas as described in 3 above are often further burdened by influxes of motor vehicles owned by nonresidents which compete for the inadequate available on-street parking spaces.

5. There further exist certain parking "attractors" within Berkeley, such as hospital and university complexes, employment centers, BART stations and locations convenient for commute parking, which further exacerbate resident parking problems.

6. Unnecessary vehicle miles, noise, pollution, and strains on interpersonal relationships caused by the conditions set forth herein work unacceptable hardships on residents of these neighborhoods and other residential areas by causing the deterioration of air quality, safety, tranquility and other values available in an urban residential environment.

7. If allowed to continue unchecked, these adverse effects on the residents of Berkeley will contribute to a further decline of the living conditions therein, a reduction in the attractiveness of residing within Berkeley, and consequent injury to the general public welfare.

8. The system of residential permit parking as enacted by this chapter will serve to promote the safety, health and welfare of all the residents of Berkeley by (a) reducing unnecessary personal motor vehicle travel, noise, and pollution, and (b) promoting improvements in air quality, the convenience and attractiveness of urban residential living, and the increased use of public mass transit facilities available now and in the future. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

#### **Section 14.72.030 Definitions.**

A. "Designated residential parking permit area" means any contiguous area upon which the Council imposes parking limitations pursuant to the authority granted by this chapter.

B. "Block front" means all of the property on one side of a street between two consecutive intersecting streets.

C. "Mixed use" means the use of a lot or building with two or more different land uses including, but not limited to, residential, commercial, retail, office or manufacturing, in a single structure or a group of physically integrated structures; in a neighborhood context, it means blocks containing single-use residences interspersed with other land uses, such as commercial or industrial.

D. "Mixed Use-Residential" and "Mixed Use-Light Industrial" refer to the zoning designations so defined in Berkeley Municipal Code Chapters 23E.84 and 23E.80, respectively.

E. "Assessor's Use Code" means the code used by the Alameda County Assessor to assess property for property tax purposes. These codes cover a range of building descriptions and uses, including a variety of residential uses.

F. "Nonresidential vehicle" means a motor vehicle not eligible to be issued a residential parking permit, pursuant to the terms and conditions of this chapter, for the specific area in which it is parked. However, it could be eligible for a local business parking permit, or any other parking permit the council shall designate.

G. "Residential parking permit" means a permit issued under this chapter which, when displayed upon a vehicle, as described herein, shall exempt said vehicle from parking time restrictions established pursuant to this chapter.

H. "Local business parking permit" means a permit issued under this chapter which, when displayed upon a motor vehicle, shall exempt said vehicle from parking time restrictions established pursuant to this chapter.

I. "Trapped resident" means: 1) any resident whose dwelling is on a block that may not legally opt-in because less than 80% of the block fronts are residentially zoned and either: a) whose address is on a block front adjacent to and/or surrounded by block fronts that are already included in the RPP program; or b) whose address is within the general boundary of a designated RPP area; or 2) any resident whose dwelling abuts controlled curb parking and either: a) whose address is on a block front adjacent to and/or surrounded by RPP areas; or b) whose address is within the general boundary of a designated RPP area.

J. "Neighborhood-service community facility" means churches, schools and senior centers located wholly within the general boundary of an RPP designated area.

K. "Neighborhood-serving business and establishment" means any business or establishment located in a neighborhood commercial district as defined in the Zoning Ordinance Section Cla, Clb, Clc, Clb(E).

L. "One-day visitor permit" means a parking permit issued pursuant to this chapter or an ordinance enacted pursuant to authority granted herein, which shall exempt the vehicle from parking time restrictions pursuant to this chapter, for the date indicated upon the face of said permit.

M. "Two-week visitor permit" shall mean a parking permit issued pursuant to this chapter or an ordinance enacted pursuant to authority granted herein, which shall exempt the vehicle from parking time restrictions established pursuant to this chapter for a period of 14 consecutive calendar days, beginning upon the date indicated upon the face of said permit.

N. "Motor vehicle" shall be an automobile, truck, motorcycle or other self-propelled form of transportation not in excess of 8,000 pounds gross weight and not in excess of 20 feet in length. A trailer, trailer coach, utility trailer, motor home/(RV), or any other type of vehicle as defined in the California Vehicle Code that is not self-propelled, is not eligible for an RPP permit.

O. "Controlled curb parking" means any on-street parking with existing parking limitations, such as meters, time restrictions, red zone, etc.

P. "Schools" shall mean any school or other place of learning providing a pre-school, elementary or secondary level of study, and which regularly employs a staff of at least 15 certificated persons regularly employed as a classroom teacher.

Q. "Senior centers" means the three senior centers affiliated with the City: North Berkeley Senior Center, South Berkeley Senior Center and the West Berkeley Senior Center. (Ord. 7654-NS § 1, 2019; Ord. 7589-NS § 2, 2018; Ord. 7391-NS § 1, 2015; Ord. 6762-NS § 1 (part), 2003; Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

**Section 14.72.040 Permit parking exemption.**

A. A motor vehicle on which is displayed a valid residential parking permit as provided for herein shall be permitted to stand or be parked in the residential permit parking areas for which the permit has been issued without being limited by time restrictions established pursuant to this chapter or any resolution thereunder. Additionally, a motor vehicle displaying a valid local business parking permit or a valid neighborhood-serving community facility permit as provided herein shall be permitted to stand or park in a designated residential permit parking area for which the permit has been issued without being limited by time restrictions established pursuant to this chapter. Any vehicle which does not display a valid parking permit shall be subject to the preferential parking regulation and consequent penalties in effect for such area.

B. A residential or local business parking permit or any other permit as designated by council shall not guarantee or reserve to the holder thereof an on-street parking space within the designated residential permit parking area.

C. This chapter shall not be interpreted or applied in a manner which shall abridge or alter regulations established by authority other than this chapter. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2, (part), 1987)

**Section 14.72.050 Designation of a residential permit parking area.**

A. There shall be two alternative processes by which City Council could consider any area for designation as a residential permit parking area:

1. Residents petition. The City Council shall consider for designation as a residential permit parking area any proposed area for which a petition has been submitted which meets and satisfies the following requirements:

a. Prior to obtaining signatures, neighborhood organizers shall consult with City staff to assure that the proposed area meets guidelines set in the administrative regulations for the establishment of permit parking boundaries.

b. The petition shall contain a description or a map showing the proposed residential permit parking area.

c. Said description or map shall be followed in the petition by a statement describing the residential permit parking program and the current residential permit fees.

d. The statement shall be followed by a signature, printed name, address, and date of signing of the application by a number of adult residents including at least 51% of the housing units within the area.

e. For applicants in areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, a petition shall only be deemed valid if at least 51% of the housing units on each block front have an address that has a residential Assessor's Use Code.

f. All petitions shall be the same as the standard petition form developed by City staff. Any petition form different from the standard petition form shall be deemed invalid for the purposes of this chapter.

g. In the proposed residential permit parking area, at least 80% of the block fronts with unlimited on-street parking must be residentially zoned, and at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.

h. In areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.

2. City Council initiation. City Council shall consider for designation as a residential permit parking area any area for which the following requirements have been met:

a. City Council shall initiate the area as a residential permit parking area.

b. For areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, Council shall only initiate the area as a residential permit parking area if at least 51% of the housing units on each block front have an address that has a residential Assessor's Use Code.

c. In the proposed residential permit parking area at least 80% of the block fronts with unlimited on-street parking must be residentially zoned, and at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m. or unlimited on-street parking is projected to be impacted by parking spillover from a more congested residential permit parking area.

d. In areas zoned Mixed Use-Residential or Mixed Use-Light Industrial, at a minimum, 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one-hour periods between 10:00 a.m. and 4:00 p.m.

e. A notice of intent to establish permit parking shall be sent to all addresses within the proposed residential parking permit area.

B. Upon receipt by the City Council of a petition as described in subsection A.1 of this section, or after Council has initiated a residential permit parking area as described in subsection A.2 of this section, the Council shall:

1. Undertake or cause to be undertaken such surveys or studies which it deems necessary.

2. Cause to be drafted a resolution which would establish a residential permit parking area based upon the aforementioned proposal and studies, including all regulations and time restrictions determined by the Council to be reasonable and necessary in such area.

C. The Council shall thereafter conduct a public hearing on said draft resolution. Notice of the hearing shall be posted at least ten days prior to the hearing on all block fronts proposed to be included in the residential permit parking area. Following the hearing, the City Council may enact, amend or reject said draft resolution in any manner, including but not limited to, modification of boundaries of the proposed area and the restrictions imposed on such proposed area. In order to grant permit parking designation, Council shall find that the designation will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing in the area of designation. In reaching this decision, consideration shall be given to the residents' support for residential permit parking, the existing parking conditions, the expected effectiveness of residential permit parking in improving parking conditions, and the location and size of the residential permit parking area. (Ord. 7654-NS § 2, 2019; Ord. 7589-NS § 3, 2018; Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

#### **Section 14.72.060 Modification after designation of a residential permit parking area.**

A. After holding a public hearing with notice as provided in the Berkeley Municipal Code Section 14.72.050 the City Council may, by appropriate ordinance or resolution amendment, modify a designated residential permit parking area in any manner not inconsistent with this chapter.

B. City Council may exclude blocks from a designated residential permit parking area for which a petition has been submitted which satisfies the following requirements:

1. All petitions submitted after adoption of this chapter shall be the current standard petition developed by City staff. Any petition form different from the standard petition form shall be deemed invalid for the purposes of this chapter.

2. The petition form shall include a signature, printed name, address and date of signing of the petition by a number of adult residents including at least 51% of the housing units within the area proposed for exclusion from residential permit parking designation. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

**Section 14.72.070 Designation of campus zone--Special regulations.**

In the area designated by Council resolution as the Campus Zone Area I, the following provisions shall be applicable notwithstanding any provisions of the chapter to the contrary:

A. Residents and trapped residents within the general boundary of the Campus Zone shall be eligible for a residential parking permit as set forth in Section 14.72.090 of this chapter.

B. Monitoring and related actions shall be required as follows:

1. 90 days after permits go on sale the City shall conduct a parking occupancy survey of the zone during either the fall or spring academic session of the University of California. Such a survey shall also subsequently be conducted if directed by Council or upon receipt by the staff of a request for such a survey submitted by resident petition of at least 33% of the residential units of Area I. For the purposes of this section, the term "residential unit" shall include, but shall not be limited to, all residential rooms contained in group living quarters. Such petition shall be on a form approved by the staff and shall state that the undersigned residents believe that the occupancy level in the zone exceeds 75%.

2. If the results of either the initial survey or a subsequent survey requested by resident petition indicate that parking occupancy within the zone exceeds 75%, the City Council shall implement programs to attempt to reduce such occupancy to below 75%. Such programs may include but are not limited to the following:

a. Expansion of the Sather Gate garage;

b. Incorporation of block fronts bordering the Oxford Tract into the Campus Zone Area I;

c. Conversion of unused bicycle lanes within the Campus Zone Area I to on-street, residential permit parking;

d. Implementation and enforcement of residential permit parking limits earlier in the day in the Campus Zone Area I;

e. Allowance of Campus Zone Area I residents to park without restrictions at meters;

f. Modification of the Zoning Ordinance to regulate the rental of off-street parking for residential projects; and

g. Reduction of the time allotted to non-permit holders to park in the Campus Zone Area I.

3. No sooner than 60 days after the completion of such programs, but not later than 90 days from completion of the survey under subsection B.1, the City shall conduct a follow-up parking survey in the zone. The survey will be conducted during the fall or spring academic session of the University of California and will be delayed if necessary.

4. If the follow-up survey indicates a parking occupancy in the zone of over 75% at the beginning of the next permit year and each year thereafter, the City Council shall authorize the issuance of up to 350 permits in other zones to residents of the Campus Zone according to a method as the Council shall prescribe and according to the following distribution schedule:

|                               |       |
|-------------------------------|-------|
| Expanded MAGNA, Area C:       | 2.2%  |
| Elmwood, Area D:              | 48.4% |
| Golden Bear District, Area E: | 4.3%  |
| Panoramic Hill, Area K:       | 4.5%  |
| LeConte District, Area J:     | 40.6% |

5. The Department of Finance and the traffic engineering division are authorized to establish rules and regulations consistent with the guidelines set forth in this section of the chapter on the Campus Zone Area I. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

**Section 14.72.080 Issuance of permits.**

A. Residential, local business and neighborhood-serving community facility parking permits shall be issued by the Department of Finance in accordance with requirements set forth in this chapter. Each such permit shall be designed to state or reflect thereon the identification of the particular residential, local business or neighborhood-serving community facility permit parking area for which it is issued. No more than one residential or local business parking permit shall be issued to each motor vehicle for which application is made.

B. When issuing local business and neighborhood-serving community facility permits, the Department of Finance in consultation with the traffic engineering division shall issue permits such that they will not unduly be concentrated on a specific block front in any given residential permit parking area.

C. 1. No permits shall be issued to residents in newly constructed residential units which do not meet the parking requirements established by the Zoning Ordinance unless a variance for parking requirement set forth in



the Zoning Ordinance was issued. In the C-T Zoning District, the R-SMU Zoning District, and portions of the R-S Zoning District where no parking is required for residential uses, no residential parking permits will be issued for occupants of residential units created after the effective date of the Southside Plan. The Current Planning division shall provide a listing of newly-constructed housing units to the Department of Finance.

2. No permits shall be issued to residents of Group Living Accommodations as defined in Chapter 23F.04 that are approved after January 1, 2012, unless the Zoning Adjustments Board specifies otherwise when it approves the GLA. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

3. In the R-2 and R-2A zoning districts, no permits shall be issued to residents of dwelling units with more than 5 bedrooms to which new bedrooms have been added subsequent to January 1, 2012. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

4. This subdivision shall not prevent issuance of permits to residents of permitted and legal nonconforming sororities, fraternities and student cooperatives who are not otherwise prohibited from obtaining them.

D. The Department of Finance and the traffic engineering division are authorized to issue such rules and regulations necessary to implement this chapter, and are not inconsistent with it.

E. Parking permits shall not be issued for vehicles for which there is any outstanding City of Berkeley notice of violation of parking rules and restrictions that are unpaid for more than 21 calendar days from the issuance of the parking violation. (Ord. 7240-NS § 1, 2012; Ord. 7225-NS § 1, 2012; Ord. 7210-NS § 1, 2011; Ord. 6762-NS § 2 (part), 2003; Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

#### **Section 14.72.090 Residential parking permit.**

A. The City Manager and/or their designee shall issue residential parking permits with a term not to exceed one year to motor vehicles which comply with the requirements set forth in this section.

1. No more than three (3) permits may be purchased for each residential address. Applicants may request a waiver if additional permits are needed.

2. In areas zoned Mixed Use-Residential (MU-R) or Mixed Use-Light Industrial (MULI), no more than two (2) permits may be purchased for each residential address. Applicants may request a waiver if additional permits are needed.

3. The City Traffic Engineer is authorized to issue such rules and regulations necessary to grant waivers to the annual permit limits.

B. A residential parking permit may be issued for a motor vehicle only upon application of the following person:

1. The applicant must demonstrate that they are currently a resident of the area for which the permit is to be issued; and

2. The applicant must demonstrate that they have ownership or continuing custody of the motor vehicle for which the permit is to be issued; and

3. Any motor vehicle to be issued a permit must have a vehicle registration indicating registration within the area for which the permit is to be issued.

C. A residential parking permit may in addition be issued for any vehicle in the area regularly utilized by a person who owns or leases commercial property and actively engages in business activity within the particular residential permit parking area. However, no more than one parking permit, or any greater number which the City Council may determine appropriate for the particular residential permit parking involved area, may be issued for each business establishment for a motor vehicle registered to or under the control of such a person.

D. A residential parking permit may be issued for any vehicle utilized in the area by a nonresidential nonbusiness enterprise, such as a church, school, or hospital, located wholly or partially within the particular residential permit parking area. However, no more than one parking permit, or any greater number which the City Council may determine appropriate for the particular permit parking area involved, may be issued for each such enterprise within each permit area for a motor vehicle registered to or under the control of such an enterprise.

E. Any person to whom a residential parking permit has been issued pursuant to this section shall be deemed a permit holder. (Ord. 7654-NS § 3, 2019; Ord. 7589-NS § 4, 2018; Ord. 6762-NS § 3 (part), 2003; Ord. 5974-NS § 1, 1990; Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

**Section 14.72.100 Local business parking permits.**

A. The Department of Finance shall issue business parking permits with a term not to exceed one year subject to the requirements set forth in this section and in administrative rules and regulations issued pursuant to this chapter.

B. A local business parking permit may be issued only to a person who owns or leases a commercial establishment located in a General Commercial Zoning District, in Zone C-1, and in a Neighborhood Commercial Zoning District, in Zones C-1A, C-1B, C-1C, C-1B(E) (not to exceed one such permit per commercial establishment). The permit is to be issued for a motor vehicle regularly used in the business activity of such commercial establishment for parking such motor vehicle in such designated local business parking subarea, provided that sale of local business parking permits has been authorized by the City Council pursuant to the provisions of this section the City Council finds that residents have reached a general consensus to allow for the sale of local business permits in the area. (Ord. 5974-NS § 1, 1990: Ord. 5908-NS § 1, 1989: Ord. 5803-NS § 2 (part), 1987)

**Section 14.72.105 Neighborhood-serving community facility permits.**

A. The Department of Finance may issue neighborhood-serving community facility enterprise permits with a term not to exceed one year subject to the requirements set forth in this section and in administrative rules and regulations issued pursuant to this chapter.

B. A neighborhood-serving community facility parking permit may be issued to representatives of the following neighborhood-serving community facilities: churches, schools, and senior centers. The issuance of permit can occur no sooner than 30 days after implementation of a residential permit parking area and the following criteria shall be used in establishing eligibility of an enterprise and the number of permits to be issued any enterprise:

1. An enterprise for which there is inadequate off-street parking and no financially feasible way of creating adequate off-street parking on the site of the enterprise;
2. An enterprise for which there is no off-street parking available nearby for lease or rental;
3. The total number of permits issued does not exceed the number representing 60% of the enterprise's employees;
4. The total number of permits issued to a Berkeley Unified School District (BUSD) school that is not within 1/2 mile of a Bay Area Rapid Transit (BART) Station, and not within 1/4 mile from a rapid transit bus stop, and not within 1/4 mile from two bus routes that run at a frequency of 20 minutes or less does not exceed 70% of the enterprise's employees;
5. Distribution of permits shall be through a designated representative of the enterprise who will be responsible for allocation of the permits to employees, or in the case of the senior centers, to users of the enterprise; and
6. Degree of impact on parking conditions for residents and merchants in the area. (Ord. 7580-NS § 1, 2017: Ord. 6762-NS § 4 (part), 2003: Ord. 5972-NS § 1, 1990: Ord. 5803-NS § 2 (part), 1987)

**Section 14.72.110 Senior event permits.**

A. The Department of Finance may issue senior event parking permits in accordance with this section and with administrative rules and regulations issued pursuant to this section.

B. In addition to any permits which may be issued to senior center representatives pursuant to Section 14.72.105, senior event parking permits may be issued to representatives of senior citizen groups not affiliated with City of Berkeley-operated senior centers, but which meet on a regularly-scheduled basis at community meeting facilities, such as churches, recreation centers, and community meeting halls, which are located within boundaries of residential permit parking areas. No such permit shall be issued except under the following circumstances:

1. 30 days have elapsed from the date of application; therefore
2. The group applying for the permit is a senior event group for which there is inadequate off-street parking and no financially feasible way to either create adequate off-street parking at the site of the senior event group's regularly-scheduled meeting, or to rent same;
3. The total number of permits issued does not under any circumstances exceed the number representing 60% of the group's membership; and
4. Distribution of permits shall be through a designated representative of the group who will be responsible for allocation of the permits to the group's membership. (Ord. 5974-NS § 2, 1990)

**Section 14.72.115 Visitor permits.**

A. The Department of Finance shall issue visitor permits in accordance with this section. A visitor permit shall be of limited duration, but shall otherwise grant to the holder all the rights and privileges of a regular residential parking permit. Visitor permits shall be of two types:

1. One-day visitor permits; and
2. Two-week visitor permits.

B. A visitor permit shall clearly display the date(s) upon which it becomes effective, the license number of the vehicle for which it applies, and shall designate the particular residential permit parking area.

C. A one-day visitor permit shall, during the date indicated upon the face of said permit, exempt the applicable vehicle from parking time restrictions established pursuant to this chapter.

D. A two-week visitor permit shall, for the period of 14 consecutive days commencing upon the date indicated upon the face of said permit, exempt the applicable vehicle from parking time restrictions established pursuant to this chapter.

E. The Department of Finance is authorized to establish rules and regulations, consistent with this chapter, concerning the issuance and display of visitor permits to permit holders.

F. An eligible applicant for a visitor permit shall be any person eligible to obtain a residential parking permit pursuant to criteria set forth in Section 14.72.090 of this chapter, except those persons or enterprises specified in subsections C and D of Section 14.72.090. (Ord. 6762-NS § 5 (part), 2003; Ord. 5974-NS § 3, 1990; Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

**Section 14.72.120 Posting of residential permit parking area.**

Upon the adoption by the City Council of a resolution designating a residential permit parking area, the Director of Public Works shall cause appropriate signs to be erected in the area, indicating prominently thereon the time limitation, period of the day for its application, and conditions under which permit parking shall be exempt therefrom. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

**Section 14.72.130 Parking permit fees.**

The annual fee and renewal fee for residential parking permits, for visitor permits, for local business parking permits for neighborhood-serving community facility parking permit or any other permit designated by Council shall be established by Council resolution. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

**Section 14.72.140 Penalties, liability and enforcement.**

A. Anyone violating or failing to comply with any of the requirements of this chapter shall be guilty of an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code.

B. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this chapter.

In addition, the following acts shall be punishable by a fine not exceeding \$500:

1. For any person to falsely represent themselves as eligible for a parking permit or to furnish false information in an application therefore.
2. For any person holding a valid parking permit issued pursuant hereto to permit the use or display of such permit on a motor vehicle other than that for which the permit was issued.
3. For any person to copy, reproduce or otherwise bring into existence or counterfeit parking permit or permits without written authorization from the Department of Finance.
4. For any person to knowingly use or display a facsimile or counterfeit parking permit in order to evade time limitations on parking applicable in a residential permit parking area.
5. For any person to change dates on a visitor parking permit.
6. For any person to knowingly commit any act which is prohibited by the terms of this chapter or any ordinance enacted by authority granted by this chapter.

C. The remedies and penalties provided in this section are cumulative and not exclusive. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

**Section 14.72.150 Administrative regulations.**

The Finance Department and the Public Works Department are empowered to issue rules and regulations consistent with this chapter. (Ord. 5908-NS § 1, 1989; Ord. 5803-NS § 2 (part), 1987)

Chapter 14.76

AREA A--BATEMAN NEIGHBORHOOD PREFERENTIAL PARKING DISTRICT\*

Sections:

- 14.76.010 Parking district boundaries.
- 14.76.020 Legislative findings.
- 14.76.030 Establishment of preferential parking district.

\*Editor's Note: This chapter was editorially renumbered from 14.12 to 14.76 during 1999 recodification.

**Section 14.76.010 Parking district boundaries.**

This chapter establishes preferential parking district A in the area bounded by the Berkeley-Oakland border and College, Ashby and Telegraph Avenues (hereinafter referred to as the "Bateman area") as described more particularly in section 25-A of Traffic Resolution No. 36,574\*. (Ord. 5393-NS § 1, 1981)

\*Section 25 of Resolution No. 36,574-NS was rescinded and readopted by Resolution No. 56,508-NS on June 16, 1992.

**Section 14.76.020 Legislative findings.**

The City Council hereby makes the following findings based on the petition for establishment of the Bateman area residential parking district submitted by Bateman area residents, and the testimony and record of the public hearing held as to said petition on May 12, 1981 in accordance with the standards set forth in Section 5 of Ordinance No. 5247-N.S.:

A. The petition requesting designation of the Bateman area as a preferential parking district is signed by individuals representing at least sixty percent of the four hundred forty one housing units in the area and at least thirty percent of the housing units along each block in front in the area.

B. Over eighty percent of the fifty-eight block fronts in the Bateman area are zoned residential.

C. On-street parking in the Bateman area is presently allowed on an unlimited basis. A survey conducted on March 31, 1981 indicates for the period between nine a.m. and four p.m. occupation of eighty-three percent to ninety-one percent of all unlimited parking spaces in the area.

D. The most intensive demand for on-street parking occurs between the hours ten a.m. and seven p.m. on weekdays and Saturdays.

E. The Bateman area, while largely residential, also includes Alta Bates Hospital, medical offices and commercial uses located at the College/Ashby intersection. These uses generate demand for parking by nonresidents of the area. Data submitted by Alta Bates Hospital indicates that approximately eighty-three percent of Alta Bates employees utilize automobiles to get to work. Of this number, approximately forty percent park on city streets within the Bateman area. Additional demand for on-street parking is generated by visitors to Alta Bates Hospital.

F. The establishment of the Bateman area preferential parking district is categorically exempt as a Class I activity pursuant to the requirements of the California Environmental Quality Act and the guidelines set forth at 14 California Administrative Code 15101. (Ord. 5393-NS § 2, 1981)

**Section 14.76.030 Establishment of preferential parking district.**

The Council hereby provides for the establishment of a residential permit parking district in the Bateman area as follows:

Street parking in the area shall be limited to a maximum of two hours during the period between ten a.m. and seven p.m. except on Sundays and holidays or such shorter time period as may be specifically posted; provided, however, that unlimited parking shall be allowed by vehicles for which a residential, visitor's, or local business parking permit has been obtained and displayed in accordance with requirements of Berkeley Municipal Code Section 14.72. (Ord. 5804-NS § 1, 1987)

Chapter 14.80

AREA B--WILLARD NEIGHBORHOOD PREFERENTIAL PARKING DISTRICT\*

Sections:

- 14.80.010 Parking district boundaries.
- 14.80.020 Legislative findings.
- 14.80.030 Establishment of preferential parking district.

\*Editor's Note: This chapter was editorially renumbered from 14.16 to 14.80 during 1999 recodification.

**Section 14.80.010 Parking district boundaries.**

This chapter establishes preferential parking district B in the area generally bounded by Dwight Way and College, Ashby, and Telegraph Avenues (hereinafter referred to as the "Willard area") as described more particularly in section 25-B of Resolution No. 36,574-N.S.\*, Traffic Resolution. (Ord. 5612-NS § 1, 1984)

\*Section 25 of Resolution No. 36,574-NS was rescinded and readopted by Resolution No. 56,508-NS on June 16, 1992.

**Section 14.80.020 Legislative findings.**

The City Council hereby makes the following findings based on the petition for establishment of the Willard area residential parking district submitted by Willard area residents, and the testimony and record of the public hearing held as to said petition on February 14 and April 5, 1984, in accordance with the standards set forth in section 5 of Ordinance No. 5247-N.S.:

A. The petition requesting designation of the Willard area as a preferential parking district is signed by individuals representing at least sixty percent of the one thousand seven hundred forty-two housing units in the area and at least thirty percent of the housing units along each block front in the area.

B. Over eighty percent of the seventy-two block fronts in the Willard area are zoned residential.

C. On-street parking in most of the Willard area is presently allowed in an unlimited basis. Surveys conducted on December 13 and 14, 1983, indicate that for any two one-hour periods between 10:00 a.m. and 4:00 p.m., seventy-eight percent to one hundred percent of all unlimited parking spaces in the area were occupied.

D. The most intensive demand for on-street parking occurs between the hours of 8:00 a.m. and 7:00 p.m. on weekdays.

E. The Willard area, while largely residential, also includes Willard School, medical offices and commercial uses located at the College/Ashby intersection and on Telegraph Avenue, Alta Bates Hospital on its south border and the university nearby. These uses generate demand for parking by nonresidents of the area.

F. In establishing the Willard area preferential parking district, an initial study was prepared and a negative declaration adopted pursuant to the requirements of the California Environmental Quality Act and the guidelines set forth in Title 14, California Administrative Code, Article 6. (Ord. 5612-NS § 2, 1984)

**Section 14.80.030 Establishment of preferential parking district.**

Wherefore, the Council hereby provides for the establishment of a residential permit parking district in the area as follows:

Street parking in the area shall be limited to a maximum of two hours during the period between 8:00 a.m. and 7:00 p.m. except on Sundays and holidays or such shorter time period as may be specifically posted; provided, however, that unlimited parking shall be allowed by vehicles for which a residential, visitor's, or local business parking permit has been obtained and displayed in accordance with requirements of Berkeley Municipal Code Chapter 14.72. (Ord. 5805-NS § 1, 1987; Ord. 5612-NS § 3, 1984)

Chapter 14.84

AREA C--MAGNA NEIGHBORHOOD PREFERENTIAL PARKING DISTRICT\*

Sections:

- 14.84.010 Parking district boundaries.
- 14.84.020 Legislative findings.
- 14.84.030 Establishment of preferential parking district.

\*Editor's Note: This chapter was editorially renumbered from 14.18 to 14.84 during 1999 recodification.

**Section 14.84.010 Parking district boundaries.**

This chapter establishes preferential parking district C in the area generally bounded by Martin Luther King Jr. Way, Roosevelt, University and Channing (hereinafter referred to as the "MAGNA Area") as described more particularly in Section 25-C of Traffic Resolution No. 36,574-NS\*. (Ord. 5728-NS § 1, 1986)

\*Section 25 of Resolution No. 36,574-NS was rescinded and readopted by Resolution No. 56,508-NS on June 16, 1992.

**Section 14.84.020 Legislative findings.**

The City Council hereby makes the following findings based on the petition for establishment of the MAGNA area residential parking district submitted by MAGNA area residents, and the testimony and record of the public hearing held as to said petition on February 11, 1986 in accordance with the standards set forth in Section 5 of Ordinance No. 5247-NS:

A. The petition requesting designation of the MAGNA Area as a preferential parking district is signed by individuals representing sixty-four percent of the five hundred seventy-four housing units in the area and at least thirty percent of the housing units along each block front in the area.

B. Over eighty percent of the thirty-six block fronts in the MAGNA Area are zoned residential.

C. On-street parking in most of the MAGNA Area is presently allowed on an unlimited basis. Surveys conducted on July 31 and August 6, 1985, indicate that for any two one hour periods, between 10:00 a.m. and 4:00 p.m., ten percent to ninety-nine percent of all unlimited parking spaces in the area were occupied.

D. The most intensive demand for on-street parking occurs between the hours of 8:00 a.m. and 7:00 p.m., on weekdays.

E. The MAGNA area is a residential neighborhood located to the west of downtown Berkeley. Downtown businesses and institutions, including those around Martin Luther King Jr. Way, (e.g., Berkeley High School, Police Department, municipal court offices, Berkeley Unified School District Offices) commercial uses along University Avenue, and to some extent, the University, generate demand for parking by non-residents of the area.

F. In establishing the MAGNA area preferential parking district an initial study was prepared and a negative declaration adopted pursuant to the requirements of the California Environmental Quality Act and the guidelines set forth in Title 14, California Administrative Code Article 6. (Ord. 5728-NS § 2, 1986)

**Section 14.84.030 Establishment of preferential parking district.**

The Council hereby provides for the establishment of a residential permit parking district in the area as follows:

Street parking in the area shall be limited to a maximum of two hours during the period between 8:00 a.m., to 7:00 p.m., except on Saturdays, Sundays, and holidays or such shorter time period as may be specifically posted; provided, however, that unlimited parking shall be allowed by vehicles for which a residential or visitor's parking permit has been obtained and displayed in accordance with requirements of Ordinance No. 5247-NS. (Ord. 5728-NS § 3, 1986)

Chapter 14.88

**PEDESTRIAN MALLS IN THE BATEMAN NEIGHBORHOOD\***

**Sections:**

- 14.88.010 Authority to establish malls.**
- 14.88.020 Establishment of malls.**
- 14.88.030 Traffic rules and regulations.**
- 14.88.040 Construction and maintenance of the malls.**

\*Editor's Note: This chapter was editorially renumbered from 14.20 to 14.88 during 1999 recodification. "Attachment 1" pertaining to the Bateman Neighborhood pedestrian malls which accompanies Ord. 5623-NS can be found on file in the office of the City Clerk.

**Section 14.88.010 Authority to establish malls.**

The authority to establish pedestrian malls is vested in the City Council by Berkeley City Charter Section 38 and by the Pedestrian Mall Law of 1960, being Division 13, part 1 of the Streets and Highways Code. (Ord. 5623-NS § 1, 1984)

**Section 14.88.020 Establishment of malls.**

The City Council, having adopted Resolution of Intent No. 52,262-N.S. on June 19, 1984, which proposes the establishment of three pedestrian malls in the Bateman neighborhood as hereinafter more particularly described and having held a duly noticed public hearing on October 9, 1984 and having considered evidence, testimony, objections and other comments and documents submitted regarding the proposed pedestrian malls and having further adopted Resolution No. 52,428-N.S. determining that such pedestrian malls should be established, hereby finds and declares as follows: That three pedestrian malls should be established in the Bateman neighborhood, located in the City of Berkeley at the following intersections which mall areas are more particularly described in Exhibits A-1, A-2, B, and C-1, C-2 and C-3 to the proposed construction maintenance agreement attached hereto as Attachment 1 which area hereby incorporated as though fully set forth anew:

- A. South Hospital Drive at Colby Street, (Exhibits A-1 and A-2);
- B. Regent Street immediately south of its intersection with South Hospital Drive (Exhibit B); and,
- C. On Webster Street at two locations immediately east and west of its intersection with Bateman (Exhibits C-1, C-2 and C-3). (Ord. 5623-NS § 2, 1984)

**Section 14.88.030 Traffic rules and regulations.**

That vehicular traffic and parking near and on the streets on which the three pedestrian malls are to be located will be subject to the following restrictions:

- A. No through traffic by any vehicle except for emergency vehicles shall be permitted on any of the malls.
- B. Vehicular access and use of that portion of Colby Street immediately south of Ashby Avenue and north of the South Hospital Drive-Colby Street mall shall also be subject to the conditions, requirements and restrictions contained in Resolution No. 52, 429-N.S., granting a major revocable permit to Alta Bates Hospital.
- C. The creation of the two Webster Street malls will result in the creation of a cul-de-sac at the north end of Bateman Street where it intersects with Webster Street.
- D. Staff is hereby directed to prepare the following additional amendments necessary to implement other traffic control measures, devices and programs;
  - 1. Amendments to sections 13S-33.1 and 13W-9.2 of the Traffic Ordinance--Ordinance No. 3262-N.S. to delete certain parking meter zones located on South Hospital Drive and Webster Street and certain additional amendments to add parking meter zones onto Colby Street.
  - 2. Amendments to section 23 of the Traffic Resolution, Resolution No. 36,574-N.S. to add no stopping areas on portions of Bateman, Colby, Regent and Webster Streets and South Hospital Drive in accordance with the final design plans approved by this Council for the malls.
  - 3. Amendments to Resolution No. 52,352-N.S. to delete full diverters no. 16, located at Regent south leg, at South Hospital Drive, and no. 24, located at Webster Street, west leg at Bateman Street.

4. In addition to the City's Public Works Department shall promulgate and carry out such further administrative regulations which it deems necessary to implement or supplement the provisions of this chapter. (Ord. 5623-NS § 3, 1984)

**Section 14.88.040 Construction and maintenance of the malls.**

The Council hereby also declares that the cost of constructing and maintaining the malls authorized by this resolution shall be paid for by Alta Bates Hospital and the City Manager is hereby authorized to execute an agreement with Alta Bates Hospital to carry out the provisions of this section, such contract to be in substantially the same form as Attachment 1 hereto. (Ord. 5623-NS § 4, 1984)



Chapter 14.92

TRIP REDUCTION INFORMATION PROGRAM\*

Sections:

- 14.92.010 Purpose.
- 14.92.020 Findings.
- 14.92.030 Definitions.
- 14.92.040 Responsibilities of all employers.
- 14.92.050 Additional responsibilities of employers who employ fifty or more employees at a single worksite within the City and who are not regulated by BAAQMD Regulation 13, Rule 1.
- 14.92.060 Relationship to other City requirements.
- 14.92.070 City Manager's powers.
- 14.92.080 Liability and enforcement.
- 14.92.090 Governmental entities not subject to chapter.
- 14.92.100 Severability.

\*Editor's Note: The chapter was editorially renumbered from 14.24 to 14.92 during 1999 recodification.

**Section 14.92.010 Purpose.**

The purpose of this chapter is to educate people who commute into Berkeley about the transportation alternatives to driving alone and to decrease traffic and parking congestion and improve air quality by reducing the number of commute trips by automobile into Berkeley. (Ord. 6255-NS § 1 (part), 1994; Ord. 6152-NS § 1, 1992)

**Section 14.92.020 Findings.**

The Council finds that:

A. The use of alternatives to the single-occupant automobile is beneficial in reducing traffic congestion, excessive parking demand, and associated air pollution, noise, fuel use, vehicle wear and tear, and time losses and inconvenience, and thereby contributes to making the City of Berkeley a more attractive and healthful place to live, work, visit, and do business.

B. Informing commuters about their travel options and the impacts of their travel choices is a vital and necessary part of changing travel behavior. Such information provided through employers and their contractors is an effective and equitable way to encourage commuters to use alternatives to the single-occupant automobile.

C. Surveys of employees' commute modes are needed by the City from time to time in order to develop effective trip reduction programs and transit systems.

D. Government Code 65089 (Prop. 111) requires the cities in each urbanized county to adopt and implement a trip reduction and travel demand management ordinance which meets the county's Congestion Management Program requirements.

E. On December 16, 1992, the Bay Area Air Quality Management District (BAAQMD) adopted Regulation 13, Rule 1, Trip Reduction Requirements for Large Employers. The rule took effect in Alameda County on July 1, 1994. This rule applies to most Bay Area public and private employers of one hundred or more employees. In the City of Berkeley, the rule is being administered and enforced by the BAAQMD. It is in the interest of the City to exclude employers regulated by the BAAQMD from the trip-reduction-related responsibilities of this chapter so as to avoid duplicative regulation. (Ord. 6255-NS § 1 (part), 1994; Ord. 6152-NS § 2, 1992)

**Section 14.92.030 Definitions.**

A. "City" means the City of Berkeley.

B. "Employee" means any person hired by an employer, including any part-time employee, temporary employee hired through an agency; or any independent contractor, partner, or joint venture participant; and who normally works at least twelve consecutive weeks per year.

C. "Employer" means any public, private, or nonprofit employer, which has a permanent worksite in the City of Berkeley. Several subsidiaries or units that occupy the same work site and report to one common governing board or governing entity or that function as one corporate unit are considered to be one employer. "Employer"

shall not include contractors with no permanent place of business in the City and other businesses with no permanent worksite location in the City.

D. "Transportation alternatives" means walking, bicycling, taking transit, carpooling, vanpooling, and telecommuting.

E. "Worksite" means the place of employment, base of operation, or any work location in the City of Berkeley of an employee. It includes all of the employer's buildings or facilities, including outdoor facilities. (Ord. 6255-NS § 1 (part), 1994; Ord. 6152-NS § 3, 1992)

**Section 14.92.040 Responsibilities of all employers.**

All employers shall, upon the City's request, provide the City with information about the number of employees who work at worksites located within the City. (Ord. 6255-NS § 1 (part), 1994; Ord. 6152-NS § 4, 1992)

**Section 14.92.050 Additional responsibilities of employers who employ fifty or more employees at a single worksite within the City and who are not regulated by BAAQMD Regulation 13, Rule 1.**

A. Applicability--Fifty employees. The additional responsibilities imposed by this section shall apply to all employers who employ fifty or more employees at a single worksite within the City on July 1, 1994 or thereafter and who are not regulated by BAAQMD Regulation 13, Rule 1; provided however that such responsibilities shall cease upon the employer's reduction of the workforce to below fifty employees, or upon the employer's becoming subject to BAAQMD regulations regarding trip reduction.

B. Deadlines. Deadlines for complying with the requirements of this chapter shall be as specified in regulations promulgated by the City Manager.

C. Appointment of person with specified responsibilities. All employers subject to this section shall appoint an employee transportation coordinator (ETC), who shall be charged by the employer with the day-to-day responsibility of carrying out the employer's duties under this chapter. The employee transportation coordinator shall be trained through a coordinator training course provided by or approved by the City, unless the appointed coordinator has served in such capacity for at least one year. The deadline by which the ETC shall be trained shall be specified in regulations promulgated by the City Manager. The City shall send a written notice of this deadline to the employer. The employer may contract out the ETC position to an individual or firm specifically for the purpose of fulfilling the employer's responsibilities under this ordinance.

D. Dissemination of informational materials and annual report.

1. The City shall provide the employer with marketing and informational materials about transportation alternatives and the impact of single-occupant vehicles on air quality and congestion. Materials shall be provided by the City at least once per year. All materials provided to the employer are to be posted or distributed to all employees by the employer at those worksites of fifty or more employees. The City shall notify the employer of the deadline for distribution and posting in a written notice. The deadline will be calculated from the date that the employer receives such materials.

2. The City shall provide the employer with packets of basic transportation alternatives information that the employer shall distribute once to all employees at worksites of fifty or more employees. Thereafter, the employer shall distribute this packet to all new hires at worksites of fifty or more employees. The City shall notify the employer of the deadline for packet distribution in a written notice.

3. On an annual basis the employer shall report on the status of the previous year's materials distribution on a form provided by the City. The City shall notify the employer of the deadline for submitting the form in a written notice.

E. Employee survey. Employers subject to this section shall administer surveys in the manner required by the City not more often than once per year. The survey form, instructions for administering the survey and survey processing and report generation shall be provided by the City. The City shall provide the employer written notice of the deadline for returning completed surveys.

F. Meetings. An employer's employee transportation coordinator shall attend all trip reduction meetings held by the City. Such meetings shall be held not more often than three times per year for the purpose of updating employers on transportation alternatives and to distribute informational materials. (Ord. 6255 § 1 (part), 1994; Ord. 6174-NS §§ 1, 2, 1993; Ord. 6152-NS § 5, 1992)

**Section 14.92.060 Relationship to other City requirements.**

Employers who are required to have a trip reduction program as a use permit condition or under a provision of a development agreement or other agreement with the City of Berkeley must continue to meet that requirement in addition to the provisions imposed on employers by this chapter. (Ord. 6152-NS § 6, 1992)

**Section 14.92.070 City Manager's powers.**

The City Manager is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this chapter. (Ord. 6152-NS § 7, 1992)

**Section 14.92.080 Liability and enforcement.**

A. Any employer violating or failing to comply with any of the requirements of this chapter shall be guilty of an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code.

B. Any employer who fails to comply with any of the requirements of Sections 14.92.040 or 14.92.050 of this chapter within ninety days of written notice of failure to comply shall be liable to the City for a civil penalty of one thousand dollars plus up to two hundred fifty dollars for each day or portion thereof that the employer is not in compliance, for a total amount up to ten thousand dollars, unless compelling circumstances including, but not limited to, the employer's good faith efforts to comply, require a lesser amount. Penalties shall accrue commencing with the ninety-first day following notice.

C. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this chapter.

D. The remedies and penalties provided in this section are cumulative and not exclusive. (Ord. 6152-NS § 8, 1992)

**Section 14.92.090 Governmental entities not subject to chapter.**

The City shall encourage any governmental entities that are exempt from the provisions of this chapter to provide their employees with information on commute alternatives. (Ord. 6152-NS § 9, 1992)

**Section 14.92.100 Severability.**

If any part or provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter, including the application of such part of provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this chapter are severable. (Ord. 6152-NS § 10, 1992)

## Traffic Ordinance Cross-Reference Table

**TRAFFIC ORDINANCE CROSS-REFERENCE TABLE**

This table provides users with the current disposition of the City of Berkeley Traffic Ordinance and all amending ordinances.

Thus, prior traffic ordinance Section 1.3 appears in this code as Section 14.04.040.

The prior traffic ordinance section information was derived from Ordinance 3262-NS, and all amending ordinances. Specific ordinance information can be found in the legislative history note following each section.

| Prior Traffic Ordinance § | Herein              |
|---------------------------|---------------------|
|                           |                     |
| 1                         | 14.04.010           |
| 1.1                       | 14.04.020           |
| 1.2                       | 14.04.030           |
| 1.3                       | 14.04.040           |
| 1.4                       | 14.04.050           |
| 1.5                       | 14.04.060           |
| 1.6                       | 14.04.070           |
| 1.7                       | 14.04.080           |
| 1.8                       | Repealed by 3701-NS |
| 1.9                       | 14.04.090           |
| 1.10                      | 14.04.100           |
| 1.11                      | 14.04.110           |
| 1.12                      | 14.04.120           |
| 1.13                      | 14.04.130           |
| 1.14                      | 14.04.140           |
| 1.15                      | 14.04.150           |
| 1.16                      | 14.04.160           |
| 1.17                      | 14.04.170           |
| 1.18                      | 14.04.180           |
| 1.19                      | 14.04.190           |
| 1.20                      | 14.04.200           |
| 2                         | 14.08.010           |
| 2.1                       | 14.08.020           |
| 2.2                       | 14.08.030           |
| 2.2-a                     | 14.08.040           |
| 2.3                       | 14.08.050           |
| 2.4                       | 14.08.060           |
| 2.5                       | 14.08.070           |
| 2.6                       | 14.08.080           |
| 2.7                       | 14.08.090           |
| 2.8                       | 14.08.100           |
| 3                         | 14.12.010           |
| 3.1                       | 14.12.020           |
| 3.2                       | 14.12.030           |
| 3.3                       | 14.12.040           |
| 3.4                       | 14.12.050           |
| 3.5                       | 14.12.060           |

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Traffic Ordinance Cross-Reference Table

| <b>Prior Traffic Ordinance §</b> | <b>Herein</b> |
|----------------------------------|---------------|
| 3.6                              | 14.12.070     |
| 3.7                              | 14.12.080     |
| 3.8                              | 14.12.090     |
| 3.9                              | 14.12.100     |
| 4                                | 14.16.010     |
| 4.1                              | 14.16.020     |
| 4.2                              | 14.16.030     |
| 4.3                              | 14.16.040     |
| 5                                | 14.20.010     |
| 5.1                              | 14.20.020     |
| 6                                | 14.24.010     |
| 6.1                              | 14.24.020     |
| 6.2                              | 14.24.030     |
| 6.3                              | 14.24.040     |
| 6.4                              | 14.24.050     |
| 6.5                              | 14.24.060     |
| 6.6                              | 14.24.070     |
| 6.6-a                            | 14.24.080     |
| 6.6-b                            | 14.24.090     |
| 6.6-c                            | 14.24.100     |
| 6.6-d                            | 14.24.110     |
| 6.6-e                            | 14.24.120     |
| 6.7                              | 14.24.130     |
| 6.8                              | 14.24.140     |
| 6.9                              | 14.24.150     |
| 6.10                             | 14.24.160     |
| 6.11                             | 14.24.170     |
| 6.12                             | 14.24.180     |
| 6.13                             | 14.24.190     |
| 6.14                             | 14.24.200     |
| 6.15                             | 14.24.210     |
| 7                                | 14.28.010     |
| 7.1                              | 14.28.020     |
| 7.2                              | 14.28.030     |
| 7.3                              | 14.28.040     |
| 7.4                              | 14.28.050     |
| 7.5                              | 14.28.060     |
| 7.6                              | 14.28.070     |
| 8                                | 14.32.010     |
| 8.1                              | 14.32.020     |
| 8.2                              | 14.32.030     |
| 8.3                              | 14.32.040     |
| 8.4                              | 14.32.050     |
| 8.5                              | 14.32.060     |

## Traffic Ordinance Cross-Reference Table

| Prior Traffic Ordinance § | Herein              |
|---------------------------|---------------------|
| 9                         | 14.36.010           |
| 9.1                       | 14.36.020           |
| 9.2                       | 14.36.030           |
| 9.3                       | 14.36.040           |
| 9.3-1                     | 14.36.050           |
| 9.4                       | Repealed by 5103-NS |
| 9.5                       | 14.36.060           |
| 9.6                       | 14.36.070           |
| 9.7                       | 14.36.080           |
| 9.8                       | 14.36.090           |
| 9.9                       | 14.36.100           |
| 9.10                      | 14.36.110           |
| 9.11                      | 14.36.120           |
| 9.12                      | 14.36.130           |
| 10                        | 14.40.010           |
| 10-a                      | 14.40.020           |
| 10.1                      | 14.40.030           |
| 10.2                      | 14.40.040           |
| 10.3                      | 14.40.050           |
| 10.4                      | 14.40.060           |
| 10.5                      | 14.40.070           |
| 10.5-1                    | 14.40.080           |
| 10.6                      | 14.40.090           |
| 10.7                      | 14.40.100/110       |
| 10.8                      | 14.40.120           |
| 10.9                      | 14.40.130           |
| 10.10                     | Repealed by 3270-NS |
| 10.11                     | 14.40.140           |
| 10.12                     | 14.40.150           |
| 11                        | 14.44.010           |
| 11.1                      | 14.44.020           |
| 11.2                      | 14.44.030           |
| 11.3                      | 14.44.040           |
| 11.4                      | 14.44.050           |
| 11.5                      | 14.44.060           |
| 11.6                      | 14.44.070           |
| 11.7                      | 14.44.080           |
| 12                        | 14.48.010           |
| 12.1                      | 14.48.020           |
| 12.1-a                    | 14.48.030           |
| 12.1-b                    | 14.48.040           |
| 12.1-c                    | 14.48.050           |
| 12.1-d                    | 14.48.060           |
| 12.1-e                    | 14.48.070           |

**Page 87 of 88**  
Traffic Ordinance Cross-Reference Table

| <b>Prior Traffic Ordinance §</b> | <b>Herein</b>       |
|----------------------------------|---------------------|
| 12.1-f                           | Repealed by 7632-NS |
| 12.1-g                           | 14.48.080           |
| 12.1-h                           | 14.48.090           |
| 12.1-i                           | Repealed by 7632-NS |
| 12.1-j                           | 14.48.100           |
| 12.1-k                           | Repealed by 6471-NS |
| 12.1-l                           | Repealed by 7632-NS |
| 12.1-m                           | Repealed by 7632-NS |
| 12.1-n                           | Repealed by 6471-NS |
| 12.1-o                           | 14.48.120           |
| 12.1-p                           | 14.48.130           |
| 12.1-q                           | 14.48.140           |
| 12.1-r                           | Repealed by 5438-NS |
| 12.2                             | 14.48.160           |
| 12.3                             | 14.48.170           |
| 12.4                             | Repealed by 7632-NS |
| 12.5                             | Repealed by 7632-NS |
| 12.6                             | 14.48.180           |
| 13                               | 14.52.010           |
| 13.1                             | 14.52.020           |
| 13.2                             | 14.52.030           |
| 13.3                             | 14.52.040           |
| 13.4                             | 14.52.050           |
| 13.5                             | 14.52.060           |
| 13.6                             | 14.52.070           |
| 13.7                             | 14.52.080           |
| 13.8                             | 14.52.090           |
| 13.9                             | 14.52.100           |
| 13.10                            | 14.52.110           |
| 13.11                            | 14.52.120           |
| 14                               | 14.56.010           |
| 14.1                             | 14.56.020           |
| 14.2                             | 14.56.030           |
| 14.3                             | 14.56.040           |
| 14.4                             | 14.56.050           |
| 14.5                             | Repealed by 6351-NS |
| 15                               | 14.60.010           |
| 15.1                             | 14.60.020           |
| 15.2                             | 14.60.030           |
| 16                               | Repealed by 3369-NS |
| 16.1                             | Repealed by 3369-NS |
| 16.2                             | Repealed by 3369-NS |
| 16.3                             | Repealed by 3369-NS |
| 17                               | 14.64.010           |

Traffic Ordinance Cross-Reference Table

| <b>Prior Traffic Ordinance §</b> | <b>Herein</b>       |
|----------------------------------|---------------------|
| 17.1                             | Repealed by 4395-NS |
| 17.2                             | (Not codified)      |
| 17.3                             | (Not codified)      |
| 17.4                             | (Not codified)      |
| 17.5                             | (Not codified)      |
| 17.6                             | (Not codified)      |



CONSENT CALENDAR

March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author) and Councilmember Ben Bartlett (Co-Sponsor)

Subject: Hearing on East Bay Paratransit and the Transportation Needs of Berkeleyans with Disabilities

RECOMMENDATION

Refer the Disability Commission and the Transportation Commission to hold a joint public hearing on the use, effectiveness, and accessibility of East Bay Paratransit as well as the transportation needs of the members of our community with disabilities and seniors, and return recommendations to Council.

BACKGROUND

East Bay Paratransit is a public transit service for people who are unable to independently use or access public transit because of a disability or disabling health condition. Since 1990, the Americans with Disabilities (ADA) has required all public transit agencies to provide paratransit services to eligible disabled people. East Bay Paratransit transports riders from their origin to their destination in vans equipped with a wheelchair lift. East Bay Paratransit was established by AC Transit. Service is provided during the hours of AC Transit's bus and BART's rail operations. Service is limited to areas within  $\frac{3}{4}$  mile of an operating bus route or BART station.<sup>1</sup>

East Bay Paratransit provides a critical service to the members of our community with disabilities. Unfortunately, the service has been reported to be characterized by long wait times, poor treatment of its riders, and overall deficient service and reliability.<sup>23</sup> The importance of the program makes the repeated reports of its issues especially troubling. Two years since these problems with East Bay Paratransit's service were reported, deficiencies in wait times and consistency still persist. The COVID-19 pandemic has only exacerbated the difficulties that people with disabilities have faced and access to safe and reliable transportation has been remarkably difficult during the pandemic.<sup>4</sup> The

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<sup>1</sup> <https://www.eastbayparatransit.org/frequently-asked-questions.htm>

<sup>2</sup> <https://sanfrancisco.cbslocal.com/2018/12/27/east-bay-paratransit-shaken-up-following-kpix-investigation/>

<sup>3</sup> <https://sanfrancisco.cbslocal.com/2018/08/31/paratransit-disabled-detours-east-bay/>

<sup>4</sup> <https://cal.streetsblog.org/2020/04/21/pandemic-underscores-difficulties-accessing-transportation-for-people-with-disabilities/>

City of Berkeley must develop a better understanding of the quality of service East Bay Paratransit currently offers to its riders and the ongoing transportation needs of Berkeleyans with disabilities.

CONTACT

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

ATTACHMENTS

1. All About East Bay Paratransit
2. The Center for Independent Living Focus Group Report - Paratransit



## All About East Bay Paratransit

What East Bay Paratransit can do for you and how to contact us.



March 2020

### What is East Bay Paratransit?

East Bay Paratransit is a public transit service for people who are unable to use regular AC Transit buses or BART trains because of a disability or a disabling health condition. East Bay Paratransit was established by AC Transit and BART to meet requirements of the Americans with Disabilities Act (ADA).

### Where does East Bay Paratransit go?

East Bay Paratransit serves the following cities:

|                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>▪ Alameda</li> <li>▪ Albany</li> <li>▪ Berkeley</li> <li>▪ Castro Valley</li> <li>▪ El Cerrito</li> <li>▪ El Sobrante</li> <li>▪ Emeryville</li> <li>▪ Fremont</li> <li>▪ Hayward</li> <li>▪ Kensington</li> </ul> | <ul style="list-style-type: none"> <li>▪ Milpitas (part)</li> <li>▪ Newark</li> <li>▪ Oakland</li> <li>▪ Piedmont</li> <li>▪ Pinole (part)</li> <li>▪ Richmond</li> <li>▪ San Leandro</li> <li>▪ San Pablo</li> <li>▪ Union City</li> </ul> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

You can also go to and from any of these cities to anywhere in San Francisco.

You can go elsewhere in the Bay Area, beyond these cities by transferring to other ADA paratransit services.

### **When does East Bay Paratransit run?**

ADA paratransit is complimentary services to fixed route, such as bus or BART. Therefore, East Bay Paratransit service is only available near operating bus and BART lines. Specifically, paratransit service is available within 3/4 of a mile of an AC Transit bus route or within 3/4 of a mile of a BART station during the same hours that buses and BART trains are running on those routes. Both the origin and destination of the paratransit trip must meet this standard. The East Bay Paratransit Customer Service Center will tell you if paratransit will be available for any particular trip you might want to make.

### **How does someone become able to use the service?**

To use East Bay Paratransit, you must apply through the Eligibility Certification Department and be found eligible for the service. The process includes both a paper application and an in-person interview. Only people who have a disability or a disabling health condition that prevents them from using buses or BART trains are eligible to use the service. Please note that not all disabilities will make a person eligible for paratransit.

### **Once eligible, how are rides arranged?**

Travel on East Bay Paratransit is by advance reservation only. No same day reservations are accepted. Reservations are made on the phone to the East Bay Paratransit Customer Service Center. Reservation calls are accepted from 8:00 a.m. to 5:00 p.m. every day, including weekends. You can make a reservation as early as seven days in advance.

Either you or your caregiver can call to make a reservation for you. Your reservation request will be entered into our reservation system where your trip will be assigned to a vehicle. Assignment to a particular vehicle is at East Bay Paratransit's discretion.

### **Do I travel alone in the vehicle?**

East Bay Paratransit is a "shared-ride" service. This means that other riders with different destinations will be picked up and dropped off along the way and the routing is not necessarily linear. Your trip may take longer than if you took a taxi or drove yourself.

Your ride may take a similar amount of time as the same trip would take on an AC Transit bus, including transfers and wait times.

## How much does East Bay Paratransit cost?

### One Way Fares:

| For Service in the East Bay |                           |
|-----------------------------|---------------------------|
| Fare                        | Distance                  |
| \$4.00                      | 0 to 12 miles             |
| \$6.00                      | >12 miles, up to 20 miles |
| \$7.00                      | >20 miles                 |

Travel to and from San Francisco is distance based and costs between \$6.00 and \$10.00, depending where you start and end. However, San Francisco Trips which go beyond the BART service territory that are carried by East bay Paratransit also pay an additional MUNI paratransit fare of \$2.50.

When you make a reservation for a trip on East Bay Paratransit, you will be told the fare for your trip. You must pay your fare as soon as you board the vehicle. You may pay in cash, with tickets, or with a combination of the two. If you are paying with cash, bring exact change because the drivers cannot make change. Tickets are available in \$4.00 or \$1.00 denominations and come in books of ten.

### Does the driver give any assistance?

Yes, the driver will help in several ways. For example, the driver can assist with up to two small grocery bags, or lend an arm to lean on while riders get on or off the van. The driver will help riders using wheelchair(s) on and off the lift and secure their chair in the van. But drivers must be able to see the Vehicle at all times, so they cannot go into a home, or go past the ground floor lobby of any building. They cannot look for riders in an office, apartment or waiting room. And they cannot move someone in a wheelchair up or down steps.

### When will my ride come?

When you make your reservation, the Customer Service Representative will confirm your trip by giving you a 30-minute "pick-up window." Your vehicle may arrive at any time during the window, but you must be ready at the start of your pick-up window. It is your responsibility to wait where you will be able to tell that the vehicle has arrived.

Be ready! The driver is allowed to wait only 5 minutes for you. It is your responsibility to be ready to take your trip. If you do not meet the vehicle when it arrives, your driver will attempt to find you and East Bay Paratransit will attempt to telephone you. If you cannot be located or choose not to start boarding within five minutes, the driver may leave and continue to their next pick-up.

If you miss your pick-up, there may be a substantial wait for another pick-up from East Bay Paratransit. In addition, you may be penalized for failing to take the trip.

**What do I do if I think my ride has not arrived for me?**

If your vehicle has not arrived by the end of the pick-up window, you can telephone East Bay Paratransit to find out the estimated arrival time. If your ride arrives after the end of the pick up window, you may decline to take the trip and you will not be penalized.

**What if there is a problem with a trip?**

Customer services staff is available on the telephone during all hours that East Bay Paratransit operates. They can help with things like an estimated arrival time for a ride that is running late. To register a commendation or a complaint, you can speak to an agent or leave a telephone message with the details.

**Can I get more information on how to use East Bay Paratransit?**

All certified riders are given a “Rider’s Guide” that has many details about using East Bay Paratransit. Riders may request materials in accessible formats, including large print, Braille, audiotape, or computer disc. If you have misplaced your Riders’ Guide, call the certification department at 510-287-5000 to ask for another copy.

**How to contact East Bay Paratransit:**

East Bay Paratransit Office  
1750 Broadway  
Oakland, CA 94612

(510) 287-5000

Toll Free 1-800-555-8085  
Fax (510) 287-5069  
TTD/TTY (510) 287-5065  
[www.eastbayparatransit.org](http://www.eastbayparatransit.org)



## The Center for Independent Living Transit Focus Group Report: East Bay Paratransit

By: Helena Chang, Community Connections Program Coordinator  
[coco@thecil.org](mailto:coco@thecil.org) | (510) 841-4776 | [thecil.org/coco](http://thecil.org/coco)

### Organization and Transit Focus Group Background

The Center for Independent Living (TheCIL) is an independent living center based in the East Bay that provides advocacy and services to increase awareness, collaboration and opportunity among people with disabilities and the community at large. The Community Connections (CoCo) program under TheCIL strives to help community members gain the skills to confidently and independently navigate the Bay Area. During the pandemic, The CoCo Program conducted five transit focus group sessions between September to December, grouping focus groups by their age or disability. Focus group participants were invited through a transit survey we posted on our social media platforms and shared with contacts. Both the survey and focus groups aimed to capture more consumer data on their current public transit traveling experience, from comfort level to concerns they have. Both the survey and focus group questions focused mainly on public transit, but in all focus groups we did bring the discussion to paratransit through the question: “Do you use paratransit?” Below is a summary of the responses related to paratransit.

### Transit Focus Group Data

One Alameda County consumer with a physical disability commented: “I hate [paratransit]! How do people get home [if the rider's temperature is checked and they don't pass, but that is after they get to their destination]?”. We've gotten a few asks regarding not being able to get a ride back home if they fail to pass the temperature check as well.

One Alameda County senior, also with a physical disability, mentioned she never used Paratransit, and is unsure if it is even available where she lives, which is in Richmond. She says “I wouldn't even know how to access Paratransit where I live; I don't know [if] there is a disability network in Richmond...”.

An Alameda County consumer who identifies as having a neurological disability mentions Paratransit “hasn't really helped out people like me throughout all the time I've had a disability in our community because I can't qualify for it.” They also bring up the lack of support for the disability community to support those who want to pursue jobs, and Paratransit is one of those that can't help in this realm.



### **General CoCo Paratransit Data**

Between August to December of 2020, the CoCo program received four inquiry calls related to Paratransit services. One Berkeley resident had inquiries regarding a change in their paratransit eligibility and assistance to appeal the change. The three other calls were to learn more about other transportation options if they could not rely on or travel using public transportation, in which case I brought up Paratransit and the application process.

### **Results and Conclusion**

From the focus group responses, there can be more outreach and information dissemination regarding how Paratransit and other transit agencies are responding to COVID-19. When asked if they knew about certain COVID-19 regulations for different transit vehicles, most participants responded that they were not aware. Those who were age 34 or below brought up getting information through Twitter or the news, but would still check the transit websites for accuracy.

More outreach can be done through social media or word-of-mouth from workers to transit-oriented nonprofits and programs. We especially believe building relationships and creating structured information sharing with independent living centers, senior centers, travel training or information referral programs like TheCIL's CoCo program or Information and Referral Team can be beneficial for Paratransit and transit agencies to disperse relevant updates and materials to their target audiences (people with disabilities and seniors). Both these communities face digital divide or digital inaccessibility issues, making phone calls and word-of-mouth sources extremely important to them.



ACTION CALENDAR

March 30, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author) and Councilmember Ben Bartlett (Co-Sponsor)

Subject: Commit the City of Berkeley to a Just Transition from the Fossil Fuel Economy

RECOMMENDATION

Adopt a resolution committing the City of Berkeley to a Just Transition from the fossil fuel economy and establishing a Just Transition Task Force convened by the author and including but not limited to 2 other members of the City Council, representatives from the Community Environmental Advisory Commission (CEAC), the Labor Commission, the Planning Commission, the Transportation Commission, the Community Health Commission, the Youth Commission, and Associated Students of the University of California (ASUC), the Ecology Center, as well as labor allies and community partners at the UC and in the City of Berkeley.

BACKGROUND*Climate Change is Here*

At this moment, our atmosphere has a higher concentration of carbon dioxide than ever before in human history. This concentration, and the fossil fuel emissions that have caused it, is rapidly making our planet into a hotter and more volatile place for all of its inhabitants. Estimates of the degree of warming that we can expect over the course of the next century vary and are contingent on how policymakers respond to the growing threat in the next decade. Still, there is enormous consensus that a certain amount of warming is inevitable and that rising sea levels, higher frequency of extreme weather events, declining public health, and economic volatility will certainly follow. With estimates ranging from increases in temperature between 1.4 and 5.8 degrees Celsius by 2100, global warming will have severe impacts at even the most modest of estimates.<sup>1</sup>

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

Here in the Bay Area, we are already seeing a wide range of impacts including more extreme El Niño seasons some years, dramatic droughts in other years, a decline in coastal fog, 8 inches of sea-level rise, and more intense fire seasons in the rest of the state which have regularly brought smoke and ash to Berkeley.<sup>2</sup> These effects, which are already impossible to ignore, are just the beginning. The future will bring deeper and longer droughts, unreliable precipitation, an overall increase in temperature, and as much as 3 meters of sea-level rise by 2100.<sup>3</sup> On top of the weather and climate-related impacts, projections paint a grim picture for national economies under extreme warming scenarios. The reach of global warming will leave no stone unturned, with consequences for agriculture, trade, and industry internationally and at the national and local levels. At the national level, estimates currently project -0.1 to 1.7% GDP loss at 1.5 degrees Celsius of warming, 1.5 to 5.6% loss at 4 degrees, and 6.4 to 15.7% loss at 8 degrees.<sup>4</sup> All who call Berkeley and the Bay Area home are feeling the early impacts of climate change and will continue to be affected as warming intensifies, but not all effects are felt equally across demographic groups.

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

Poor Americans and people of color have always had a relationship with their environments characterized by poor health and unique exposures to environmental hazards and extreme weather conditions, often in ways designed and perpetuated by government policies that seek to segregate and discriminate against people of color. As the effects of climate change intensify in the coming decades, this relationship will only be exacerbated as extreme weather, declining public health, and economic devastation disproportionately harm poor Americans and drag more and more into poverty. As the economy takes on damage, the unemployment rate will rise and bring the poverty rate up with it.<sup>5</sup> Economic damage at the scale of climate change will subject millions more to the poor health, extreme weather vulnerabilities, and general ruin that is all but guaranteed for those who enter the coming decades already in impoverished conditions. The fight against climate change

The disparate impacts of extreme weather between racial and economic groups have been repeatedly demonstrated in recent history, with dire warnings for Berkeley's approach to climate resilience. In the summer of 1995, a year when global temperatures had already increased by nearly half a degree Celsius above pre-industrial levels,

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

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

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

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

Chicago, Illinois was hit by a record-breaking heat wave.<sup>6</sup> “Temperatures reached 106 degrees; the heat index, or experienced heat, climbed to 120 degrees; uncommonly ‘high lows’ (daily low temperatures that were themselves dangerously high), sparse cloud cover, and a dearth of cooling winds kept the city broiling, without relief, for a full week”<sup>7</sup>. After a week of intense heat, “medical examiners confirmed that over five-hundred Chicagoans had died directly from the heat, public health workers reported over seven-hundred deaths in excess of the weekly average, and hospitals registered thousands of visits for weather-related problems”<sup>8</sup>. The entire Chicago area felt the 1995 heat wave, but the effects of this extreme weather event were not leveled evenly across the entire area of the event. It was reported very quickly during and after the event that the victims of the heat wave were mostly elderly, poor, and Black<sup>9</sup>. The more fragile health of the elderly makes the raised vulnerability of older residents of Chicago less of a surprise, but the disproportionately poor and Black victimhood during this disaster further demonstrates the incredible exposure these groups have during extreme weather events.

The unequal effects of the 1995 heat wave in Chicago were neither wholly natural nor apolitical despite occurring in the early years of global climate change. The disproportionate victimhood of poor people of color in this case occurred as a result of political decisions. On top of the financial conditions that limit healthcare access and quality air-conditioning in the homes of the groups that ended up most vulnerable to the heat wave, the Chicago and Illinois government also acted in ways that led to an excess of deaths among elderly, poor, and Black residents during the heat crisis. The Chicago Police Department’s own senior assistance unit was neglected to be activated at all and the Department of Human Services failed to contact isolated seniors or transport them to any of the few public cooling centers that the city erected.<sup>10</sup> State and local governments have demonstrated both a lack of preparedness for extreme weather events and a bias against poor people and people of color in the few preparation policies they do have. Governments can learn from their mistakes, but they must do so in a way that moves faster than escalating global warming. The impacts of environmental racism and the unique relationship between poverty and ecological hazards has continued to this day and will continue under more and more extreme climate change. Chicago’s 1995 heat wave is just one example among many demonstrating the ways in which climate change has already begun to exacerbate poverty and racism in the United States.

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<sup>6</sup> <https://link.springer.com/article/10.1023/A:1006995507723>

<sup>7</sup> <https://link.springer.com/article/10.1023/A:1006995507723>

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

<sup>9</sup> <https://journals.sagepub.com/doi/abs/10.1177/000312240607100407?>

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

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

On a broader scale, studies indicate that a national transition to a 100%-renewable energy sector would likely result in the loss of around 3.9 million jobs while creating 5.9 million jobs.<sup>11</sup> Exact job loss and gain forecasts in Berkeley are unknown, but it stands to reason that the job impacts will be comparable to the national figures if the transition is done proactively. The net gain in employment opportunities from the fossil fuel transition provides an optimistic vision for the transition, but does not mean that the road to net-zero will be easy. Not every lost job will be immediately accompanied by the creation of a new job, nor is it guaranteed that those who lose their job will automatically be offered employment in newly created industries or that those new jobs will offer the same wages and benefits as the jobs that are lost. Governments, including the City of Berkeley, must play an active role in ensuring that their transitions provide a net-gain in quality, good-paying jobs and that those who lose their job to the transition are prioritized for newly created jobs. Job losses are not a reason not to transition off of fossil fuels. To secure a prosperous future and save millions of lives, the transition must continue at an aggressive pace. Reckoning with future job losses, however, will help ensure that those losses are overshadowed by the benefits of the transition and that an ample supply of new jobs are available for all.

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

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<sup>11</sup> <http://web.stanford.edu/group/efmh/jacobson/Articles/I/USStatesWWS.pdf>

people of color and the poor, and enact policies to mitigate damages to these communities from warming and the transition to carbon neutrality.

### What is a Just Transition?

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

Due to historic discrimination, impoverishment, and proximity to environmental hazards, people of color and poor people are disproportionately vulnerable to the impacts of climate change. In rebuilding our economy, policymakers at every level must be intentional in ensuring that the fossil-free economy of the future does not reproduce the same inequities and societal harms of today. There are wrong ways to fight the climate crisis. Governments can achieve net-zero emissions in such a way that enriches those who profited off of fossil fuel extraction and consumption and protects the already well-off from warming while abandoning the historically disadvantaged to the ravages of extreme weather and economic chaos. The transition away from fossil fuels must ensure that the vulnerable in our society are protected from both the turbulence of restructuring our entire economy and the effects of global warming that are already set in stone. “After centuries of global plunder, the profit-driven industrial economy rooted in patriarchy and white supremacy is severely undermining the life support systems of the planet. Transition is inevitable. Justice is not.”<sup>12</sup> The environmental justice movement calls this approach to the climate crisis a “Just Transition.”

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

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

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

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

A Just Transition centers on the development of human potential, creating opportunities for people to learn, grow, and develop to their full capacities and interests. We are all born leaders,

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<sup>12</sup> [https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA\\_JustTransition\\_Principles\\_final\\_hi-rez.pdf](https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA_JustTransition_Principles_final_hi-rez.pdf)

and a regenerative economy supports and nurtures that leadership. In the process, we are transforming ourselves, each other, our communities, and our society as a whole. Meaningful work is life-affirming.

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

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

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

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

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

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

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

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

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

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

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

We must build the world we need now. This may begin at a local small scale, and must expand to begin to displace extractive practices. We must build and flex the muscles needed to meet our communities' needs.<sup>13</sup>

Embarking on a Just Transition would make Berkeley a leader on climate action done right, but existing Just Transition examples from around the world can provide much guidance. In Poland, a 75% decline in coal mining jobs was coupled by a mining social package and special privileges for mining communes. Canada's efforts to phase out coal-powered electricity have been accompanied by a national stakeholder task force that has travelled the country to hear from Canadians on how to justly shepherd the transition. Egypt's fuel price increases were paired with minimum wage boosts, food stipends, and progressive taxation.<sup>14</sup> Whether branded as a Just Transition or not, Berkeley can draw plenty of inspiration from around the world in its efforts to ensure that workers, people of color, and the poor are elevated and protected in our fight against climate change, rather than left behind.

#### RATIONALE FOR RECOMMENDATION

In 2006, Berkeley residents voted in favor of Measure G, which committed the City of Berkeley to reduce its emissions by 80% below 2000 levels by 2050. The City Council, staff, and the community subsequently worked in tandem to develop the Berkeley Climate Action Plan, which lays out the City's path to achieving the stated goal on Measure G.<sup>15</sup> In 2018, the City Council voted to declare a Climate Emergency citing an "existential Climate Emergency that threatens our city, state, nation, civilization, humanity, and the natural world."<sup>16</sup> Both the establishment of the Berkeley Climate Action Plan and the declaration of a Climate Emergency put the City leagues ahead of other cities, states, and even the country on initiating climate action, but were still nowhere near enough.

At the state level, California's environmental efforts place it well ahead of most other states. Even California's efforts, however, are insufficient at best and ineffective at reducing emissions at worst.<sup>17</sup> The City of Berkeley must lead the state and the country both in aggressive and ambitious climate legislation that gets us to net-zero carbon emissions as soon as possible as well as climate mitigation and adaptation efforts that overcome and reverse historic environmental racism and lessen the economic turbulence that will accompany reshaping our economy in the coming decades so that all working Berkleyans have the right to a good job and secure future. Past and future

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<sup>13</sup> [https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA\\_JustTransition\\_Principles\\_final\\_hi-rez.pdf](https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA_JustTransition_Principles_final_hi-rez.pdf)

<sup>14</sup> <https://www.iisd.org/articles/just-transition-examples>

<sup>15</sup> <https://www.cityofberkeley.info/climate/>

<sup>16</sup> [https://www.cityofberkeley.info/uploadedFiles/Council\\_2/Level\\_3\\_-\\_General/Climate%20Emergency%20Declaration%20-%20Adopted%2012%20June%202018%20-%20BCC.pdf](https://www.cityofberkeley.info/uploadedFiles/Council_2/Level_3_-_General/Climate%20Emergency%20Declaration%20-%20Adopted%2012%20June%202018%20-%20BCC.pdf)

<sup>17</sup> <https://www.kqed.org/science/1972957/state-auditor-says-california-air-regulator-overstated-emission-reductions>



efforts to reach net-zero fossil fuel emissions must be examined in an active pursuit of a Just Transition for Berkeley.

To ensure that Berkeley's shift towards carbon neutrality overcomes historic inequities and offers economic prosperity for all, a task force must be established that advises the City Council on integrating the Just Transition model into its legislation, identifies important policies in pursuit of a Just Transition, and reports to the City Council on the city's fossil fuel transition progress through the Just Transition lens. By examining Berkeley's economy and jobs, a task force can also help the city by identifying what jobs are vulnerable to the shift off of fossil fuels and where there are opportunities for the transition to create new employment opportunities. This Just Transition Task Force, convened by the City Council, the Community Environmental Advisory Commission (CEAC), the Labor Commission, the Planning Commission, the Transportation Commission, the Community Health Commission, the Youth Commission, and Associated Students of the University of California (ASUC), is a necessary first step in what will be a long process in guaranteeing that Berkeley's transition off of fossil fuels leaves no one behind.

#### ENVIRONMENTAL IMPACTS

This proposal advances and enhances Berkeley's climate goals.

#### FISCAL IMPACTS

Staff time related to taskforce activities.

#### CONTACT

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

#### ATTACHMENTS

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



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

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

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

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

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

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

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

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

AND THEREFORE, BE IT FURTHER RESOLVED, that the City Council establishes a Just Transition Task Force that:

- A. Advises the City Council on integrating the Just Transition model into its legislation, identifies important policies in pursuit of a Just Transition, and reports to the City Council on the city's fossil fuel transition progress through the Just Transition lens.
- B. And is convened by the author and including but not limited to 2 other members of the City Council, representatives from the Community Environmental Advisory Commission (CEAC), the Labor Commission, the Planning Commission, the

Transportation Commission, the Community Health Commission, the Youth Commission, and Associated Students of the University of California (ASUC), the Ecology Center, as well as labor allies and community partners at the UC and in the City of Berkeley.



Attachment  
Not Received

This attachment has not been received from the  
submitting office.

**City Clerk Department**  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**The City of Berkeley, City Council's Web site:**  
<http://www.cityofberkeley.info/citycouncil/>



**SOPHIE HAHN**

Berkeley City Council, District 5  
 2180 Milvia Street, 5th Floor  
 Berkeley, CA 94704  
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CONSENT CALENDAR

March 30, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmembers Sophie Hahn (Author) and Kate Harrison (Author)  
 Subject: Initiation of Participatory Planning for Berkeley's  
 Regional Housing Needs Allocation (RHNA)

RECOMMENDATION

1. Direct the City manager to initiate and take all steps necessary to launch and complete the City's housing element update in compliance with all State and City of Berkeley laws, plans, guidelines and regulations, to meet the January 2023 RHNA deadline for submission to the California Department of Housing and Community Development (HCD).
2. Refer to the City Manager to hire experienced, culturally competent consultants to lead the housing element update and any required California Environmental Quality Act (CEQA) processes in collaboration with members of the public, the Planning, Housing Advisory, Homeless and other appropriate Commissions, the City Council, and City staff.
3. Refer to the Budget process the identification and allocation of at least \$500,000 in funds necessary to complete the housing element update in a thoughtful, comprehensive, participatory, culturally competent and timely manner.
4. Refer to the City Manager to study and report back to the City Council the following:
  - a. A map of State legislation, with a focus on new legislation adopted since the City's last housing element update, to clarify the State regulatory landscape in which Berkeley's current RHNA planning will take place. Legislation mapped should include but not be limited to new laws about ADUs, SB35, and related to planning in high risk fire/earthquake/sea level rise areas.
  - b. An evaluation of the distribution of RHNA-required units at each affordability level, taking into account Berkeley's current housing pipeline report, the amount of housing in the pipeline at various affordability levels, and City demographics related to income.

- c. Status of State-level efforts to count group living accommodation (GLA) units/beds towards RHNA requirements.
5. Finalize objective planning standards and updated affordable housing requirements, as previously referred by the City Council, simultaneously with the RHNA planning process.
6. Refer to the City Manager to ensure that the framing of the housing element update reflects core Berkeley values of equity, affordability, and protection of residents from displacement and predatory purchasing, and puts cooperative, land-trust and other social housing concepts, as well as innovative home ownership models, on an equal footing with more traditional market-rate and affordable housing solutions.

### SUMMARY

As part of the RHNA process, California requires cities to update their housing element. An effective housing element provides the necessary conditions for developing and preserving an adequate supply of housing, including housing affordable to seniors, families, and workers, as well as currently unhoused members of the community. Because the housing element must be regularly revised according to a legally mandated schedule, the update process provides the opportunity for Berkeley to update our housing and land-use strategies to reflect changing needs, resources, and conditions. While important to meeting one of the most basic needs of our community, updating the housing element can be a daunting project, and requires significant investment in planning and analysis, as well as providing opportunities for broad, legally mandated participation by the community.

ABAG, the Bay Area authority responsible for allocating the Bay Area's housing need amongst all of the jurisdictions within our region, has currently allocated to Berkeley the production of from 7,730 to 9,025 units.<sup>1</sup>

As the next step in meeting Berkeley's requirements under State Law, the City is required to submit to the California Department of Housing and Community Development (HCD), by January of 2023, a proposal to update our housing element. To meet this deadline while doing full justice to the requirement for robust public participation, Berkeley must begin the planning and update process as quickly as possible.

Therefore, this item requests that the City manager immediately initiate all steps necessary to launch and complete the City's housing element update in compliance with

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<sup>1</sup> Appendix 3: Jurisdiction Illustrative Allocations

<sup>2</sup> [https://abag.ca.gov/sites/default/files/abag\\_draft\\_rhna\\_methodology\\_release\\_december2020.pdf](https://abag.ca.gov/sites/default/files/abag_draft_rhna_methodology_release_december2020.pdf)

State and City of Berkeley laws and regulations. In addition, this item refers to the City Manager to hire experienced consultants to help lead the update process in collaboration with members of the public, the Planning Commission, the City Council and city staff.

Finally, this item refers the identification and allocation of funds necessary to complete the housing element update in a thoughtful, comprehensive, participatory and timely manner to the Budget process. Sources of funds may include grants or allocations from the City's own resources.

## BACKGROUND & EXISTING PLANS, PROGRAMS, POLICIES & LAWS

### **Regional Housing Needs Allocation and Housing Elements**

Since 1969, California has required that all local governments (cities and counties) adequately plan to meet the housing needs of everyone in the community. California's local governments meet this requirement by adopting housing plans as part of their "general plan" (also required by the state). General plans serve as the local government's blueprint for how the city and/or county will grow and develop and include seven elements: land use, transportation, conservation, noise, open space, safety, and housing. The law mandating that housing be included as an element of each jurisdiction's general plan is known as "housing-element law."

California's housing-element law acknowledges that as the private market plays a key role inadequately addressing the housing needs and demand of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain), housing development. As a result, housing policy in California rests largely on the effective implementation of local general plans and, in particular, local housing elements.<sup>2</sup>

Updating a jurisdiction's housing element, while important to meeting one of the most basic needs of Californians, can be daunting, and a lot is at stake. Individuals and families are directly affected by each jurisdiction's ability to plan for the housing needs of those who will live, work, and play in every community.

Those who build homes and apartments and help families become homeowners often rely on funding from not only local but also state and federal housing programs administered by HCD and other state departments and agencies. In some cases, funding from state/federal housing programs can only be accessed if the jurisdiction has

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<sup>2</sup> <https://hcd.ca.gov/community-development/housing-element/index.shtml>

a compliant housing element. In other cases, a compliant housing element is not a requirement in order to apply for funding; however, those applying for funding will receive extra points on their application if they do have a compliant housing element (thereby increasing their chances in the competitive application process).

In order to create a housing plan (aka housing element) showing it could meet the local housing needs, a jurisdiction must first know how much housing it must plan for (and estimate how much will be needed at a variety of affordability levels in order to match the needs of the people who will live there). This is determined by a process called the regional housing needs assessment.

### **The Role of the California Department of Housing and Community Development**

The California Department of Housing and Community Development (HCD) plays the critical role of reviewing every local government's housing element to determine whether it complies with state law and then submits written findings back to each local government. HCD's approval is required before a local government can adopt its housing element as part of its overall General Plan.

Jurisdictions can opt to update their housing elements every five years or every eight years. The option to use an eight-year schedule was created to better align with the schedule local governments (or COGs/MPOs) have to meet to update their Regional Transportation Plans (which are updated every four years), now mandated to align with housing plans in Regional Sustainable Communities Strategies. Berkeley is on an eight-year cycle, with the current housing element covering the years of 2015-2023.<sup>3</sup>

### **Calculating the Housing Need in Each Region**

HCD is responsible for determining the regional housing needs assessment (segmented by income levels) for each region's planning body known as a "council of governments" (COG). The Bay Area's COG is the Association of Bay Area Governments (ABAG). HCD starts with demographic population information from the California Department of Finance and uses a formula to calculate a figure for each region/COG.

Each COG uses its own demographic figures to calculate what it believes the regional housing need is. Each COG then coordinates with HCD — taking into account factors not captured in the calculations — to arrive at a final figure. This final figure is the regional housing needs assessment.

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<sup>3</sup> [https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_Commissions/Commission\\_for\\_Planning/2015-2023%20Berkeley%20Housing%20Element\\_FINAL.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Commission_for_Planning/2015-2023%20Berkeley%20Housing%20Element_FINAL.pdf)



On January 21, 2021, the ABAG Executive Board approved the Draft Regional Housing Needs Allocation (RHNA) Methodology and Final RHNA Subregional Shares.<sup>4</sup> Building on a previous proposal, the Draft RHNA Methodology includes two key changes, incorporating 2050 Households projections from the Plan Bay Area 2050 Final Blueprint and integrating an “equity adjustment.”<sup>5</sup>

Whereas the Plan Bay Area 2050 Draft Blueprint featured 25 strategies that influenced the location of future growth, the Final Blueprint features 35 revised strategies adopted by the ABAG Executive Board and Metropolitan Transportation Commission in fall 2020. These strategies shift the regional growth pattern, with more household growth directed to transit-rich, high resource places to support Plan Bay Area 2050 in meeting the statutory greenhouse gas reduction target. Additionally, the Final Blueprint features updated local land use data based on consultation with local jurisdictions in summer/fall 2020.<sup>6</sup>

A second change in the draft RHNA methodology is the incorporation of the “equity adjustment” that would increase the allocations of lower-income units for some jurisdictions identified as having racial and socioeconomic demographics that differ from the regional average.<sup>7</sup>

As it has for the past several RHNA cycles, ABAG convened a Housing Methodology Committee (HMC) to guide development of the methodology used to allocate a share of the region’s total housing need to every local government in the Bay Area.<sup>8</sup> ABAG’s HMC approach goes beyond the legal requirements to facilitate dialogue and information-sharing among local government representatives and stakeholders from across the Bay Area with crucial expertise to address the region’s housing challenges. Striving to advance equity and affirmatively further fair housing, ABAG sought to ensure a breadth of voices in the methodology process. The HMC held 12 meetings starting in October 2019 to formulate a recommended RHNA methodology.<sup>9</sup>

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<sup>4</sup> [https://abag.ca.gov/sites/default/files/documents/2021-02/ABAG\\_Draft\\_RHNA\\_Methodology\\_Report\\_2023-2031.pdf](https://abag.ca.gov/sites/default/files/documents/2021-02/ABAG_Draft_RHNA_Methodology_Report_2023-2031.pdf)

<sup>5</sup> <https://abag.ca.gov/our-work/housing/rhna-regional-housing-needs-allocation>

<sup>6</sup> [https://abag.ca.gov/sites/default/files/documents/2021-02/ABAG\\_Draft\\_RHNA\\_Methodology\\_Report\\_2023-2031.pdf](https://abag.ca.gov/sites/default/files/documents/2021-02/ABAG_Draft_RHNA_Methodology_Report_2023-2031.pdf)

<sup>7</sup> [https://abag.ca.gov/sites/default/files/documents/2021-02/ABAG\\_Draft\\_RHNA\\_Methodology\\_Report\\_2023-2031.pdf](https://abag.ca.gov/sites/default/files/documents/2021-02/ABAG_Draft_RHNA_Methodology_Report_2023-2031.pdf)

<sup>8</sup> [https://abag.ca.gov/sites/default/files/documents/2021-02/ABAG\\_Draft\\_RHNA\\_Methodology\\_Report\\_2023-2031.pdf](https://abag.ca.gov/sites/default/files/documents/2021-02/ABAG_Draft_RHNA_Methodology_Report_2023-2031.pdf)

<sup>9</sup> <https://abag.ca.gov/our-work/housing/rhna-regional-housing-needs-allocation/housing-methodology-committee>

As required by law, ABAG submitted the Draft RHNA Methodology to HCD for its consideration and review on February 11, 2021, kicking off a 60-day statutory review period for the State.<sup>10</sup> In the coming months, the following key steps are required in the RHNA process:<sup>11</sup>

- Late Spring 2021: after receiving feedback from HCD, ABAG will adopt a Final RHNA Methodology and release Draft Allocations.
- Summer and Fall 2021: release of the Draft Allocations kicks off the period in which a local jurisdiction or HCD can submit an appeal to ABAG requesting a change to any Bay Area jurisdiction's allocation. Requirements for the appeals process are outlined in Government Code Section 65584.05 and ABAG will be releasing more detailed guidance in early summer.
- Late 2021: the ABAG Executive Board will adopt Final Allocations, taking into consideration the results of the appeals process. This final adoption will also include a public hearing.
- January 2023: Housing Element updates are due to HCD.

### **Housing-Element Update Cycles**

To date, there have been four previous housing element update “cycles.” California is now in its fifth “housing-element update cycle.”<sup>12</sup> Berkeley's current ABAG Housing Element can be found here: [City of Berkeley 2015-2023 Housing Element](#).<sup>13</sup>

Updating a jurisdiction's housing element, while important to meeting one of the most basic needs of Californians, can be daunting; and yet, the importance of housing elements to individuals and families, communities, and those who build homes and apartments is undeniable. So, HCD has created [Building Blocks: A Comprehensive Housing-Element Guide](#) to assist jurisdictions in creating comprehensive housing elements.<sup>14</sup>

An effective housing element provides the necessary conditions for developing and preserving an adequate supply of housing, including housing affordable to seniors, families, and workers, as well as unhoused members of the community. Because the housing element must be regularly revised according to a legally mandated schedule, the update process provides the opportunity for Berkeley to update our housing and land-use strategies to reflect changing needs, demographics, resources, and conditions.

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<sup>10</sup> <https://abag.ca.gov/our-work/housing/rhna-regional-housing-needs-allocation>

<sup>11</sup> <https://abag.ca.gov/our-work/housing/rhna-regional-housing-needs-allocation>

<sup>12</sup> <https://hcd.ca.gov/community-development/housing-element/index.shtml>

<sup>13</sup> <https://www.cityofberkeley.info/housingelement/>

<sup>14</sup> <https://hcd.ca.gov/community-development/housing-element/index.shtml>

For example, the housing element update can provide a mechanism to adopt efficient land-use strategies such as infill development, mixed-use development, encouragement of and amnesty for illegally built accessory units, or downtown revitalization. It can also provide a vehicle for Berkeley to continue to strengthen housing and land-use strategies that address climate change and reduce greenhouse gas emissions. For example, promoting higher-density, infill housing for low-income workers or promoting housing along transit corridors, allowing more people to get out of their cars and use public transit.<sup>15</sup>

### **Housing Needs**

Housing-element law requires local governments to adequately plan to meet their existing and projected housing needs, including their share of the regional housing needs allocation. A complete analysis is required to include a quantification and a descriptive analysis of the specific needs and resources available to address these needs.<sup>16</sup>

### **Site Inventory and Analysis**

Government Code Section 65583(a)(3) requires local governments to prepare an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites. The inventory of land suitable for residential development is used to identify sites that can be developed for housing within the planning period.<sup>17</sup>

### **Constraints**

The housing element must identify and analyze potential and actual governmental constraints to the maintenance, improvement, or development of housing for all income levels, including housing for people with disabilities. The analysis must identify the specific standards and processes of these constraints and evaluate their impact on the supply and affordability of housing. The analysis should determine whether local, regulatory standards pose an actual constraint and must also demonstrate local efforts to remove constraints that hinder a jurisdiction from meeting its housing needs.<sup>18</sup>

Berkeley's work to plan for housing at Ashby and North Berkeley BART stations, the adoption of the Adeline Corridor Plan, work to streamline creation and legalization of accessory units, the recent adoption of a resolution expressing intent to bring additional density to traditional low-density zones, elimination of parking minimums in favor of

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<sup>15</sup> <https://hcd.ca.gov/community-development/building-blocks/index.shtml>

<sup>16</sup> <https://hcd.ca.gov/community-development/building-blocks/index.shtml>

<sup>17</sup> <https://hcd.ca.gov/community-development/building-blocks/index.shtml>

<sup>18</sup> <https://hcd.ca.gov/community-development/building-blocks/index.shtml>

housing, and increased use of group living accommodations are among the steps being taken to remove potential constraints.

Equally important have been 2018 Measures O and P, which opened the door to production of affordable housing and to rehousing the homeless in supportive housing developments.

### **Program Requirements**

Each jurisdiction must identify specific programs in its housing element that will allow it to implement the stated policies and achieve the stated goals and objectives. Programs must include specific action steps to implement its policies and achieve its goals and objectives. Programs must also include a specific timeframe for implementation, identify the agencies or officials responsible for implementation, describe the jurisdiction's specific role in implementation, and identify specific, measurable outcomes.<sup>19</sup>

### **Analysis of Consistency with General Plan**

The housing element affects a locality's policies for growth and residential land uses. Among other things, the housing element establishes the locality's housing goals, policies, and objectives; identifies sites for new construction; and addresses governmental constraints. The goals, policies, and objectives of an updated housing element should be reviewed in the context of the land-use, circulation, open-space elements, zoning, and/or redevelopment and capital improvement plans.

The general plan is required to be "internally consistent" meaning any and all conflicts between general plan elements should be acknowledged and resolved. Jurisdictions must ensure programs and policies in other elements do not conflict with those of the housing element; in particular the land-use, circulation, or conservation elements. For example, the circulation element levels of service (LOS) standards may need to be updated to reflect potential build out capacities proposed in the housing element. Also, realistic development capacity could be impacted by the conservation element policies that require new residential projects to provide large, open-space corridors or buffer areas.

When conflicts exist, the housing element must describe how consistency will be achieved and how the goals of the housing element will be addressed.

Many communities attempt to address and resolve conflicts by amending the zoning ordinance and all relevant elements of the general plan concurrent with amendment of the housing element, and it is likely that Berkeley will need to do both in 2023. For example, if densities of particular sites must be increased to identify adequate sites, the

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<sup>19</sup> <https://hcd.ca.gov/community-development/building-blocks/index.shtml>

attendant amendments to the general plan and zoning ordinance will likely be proposed and adopted at the same public hearing as the housing element.

In addition to resolving inconsistencies among various elements and/or ordinances at the time of updating the housing element, any subsequent amendment to the housing element or other general plan elements, will trigger a review of the entire general plan, especially land-use provisions, to ensure internal consistency is maintained.<sup>20</sup>

Updating Berkeley's housing element is a substantial task that has broad implications for the General Plan, and for the City's future. It also will likely entail change and impacts that substantially transform the physical shape of Berkeley over the next 30 years. Needs for open space, infrastructure, transit options and other elements of a healthy, diverse, equitable and enjoyable community are implicated in any plan to significantly increase housing in Berkeley. For these reasons, and because democratic participation and public input are core Berkeley values, enshrined in our General Plan, and because robust public participation is required by the State of California, Berkeley needs to quickly identify the funds to hire culturally competent consultants to undertake a thorough, thoughtful, comprehensive and participatory process that meets the 2023 deadline.

### **Public Participation**

The State of California requires that cities "make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element."<sup>21</sup>

Housing issues affect the entire community — residents, employers, and the public and private sectors. The public participation requirement of housing-element law presents an opportunity to engage constituents in a dialogue — defining problems and creating solutions. The inclusion of community stakeholders (including residents) in the housing-element public participation process helps ensure appropriate housing strategies are more efficiently and effectively evaluated, developed, and implemented. An inadequate public participation process may lead to anti-development initiatives, and strong, vocal community opposition to greatly needed housing development. Successful public participation is important because a diverse cross section of the population can be engaged in defining the housing problem and in crafting solutions that work for everyone in the community. Broad participation and true engagement of the public

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<sup>20</sup> <https://hcd.ca.gov/community-development/building-blocks/other-requirements/analysis-consistency-general-plan.shtml>

<sup>21</sup> <https://hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml>

increases the likelihood that the community members involved in the discussion and planning processes will support new housing strategies and housing developments.<sup>22</sup>

In addition, Government Code 65583(c)(7) requires: "The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort."<sup>23</sup>

Specifically,

- The jurisdiction must make a diligent effort to include all economic segments of the community (including residents and/or their representatives) in the development and update of the housing element.
- The housing element should clearly describe efforts to engage the community throughout the housing-element process (e.g., types of outreach, meetings.) and clearly describe the implementation of the housing-element process.
- The housing element should describe who was invited to participate, which groups actually participated, general comments received, and how comments were incorporated into the housing element.
- The housing element should describe any ongoing efforts to engage the public and stakeholders in the implementation of the housing element.<sup>24</sup>

The State highlights the example of creative steps taken by the City of Richmond to ensure broad and meaningful participation.



Photo credit: City of Richmond Planning Department

To announce workshops on the update of its general plan, the City of Richmond mailed more than 32,000 newsletters to households and placed ads and announcements in local newspapers, on the radio, and on its website. In addition, the city created a mobile planning department, known as the "Plan Van." The Plan Van made stops in the community at neighborhood events and throughout the city to provide residents with

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<sup>22</sup> <https://hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml>

<sup>23</sup> <https://hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml>

<sup>24</sup> <https://hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml>

information, encouraging them to share their ideas for the city and learn more about the general plan update.

### **State Guidance on Participation**

The State provides the following guidance regarding participants in the public planning process:

- Involve low- and moderate-income residents to discuss housing problems faced and resources needed.
- Seek housing needs and conditions information from a wide variety of housing consumers and service providers, such as tenants in units at risk of conversion to market-rate, health- and human-service providers, homeless-shelter and mental-health service providers, places of worship, seniors, farmworkers, and non- and for-profit affordable housing developers.
- Engage advocates or groups with housing interests early in the process, so they can share their ideas on how to meet the housing needs of those they represent. These groups are often ones who provide written comments during the housing-element review process. Including them early in the housing-element development process will help to resolve issues or concerns during the development of the element.
- Invite other stakeholder groups into the housing-element development and implementation processes. These might include local or regional business groups such as the local chamber of commerce, which is concerned about the availability of housing for employees and how housing availability affects regional economic growth. Other stakeholders could include grassroots, community-based organizations, neighborhood associations, homeowner/resident organizations, and civic groups, such as the League of Women Voters, and rotary clubs.
- By including development and finance professionals in the housing-element process, the constraints to housing development (land availability, regulatory environment, and financing concerns, etc.) can be identified based on real-world experience. Appropriate responses and strategies can then be collaboratively developed.
- Local governments should promote involvement of all appropriate local departments to ensure interdepartmental issues are addressed in a comprehensive and efficient manner. For example, the public works department may be able to provide information about infrastructure issues, and the codes department may have information about the condition of the housing stock.<sup>25</sup>

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<sup>25</sup> <https://hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml>



## State Approaches to Public Participation

The State also provides recommendations for approaches to public participation (some of which might not be advisable if we continue under Shelter-in-Place):

- Identify key individuals who can represent their constituent communities during all stages of the housing-element process.
- Be proactive in reaching out to the community. Visit neighborhoods and participate in local events. Establish an ongoing housing-element update and implementation committee using an appointed, ad-hoc, or volunteer citizen-advisory committee to oversee the update and implementation of the housing element.
- Use direct mail, radio ads, and local print or electronic media (such as neighborhood newsletters) to communicate opportunities to engage in the housing-element process.
- Always consider the composition of your target audience and use communication tools that are language-appropriate, culturally sensitive, and grade-level readability.
- Create a website to provide a user-friendly, interactive platform during the housing-element process. Include a link to an online survey that collects responses in a spreadsheet for easy analysis. Include a housing-element public participation blog, which can record more comments than a simple survey and reveal a greater sense of community members' impressions and concerns about housing needs and plans for development. (The draft element should also be posted on the city's website.)
- Once initial community input has been received, provide draft copies of the housing elements to all stakeholders.
- Use creative methods to communicate the importance of all stages of the housing-element process.
- Use attractive direct-mail brochures and surveys to capture information.
- Consider mobile resources. See the City of Richmond's "Plan Van" (in box above) and include interactive presentations.
- Consider having barbecues or set up information displays at community events to enhance interaction with the public. It is important to show up at community functions both to make connections at the neighborhood level, but also to create opportunities to engage people in their own communities.
- Conduct guided tours of both market-rate and affordable developments to show visual comparisons and generate housing ideas. In addition, tours of sites being considered for housing development can give citizens a chance to provide input on site selection.



- Conduct training and education workshops where you can identify individuals who may be interested in taking a community leadership role in the housing-element process.
- Create computer simulations of housing development proposals showing all housing types and locations.
- Encourage ongoing participation by conducting annual public meetings to discuss housing needs and priorities, development successes, and the need for additional resources. Continuing involvement emphasizes the importance of the public's role in effective implementation.<sup>26</sup>
- Anticipate logistical concerns. Public participation can be impeded by language barriers, transportation, meeting times, and child care. Minimize these barriers by anticipating these issues in advance. Plan to address as many concerns as possible. For example:
  - Plan some meetings in the evenings and/or on weekends.
  - Provide childcare.
  - Plan the meetings in locations accessible by public transit or assist in transportation.
  - Provide translation/interpreter services.
- Seek input to the housing element early in the development, implementation, and oversight stages.
- Follow up after each event. After holding a public forum or activity, establish a procedure to follow up with concrete action to address the community's concerns. Be sure that all information relevant to the process is made available, either at regular meetings or by posting to a website. This will help to establish and maintain the jurisdiction's credibility.

### **State Guidance on Facilitation of Meaningful Participation**

- Develop a public participation infrastructure that includes the following resources to promote sustainable community involvement:
  - A contact person who is available to the public to answer questions, respond to concerns, and provide information about resources.
  - An interactive website where stakeholders can access information and voice ideas and concerns.
  - Annual meetings where stakeholders can gather to celebrate successes in housing development, learn about local land-use and development issues, voice concerns, and develop a vision for future housing development.

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<sup>26</sup> <https://hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml>

- Conduct effective meetings and establish rapport early. Build consensus among stakeholders, the public, professionals, and local decision-makers. Help the group move from decision-making based on personal experience alone toward decision-making that is in the interest of the whole community. Effective meetings with the public will:
  - Maintain integrity by demonstrating willingness to follow up on concerns and incorporating input.
  - Develop rules for engagement. Every participant should agree to the same set of rules and protocols.
  - Respect community values and concerns. Acknowledge the sincerity of expressed views.
  - Bring directly affected stakeholders into the process as soon as possible. This facilitates the creation of teamwork earlier on and communicates that the process is inclusive.
  - Focus on listening. Being patient and listening to all viewpoints, especially when the process breaks down, is valuable to restart the process and gain credibility with the participants.
  - Demonstrate willingness to consider and incorporate stakeholder input. The public participation process should not be used to “rubber stamp” a predetermined objective or policy.
  - Present all information and data in a format that is easily understood. Take time to ensure the public understands critical information. Encourage questions.<sup>27</sup>

## CITY OF BERKELEY GENERAL PLAN REQUIREMENTS

In addition to State mandates applicable to updates to the Housing Element, Berkeley’s General Plan also includes policies and processes that must be adhered to, including CEQA analysis.

Berkeley’s General Plan is a comprehensive, long-range statement of policies for the development and preservation of Berkeley. It is a statement of community priorities and values to be used to guide public decision-making in future years. The Berkeley General Plan is a compilation of goals, objectives, policies, and actions designed to manage change. The Plan’s goals, objectives, and policies serve as a guide to the day-to-day decisions that are essential for responsive government. The General Plan provides that decisions made by the Berkeley City Council and its advisory boards and commissions

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<sup>27</sup> <https://hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml>

about the physical development of the city should be consistent with the goals, objectives, and policies of this Plan. The City Council and the Planning Commission are directed to use the General Plan when evaluating land use changes and making funding and budget decisions. It is used by the Zoning Adjustments Board and City staff to help regulate development proposals and make decisions on projects. The policies of the Plan apply to all property, both public and private, within the Berkeley city limits.

The Plan's goals are implemented through decisions and actions consistent with the objectives, policies, and actions of each of the nine Elements. The goals and associated policies and actions are intended to work together in concert to establish and maintain Berkeley as a sustainable community that promotes social equity, environmental quality, and economic prosperity to meet the needs of the present without compromising the needs of future generations.

The General Plan includes chapters on both Land Use<sup>28</sup> and Housing<sup>29</sup>, as well as a chapter on community participation<sup>30</sup>.

### **Public/Community Participation Element**

The community element of Berkeley's General Plan is very clear about the importance of robust resident input in all planning processes. The introduction to the element states:

“The City of Berkeley has a long and rich history of citizen participation. While an element dealing with citizen participation is not, under State law, a required part of the General Plan . . . The presence of such an element acknowledges the importance of the participation philosophy that forms such a vital part of Berkeley public life.”

The community participation element includes 6 goals:

1. Ensure citizen and community participation in General Plan and other planning tasks.
2. Improve citizen participation in relationship to the crucial decision-making bodies in land use matters.

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<sup>28</sup> [https://www.cityofberkeley.info/Planning\\_and\\_Development/Home/General\\_Plan\\_-\\_Land\\_Use\\_Element\\_Introduction.aspx](https://www.cityofberkeley.info/Planning_and_Development/Home/General_Plan_-_Land_Use_Element_Introduction.aspx)

<sup>29</sup> [https://www.cityofberkeley.info/Planning\\_and\\_Development/Home/General\\_Plan\\_-\\_Housing\\_Element.aspx](https://www.cityofberkeley.info/Planning_and_Development/Home/General_Plan_-_Housing_Element.aspx)

<sup>30</sup> [https://www.cityofberkeley.info/Planning\\_and\\_Development/Home/General\\_Plan\\_-\\_Citizen\\_Participation\\_Element.aspx](https://www.cityofberkeley.info/Planning_and_Development/Home/General_Plan_-_Citizen_Participation_Element.aspx)

3. Enhance notification, information, and process for citizen input in land use matters.
4. Improve neighborhood participation in Current planning and decisions.
5. Increase the use of new technology for citizen participation.
6. Improve the role of City administrative structure and staff in relationship to meaningful citizen participation.

Policy CP-2: Community Involvement in Planning further reinforces the central role of community participation in planning:

“Whenever an area plan, a strategic plan, or any other Current planning is undertaken, there must be continuous and maximum participation by those who will be affected by the plan including committees of residents who live in or near the plan area, merchants, and others who do business in the plan area, as well as members of interested groups and the general public.”<sup>31</sup>

### **Amending the General Plan**

The Planning Commission, City staff, City Council, or the general public can initiate amendments to the General Plan. Amendments require submittal of an application to the City and public hearings by the Planning Commission and City Council. General Plan amendments are also subject to environmental review in accordance with the provisions of the California Environmental Quality Act (CEQA).

Decisions to recommend or adopt a General Plan amendment must be supported by findings of fact. These findings are the rationale for making a decision either to approve or deny the amendment. While specific findings may be applied on a case-by-case basis, at least the following standard findings should be made for each General Plan amendment:

1. The proposed amendment is in the public interest.
2. The proposed amendment is consistent and compatible with the rest of the General Plan.
3. The potential effects of the proposed amendment have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare.

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<sup>31</sup> [https://www.cityofberkeley.info/Planning\\_and\\_Development/Home/General\\_Plan\\_-\\_Citizen\\_Participation\\_Element.aspx](https://www.cityofberkeley.info/Planning_and_Development/Home/General_Plan_-_Citizen_Participation_Element.aspx)

4. The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.<sup>32</sup>

### **General Plan Goals**

The General Plan lays out seven major goals for Berkeley, which are reproduced in full below:

**Goal #1: Preserve Berkeley's unique character and quality of life:** Berkeley is a unique place. It has a population that is ethnically, culturally, and economically diverse and its citizens value that diversity. Its citizens care deeply about their community and many participate actively in its civic affairs. Berkeley is fortunate to be located in the center of the Bay Area with its desirable climate and physical beauty. While much more than just a university town, Berkeley benefits from the University of California's cultural and educational facilities and its positive impact on the local economy. As one of the older cities in the East Bay, Berkeley has a number of lively pedestrian-oriented commercial areas that developed along former streetcar routes and near the University. It has many pleasant, livable residential neighborhoods with many attractive older homes. It has largely avoided the newer car-oriented suburban sprawl and strip mall style of commercial development found in other parts of the Bay Area. This plan includes policies and actions to ensure that Berkeley retains its unique character and quality of life.

**Prepare for Natural Disasters.** Earthquakes on the Hayward Fault and fires in the hills pose a threat of severe physical damage to the city and the loss of life to Berkeley residents and visitors. The General Plan calls for enhanced preparedness for natural and man-made disasters to minimize damage and effectively implement recovery operations.

**Reduce Traffic and Encourage Transit.** The increase in automobile traffic volume on city streets, its spillover onto local residential streets, and the increased congestion on a number of major streets have eroded the livability of some parts of the city and pose a continuing threat to Berkeley's quality of life. Berkeley has too many accidents involving pedestrians and bicyclists. There are major gaps in and problems with the transit service available to Berkeley residents. The General Plan contains policies to improve and to encourage use of alternative modes of transportation, including working with transit agencies to establish a citywide or regional "Eco-Pass" program that would provide free

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<sup>32</sup> <https://www.cityofberkeley.info/contentdisplay.aspx?id=488>

transit passes. There are also policies to calm traffic and improve pedestrian and bicycle safety.

**Encourage Appropriate Infill Development.** With little vacant land available for development, all new development in Berkeley will be infill development. To preserve Berkeley's character, it is essential that infill development be sensitively designed and thoughtfully planned to fit in with the existing built environment. The General Plan leaves in place most development standards and zoning created and implemented through previous area plan processes. This zoning encourages housing and mixed-use development in Downtown and along the city's transit corridors. The General Plan calls for new development to contribute to the provision of necessary public improvements to serve current and future populations such as open space, transportation, and affordable housing. The Plan also makes a commitment to preserve the city's historic resources.

**Goal #2: Ensure that Berkeley has an adequate supply of decent housing, living-wage jobs, and businesses providing basic goods and services:** To maintain Berkeley's unique character and quality of life, Berkeley must strive to maintain the cultural, social, and economic diversity that is such an important aspect of the character of Berkeley. If Berkeley is to remain a diverse community with a wide range of races, incomes, cultures, and ideas, Berkeley must take steps to maintain an adequate supply of decent, affordable housing, a range of jobs, and a variety of local goods and services.

**Increase the Supply of Affordable Housing.** One major threat to Berkeley's character and to its diversity is gentrification. As rents and home prices rise, fewer people can afford to live in Berkeley. The General Plan contains policies and actions that provide incentives to develop new affordable housing, including revisions to Downtown height bonuses. It also contains policies and actions to maintain and increase the affordability of the existing housing supply, including acquisition of existing rental housing.

**Support Local Businesses and Neighborhood-Serving Businesses.** There are many independent locally owned businesses in Berkeley, many of them predominantly neighborhood-serving, with others serving broader regional markets. Berkeley also has corporate-owned chain stores. The fact that chains have not come to dominate has contributed to the vitality of Berkeley's commercial areas. The Plan contains policies to support local ownership and neighborhood commercial districts.

**Promote a Strong Industrial Base and Living-Wage Jobs.** Living-wage jobs for Berkeley residents are important for maintaining stable neighborhoods and quality of life in the city. The Plan supports continued implementation of the West Berkeley Plan with its emphasis on protecting industry. It also supports employment and training programs to increase access to local jobs by Berkeley residents.

**Goal #3: Protect local and regional environmental quality:** Without a healthy environment, the high quality of life in Berkeley will be degraded for present inhabitants and future generations. This Plan emphasizes the protection of the environment, both locally and regionally. It addresses City programs and actions, the importance of regional solutions, and the importance of the actions of the individual in day-to-day decisions on the health of the environment.

**Reduce the Waste Stream Generated from Berkeley.** Berkeley was a pioneer community in the area of recycling. Plan policies continue to support recycling of as much of the solid waste generated by residents and businesses as possible. The Plan also includes policies to regulate hazardous materials and reduce hazardous waste.

**Restore Creeks and Plant Trees.** Berkeley has a network of creeks, many of them in culverts and not visible. The Plan encourages the daylighting of creeks. Berkeley has been adding trees in recent years and the Plan calls for maintaining street trees and for planting additional trees.

**Improve Air Quality and Conserve Resources.** Air quality in the Bay Area is threatened by increased emissions from motor vehicle use and other sources. The City Council recently the Resource Conservation and Global Warming Abatement Plan. Many policies from that plan are incorporated into the General Plan. The Plan's Transportation Element contains policies to reduce automobile use and the Land Use Element encourages housing development along transit corridors to reduce the need for automobiles.

**Goal #4: Maximize and improve citizen participation in municipal decision-making:** The high level of citizen participation is another important and distinctive characteristic of Berkeley. Several hundred citizens serve on boards and commissions and help to formulate policy and advise the City Council. There are many active neighborhood associations, merchant groups, and advocacy groups.

**Improve Notification and the Dissemination of Information.** Citizen complaints about inadequate notification about public meetings are common, and

access to relevant information and reports can be difficult. The Plan contains policies to improve notification and to take advantage of recent technological changes that can make important information broadly available to the public.

**Improve Citizen Participation.** Citizens should be actively involved in making decisions about anything that will have an impact on them and their families and neighborhoods. The Plan mandates maximum citizen involvement in all public planning and decision-making processes. The Plan stresses the important role of neighborhoods and neighborhood groups in land use decisions.

**Improve the Responsiveness of City Administration and Staff.** Plan policies call for staff training and citizen involvement in evaluating the performance of the City's administrative units.

**Goal #5: Create a Sustainable Berkeley:** The Berkeley General Plan is committed to the challenge of creating and maintaining a truly sustainable community—locally, regionally, and globally. A sustainable community is one that meets its existing needs without compromising the ability of future generations to meet their own needs. The General Plan also recognizes that sustainability must be an organizing principle for all Berkeley actions and programs and that we must always consider the interdependent goals of protecting the environment, promoting social equity, and achieving a healthy economy.

**Protect the Environment.** The Plan is committed to protecting the environment through appropriate environmental management actions and programs as described above in Goal #3, but also through actions and programs such as improvement of the regional and local public transportation system and development of multi-family, affordable housing on transit corridors and near job centers such as the Downtown and the University of California.

**Promote Social Equity.** The Plan is committed to ensuring that all members of the community benefit from Berkeley's natural setting, high quality of life, economic opportunities, and unique neighborhoods. The Plan's housing, transportation, economic development, and citizen participation objectives and policies are designed to ensure that all economic groups benefit from equal opportunities, services, and participation in government.

**Achieve a Healthy Economy.** The Plan is committed to ensuring that the Berkeley economy is sustainable, closely linked to the needs of Berkeley citizens, and sensitive to the environment. The Plan includes policies to support



local businesses, encourage and when possible require local hiring, improve job placement and retraining services, and support green businesses.

**Goal #6: Make Berkeley a disaster-resistant community that can survive, recover from, and thrive after a disaster:**

While there are many advantages to Berkeley's physical location, there are also disadvantages. Earthquakes, fires, landslides, floods, and hazardous materials releases are primary hazards confronting the Berkeley community. There is also new recognition of the additional threat from human-caused disasters. The city's healthy environment with its unique character and quality of life based on cultural, social, and economic diversity could be dramatically and enduringly altered by a serious hazard event. Berkeley must protect what we already have as well as what we build through employing sound development practices and building and planning code enforcement, and continuously working to reduce the vulnerability of existing buildings and infrastructure, to improve emergency response, and to prepare for recovery.

**Identify and Reduce Vulnerabilities.** Berkeley must build on its work that has made it a nationally recognized leader in mitigating risks. Since the community is urbanized and densely populated with an aging building stock, the Plan recognizes the challenge to improve the safety of the built environment and calls for a variety of systematic, ongoing, and incremental actions based on sound analysis of hazardous conditions and economically realistic interventions and incentives.

**Improve Emergency Response and Preparation.** Because some hazard events such as earthquakes cannot be prevented, the community must be prepared to respond quickly and effectively to such events. The Plan contains policies to ensure that emergency response and recovery plans are comprehensive, current, and coordinated with other agencies and jurisdictions. The Plan also stresses the crucial role the City must play in educating and preparing residential, business, and special needs communities.

**Utilize Disaster-Resistant Land Use Planning.** Berkeley continues to undergo substantial new development as well as redevelopment and reuse of existing facilities. The Plan highlights the need and the opportunity to ensure that new construction reduces rather than increases risk. Policies call for improving the identification of the locations of hazards through the designation of flood, landslide, or earthquake zones, improving awareness of their presence and consequences, and adopting and enforcing regulations to minimize the exposure to such risks.

**Goal #7: Maintain Berkeley’s infrastructure, including streets, sidewalks, buildings, and facilities; storm drains and sanitary sewers; and open space, parks, pathways, and recreation facilities:** Maintain City Infrastructure, Parks, and other Public Assets. To preserve both the physical character and livability of the city, the City must adequately maintain its streets, sidewalks, pathways, parks, and sewers. The General Plan contains policies to do so. The Plan also calls for the expansion of open space and recreational resources to meet the needs of all segments of the community.

### **Conclusion**

Given the significance of the current RHNA housing allocation the City of Berkeley is required to plan for in its update of the Housing Element, the short timelines, and the great importance both the State and City place on meaningful, robust, equitable, and inclusive process, there is no question that the City of Berkeley must act quickly to identify funds and hire consultants. While this item suggests an initial allocation of \$500,000, it is anticipated that the full cost of consultants may be higher. Given timelines, the City may wish to hire a team of firms with broad areas of expertise, including CEQA, to accomplish the significant planning and participatory tasks before us.

### **ACTIONS/ALTERNATIVES CONSIDERED**

Berkeley is required by California law to participate in the RHNA process, and robust community process is a State and local requirement.

### **RATIONALE FOR RECOMMENDATION**

Berkeley must take the steps necessary to ensure the mandated, community-driven processes for updating our housing element and meeting RHNA deadlines occur in a timely manner. The time-frame for taking up this work is limited by the need to submit proposed housing element updates to the State HCD by January of 2023. Because the requirements and implications of this planning process are significant, it is imperative that Berkeley begin the process as quickly as possible, with the aid of experienced, culturally competent consultants with the full range of expertise, and with the capacity to undertake broad and intensive planning and community processes on a short timeline.

### **IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT**

This is a State-mandated planning process for which significant staff time will likely be necessary. The hiring of consultants to lead the process with Staff is necessary to ensure that both the community and City staff have the support, expertise and capacity necessary to complete the planning process under a short timeline.

### ENVIRONMENTAL SUSTAINABILITY

Undertaking a planning process has no significant environmental impacts.

### FISCAL IMPACTS

The cost of undertaking robust and compliant city-wide housing element planning must be determined by the City Manager, and resources found to support the necessary work. It is likely that \$500,000 will not be sufficient to meet all planning needs, and the City Manager's input is appreciated to ensure adequate funds are identified. Grants may be available from ABAG and other sources, and should be pursued in full, once the scope of work and estimated costs have been determined.

### OUTCOMES AND EVALUATION

The most fundamental outcome will be to complete the proposed housing element update for submission to the State of California in a timely manner. Additional outcomes that must be achieved and should be evaluated include the quality, cultural competency, and reach of community consultation. Consultants and City staff should ensure meaningful, accessible, and culturally appropriate real-time opportunities for feedback and evaluation are included in all their processes.

### CONTACT INFORMATION

Councilmember Sophie Hahn, [shahn@cityofberkeley.info](mailto:shahn@cityofberkeley.info), 510-682-5905

Councilmember Kate Harrison, [kharrison@cityofberkeley.info](mailto:kharrison@cityofberkeley.info), 510-981-7140



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|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Upcoming Worksessions – <i>start time is 6:00 p.m. unless otherwise noted</i> |                                                                                                                                                                                                                                                                   |
| Scheduled Dates                                                               |                                                                                                                                                                                                                                                                   |
| March 16                                                                      | <ol style="list-style-type: none"> <li>1. Capital Improvement Plan (Parks &amp; Public Works)</li> <li>2. Digital Strategic Plan/FUND\$ Replacement/Website Update</li> <li>3. FY 2021 Mid-Year Report and the Unfunded Liabilities Report (tentative)</li> </ol> |
| May 18                                                                        | <ol style="list-style-type: none"> <li>1. Bayer Development Agreement (tentative)</li> <li>2. Affordable Housing Policy Reform (tentative)</li> </ol>                                                                                                             |
| July 20                                                                       | <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> </ol>                                                                                                                                                                                                  |
| Sept. 21                                                                      | <ol style="list-style-type: none"> <li>1. Housing Element</li> </ol>                                                                                                                                                                                              |

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| <p><b>Unscheduled Workshops</b></p> <ol style="list-style-type: none"> <li>1. Cannabis Health Considerations</li> <li>2. Berkeley Police Department Hiring Practices (referred by the Public Safety Committee)</li> </ol> |
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| <p><b>Unscheduled Presentations (City Manager)</b></p> <ol style="list-style-type: none"> <li>1. Update: Zero Waste Priorities</li> <li>2. Civic Arts Grantmaking Process &amp; Capital Grant Program</li> <li>3. Systems Realignment</li> <li>4. Measure FF and Fire Prevention</li> </ol> |
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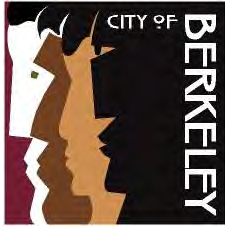
|    | <b>City Council Referrals to the Agenda &amp; Rules Committee and Unfinished Business for Scheduling</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | <p><b>47. Amending Chapter 19.32 of the Berkeley Municipal Code to Require Kitchen Exhaust Hood Ventilation in Residential and Condominium Units Prior to Execution of a Contract for Sale or Close of Escrow</b> <i>(Reviewed by Facilities, Infrastructure, Transportation, Environment, and Sustainability Committee) (Referred from the January 21, 2020 agenda)</i></p> <p><b>From: Councilmember Harrison</b></p> <p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. Adopt an ordinance amending Berkeley Municipal Code (BMC) 19.32 to require kitchen exhaust ventilation in residential and condominium units prior to execution of a contract for sale or close of escrow.</li> <li>2. Refer to the City Manager to develop a process for informing owners and tenants of the proper use of exhaust hoods.</li> </ol> <p><b>Financial Implications:</b> See report<br/> Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140<br/> <i>Note: Referred to Agenda &amp; Rules for future scheduling.</i></p> |
| 2. | <p><b>25. Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers</b> <i>(Continued from February 25, 2020. Item contains revised and supplemental materials) (Referred from the May 12, 2020 agenda.)</i></p> <p><b>From: City Manager</b></p> <p><b>Recommendation:</b> Adopt a Resolution accepting the Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers submitted pursuant to Chapter 2.99 of the Berkeley Municipal Code.</p> <p><b>Financial Implications:</b> None<br/> Contact: Andrew Greenwood, Police, (510) 981-5900; Dave White, City Manager's Office, (510) 981-7000<br/> <i>Note: Referred to Agenda &amp; Rules for future scheduling.</i></p>                                                                                                                                                                                                                             |

| CITY CLERK DEPARTMENT                                  |                      |                       |                                         |                   |
|--------------------------------------------------------|----------------------|-----------------------|-----------------------------------------|-------------------|
| WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS       |                      |                       |                                         |                   |
| BEFORE THE CITY COUNCIL                                |                      |                       |                                         |                   |
| Address                                                | Board/<br>Commission | Appeal Period<br>Ends | Determination<br>on Appeal<br>Submitted | Public<br>Hearing |
| <b>NOD – Notices of Decision</b>                       |                      |                       |                                         |                   |
| 2317 Channing Way (construct residential building)     | ZAB                  | 3/18/2021             |                                         |                   |
|                                                        |                      |                       |                                         |                   |
|                                                        |                      |                       |                                         |                   |
| <b>Public Hearings Scheduled</b>                       |                      |                       |                                         |                   |
| 1200-1214 San Pablo Ave (construct mixed-use building) | ZAB                  |                       |                                         | 3/23/2021         |
| 2421 Fifth St (construct two residential buildings)    | ZAB                  |                       |                                         | 6/1/2021          |
|                                                        |                      |                       |                                         |                   |
|                                                        |                      |                       |                                         |                   |
| <b>Remanded to ZAB or LPC</b>                          |                      |                       |                                         |                   |
|                                                        |                      |                       |                                         |                   |
|                                                        |                      |                       |                                         |                   |
|                                                        |                      |                       |                                         |                   |
| <b>Notes</b>                                           |                      |                       |                                         |                   |
|                                                        |                      |                       |                                         |                   |
|                                                        |                      |                       |                                         |                   |
|                                                        |                      |                       |                                         |                   |

3/10/2021







Office of the City Manager

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

**Meeting Date:** November 10, 2020

**Item Number:** 20

**Item Description:** Annual Commission Attendance and Meeting Frequency Report

**Submitted by:** Mark Numainville, City Clerk

The attached memo responds to issues and questions raised at the October 26 Agenda & Rules Committee Meeting and the October 27 City Council Meeting regarding the ability of city boards and commissions to resume regular meeting schedules.



Office of the City Manager

November 9, 2020, 2020

To: Mayor and Council  
From: Dee Williams-Ridley, City Manager  
Subject: Commission Meetings Under COVID-19 Emergency (Item 20)

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This memo provides supplemental information for the discussion on Item 20 on the November 10, 2020 Council agenda. Below is a summary and update of the status of meetings of Berkeley Boards and Commissions during the COVID-19 emergency declaration and the data collected by the City Manager on the ability of commissions to resume meetings in 2021.

On March 10, 2020 the City Council ratified the proclamation of the Director of Emergency Services for a state of local emergency related to the COVID-19 pandemic. The emergency proclamation has been renewed twice by the Council and remains in effect.

On March 17, 2020 the City Council adopted Resolution No. 69,331-N.S. which placed limitations of the meetings of City legislative bodies, including all boards and commissions. The resolution allows for commissions to meet to conduct time-sensitive, legally mandated business with the authorization of the City Manager. Since that time, several commissions have obtained this approval and held meetings; many other commissions have not met at all since March.

The City Manager has periodically reviewed the status of commission meetings with the City Council Agenda & Rules Committee. Recently, at the October 12, 2020 Agenda & Rules Committee meeting, the City Manager presented a proposal to allow all commissions to meet under limited circumstances. The Committee voted to endorse the City Manager's recommendation.

Effective October 12, 2020, all City boards and commissions may meet once to develop and finalize their work plan for 2021 and to complete any Council referrals directly related to the COVID-19 pandemic response. A second meeting may be held to

complete this work with specific authorization by the City Manager. It is recommended that the meeting(s) occur by the end of February 2021.

Commissions that have been granted permission to meet under Resolution No. 69,331-N.S. may continue to meet pursuant to their existing authorization, and may also meet to develop their 2021 work plan.

Commissions that have not requested meetings pursuant to the Resolution No. 69,331-N.S. may meet pursuant to the limitations listed above.

In response to questions from the Agenda & Rules Committee and the Council, the City Manager polled all departments that support commissions to obtain information on their capacity to support the resumption of regular commission meetings. The information in Attachment 1 shows the information received from the departments and notes each commission's ability to resume a regular, or semi-regular, meeting schedule in 2021.

In summary, there are 24 commissions that have staff resources available to support a regular meeting schedule in 2021. Seven of these 24 commissions have been meeting regularly during the pandemic. There are five commissions that have staff resources available to support a limited meeting schedule in 2021. There are seven commissions that currently do not have staff resources available to start meeting regularly at the beginning of 2021. Some of these seven commissions will have staff resources available later in 2021 to support regular meetings. Please see Attachment 1 for the full list of commissions and their status.

With regards to commission subcommittees, there has been significant discussion regarding the ability of staff to support these meetings in a virtual environment. Under normal circumstances, the secretary's responsibilities regarding subcommittees is limited to posting the agenda and reserving the meeting space (if in a city building). With the necessity to hold the meetings in a virtual environment and be open to the public, it is likely that subcommittee meetings will require significantly more staff resources to schedule, train, manage, and support the work of subcommittees on Zoom or a similar platform. This additional demand on staff resources to support commission subcommittees is not feasible for any commission at this time.

One possible option for subcommittees is to temporarily suspend the requirement for ad hoc subcommittees of city commissions to notice their meetings and require public participation. Ad hoc subcommittees are not legislative bodies under the Brown Act and are not required to post agendas or allow for public participation. These requirements are specific to Berkeley and are adopted by resolution in the Commissioners' Manual. If it is the will of the Council, staff could introduce an item to temporarily suspend these

requirements which will allow subcommittees of all commissions to meet as needed to develop recommendations that will be presented to the full commission.

The limitations on the meetings of certain commissions are due to the need to direct staff resources and the resources of city legislative bodies to the pandemic response. Some of the staff assigned as commission secretaries are engaged in work with the City Emergency Operations Center or have been assigned new duties specifically related to the impacts of the pandemic.

Meeting frequency for boards and commissions will continue to be evaluated on a regular basis by the City Manager and the Health Officer in consultation with Department Heads and the City Council.

Attachments:

1. List of Commissions with Meeting Status
2. Resolution 69,331-N.S.

**November 10, 2020 - Item 20  
Supplemental Information**

| <b><u>Boards and Commissions</u></b>              | <b><u>Meetings Held Under COVID March - Oct</u></b> | <b><u>Regular Mtg. Date</u></b> | <b><u>Secretary</u></b> | <b><u>Dept.</u></b> | <b><u>Resume Regular Schedule in January 2021?</u></b> | <b><u>Note</u></b>                                |
|---------------------------------------------------|-----------------------------------------------------|---------------------------------|-------------------------|---------------------|--------------------------------------------------------|---------------------------------------------------|
| Fair Campaign Practices Commission                | 9                                                   | 3rd Thur.                       | Sam Harvey              | CA                  | YES                                                    | Have been meeting regularly under COVID Emergency |
| Open Government Commission                        | 6                                                   | 3rd Thur.                       | Sam Harvey              | CA                  | YES                                                    | Have been meeting regularly under COVID Emergency |
| Animal Care Commission                            | 0                                                   | 3rd Wed.                        | Amelia Funghi           | CM                  | YES                                                    |                                                   |
| Police Review Commission                          | 10                                                  | 2nd & 4th Wed.                  | Katherine Lee           | CM                  | YES                                                    | Have been meeting regularly under COVID Emergency |
| Disaster and Fire Safety Commission               | 4                                                   | 4th Wed.                        | Keith May               | FES                 | YES                                                    |                                                   |
| Community Health Commission                       | 0                                                   | 4th Thur.                       | Roberto Terrones        | HHCS                | YES                                                    |                                                   |
| Homeless Commission                               | 0                                                   | 2nd Wed.                        | Josh Jacobs             | HHCS                | YES                                                    |                                                   |
| Homeless Services Panel of Experts                | 5                                                   | 1st Wed                         | Josh Jacobs             | HHCS                | YES                                                    |                                                   |
| Human Welfare & Community Action Commission       | 0                                                   | 3rd Wed.                        | Mary-Claire Katz        | HHCS                | YES                                                    |                                                   |
| Mental Health Commission                          | 1                                                   | 4th Thur.                       | Jamie Works-Wright      | HHCS                | YES                                                    |                                                   |
| Sugar-Sweetened Beverage Product Panel of Experts | 0                                                   | 3rd Thur.                       | Dechen Tsering          | HHCS                | YES                                                    |                                                   |
| Civic Arts Commission                             | 2                                                   | 4th Wed.                        | Jennifer Lovvorn        | OED                 | YES                                                    |                                                   |
| Elmwood BID Advisory Board                        | 1                                                   | Contact Secretary               | Kieron Slaughter        | OED                 | YES                                                    |                                                   |
| Loan Administration Board                         | 0                                                   | Contact Secretary               | Kieron Slaughter        | OED                 | YES                                                    |                                                   |
| Solano Avenue BID Advisory Board                  | 2                                                   | Contact Secretary               | Eleanor Hollander       | OED                 | YES                                                    |                                                   |
| Design Review Committee                           | 6                                                   | 3rd Thur.                       | Anne Burns              | PLD                 | YES                                                    | Have been meeting regularly under COVID Emergency |
| Energy Commission                                 | 0                                                   | 4th Wed.                        | Billi Romain            | PLD                 | YES                                                    |                                                   |
| Landmarks Preservation Commission                 | 6                                                   | 1st Thur.                       | Fatema Crane            | PLD                 | YES                                                    | Have been meeting regularly under COVID Emergency |
| Planning Commission                               | 3                                                   | 1st Wed.                        | Alene Pearson           | PLD                 | YES                                                    | Have been meeting regularly under COVID Emergency |
| Zoning Adjustments Board                          | 11                                                  | 2nd & 4th Thur.                 | Shannon Allen           | PLD                 | YES                                                    | Have been meeting regularly under COVID Emergency |
| Parks and Waterfront Commission                   | 4                                                   | 2nd Wed.                        | Roger Miller            | PRW                 | YES                                                    |                                                   |
| Commission on Disability                          | 0                                                   | 1st Wed.                        | Dominika Bednarska      | PW                  | YES                                                    |                                                   |
| Public Works Commission                           | 4                                                   | 1st Thur.                       | Joe Enke                | PW                  | YES                                                    |                                                   |
| Zero Waste Commission                             | 0                                                   | 4th Mon.                        | Heidi Obermeit          | PW                  | YES                                                    |                                                   |
| Commission on the Status of Women                 | 0                                                   | 4th Wed.                        | Shallon Allen           | CM                  | YES - LIMITED                                          | Secretary has intermittent COVID assignments      |

**November 10, 2020 - Item 20  
Supplemental Information**

| <b><u>Boards and Commissions</u></b>        | <b><u>Meetings Held Under COVID March - Oct</u></b> | <b><u>Regular Mtg. Date</u></b> | <b><u>Secretary</u></b> | <b><u>Dept.</u></b> | <b><u>Resume Regular Schedule in January 2021?</u></b> | <b><u>Note</u></b>                                     |
|---------------------------------------------|-----------------------------------------------------|---------------------------------|-------------------------|---------------------|--------------------------------------------------------|--------------------------------------------------------|
| Commission on Aging                         | 0                                                   | 3rd Wed.                        | Richard Castrillon      | HHCS                | REDUCED FREQUENCY                                      | Significant Dept. resources assigned to COVID response |
| Housing Advisory Commission                 | 0                                                   | 1st Thur.                       | Mike Uberti             | HHCS                | REDUCED FREQUENCY                                      | Significant Dept. resources assigned to COVID response |
| Measure O Bond Oversight Committee          | 0                                                   | 3rd Monday                      | Amy Davidson            | HHCS                | REDUCED FREQUENCY                                      | Significant Dept. resources assigned to COVID response |
| Transportation Commission                   | 2                                                   | 3rd Thur.                       | Farid Javandel          | PW                  | REDUCED FREQUENCY                                      | Staff assigned to COVID response                       |
| Children, Youth, and Recreation Commission  | 0                                                   | 4th Monday                      | Stephanie Chu           | PRW                 | NO - SEPT 2021                                         | Staff assigned to COVID response                       |
| Youth Commission                            | 0                                                   | 2nd Mon.                        | Ginsi Bryant            | PRW                 | NO - SEPT 2021                                         | Staff assigned to COVID response                       |
| Community Environmental Advisory Commission | 0                                                   | 2nd Thur.                       | Viviana Garcia          | PLD                 | NO - JUNE 2021                                         | Staff assigned to COVID response                       |
| Cannabis Commission                         | 0                                                   | 1st Thur.                       | VACANT                  | PLD                 | NO - JAN. 2022                                         | Staff vacancy                                          |
| Peace and Justice Commission                | 0                                                   | 1st Mon.                        | VACANT                  | CM                  | NO                                                     | Staff vacancy                                          |
| Commission on Labor                         | 0                                                   | 3rd Wed., alternate mon         | Kristen Lee             | HHCS                | NO                                                     | Staff assigned to COVID response                       |
| Personnel Board                             | 1                                                   | 1st Mon.                        | La Tanya Bellow         | HR                  | NO                                                     | Staff assigned to COVID response                       |

## RESOLUTION NO. 69,331-N.S.

RATIFYING THE RECOMMENDATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES AND THE PUBLIC HEALTH OFFICER REGARDING MEETINGS OF BERKELEY LEGISLATIVE BODIES IN RESPONSE TO THE COVID-19 (NOVEL CORONAVIRUS) PANDEMIC

WHEREAS, on March 3, 2020, pursuant to Berkeley Municipal Code section 2.88.040, the City Manager, serving as the Director of Emergency Services, proclaimed the existence of a local emergency; and

WHEREAS, the proclamation was warranted by virtue of the extreme peril to the safety of persons and property in the City caused by pandemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, the proclamation of the Director of Emergency Services was ratified by the City Council on March 10, 2020; and

WHEREAS, the continued spread of COVID-19 and increase in community transmission cases in surrounding counties warrant further measures be taken by the City to protect the community; and

WHEREAS, the Public Health Officer has issued guidelines for limiting mass gatherings; and

WHEREAS, certain limitations on the meetings of legislative bodies in the City of Berkeley is warranted; and

WHEREAS, the continued essential functions of the City and certain legislative bodies must continue for time-sensitive, legally mandated actions; and

WHEREAS, the Director of Emergency Services presented recommendations to the Agenda & Rules Committee on March 12, 2020 regarding the meetings of legislative bodies; and

WHEREAS, the Agenda & Rules Committee recommended that said recommendations be forwarded to the City Council for acknowledgement and ratification.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following recommendations issued by the Director of Emergency Services and the Public Health Officer regarding limitations and practices for legislative bodies of the City of Berkeley are hereby acknowledged and ratified:

## Section 1. Boards and Commissions

Commissions listed below may continue to meet only if they have time-sensitive, legally mandated business to complete, as determined by the Director of Emergency Services. The City may consider teleconferencing for these commissions, if feasible.

Design Review Committee  
Fair Campaign Practices Commission  
Housing Advisory Commission (limited to quasi-judicial activities)  
Joint Subcommittee on the Implementation of State Housing Laws  
Landmarks Preservation Commission  
Open Government Commission  
Personnel Board  
Planning Commission  
Police Review Commission  
Zoning Adjustments Board

Commissions in Category B shall not meet for a period of 60 days. This will be re-evaluated at the Agenda & Rules Committee meeting on April 13, 2020. A Commission in Category B may convene a meeting if it has time-sensitive, legally-mandated business to complete, as determined by the Director of Emergency Services.

### Category B

Animal Care Commission  
Cannabis Commission  
Civic Arts Commission  
Children, Youth, and Recreation Commission  
Commission on Aging  
Commission on Disability  
Commission on Labor  
Commission on the Status of Women  
Community Environmental Advisory Commission  
Community Health Commission  
Disaster and Fire Safety Commission  
Elmwood Business Improvement District Advisory Board  
Energy Commission  
Homeless Commission  
Homeless Services Panel of Experts  
Housing Advisory Commission  
Human Welfare and Community Action Commission  
Measure O Bond Oversight Committee  
Mental Health Commission  
Parks and Waterfront Commission  
Peace and Justice Commission  
Public Works Commission  
Solano Avenue Business Improvement District Advisory Board  
Sugar-Sweetened Beverage Product Panel of Experts



Transportation Commission  
Youth Commission  
Zero Waste Commission  
Loan Administration Board

Section 2. City Council Policy Committees

The Agenda & Rules Committee and the Budget & Finance Committee may continue to meet to fulfill their legislative and advisory responsibilities. All other Policy Committees (Facilities, Infrastructure, Transportation, Environment & Sustainability, Public Safety, Land Use, Housing & Economic Development, and Health, Life Enrichment Equity & Community) are suspended indefinitely. The 120-day deadline to consider an item will be tolled during the suspension of business.

Section 3. City Council


For City Council meetings, the City will continue to advise and implement social distancing by limiting the capacity of the Council Chambers, providing an overflow room, attempting to limit the duration of the meeting, only conducting essential business, and limiting or suspending ceremonial items. The City will adhere to and implement the provisions of the Governor's Executive Order #N-25-20 related to the Brown Act and the utilization of technology to facilitate participation.

The foregoing Resolution was adopted by the Berkeley City Council on March 17, 2020 by the following vote:

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

Noes: None.

Absent: None.

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

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





Office of the City Manager

October 22, 2020

To: Berkeley Boards and Commissions

From: *DWR* Dee Williams-Ridley, City Manager

Subject: Commission Meetings During COVID-19 Emergency

This memo serves to provide a summary and update of the status of meetings of Berkeley Boards and Commissions during the COVID-19 emergency declaration.

On March 10, 2020, the City Council ratified the proclamation of the Director of Emergency Services for a state of local emergency related to the COVID-19 pandemic. The emergency proclamation has been renewed twice by the Council and remains in effect.

On March 17, 2020, the City Council adopted Resolution No. 69,331-N.S. which placed limitations of the meetings of City legislative bodies, including all boards and commissions. The resolution allows for commissions to meet to conduct time-sensitive, legally mandated business with the authorization of the City Manager. Since that time, several commissions have obtained this approval and held meetings; many other commissions have not met at all since March.

The City Manager has periodically reviewed the status of commission meetings with the City Council Agenda & Rules Committee. Recently, at the October 12, 2020, Agenda & Rules Committee meeting, the City Manager presented a proposal to allow all commissions to meet under limited circumstances. The Committee voted to endorse the City Manager's recommendation.

Effective October 12, 2020, all City boards and commissions may meet once to develop and finalize their work plan for 2021 and to complete any Council referrals directly related to the COVID-19 pandemic response. A second meeting may be held to complete this work with specific authorization by the City Manager. It is recommended that the meeting(s) occur by the end of February 2021.

Commissions that have been granted permission to meet under Resolution No. 69,331-N.S. may continue to meet pursuant to their existing authorization, and may also meet to develop their 2021 work plan.

Commissions that have not requested meetings pursuant to the Resolution No. 69,331-N.S. may meet pursuant to the limitations listed above.

To assist commissions with the development of their work plan and to provide the City Council with a consistent framework to review the work plans, the City Manager has developed the following items to consider in developing the work plan that is submitted to the City Council agenda.

Prompts for Commissions to use in work plan:

- What commission items for 2021 have a direct nexus with the COVID-19 response or are the result of a City Council referral pertaining to COVID-19?
- What commission items for 2021 are required for statutory reasons?
- What commission items for 2021 are required for budgetary or fund allocation reasons?
- What commission items for 2021 support council-adopted or voter-adopted mission critical projects or programs?
- What are the anticipated staff demands (above and beyond baseline) for analysis, data, etc., to support commission work in 2021 (baseline duties = posting agendas, creating packets, attend meetings, minutes, etc.)?

The limitations on commission meetings are due to the need to direct staff resources and the resources of city legislative bodies to the pandemic response. Many of the staff assigned as commission secretaries are engaged in work with the City Emergency Operations Center or have been assigned new specific duties related to the impacts of the pandemic.

Meeting frequency for boards and commissions will continue to be evaluated on a regular basis by the City Manager in consultation with Department Heads and the City Council. More frequent meetings by commissions will be permitted as the conditions under COVID-19 dictate.

Thank you for your service on our boards and commissions. The City values the work of our commissions and we appreciate your partnership and understanding as we address this pandemic as a resilient and vibrant community.

Attachments:

1. Resolution 69,331-N.S.
2. List of Commissions with Meeting Data

cc: Mayor and City Councilmembers  
Senior Leadership Team

RESOLUTION NO. 69,331-N.S.

RATIFYING THE RECOMMENDATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES AND THE PUBLIC HEALTH OFFICER REGARDING MEETINGS OF BERKELEY LEGISLATIVE BODIES IN RESPONSE TO THE COVID-19 (NOVEL CORONAVIRUS) PANDEMIC

WHEREAS, on March 3, 2020, pursuant to Berkeley Municipal Code section 2.88.040, the City Manager, serving as the Director of Emergency Services, proclaimed the existence of a local emergency; and

WHEREAS, the proclamation was warranted by virtue of the extreme peril to the safety of persons and property in the City caused by pandemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, the proclamation of the Director of Emergency Services was ratified by the City Council on March 10, 2020; and

WHEREAS, the continued spread of COVID-19 and increase in community transmission cases in surrounding counties warrant further measures be taken by the City to protect the community; and

WHEREAS, the Public Health Officer has issued guidelines for limiting mass gatherings; and

WHEREAS, certain limitations on the meetings of legislative bodies in the City of Berkeley is warranted; and

WHEREAS, the continued essential functions of the City and certain legislative bodies must continue for time-sensitive, legally mandated actions; and

WHEREAS, the Director of Emergency Services presented recommendations to the Agenda & Rules Committee on March 12, 2020 regarding the meetings of legislative bodies; and

WHEREAS, the Agenda & Rules Committee recommended that said recommendations be forwarded to the City Council for acknowledgement and ratification.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following recommendations issued by the Director of Emergency Services and the Public Health Officer regarding limitations and practices for legislative bodies of the City of Berkeley are hereby acknowledged and ratified:

## Section 1. Boards and Commissions

Commissions listed below may continue to meet only if they have time-sensitive, legally mandated business to complete, as determined by the Director of Emergency Services. The City may consider teleconferencing for these commissions, if feasible.

Design Review Committee  
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Landmarks Preservation Commission  
Open Government Commission  
Personnel Board  
Planning Commission  
Police Review Commission  
Zoning Adjustments Board

Commissions in Category B shall not meet for a period of 60 days. This will be re-evaluated at the Agenda & Rules Committee meeting on April 13, 2020. A Commission in Category B may convene a meeting if it has time-sensitive, legally-mandated business to complete, as determined by the Director of Emergency Services.

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Cannabis Commission  
Civic Arts Commission  
Children, Youth, and Recreation Commission  
Commission on Aging  
Commission on Disability  
Commission on Labor  
Commission on the Status of Women  
Community Environmental Advisory Commission  
Community Health Commission  
Disaster and Fire Safety Commission  
Elmwood Business Improvement District Advisory Board  
Energy Commission  
Homeless Commission  
Homeless Services Panel of Experts  
Housing Advisory Commission  
Human Welfare and Community Action Commission  
Measure O Bond Oversight Committee  
Mental Health Commission  
Parks and Waterfront Commission  
Peace and Justice Commission  
Public Works Commission  
Solano Avenue Business Improvement District Advisory Board  
Sugar-Sweetened Beverage Product Panel of Experts

Transportation Commission  
Youth Commission  
Zero Waste Commission  
Loan Administration Board

Section 2. City Council Policy Committees

The Agenda & Rules Committee and the Budget & Finance Committee may continue to meet to fulfill their legislative and advisory responsibilities. All other Policy Committees (Facilities, Infrastructure, Transportation, Environment & Sustainability, Public Safety, Land Use, Housing & Economic Development, and Health, Life Enrichment Equity & Community) are suspended indefinitely. The 120-day deadline to consider an item will be tolled during the suspension of business.

Section 3. City Council


For City Council meetings, the City will continue to advise and implement social distancing by limiting the capacity of the Council Chambers, providing an overflow room, attempting to limit the duration of the meeting, only conducting essential business, and limiting or suspending ceremonial items. The City will adhere to and implement the provisions of the Governor's Executive Order #N-25-20 related to the Brown Act and the utilization of technology to facilitate participation.

The foregoing Resolution was adopted by the Berkeley City Council on March 17, 2020 by the following vote:

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

Noes: None.

Absent: None.

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

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

| <b>Boards and Commissions</b>                         | <b>Meetings Held Under COVID<br/>Emergency (through 10/11)</b> | <b>Scheduled Meetings in<br/>October</b> | <b>Regular Mtg.<br/>Date</b> | <b>Secretary</b>   | <b>Department</b> |
|-------------------------------------------------------|----------------------------------------------------------------|------------------------------------------|------------------------------|--------------------|-------------------|
| Zoning Adjustments Board                              | 10                                                             | 1                                        | 2nd & 4th Thur.              | Shannon Allen      | PLD               |
| Police Review Commission                              | 9                                                              | 1                                        | 2nd & 4th Wed.               | Katherine Lee      | CM                |
| Fair Campaign Practices Commission                    | 8                                                              | 1                                        | 3rd Thur.                    | Sam Harvey         | CA                |
| Design Review Committee                               | 5                                                              | 1                                        | 3rd Thur.                    | Anne Burns         | PLD               |
| Landmarks Preservation Commission                     | 5                                                              | 1                                        | 1st Thur.                    | Fatema Crane       | PLD               |
| Open Government Commission                            | 5                                                              | 1                                        | 3rd Thur.                    | Sam Harvey         | CA                |
| Homeless Services Panel of Experts                    | 4                                                              | 1                                        | 1st Wed                      | Brittany Carnegie  | HHCS              |
| Disaster and Fire Safety Commission                   | 3                                                              | 1                                        | 4th Wed.                     | Keith May          | FES               |
| Parks and Waterfront Commission                       | 3                                                              | 1                                        | 2nd Wed.                     | Roger Miller       | PRW               |
| Planning Commission                                   | 3                                                              |                                          | 1st Wed.                     | Alene Pearson      | PLD               |
| Public Works Commission                               | 3                                                              | 1                                        | 1st Thur.                    | Joe Enke           | PW                |
| Civic Arts Commission                                 | 2                                                              |                                          | 4th Wed.                     | Jennifer Lovvorn   | OED               |
| Solano Avenue BID Advisory Board                      | 2                                                              |                                          | Contact Secretary            | Eleanor Hollander  | OED               |
| Elmwood BID Advisory Board                            | 1                                                              |                                          | Contact Secretary            | Kieron Slaughter   | OED               |
| Joint Subcom. on Implementation of State Housing Laws | 1                                                              |                                          | 4th Wed.                     | Alene Pearson      | PLD               |
| Mental Health Commission                              | 1                                                              |                                          | 4th Thur.                    | Jamie Works-Wright | HHCS              |
| Personnel Board                                       | 1                                                              |                                          | 1st Mon.                     | La Tanya Bellow    | HR                |
| Transportation Commission                             | 1                                                              | 1                                        | 3rd Thur.                    | Farid Javandel     | PW                |
|                                                       |                                                                |                                          |                              |                    |                   |
| Animal Care Commission                                | 0                                                              |                                          | 3rd Wed.                     | Amelia Funghi      | CM                |
| Cannabis Commission                                   | 0                                                              |                                          | 1st Thur.                    |                    | PLD               |
| Children, Youth, and Recreation Commission            | 0                                                              |                                          | 4th Monday                   | Stephanie Chu      | PRW               |
| Commission on Aging                                   | 0                                                              |                                          | 3rd Wed.                     | Richard Castrillon | HHCS              |
| Commission on Disability                              | 0                                                              |                                          | 1st Wed.                     | Dominika Bednarska | PW                |
| Commission on Labor                                   | 0                                                              |                                          | 3rd Wed., alternate mo       | Nathan Dahl        | HHCS              |
| Commission on the Status of Women                     | 0                                                              |                                          | 4th Wed.                     | Shallon Allen      | CM                |
| Community Environmental Advisory Commission           | 0                                                              |                                          | 2nd Thur.                    | Viviana Garcia     | PLD               |
| Community Health Commission                           | 0                                                              |                                          | 4th Thur.                    | Roberto Terrones   | HHCS              |
| Energy Commission                                     | 0                                                              |                                          | 4th Wed.                     | Billi Romain       | PLD               |
| Homeless Commission                                   | 0                                                              |                                          | 2nd Wed.                     | Brittany Carnegie  | HHCS              |
| Housing Advisory Commission                           | 0                                                              |                                          | 1st Thur.                    | Mike Uberti        | HHCS              |
| Human Welfare & Community Action Commission           | 0                                                              |                                          | 3rd Wed.                     | Mary-Claire Katz   | HHCS              |
| Loan Administration Board                             | 0                                                              |                                          | Contact Secretary            | Kieron Slaughter   | OED               |
| Measure O Bond Oversight Committee                    | 0                                                              |                                          | 3rd Monday                   | Amy Davidson       | HHCS              |
| Peace and Justice Commission                          | 0                                                              |                                          | 1st Mon.                     | Nina Goldman       | CM                |
| Sugar-Sweetened Beverage Product Panel of Experts     | 0                                                              |                                          | 3rd Thur.                    | Dechen Tsering     | HHCS              |
| Youth Commission                                      | 0                                                              |                                          | 2nd Mon.                     | Ginsi Bryant       | PRW               |
| Zero Waste Commission                                 | 0                                                              |                                          | 4th Mon.                     | Heidi Obermeit     | PW                |
|                                                       |                                                                |                                          |                              |                    |                   |
|                                                       |                                                                |                                          |                              |                    |                   |
|                                                       |                                                                |                                          |                              |                    |                   |
|                                                       |                                                                |                                          |                              |                    |                   |
|                                                       |                                                                |                                          |                              |                    | 212               |





There is no material for this item.

**City Clerk Department**  
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City Clerk Department

March 8, 2021

To: Agenda & Rules Committee  
 From: Mark Numainville, City Clerk  
 Subject: Proposed Closed Session Schedule (April – July 2021)

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On February 22, 2021 the Agenda & Rules Committee requested that develop a calendar for two regular closed session meetings per month. Attached is a matrix of City Council closed session availability based on the general direction provided by the Agenda & Rules Committee:

- Wednesdays and Thursdays are preferred
- Avoid conflicts with policy committees and regional bodies
- Start time during the work day

Based on the matrix, staff proposes the schedule listed below. The Mayor may call special meetings for the dates and times listed. Staff will send meeting invitations to reserve the time on the Council's calendar. Scheduled closed sessions meetings may be cancelled if there are no agenda items to discuss.

Thursday April 29: 3pm – 6pm  
 Thursday May 13: 3pm – 6pm  
 Thursday June 3: 3pm – 6pm  
 Thursday June 17: 1pm – 4pm  
 Thursday July 1: 3pm – 6pm  
 Wednesday July 14: 3pm – 6pm



**SOPHIE HAHN**

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## **SUPPLEMENTAL AGENDA MATERIAL**

### **Agenda & Rules Committee**

**Meeting Date:** February 22, 2021

**Item Number:** 12

**Item Description:** Draft Supplemental Materials for Item on Commission Reorganization

**Submitted by:** Councilmember Sophie Hahn

These draft materials are proposed for discussion purposes only.

This sketch is provided for discussion purposes. There is a lot of overlap between Droste and Hahn proposals from the last meeting where the Agenda Committee considered review of Commissions. This draft sketches a possible path forward that attempts to integrate suggestions from both proposals, as well as comments from other committee members and the public. It could result in 13 fewer Commissions, and would help address concerns of some of the most impacted City departments.

The following is provided for discussion purposes:

### **Commissions to Combine/Merge - Suggested Considerations**

- Federal, state or other external mandates that might be impacted, and determine how to handle
- Whether charters of to-be-merged Commissions were adopted by City Council, through measures or initiatives passed by voters, or are by Charter, and by what means they might be merged/adjusted
- What elements of each Commission to keep, update, or retire, as well as relevant topics/issues not currently covered that might be added to a more comprehensive and/or relevant merged Commission's charter.
- Whether the merged Commission might include 9, or possibly 18 members.
- The possibility of requiring specific qualifications for appointment to the merged Commission.
- The possibility of recommended or required Standing Committees of the Merged Commission
- Volunteer workload and capacity given scope of Commission's charter

### **Suggested Commissions to Combine/Merge if Feasible**

- Homeless Commission & Measure P Panel of Experts (-1)
- HAC & Measure O Oversight Committee (-1)
- Fair Campaign Practices & Open Government (-1)
- Public Works & Transportation (-1)
- Energy, Zero Waste & CEAC (-2)
  - Create global *Commission on Climate and the Environment*
  - Cover all topics from COB Climate Action Plan + Elements of Resilience Plan
  - Include animals/insects/habitat/food
  - Include water/drought, sea level rise, etc.
  - Any and all other Climate and Environmental topics
  - Create standing committees for Zero Waste, Toxics (CEAC) and other topics being folded in, as well as for other key topics
- Consolidated/Expanded "Community Health Commission" (-1)
  - CHC

- SSBPE (Sugary Sweetened)
- Health-related elements of CEAC (lead, etc.)
- Broaden/revise to include a universal health-related focus
  
- Consolidated/Expanded “Civil Rights” or “Equity & Human Welfare” Commission (-1)
  - Aging
  - Equity
  - Anti-Poverty, including elements from Homeless Commission
  - Intersectionality
  - Will conduct HWCAC’s state and federal mandate - consolidate as much grant-making review and recommendations as possible in this Commission
  - Broaden/revise to include a universal equity and poverty/income-inequality focus

**Suggest to Retire**

- Cannabis (-1)
  - Reassign remaining functions (permit review, planning) to ZAB & PC; health considerations to CHC
- JSISSL (-1)
- Traffic Circle Task Force (-1)
- Animal Care (-1)
  - Fold climate-related animal issues into Climate & Environmental Action
- Youth (?) (-1)
  - Engage with BHS, Middle Schools, BCC, Y-Teen Center, etc. to create more meaningful programs and opportunities for young adults to participate in COB/Government

**Suggest to Create new Commission**

- Commission on a Just, Sustainable and Locally Based Economy (+1, -1 = No change)
  - Bring Loan Admin Board into/under this Commission

**Suggest to Keep as Stand-Alone, but revise/update Charters as needed**

- Status of Women
- Civic Arts
- Disability
- Peace & Justice
- Disaster & Fire
  - (Rework/Expand as “Disaster, Fire & Resilience” Commission, to include relevant topics from [COB Resilience Plan](#))
- Labor
- Mental Health
- Police Accountability
- Landmarks Preservation Commission

- Planning
- ZAB + Design Review
  - Look at procedural ways to shorten time projects spend at DR & ZAB combined
- Personnel
  
- Children, Youth and Rec
  - Consider expanding to include a youth participation element - hold quarterly youth “listening sessions”?
- Parks & Waterfront
- Reimagining Public Safety Task Force (Sunsets in 2022 but could be extended)
- All BIDs
- BOLT (Board of Library Trustees - not overseen by City Staff)

**Additional Thoughts/Considerations**

- Suggest requiring review of Commissions every 10/15 years, possibly done by a joint Council & Community panel - need to think about a process and timeline
- Need to decide process for making initial feasibility review and “sketch” of combined/revised charters for proposed mergers
- Need to decide criteria and process for review and potential revision of charters of continuing Commissions





Lori Droste  
Vice Mayor, District 8

February 1, 2021

**To:** Agenda and Rules Committee  
**From:** Vice Mayor Lori Droste  
**Subject:** Supplemental Item for Commission Reorganization in Light of COVID-19

This item is in response to Councilmember Hahn’s request that the Agenda and Rules committee provide specific recommendations on how to proceed with commission reorganization in light of COVID-19. The original legislation recommended to *“refer to the City Manager and every policy committee to agendize 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.”*

After consultation with many staff members and commissioners, an initial draft of recommendations are listed below to advise and align with Council’s policy committees.

To be clear, there is no proposal to eliminate the participation of commissions in Berkeley. Many commissions cover the same content area and this proposal is to ensure that commissions are heard in an effective manner and their charges aren’t redundant.

## **Public Safety**

1. Disaster and Fire Safety Commission
2. Police Accountability Board
3. Reimagining Public Safety Task Force (NICJR contract ends on June 30, 2022)

## **Facilities, Infrastructure, Transportation and the Environment**

1. Environmental Commission--combines CEAC, Zero Waste and Energy
2. Parks, Recreation and Waterfront--combines Children, Youth and Recreation with Parks and Waterfront--Marina subcommittee
3. Public Works and Transportation (combine the two? Ensure this commission can address concerns around traffic circles)

X sunset the Traffic Circle Task Force

## **Land Use and Economic Development**

1. Labor and Economic Development (combines Labor, Loan Administration Board and BID boards. Alternatively, BIDs can transition to boards so they don't have to be staffed. Legal question around BIDS...)
2. Housing Advisory and Measure O oversight (combines two commissions dealing with housing. Can we combine HAC and Measure O because the latter was a ballot initiative?)
3. figure out how to combine Design Review and Landmarks with qualified individuals
4. figure out with Planning staff how to best deal with Planning and ZAB given workloads

Civic Arts Commission (charter)--would civic arts better advise land use committee?

X sunset the Cannabis Commission

X sunset Joint Subcommittee on the Implementation of State Laws

## **Health, Life, and Equity**

1. Civil Rights Commission with a focused on intersectionality with non-staffed subcommittees (two appointees per councilmember, with youth mandate)
  - a. (will conduct HWCAC's state and federal mandate)
2. Community Health Commission and SSB Oversight--(Can we combine Health and SSB because the latter was a ballot initiative)?
3. Homeless Panel of Experts (folds in Homeless Commission--can we combine Homeless Panel of Experts and Homeless Commission because the former was a ballot initiative?)
4. Mental Health Commission (state/federal mandate)

X sunset Animal Care Commission

### **Agenda and Rules**

1. Fair Campaign Practices/Open Government Commission (ballot initiative)
2. Personnel Board (charter)
3. BOLT--(doesn't generally advise policy committees)

### **Budget and Finance**

Referrals must have budgetary impact and be referred to budget and finance.

# Conversation on Commissions

The following are preliminary thoughts to contribute to a discussion.  
This is not a “proposal.”

Conversation Points reflect a quick review of Commission charters/purposes/enabling legislation and not a deep dive into the work of each Commission.

# Framework

- Commissions play important role for community to have a voice
- Democracy is facing a crisis of confidence. Meaningful community participation promotes confidence, along with transparency and respect
- Commissions should be organized and supported to contribute meaningfully to Berkeley's wellbeing and to Council policy formation and review
- Commissions that are well organized/do meaningful work will always be a good use of time for Commissioners and Secretaries/Staff
- Good to periodically review the organization of our Commissions and their "charters" (charges, purposes, enabling legislation, etc.) to optimize for the Community, City and Commissioners, as well as for staff who support Commissions.

# Suggestion:

Consider baking-in a process for Council to review Commissions every 10 years to ensure Commissions and their charters remain vital and responsive to the community.

# Possible ways to Strengthen Commissions

(reflects input at last meeting)

- Strengthen/update charters
- Combine similar Commissions and expand/update a consolidated charter
- Increase # of people on a merged Commission (9/18)
- Create Standing Subcommittees so that important areas of emphasis are retained, and/or add Standing Subcommittees for other areas of emphasis.
- Consider requiring certain lived experience or qualifications for service on some commissions
- Consider adding non-voting members and/or official delegates from one Commission to another.
- Consider training for chairs and vice chairs

# Conversation points organized as follows:

- **SUGGESTED ADDS**
- **SUGGEST KEEPING AS STAND-ALONE + REVIEW & UPDATE CHARTERS**
- **CONSIDER TO MERGE/REWORK**

*Did not start with any numerical goals in mind. At end, counted up and it's 24.5+*



# SUGGESTED ADD (1)

**Commission on a Sustainable  
Locally-Based Economy**

# SUGGEST KEEPING AS IS + REVIEW & UPDATE CHARTER (16+ total)

- BIDS
- Status of Women
- Peace & Justice
- Disability
- Disaster & Fire (Resilience)
- Labor
- Mental Health
- Personnel
- ZAB
- Civic Arts
- Loan Admin Board
- PRC/Police Accountability Board
- CYRC – Children Youth and Recreation
- Parks & Waterfront
- Landmarks (LPC)
- Planning

# CONSIDER TO MERGE/REWORK (2)

- Create a “universal” HEALTH-focused commission (possibly still named Community Health Commission) and fold in
  - Sugar Sweetened Bev Panel of Experts
  - Health Considerations of CEAC
  - Broaden scope/lens on health
- Create a universal EQUITY & HUMAN WELFARE-focused commission (possibly named Commission on Equity & Human Welfare) and fold in
  - Aging
  - Homeless
  - Broaden scope/lens on EQUITY and ANTI- POVERTY
  - Consolidate more/all Community Grants Review into one Commission

# CONSIDER TO MERGE/REWORK (1)

Create global **Climate and Environmental Action** Commission focused on all elements of COB Climate Action Plan and other environmental and climate issues, and fold in:

- Energy
- Zero Waste
- Some elements of CEAC
- Animal Care (expanded - urban habitat, bees, birds, meat, etc.)
- Consider sending official non-voting delegates to Disaster & Emergency (Resilience) and Public Works/Transportation
- Consider doubling size of Commission and creating Standing Subcommittees

# CONSIDER TO MERGE/REWORK (1)

- Public Works + Transportation
  - Includes hardscape and funding elements of Transportation; environmental considerations at Climate & Environmental Action Commission + Delegate to bridge the two
  - Double size of PW/Transportation and manage with Standing Subcommittees?

# CONSIDER TO MERGE/REWORK (3)

- Measure P Panel of Experts + Homeless Commission
- Measure O Oversight + Housing Advisory Commission (HAC)
- FCPC – Fair Campaign Practices + Open Government (OGC)

# CONSIDER TO MERGE/REWORK (.5)

## Rework:

- Design Review – Maintain a separate Board of design experts, as currently configured, but have DRC and ZAB meeting simultaneously on major projects subject to Design Review
- Cannabis – Fold permitting elements into ZAB or Planning, and planning elements into Planning, and close out elements that are no longer relevant – major work of legalization is done. Require Mayor to establish a task force if major State, Local or Federal changes in view

# CONSIDER TO MERGE/REWORK

## Rework:

- Youth Commission
  - Consider adding a youth representative to every commission, appointed by Council, non-voting
  - Consider creating more direct and meaningful opportunities for participation in Government for High School aged youth (and possibly for BCC and CAL Students as well).
  - Consider creating a formal internship program for students to shadow CMs/Mayor/City Manager/City Attorney/City Auditor and Department heads, as well as other City Staff, and to do projects/internships with them.





Lori Droste  
Councilmember, District 8

## **ACTION CALENDAR**

June 30, 2020

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmember Lori Droste (Author) and Councilmembers Rigel Robinson (Co-Sponsor) and Rashi Kesarwani (Co-Sponsor)

**Subject:** Commission Reorganization for Post-COVID19 Budget Recovery

### **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.

## **PROBLEM/SUMMARY STATEMENT**

Demand for city workers staffing commissions is larger than the City's ability to supply it at an acceptable financial and public health cost. Thirty-seven commissions require valuable city staff time and funding that could be better spent providing essential services. The COVID-19 pandemic has impacted the City of Berkeley in a myriad of ways, resulting in enormous once-in-a-lifetime socioeconomic and public health impacts. While the City Manager and department heads are addressing how to best prepare and protect our residents, particularly our most vulnerable, they are also required to oversee an inordinate amount of commissions for a medium-sized city at a significant cost.

The City of Berkeley faces many challenges, including the COVID-19 pandemic and its resultant budget and staffing impacts. Prior to the onset of COVID-19, the City Council and staff spent significant Council time on items originating with the City's advisory commissions. As the Shelter in Place is gradually lifted, critical city staff will resume staffing these 37 commissions. As a result, too much valuable staff time will continue to be spent on supporting an excessive amount of commissions in Berkeley rather than addressing the basic needs of the City.

## **BACKGROUND**

### **Review of Existing Plans, Programs, Policies, and Laws**

The City of Berkeley has approximately thirty-seven commissions overseen by city administration, most of which have at least nine members and who are appointed by individual councilmembers. These commissions were intended to be a forum for public participation beyond what is feasible at the City Council, so that issues that come before the City Council can be adequately vetted.

Some commissions are required by charter or mandated by voter approval or state/federal mandate. Those commissions are the following:

1. Board of Library Trustees (charter)
2. Business Improvement Districts (state mandate)
3. Civic Arts Commission (charter)
4. Community Environmental Advisory Commission (state/federal mandate--CUPA)
5. Fair Campaign Practices Commission/Open Government (ballot measure)
6. Homeless Services Panel of Experts (ballot measure)
7. Housing Advisory Commission (state/federal mandate)
8. Human Welfare and Community Action (state/federal mandate)
9. Measure O Bond Oversight Committee (ballot measure)
10. Mental Health Commission (state/federal mandate)
11. Personnel (charter)

- 12. Police Review Commission (ballot measure)
- 13. Sugar-Sweetened Beverages (ballot measure)

Berkeley must have its own mental health commission because of its independent Mental Health Division. In order to receive services, the City needs to have to have an advisory board. Additionally, Berkeley’s Community Environmental Advisory Commission is a required commission in order to oversee Certified Unified Program Agency (CUPA) under California’s Environmental Protection Agency. Additionally, some commissions serve other purposes beyond policy advisories. The Children, Youth and Recreation Commission, Housing Advisory Commission, and the Human Welfare and Community Action Commission advise Council on community agency funding. However, some of the aforementioned quasi-judicial and state/federal mandated commissions do not need to stand independently and can be combined to meet mandated goals.

In comparison to neighboring jurisdictions of similar size, Berkeley has significantly more commissions. The median number of commissions for these cities is 12 and the average is 15.

| Comparable Bay Area City | Population (est.) | Number of Commissions | Links                                                                                                                                                                                                         |
|--------------------------|-------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Berkeley                 | 121,000           | 37                    | <a href="https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/External%20Roster.pdf">https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3 - Commissions/External%20Roster.pdf</a> |
| Antioch                  | 112,000           | 6                     | <a href="https://www.antiochca.gov/government/boards-commissions/">https://www.antiochca.gov/government/boards-commissions/</a>                                                                               |
| Concord                  | 130,000           | 14                    | <a href="https://www.cityofconcord.org/264/Applications-for-Boards-Committees-Comm">https://www.cityofconcord.org/264/Applications-for-Boards-Committees-Comm</a>                                             |
| Daly City                | 107,000           | 7                     | <a href="http://www.dalycity.org/City_Hall/Departments/city_clerk/Commissions_Information/boards.htm">http://www.dalycity.org/City_Hall/Departments/city_clerk/Commissions_Information/boards.htm</a>         |
| Fairfield                | 117,000           | 7                     | <a href="https://www.fairfield.ca.gov/gov/comms/default.asp">https://www.fairfield.ca.gov/gov/comms/default.asp</a>                                                                                           |
| Fremont                  | 238,000           | 15                    | <a href="https://www.fremont.gov/76/Boards-Commissions-Committees">https://www.fremont.gov/76/Boards-Commissions-Committees</a>                                                                               |
| Hayward                  | 160,000           | 12                    | <a href="https://www.hayward-ca.gov/your-government/boards-commissions">https://www.hayward-ca.gov/your-government/boards-commissions</a>                                                                     |
| Richmond                 | 110,000           | 29                    | <a href="https://www.ci.richmond.ca.us/256/Boards-and-Commissions">https://www.ci.richmond.ca.us/256/Boards-and-Commissions</a>                                                                               |
| San Mateo                | 105,000           | 7                     | <a href="https://www.cityofsanmateo.org/60/Commissions-Boards">https://www.cityofsanmateo.org/60/Commissions-Boards</a>                                                                                       |

|           |         |    |                                                                                                                                                           |
|-----------|---------|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sunnyvale | 153,000 | 10 | <a href="https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=22804">https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=22804</a> |
| Vallejo   | 122,000 | 17 | <a href="http://www.ci.vallejo.ca.us/cms/one.aspx?pageId=22192">http://www.ci.vallejo.ca.us/cms/one.aspx?pageId=22192</a>                                 |

### Consultation and Outreach

To understand the impact on various departments and staffing capacity, the following table shows which departments are responsible for overseeing various commissions.

| Commission Name                                                | Overseeing Department<br>(Total Commissions in<br>Department) |
|----------------------------------------------------------------|---------------------------------------------------------------|
| Animal Care Commission                                         | City Manager (7)                                              |
| Civic Arts Commission                                          | City Manager (7)                                              |
| Commission on the Status of Women                              | City Manager (7)                                              |
| Elmwood BID Advisory Board                                     | City Manager (7)                                              |
| Loan Administration Board                                      | City Manager (7)                                              |
| Peace and Justice Commission                                   | City Manager (7)                                              |
| Solano Ave BID Advisory Board                                  | City Manager (7)                                              |
|                                                                |                                                               |
| Cannabis Commission                                            | Planning (8)                                                  |
| Community Environmental Advisory Commission                    | Planning (8)                                                  |
| Design Review Committee                                        | Planning (8)                                                  |
| Energy Commission                                              | Planning (8)                                                  |
| Joint Subcommittee on the Implementation of State Housing Laws | Planning (8)                                                  |
| Landmarks Preservation Commission                              | Planning (8)                                                  |
| Planning Commission                                            | Planning (8)                                                  |
| Zoning Adjustments Board                                       | Planning (8)                                                  |
|                                                                |                                                               |
| Children, Youth, and Recreation Commission                     | Parks (3)                                                     |
| Parks and Waterfront Commission                                | Parks (3)                                                     |
| Youth Commission                                               | Parks (3)                                                     |
|                                                                |                                                               |
| Commission on Aging                                            | Health, Housing, and<br>Community Services<br>(HHCS) (10)     |
| Commission on Labor                                            | HHCS (10)                                                     |
| Community Health Commission                                    | HHCS (10)                                                     |

|                                                               |                     |
|---------------------------------------------------------------|---------------------|
| Homeless Commission                                           | HHCS (10)           |
| Homeless Services Panel of Experts                            | HHCS(10)            |
| Housing Advisory Commission                                   | HHCS (10)           |
| Human Welfare & Community Action Commission                   | HHCS (10)           |
| Measure O Bond Oversight Committee                            | HHCS (10)           |
| Mental Health Commission                                      | HHCS (10)           |
| Sugar-Sweetened Beverage Product Panel of Experts             | HHCS (10)           |
|                                                               |                     |
| Disaster and Fire Safety Commission                           | Fire (1)            |
|                                                               |                     |
| Commission on Disability                                      | Public Works (5)    |
| Public Works Commission                                       | Public Works (5)    |
| Traffic Circle Task Force                                     | Public Works (5)    |
| Transportation Commission                                     | Public Works (5)    |
| Zero Waste Commission                                         | Public Works (5)    |
|                                                               |                     |
| Fair Campaign Practices Commission/Open Government Commission | City Attorney (1)   |
|                                                               |                     |
| Personnel Board                                               | Human Resources (1) |
|                                                               |                     |
| Police Review Commission                                      | Police (1)          |
|                                                               |                     |
| Board of Library Trustees                                     | Library (1)         |

Gray=charter  
 Red=state/federal mandate  
 Yellow=quasi-judicial  
 Blue=ballot initiative  
 Orange=state/federal mandate and quasi-judicial  
 Green=quasi-judicial and ballot initiative

The departments that staff more than five commissions are Health, Housing, and Community Services (10 commissions), Planning (8 commissions), and the City Manager’s department (7 commissions). At the same time, some smaller departments (e.g. the City Attorney’s office) may be impacted just as meaningfully if they have fewer staff and larger individual commission workloads.

With the recent addition of policy committees, proposed legislation is now vetted by councilmembers in these forums. Each policy committee is focused on a particular

content area aligned with the City of Berkeley’s strategic plan and is staffed and an advisory policy body to certain city departments. Members of the public are able to provide input at these committees as well. The policy committees currently have the following department alignment:

**Department and Policy Committee alignment**

1. **Agenda and Rules**—all departments
2. **Budget and Finance**—City Manager, Clerk, Budget, and Finance
3. **Land Use and Economic Development**—Clerk, Planning, HHCS, City Attorney, and City Manager (OED)
4. **Public Safety**—Clerk, City Manager, Police, and Fire
5. **Facilities, Infrastructure, Transportation, Environment and Sustainability** (Clerk, City Manager, Planning, Public Works, and Parks)
6. **Health, Equity, Life Enrichment, and Community** (Clerk, City Manager, HHCS)

**CRITERIA CONSIDERED**

**Effectiveness**

*How does this proposal maximize public interest?* For this analysis, the effectiveness criterion includes analysis of the *benefits* to the entire community equitably with specific emphasis on public health, racial justice and safety.

**Fiscal Impacts/Staffing Costs**

*What are the costs?* The fiscal impact of the proposed recommendation and various alternatives considered includes direct costs of commissions.

**Administrative Burden/Productivity Loss**

*What are the operational requirements or productivity gains or losses from this proposal?*

The administrative burden criterion guides the analysis in considering operational considerations and productivity gains and losses. While operational considerations and tradeoffs are difficult to quantify in dollar amounts, productivity losses were considered in its absence.

**Environmental Sustainability**

The environmental sustainability criterion guides legislation in order to avoid depletion or degradation of the natural resources and allow for long-term environmental quality.

## **ALTERNATIVES**

### **Alternative #1–The Current Situation**

The current situation is the status quo. The City of Berkeley would retain all commissions and no changes would be made.

### **Alternative #2–Collaborative Approach with Quantity Parameters**

This approach would specify a specific number (20) of commissions the City of Berkeley should manage and set parameters around individual department responsibilities. Furthermore, it requires a collaborative approach and outreach to address specific policy areas by referring it to the Council policy committees for further analysis and specific recommendations.

### **Alternative #3–Committee Alignment, Mandated and Quasi-Judicial Commissions**

This alternative would consist of five commissions aligned directly with the policy committees in addition to quasi-judicial bodies and ones required by charter, ballot measure or law.

- *Budget and Finance Commission*
- *Facilities, Infrastructure, Transportation, Environment and Sustainability Commission (state/federal mandate--CUPA)*
- *Health, Equity, and Life Enrichment*
- *Land Use and Economic Development*
- *Public Safety*
- Board of Library Trustees (charter)
- Civic Arts Commission (charter)
- Community Environmental Advisory Commission (state/federal mandate--CUPA)
- Fair Campaign Practices Commission/Open Government (ballot measure)
- Homeless Services Panel of Experts (ballot measure)
- Housing Advisory Commission (state/federal mandate)
- Human Welfare and Community Action (state/federal mandate)
- Landmarks Commission (quasi-judicial)
- Measure O Bond Oversight Committee (ballot measure)
- Mental Health Commission (state/federal mandate)
- Planning (quasi-judicial)
- Personnel (charter)
- Police Review Commission (ballot measure)
- Sugar-Sweetened Beverages (ballot measure)
- Zoning Adjustments Board (quasi-judicial)

**Alternative #4: Extreme Consolidation**

This alternative represents a prescriptive approach with maximum consolidation in content area and mandated commissions, absent charter amendments.

- Board of Library Trustees (charter)
- Business Improvement District (state/federal mandate)
- Civic Arts Commission (charter)
- Community Environmental Advisory Commission/Energy/Zero Waste (state/federal--CUPA)
- Fair Campaign Practices Commission/Open Government (ballot measure)
- Homeless Services Panel of Experts (ballot measure)
- Human Welfare and Community Action (state/federal mandate)
- Measure O Bond Oversight Committee (ballot measure)/Housing Advisory Commission (state/federal mandate)
- Mental Health Commission (state/federal mandate)
- Personnel (charter)
- Planning Commission (quasi-judicial and appeals)
- Board of Appeals (land use appeals)
- Police Review Commission (ballot measure)
- Health and Sugar-Sweetened Beverages (ballot measure)

**PROJECTED OUTCOMES (CRITERIA X ALTERNATIVES)**

|                                       | <b>Current Situation</b> | <b>Collaborative Approach</b> | <b>Policy Committee Alignment</b> | <b>Extreme Consolidation</b> |
|---------------------------------------|--------------------------|-------------------------------|-----------------------------------|------------------------------|
| <b>Benefit/ Effectiveness</b>         | medium                   | high                          | medium                            | low                          |
| <b>Cost</b>                           | high                     | medium                        | low                               | low                          |
| <b>Administrative Burden</b>          | high                     | low                           | low                               | medium                       |
| <b>Relative Environmental Benefit</b> | low                      | medium                        | medium                            | high                         |

**Current Situation and Its Effects (Alternative #1)**

*Effectiveness of the Current Situation*

Commissions serve a vital role in the City of Berkeley’s rich process of resident engagement. An analysis of agendas over the past several years shows that the



commissions have created policy that have benefited the community in meaningful and important ways. In 2019, approximately two-thirds of commission items submitted to Council passed. From 2016-2019, an average of 39 items were submitted by commissions to Council for consideration. Every year roughly 15-18 (~40-45%) commissions do not submit any items for Council policy consideration in any given year. The reason for this varies. Some commissions don't submit policy recommendations (BIDs) and some commissions recommendations may not rise to Council level at all or come to Council as a staff recommendation (e.g. ZAB and DRC). Additionally, a few commissions struggle to reach monthly quorum as there are currently 64 vacancies on the various commissions, excluding alternative commissioners.

It is also important to consider equitable outcomes and the beneficiaries as well. For example, the City's Health, Housing and Community Development department serves an important role in addressing COVID-19, racial disparities, inequitable health outcomes, affordable housing, and other important community programs. Additionally, Health, Housing, and Community Development also staffs ten commissions, more than many cities of Berkeley's size. Council needs to wrestle with these tradeoffs to ensure that we seek the maximum benefit for *all* of the Berkeley community, particularly our most vulnerable.

**Staffing Costs**

Based upon preliminary calculations of staff titles and salary classifications, the average staff secretary makes roughly \$60-\$65/hour. Based upon recent interviews with secretaries and department heads, individual commission secretaries work anywhere from 8-80 hours a month staffing and preparing for commission meetings. To illustrate this example, a few examples are listed below.

| Commission                        | Step 5 Rate of Pay | Reported Hours a Month | Total <b>Direct</b> Cost of Commission <b>per Month</b> |
|-----------------------------------|--------------------|------------------------|---------------------------------------------------------|
| Animal Care                       | \$70.90            | 8                      | \$567.20                                                |
| Landmarks Preservation Commission | \$57.96            | 80                     | \$4,636.80                                              |
| Design Review Commission          | \$52.76            | 60                     | \$3,165.60                                              |
| Peace and Justice                 | \$60.82            | 32                     | \$1946.24                                               |

It is extremely challenging to estimate a specific cost of commissions in the aggregate because of the varying workload but a safe estimate of salary costs dedicated to commissions would be in the six-figure range.

Many commissions--particularly quasi-judicial and land use commissions-- require more than one staff member to be present and prepare reports for commissions. For example, Zoning Adjustment Board meetings often last five hours or more and multiple staff members spend hours preparing for hearings. The Planning Department indicates that *in addition* to direct hours, additional commission-related staff time adds an extra 33% staff time. Using the previous examples, this means that the Landmarks Preservation Commission would cost the city over \$6,000 in productivity while the Design Review Commission would cost the City over \$4,000 a month.

#### *Productivity Losses and Administrative Burden*

Current productivity losses are stark because of the sheer amount of hours of staffing time dedicated to commissions. As an example, in 2019 one of the City of Berkeley's main homeless outreach workers staffed a commission within the City Manager's department. She spent approximately 32 hours a month working directly on commission work. While this is not a commentary on a particular commission, this work directly impacted her ability to conduct homeless outreach. The Joint Subcommittee on the Interpretation of State Housing Laws is another example. Planners dedicate 50 hours a month to that commission. Meanwhile, this commission has limited ability in affecting state law and the City Attorney's office is responsible for interpreting state law. While this commission does important work on other issues, there is little nexus in interpreting state housing laws and could be disbanded and consolidated with an existing commission. If this commission were disbanded, the current planner could dedicate significant hours to Council's top priorities in Planning. This year's top Council priority is the displacement of Berkeley's residents of color and African Americans (Davila).

#### *Environmental Sustainability*

The current commission structure doesn't have a large impact on the environment but, in relative terms, is the most burdensome because of the potential vehicle miles travelled by hundreds of commissioners (VMT) and printing costs associated with a large number of commissions.

## **ALTERNATIVES CONSIDERED**

### **Effectiveness**

#### *Alternative #2--Collaborative approach*

While the outcome is unknown, a collaborative approach with a specified target quantity of commissions and departmental responsibility would likely yield significant benefit to the community. Due to the projected budget cuts, city staff will need to have more bandwidth to deliver baseline services and priority projects. Civic engagement will still be retained due to a myriad of ways to provide public input but more importantly, current commissioners and civic partners are invited to provide feedback to the policy committees for consideration. Additionally, this approach is a less prescriptive approach which allows Council to acknowledge that the current number of commissions is unsustainable and impacts baseline services. Instead of recommending specific commission cuts at this moment, this approach simply allows Council to state an appropriate number of commissions (20) and acknowledge the severe staffing impacts of the current configuration. Furthermore, twenty commissions is a reasonable starting point, especially when considering that most area cities that are approximately Berkeley's size have seven commissions.

#### *Alternative 3--Policy Committee Alignment*

This approach would yield some benefit in that commissions would reflect current policy committees and would directly advise those bodies. This is beneficial because commissions directly aligned with policy committees would be an independent civic replica of the appointed policy committee bodies. It further retains mandated commissions. However, this prescriptive approach doesn't allow for flexibility in retaining historically important commissions and it does not address the benefit of potentially consolidating two commissions that address the same policy content area. For instance, it may be possible to combine the sugar-sweetened beverage oversight panel with the Health, Life, and Equity commission or the CEAC with the Facilities, Infrastructure, Transportation, Environment and Sustainability.

#### *Alternative 4--Extreme Consolidation--*

This approach is the most drastic alternative and the overall effectiveness is likely low, mainly due to potential community backlash due to Berkeley's long history of civic engagement. Furthermore, the Planning Commission would likely become overburdened and less effective because land use appeals would have to be routed through the Planning Commission.

## **Costs/Fiscal Impact**

### *Alternative 2--Collaborative Approach*

The fiscal impact of the Collaborative Approach is unknown at this time because this recommendation does not prescribe specific commission consolidations or cuts. However, if commissions are reorganized such that Berkeley will have 20 instead of 38, there will be significant direct cost savings. One can reasonably assume that the direct financial cost could reduce to almost half the current amount.

### *Alternative 3--Policy Committee Alignment*

The fiscal impact of Policy Committee Alignment would yield significant savings due to commission consolidation. One can reasonably assume that the direct financial cost could reduce to more than half the current amount.

### *Alternative 4--Extreme Consolidation*

Extreme Consolidation would yield the most savings due to commission consolidation. One can reasonably assume that the direct financial cost would reduce to 25%-30% of the current amount spent on commission work.

## **Productivity**

### *Alternative 2--Collaborative Approach*

The most glaring impact on the current commission structure is administrative impacts and productivity. Whether City Council consolidates commissions or not, attributable salary costs will still exist. The primary benefit of pursuing the Collaborative Approach would center on productivity. The City of Berkeley is likely to garner significant productivity gains by specifying a target number of commissions overall and within departments. Using the Peace and Justice and Joint Subcommittee on the Interpretation of State Housing Laws examples above, more staff will be able to focus on core services and priority programs. Thousands of hours may be regained by dedicated staff to tackle the tough issues our community faces, especially in light of COVID-19 and concerns around racial equity.

### *Alternative 3--Policy Committee Alignment*

This alternative likely will yield the same productivity benefits as the collaborative approach, if not more. The City of Berkeley would likely garner significant productivity gains by specifying less than twenty commissions. Thousands of hours may be regained by dedicated staff to tackle the tough issues our community faces, especially in light of COVID-19 and concerns around racial equity.

*Alternative 4–Extreme Consolidation*

This alternative would likely provide the most productivity gains and lessen administrative burdens overall. However, there could be unintended consequences of productivity within the planning department absent additional policy changes. For example, the quasi-judicial Zoning Adjustments Board and Planning Commission agendas are packed year round. It is unclear whether eliminating one of these commissions would lessen the administrative burden and increase productivity in the Planning Department or whether those responsibilities would merely shift commissions. At the same time, the Planning Department could benefit from reducing commissions to increase productivity within the planning department.

**Environmental Sustainability**

*Alternative 2–Collaborative approach*

This alternative doesn't have a large impact on the environment other than potential vehicle miles travelled by hundreds of commissioners (VMT) and printing costs. However, these environmental impacts could be cut in half with commission reorganization.

*Alternative 3--Policy Committee Alignment*

This alternative doesn't have a large impact on the environment other than potential vehicle miles travelled by hundreds of commissioners (VMT) and printing costs. However, these environmental impacts could be cut in half with commission reorganization.

*Alternative 4–Extreme Consolidation*

This alternative would have negligible impacts on the environment other than potential vehicle miles travelled by hundreds of commissioners (VMT) and printing costs.

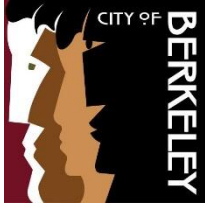
**RATIONALE FOR RECOMMENDATION**

The Collaborative Approach is the best path forward in order to pursue Berkeley's commitment to

- Create affordable housing and housing support services for our most vulnerable community members
- Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment
- Champion and demonstrate social and racial equity
- Provide an efficient and financially-healthy City government
- Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities
- Foster a dynamic, sustainable, and locally-based economy
- Create a resilient, safe, connected, and prepared City

- Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community
- Attract and retain a talented and diverse City government workforce

The status quo—37 commissions— is too costly and unproductive. At the same time, civic engagement and commission work absolutely deserve an important role in Berkeley. Consequently, this legislation retains commissions but centers on overall community benefit, staff productivity, and associated costs. This is imperative to address, especially in light of COVID-19 and community demands for reinvestment in important social services.



Office of the City Manager

February 8, 2021

To: Agenda and Rules Committee  
 From: Dee Williams-Ridley, City Manager  
 Re: **Systems Alignment Proposal**

The purpose of this memorandum is to propose a process to integrate various systems (e.g, budget, Strategic Plan, prioritization of referrals, etc.) to ensure that resources are appropriately allocated, to focus the organization and employees on those priorities established by the City Council and City Manager, and to enhance legislative and budget processes. In light of the economic and financial impacts of COVID-19 and resource constraints, it is imperative to improve vetting and costing of new projects and legislative initiatives to ensure success. In addition, the purpose of this proposal will align our work with the budget process.

### **EXECUTIVE SUMMARY**

The proposed changes outlined in this memorandum will better guide and inform budget development, clarify tradeoffs by identifying operational impacts, and develop a more effective and time-efficient path to implementation. The major features of the proposal are:

- Changing the order of the legislative process to ensure that Major Items (defined below) passed by Council are funded, as well as folded into staff workplans and staffing capacity,
- Ensuring that Major Items that are adopted by City Council are vetted and clearly identify the resources needed for implementation,
- Consolidating and simplifying reporting and tracking of Major Items, and
- Creating a deadline for each year's Major Items that allows for alignment with prioritization, the Strategic Plan, and the budget process.

## **PROPOSED PROCESS**

The proposed process outlined in this memorandum replaces the current system of referrals (short and long term, as well as Commission referrals), directives, and new proposed ordinances, that is, all Major Items, regardless of “type” or origin will be subject to this process.

### **Step 1: Major Item Determination**

The systems alignment proposal outlines a process for Major Items, defined as meeting one or more of the below conditions:

- Item cannot be operationalized over time with existing resources.
- Item displaces an existing prioritized item.
- Item is not implementable with existing resources.
- Item is unable to sustain enforcement activities.
- Item is subject to legal challenge and/or pre-emption.
- Item requires additional or new full time equivalent (FTE) staff on either a temporary or permanent basis.
- Item requires additional or new infrastructure or technology costs.

The Agenda & Rules Committee, in consultation with the City Manager, will make the initial determination of whether something is a Major Item. At any time in the process, if evidence demonstrates that the initial determination of the proposal as a Major Item proves incorrect, then it is no longer subject to this process.

Special exemptions from this process, due to exigent circumstances, will allow a Major Item to be considered on its own schedule and not subject to the required steps and deadlines in this proposed process. Consideration of exempted Major Items must include trade off considerations to address impacts and/or delays to work already approved and/or underway. Exemptions may be granted for the following:

- grant deadline requirements
- public safety issues
- declared local emergencies

A Major Item must be submitted in time to appear on an agenda of the Agenda & Rules Committee meeting occurring no later than April 30 of every year. Any item submitted after that deadline, that does not meet an exemption, will be continued to the following year’s legislative process.

Major Items will be referred by the Agenda & Rules committee on a rolling basis. Major Items can move through the process on their own schedule provided that they meet the “no later than” deadlines.

### **Step 2: Policy Committee Review**

A Major Item, once introduced, will be referred to one of City Council’s Policy Committees (i.e., Health, Life Enrichment, Equity and Community, Public Safety, etc.) by the Agenda and Rules Committee, for review, recommendation, and high-level discussion of implementation (i.e., ideas, rough cost estimates, benefits, etc.). Per the [Council Rules of Procedure and Order](#), Section III, Subsection 4, the Policy Committee will review for completeness and alignment with



Strategic Plan goals to ensure the Major Item report adequately includes budget implications, administrative feasibility, basic legal concerns, and staff resource demands. If the Major Item receives a positive or qualified positive recommendation, then it will go to an Implementation Conference (See step 3, Vetting and Costing).

If the Major Item receives a negative or qualified negative recommendation, then it will be returned to the Agenda and Rules Committee to be placed on a City Council Agenda. When heard at a City Council meeting, the author can advocate for the Major Item to be sent to an Implementation Conference. If the Major Item does not receive a vote by the majority of City Council at this step, it becomes inactive for that year's legislative calendar but may be reintroduced for the next year's calendar.

City Council Policy Committees must complete review of all Major Items assigned to them no later than July 31 of each year.

### **Step 3: Implementation Conference (Vetting and Costing)**

At an Implementation Conference, the primary author will meet with the City Manager or designee, City Manager-selected staff subject matter experts, and where appropriate, the City Attorney or designee. The Implementation Conference is an informal meeting where the primary author can collaborate with the City Manager and staff to better define the Major Item and identify more detailed fiscal and operational impacts, such as:

- Are there staff in-house with the appropriate skill set?
- Can this be absorbed by existing staff, staff time, and workload? If not, what is the estimated additional staffing need (e.g., percent FTE, average fully loaded cost for requisite classification, etc.)?
- Are the costs (staff and any other) one-time or ongoing?
- What is the tradeoff? Would the project/item(s) being "traded off" be delayed? If so, how long?
- Operationally, what services would be impacted? How?
- What are the short term impacts on services and/or staff?
- What are the longer term or domino effect impacts on services and/or staff?
- What are the benefits to the organization (e.g., products, services, and/or staff efficiencies)?
- What legal issues or risks are raised by the Major Item and Options to Mitigate?
- What risk management issues are raised by the Major Item and Options to Mitigate?

The information discussed during the Implementation Conference will be summarized in the Council Report as part of a new fiscal impacts section, revised to be more robust as a fiscal and operational impacts section.

After the Major Item's author revises the original Council Report, including fiscal and operational impacts, based on information from the Implementation Conference, the Major Item will be submitted to the Council agenda process.

Implementation Conferences must be completed no later than August 31 of each year.

#### **Step 4: Initial Prioritization**

By July 31 of each year, the City Council Policy Committees will make a recommendation to Council on prioritization of the Major Items they have reviewed. The Policy Committee priority rankings will be submitted to the City Council when the Council is considering items to move forward in the budget and strategic plan process.

#### **Step 5: City Council Approval and Final Prioritization**

Under this proposal, all Major Items that the City Council considers for approved prioritization must have (1) received a City Council Policy Committee review and recommendation, (2) received a City Council Policy Committee prioritization, (3) completed the Implementation Conference, and (4) been placed on the Agenda at a Council meeting in October for approval and prioritization. The full City Council will make four determinations: (1) whether to approve each Major Item, (2) overall prioritization of the item, (3) assignment of fiscal year for each Major Item, and (4) identification of projects or items to remove from existing workload to accommodate new Major Items.

If a Major Item does not receive the endorsement of City Council at this step, it becomes inactive for that year's legislative calendar and may be reintroduced for the next year's calendar.

City Council must complete its review, approval, and prioritization process no later than November 30 of each year.

#### ***Step 6: Budget & Strategic Plan Process***

During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Item priorities, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by department presentations to the Budget and Finance Policy Committee. From late March and through early May, Council and staff will refine the budget. Council will hold budget hearings in May and June, with adoption of the budget by June 30. Although the legislative process (i.e., Policy Committee review, Implementation Conference, Prioritization) is annual, staff recommends the budget process remain bi-annual. A significant mid-cycle budget update can easily accommodate additions to or changes in priorities arising through the legislative process.

The proposed process is depicted in Figure 1 below.

**Figure 1**

|                                                 |                                                          |     |                                   |
|-------------------------------------------------|----------------------------------------------------------|-----|-----------------------------------|
| <b>Agenda &amp; Rules Committee</b>             | Is this a Major Item?                                    | Yes | No. Place on full Council Agenda. |
| <b>Policy Committee</b>                         | Positive recommendation?                                 | Yes |                                   |
| <b>Implementation Conf. Vetting and Costing</b> | Completed Fiscal & Operational impacts?                  | Yes | No. Continue vetting or withdraw. |
| <b>Policy Committee Initial Prioritization</b>  | Received initial prioritization recommendation?          | Yes | No. Becomes inactive for year.    |
| <b>Full Council</b>                             | Majority approve and prioritize?                         | Yes |                                   |
| <b>Budget &amp; Strategic Plan Process</b>      | Major Items incorporated into Budget and Strategic Plan. |     |                                   |

**Next Steps**

Staff is in the process of reviewing existing referrals and projects for incorporation as Strategic Plan projects in the proposed budget based on staffing and resources (see Attachment 1). City Council may wish to review this backlog of work and consider whether any items should be deferred or cancelled, given the events of 2020, budgetary constraints, and the need to fit the work of the organization to its capacity and current Council priorities. The immediate next steps depend on the timing of systems alignment adoption. The key decision points will be

- What happens with adopted, open referrals?
- What do we do with those items Council has under consideration?

This could result in submitting open items and items under consideration to implementation conference or perhaps directly to prioritization, depending on timing and the existing budget and legislative cycles.

**Benefits**

Since the proposed process places the City Council prioritization of Major Items immediately before budget preparation, the Prioritization will guide and inform budget development, including components such as the Strategic Plan and work plans. Fixing the sequencing of the process is a key benefit. Currently, with prioritization occurring in May and June, the budget process is nearing completion when City Council’s priorities are finally decided. This leads to inconsistencies between adopted priorities and budgeting for those priorities.

Under the current process, an idea may go into prioritization, proceed to the short term referral list or referred to the budget process. However, the resulting Major Item may not have addressed operational considerations. Adding such items to a department’s work at any given time of the year may lead to staff stopping or slowing work on other prioritized projects in order to develop and implement new Major Items. Also, it may be difficult for staff to prioritize their

projects: is stopping/slowing of work that is already underway in order to address new items the preference of the full Council?

Also, because consideration of implementation currently occurs after the adoption of a Major Item, features of the adopted language may unintentionally constrain effective implementation, complicating and slowing progress on the Major Item and hindering the effectiveness of the new program or regulation.

With the proposed process, a Major Item does not go through prioritization until there is an opportunity for staff to identify operational considerations. The time when staff and City Council are asked to attend City Council Policy Committees and Implementation Conferences is limited to the first half of the calendar year, allowing both staff and City Council to efficiently calendar and plan accordingly. Finally, since implementation only occurs after operational considerations are reported, and funds are allocated, the resulting Major Item should move more quickly from idea to successful completion.

Attachment 1: Disposition of Referrals, Projects and Audits



Office of the City Manager

January 28, 2021

To: Budget and Finance Policy Committee  
From: Dee Williams-Ridley, City Manager  
Submitted by: Melissa McDonough, Senior Management Analyst  
Subject: Disposition of Referrals, Projects, and Audits – No Action Required

Staff is in the process of reviewing existing referrals and projects for incorporation as Strategic Plan projects in the proposed FY 22 budget based on staffing and resources (see Attachment). During this time of pandemic and economic constraint, the existing backlog of approximately 509 items: 249 referrals, 75 open audit recommendations, and 185 Strategic Plan projects will need to be carefully considered, alongside other important current work such as:

- Administering the COVID-19 vaccine,
- Implementing recently approved ballot measures,
- Reimagining public safety,
- Measure T1 implementation,
- Vision 2050,
- Addressing homelessness,
- Upcoming labor negotiations, and
- Continuing to address COVID-19 impacts on public health, people's housing stability and livelihood, as well as the local economy.

The attached list summarizes the disposition of open referrals, projects, and audit recommendations, including wherever possible, indication of available budget and staffing resources. The Policy Committee may wish to review this backlog of work and consider whether any items should be deferred, or cancelled, given the events of 2020, budgetary constraints, the need to fit the work of the organization to its capacity and current Council priorities, and the age of some items (e.g., the oldest referral dates to a 2011 City Council meeting).

Please see the attached document and contact me with any questions, including requests for more information regarding any particular referral(s), project(s), or audit recommendation(s).

Attachment:

Disposition of Referrals, Projects, and Audits

Disposition of Referrals, Projects and Audits



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                                                                                                                                                                                                                      | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Percent Complete | State | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely?                                     | Required by legislative mandate? | Achievable in ~2 years?       | Have adequate staff resources for? |
|-----|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------|-----------------------|-------------|-----------|---------|-----------------------------------------------------------|----------------------------------|-------------------------------|------------------------------------|
| 1   | Council and Budget Referrals - Demand | Adopt a resolution in support of the Good Food Purchasing Program's core values and join San Francisco, Oakland, Los Angeles and Chicago as one of the first five cities nationwide to become a Good Food Purchasing partner, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices. | Adopt a resolution in support of the Good Food Purchasing Program's core values and join 28 public institutions across 14 U.S. cities, including San Francisco, Oakland, Los Angeles, Chicago, and Washington, D.C. to endorse Good Food Purchasing values, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | N/A              | Draft | City Manager's Office | N           | N         | N       | N                                                         | N                                | N                             | N                                  |
| 2   | Council and Budget Referrals - Demand | Budget Referral: Youth Listening Campaign & Citywide Master Plan                                                                                                                                                                                                                                                                                                                                          | Amended to include Youth Commission. In support of the 2020 Vision process and as part of the larger commitment of the City of Berkeley to its young people, we are proposing a planning process that centers the voices and needs of young people, their families and the people who support them day-in and day-out. The process would include: 1) A Listening Campaign that would include focus groups, surveys and one-on-one interviews to identify the experiences of, perspectives of, needs of and barriers for young people, ages 13-24, in securing and maintaining safety and well-being, achieving their goals and dreams, and having positive and supportive relationships with adults in their lives, including the schools and programs they participate in; 2) Use the results of the Listening Campaign to organize assemblies of young people, their families and the programs and providers they are connected to in order to collectively reflect on the results and identify potential services, programs, resources and policies that could respond to their needs, reduce barriers and harms and broaden what is available to support young people; and 3) Use the outcomes from the assembly process and Listening Campaign to partner with city staff in creating a Youth Master Plan. | N/A              | Draft | City Manager's Office | Y           | N         | N       | Pursuing grant funding for a similar initiative (Prop 64) | N                                | Y (if grant funding acquired) | Y (if grant funding acquired)      |

Note: All referrals are entered into the database as a "Demand" draft. If it is a short term referral, it is immediately converted into a "Project". For long term referrals, typically, once work has begun, they are converted from Demands to Projects.



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                   | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Percent Complete | State | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years?     | Have adequate staff resources for? |
|-----|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------|-----------------------|-------------|-----------|---------|-----------------------|----------------------------------|-----------------------------|------------------------------------|
| 3   | Council and Budget Referrals - Demand | Changes to the Berkeley Municipal Code and City of Berkeley Policies with Respect to Local Emergency Declarations and First Amendment Curfews - Item A | 1. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify the following concepts with respect to the declaration of a Local Emergency:<br>a. A Local Emergency can only be declared by the Director of Emergency Services if a regular or special meeting and session of the City Council cannot be called due to physical impossibility of holding a meeting, because a quorum cannot be established, or because the urgency of the Local Emergency is such that waiting 24 hours for the City Council to convene a session and/or Special Meeting would endanger the community;<br>b. Should the Director declare a Local Emergency without action of the City Council (due to one of the reasons stated at (a), above), the City Manager should inform councilmembers immediately and Council ratification of such action should occur at the first possible opportunity, even if it requires calling a Special Meeting and/or session of the Council; and<br>c. The applicable statutory and legal standards (Federal, State and Local) for calling a Local Emergency shall be presented to the City Council when seeking declaration or ratification of a Local Emergency, along with facts to support meeting those standards, so that the City Council, likely acting under rushed and exigent circumstances, is able to make a carefully considered and fact-based determination that declaration of such Local Emergency conforms with the legal standards presented to it. | N/A              | Draft | City Manager's Office | N           | N         | Y       | N                     | N                                | Y (part of post-COVID work) | N                                  |
| 4   | Council and Budget Referrals - Demand | Construct Additional Taxi Stands and Relocate One Stand Within the City                                                                                | That the Council refer to the City Manager the construction of seven taxi stands in total and the relocation of one stand in the City to improve accessibility for pedestrians, create visibility, and increase profits for taxi drivers. These taxi stands should be constructed at the following sites: Two stands at Hotel Shattuck; Two stands at the Doubletree Hotel; Two stands at Telegraph & Bancroft or Durant & Telegraph; and One stand at Bancroft Hotel. In addition, the Ashby BART taxi stand shall be relocated closer to the station entrance on MLK Jr. Way.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Draft | City Manager's Office | N           | N         | N       | N                     | N                                | N                           | N                                  |
| 5   | Council and Budget Referrals - Demand | Create and Implement Additional Sensitivity Training Options for Taxi Drivers                                                                          | That the Council refer to the City Manager the creation and implementation of one of the following two additional options for sensitivity trainings to allow for more accessibility for new and continuous taxi drivers. Firstly, an online sensitivity training course should be created and implemented in the City's current taxi checklist. Secondly, there should be a designated sensitivity training site readily accessible within the City.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | N/A              | Draft | City Manager's Office | N           | N         | N       | N                     | N                                | N                           | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Percent Complete | State | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------|-----------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 6   | Council and Budget Referrals - Demand | Freedom from Domestic Violence as a Human Right Resolution                                                                                                                          | Adopt the Freedom from Domestic Violence as a Human Right Resolution. City Manager shall prepare a report within the next six (6) months on the policy and practice of City departments on domestic violence, including but not limited to, the Berkeley Police, the Berkeley Fire Department, and Health, Housing & Community Services, with respect to the status of domestic violence and the City's work to overcome domestic violence and support survivors. BE IT FURTHER RESOLVED that City departments shall work to incorporate this Resolution into their work.                                                                                                                                                                                                                                                                                                               | N/A              | Draft | City Manager's Office | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 7   | Council and Budget Referrals - Demand | Personal Delivery Service Franchise Agreements                                                                                                                                      | Referral to the City Manager's Office to develop a program that would enable the City to consider franchise applications for personal delivery service companies involving personal delivery devices.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | N/A              | Draft | City Manager's Office | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 8   | Council and Budget Referrals - Demand | Referral to City Manager to address the conversion of Not Available To Rent rental units to unregistered short term rentals and unregistered medium term rentals from 15 to 30 days | Referral to City Manager to address the apparent conversion of Not Available To Rent rental units to unregistered Short Term Rentals and unregistered medium term rentals from 15 to 30 days. Refer to Planning Permit Service Center, Code Enforcement, Finance Department, Rent Stabilization Board, and Host Compliance, to comprehensively review whether units that are not available for rent (NAR) are compliant with Rent Board Regulations, and short-term rental (STR) regulations.                                                                                                                                                                                                                                                                                                                                                                                           | N/A              | Draft | City Manager's Office | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 9   | Council and Budget Referrals - Demand | Referral to the Community Environmental Advisory Commission: Cigarette Butt Pollution Prevention Program in South Berkeley                                                          | Refer to the Community Environmental Commission (CEAC) AND THE CITY MANAGER to consider developing a Cigarette Butt Pollution Prevention Program for South Berkeley. Explore the following items: a) Location. Work with the local business associations, business owners, as well as other neighborhood and community organizations to identify key locations for cigarette butt receptacles. b) Operation. Work with local businesses to develop a system for cleanup and disposal of the contents of the receptacles. c) Cost. Identify any one-time costs associated with the program, including purchasing and installation of the receptacles. Identify any costs that should be set aside for maintenance. There should not be regular ongoing costs. CEAC should work with the businesses and neighborhoods to develop a community-based system to facilitate daily operations. | N/A              | Draft | City Manager's Office | Y           | N         | N       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                   | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Percent Complete | State | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely?  | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 10  | Council and Budget Referrals - Demand | Siting the African American Holistic Resource Center and Affordable Housing at 1890 Alcatraz                                           | That the City Council refers to the City Manager to study the feasibility of using the city-owned property located at 1890 Alcatraz Avenue (currently temporary Mental Health Division offices) for the African American Holistic Resource Center (AAHRC) and also developing affordable housing on the site. The City Manager should report back on the costs and implementation steps to repurpose the property for the AAHRC using the AAHRC Feasibility study as a guide, including what physical improvements would need to be made, and cost for ongoing operations by a non-profit. The City Manager and Planning should also conduct an analysis of potential site capacity looking at site context and yield and report on how much housing could be developed on the site under current zoning, including the AAHRC on the ground floor. Additionally, the City Manager and Planning Commission should incorporate the Community Preference policy in selecting applicants for the affordable housing units created by this project. AAHRC Steering Committee to be consulted during implementation.                                                                                                                                                                                                                                                                         | N/A              | Draft | City Manager's Office | N           | Y         | Partial | Pursuing grant funding | N                                | N                       | N                                  |
| 11  | Council and Budget Referrals - Demand | Urgent Item: Create an Interjurisdictional Group Violence Intervention Program "GVI," or "Operation Ceasefire," to Reduce Gun Violence | Refer to the Community Engagement Process for Reimagining Public Safety creation of a Group Violence Intervention Program (GVI), or "Operation Ceasefire," that will assemble a Berkeley-centered interjurisdictional working group of community members, law enforcement personnel, and supportive services providers to address gun violence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | N/A              | Draft | City Manager's Office | N           | Y         | Y       | N                      | N                                | Y                       | Y                                  |
| 12  | Council and Budget Referrals - Demand | City Manager Referral to Update City's Municipal Code To Increase Competitiveness of Taxi Industry                                     | That the Council refer to the City Manager to update the City's municipal code sections 9.52.020, 9.52.070, 9.04.020, and 9.04.035 to reflect the following items, in order to increase the competitiveness of our local taxi industry: 3. Allow the annual vehicle inspection to be conducted by either a city employee or an ASI-certified mechanic.; 4. Construct a general policy that would allow taxi stands to operate near newly constructed and existing hotels in the city of Berkeley.; 5. Move the Ashby BART Taxi Stand outside of the BART station to neighboring M.L.K. Jr. Way, in order to increase visibility for taxis.; 6. Extend the exemption of the Low Emission Requirements for vans to taxis due to the unavailability of similarly sized hybrid vehicles.; 7. Extend the validity period of taxi driver ID permits to three years, replacing the current policy of yearly renewals. In addition, all existing permits to January 1, 2018 should perform a net renewal on January 1, 2021.; 8. Waive insurance payments for taxi drivers who must take a leave of absence in case of emergency.; 9. Evaluate the Taxi Driver Association's proposal that the city of Berkeley should change the entire renewal process, including renewal of both physical and mechanical inspections, business licenses, and taxi driver IDs, from one year to three years. | N/A              | Draft | City Manager's Office | N           | N         | N       | N                      | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                    | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Percent Complete | State    | Lead City Department                                                                | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 13  | Council and Budget Referrals - Demand | Use of Gender Neutral Language in City Documents                                                        | Refer to the City Manager to: 1. Develop and return to Council with a procedural and financial plan to modify all appropriate City forms to include an optional field for personal gender pronouns (she/her, he/him, they/them, and space to specify other). 2. Develop and return to Council with a procedural and financial plan to revise the Berkeley Municipal Code to replace all instances of gendered pronouns with the singular "they," and amend Sections 1.04.020, 4.36.110, 4.38.110, 4.39.110, and 11.08.050 regarding grammatical interpretation to indicate that whenever a gender neutral personal pronoun is used, it shall be deemed to include the feminine and masculine also.                                                                                                                            | N/A              | Draft    | City Manager's Office                                                               | N           | N            | N            | N                     | N                                | N                       | N                                  |
| 14  | Council and Budget Referrals - Demand | Companion Report: Ban on Receipts Made with Bisphenol A (BPA) and Other Phenols                         | Take no action on the Community Health Commission recommendation to adopt an ordinance to ban the use of thermal paper by 2020 and instead implement a community education effort about methods for reducing exposure to BPA-treated thermal paper. Approved the recommendation with the amendment requesting that staff conduct a survey to determine how many businesses are using receipts with BPA.                                                                                                                                                                                                                                                                                                                                                                                                                       | N/A              | Draft    | City Manager's Office/Health, Housing & Community Services                          | N           | N            | N            | N                     | N                                | Data Pending            | Data Pending                       |
| 15  | Council and Budget Referrals - Demand | Revitalization of the Civic Center Park Fountain                                                        | Refer to the City Manager to work with the Turtle Island Fountain Project in developing a plan to revitalize the fountain at Martin Luther King Jr. Civic Center Park and consider this referral as part of the Civic Center Park visioning RFP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | N/A              | Draft    | City Manager's Office/Office of Economic Development/Parks, Recreation & Waterfront | N           | Y            | Partial      | N                     | N                                | Y                       | Y                                  |
| 16  | Council and Budget Referrals - Demand | Ronald V. Dellums Fair Chance Access to Housing Ordinance; Adding BMC Chapter 13.106                    | 1. Adopt a first reading of the Ronald V. Dellums Fair Chance Access to Housing Ordinance and;<br>2. Direct the City Manager to take all necessary steps to implement this chapter including but not limited to developing administrative regulations in consultation with all relevant City Departments including the Rent Stabilization Board, preparing an annual implementation budget, designating hearing officers and other necessary staffing for administrative complaint, exploring the development of a compliance testing program similar to that used by the Seattle Office of Civil Rights, developing timelines and procedures for complaints, conducting outreach and education in partnership with the Alameda County Fair Chance Housing Coalition, and referring program costs to the June budget process. | N/A              | Draft    | City Manager's Office/Rent Board/Health, Housing & Community Services               | N           | Y            | N            | N                     | N                                | Y                       | N                                  |
| 17  | Council and Budget Referrals - Demand | 6. City Manager Referral: Standardize Finance Categories of Software and Exclusively Internet Companies | Refer to the City Manager creating one simple clear standard for categorizing software companies and exclusively internet companies that do business in Berkeley                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | N/A              | Approved | Finance                                                                             | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 18  | Council and Budget Referrals - Demand | Ban-the-Box for Employers Doing Business with the City of Berkeley                                      | Request that the City Manager draft language requiring businesses doing business with the City of Berkeley to eliminate disclosure of conviction history prior to receiving a conditional offer of employment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A              | Approved | Finance                                                                             | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Percent Complete | State     | Lead City Department      | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 19  | Council and Budget Referrals - Demand | City Manager Referral: Improvements to Berkeley's Very Low Income Tax Relief Refund Program | Refer to the City Manager to make improvements to Berkeley's Very Low Income Refund Program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | N/A              | Approved  | Finance                   | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 20  | Council and Budget Referrals - Demand | Comprehensive Investment Policy based on ESG Principles                                     | Refer to the City Manager to consider the integration of ESG (environmental, social and governance) principles into the current City of Berkeley Investment Policy framework and return to Council with a recommendation.                                                                                                                                                                                                                                                                                                                                                                              | N/A              | Approved  | Finance                   | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 21  | Council and Budget Referrals - Demand | Referral Response: Gender Pay Equity                                                        | 1. Direct staff to draft an ordinance related to an equal pay vendor preference for city contractors who demonstrate equal pay for male and female employees (gender based on self-identification)<br>3. Develop an equal pay certification program for city contractors.                                                                                                                                                                                                                                                                                                                              | N/A              | Draft     | Finance                   | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 22  | Council and Budget Referrals - Demand | Socially Responsible Banking Services for the City of Berkeley                              | Request that the City Manager initiate a process for proposals from providers of banking services that uses criteria articulated in the 2013 process, but adds and emphasizes criteria related to ethical business practices. Ask for an extension of the existing contract with Wells Fargo should additional time be needed. Also, include consideration of provisions of a socially responsible banking policy such as elements of social and environmental justice, requirement for a code of fair treatment, low pay inequity between executives and rank and file, and support for human rights. | N/A              | Approved  | Finance                   | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 23  | Council and Budget Referrals - Demand | City Manager Referral to Improve Fire Safety Standards for Rebuilt Fire-Damaged Structures  | Refer to the City Manager to require repair and replacement of fire damaged buildings to be brought up to current fire safety standards.                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Submitted | Fire & Emergency Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Percent Complete | State | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 24  | Council and Budget Referrals - Demand | Companion Report: Smoke-Free Multi-Unit Housing Ordinance Policy and Enforcement Modifications                                      | On September 29, 2020, the Health, Life Enrichment, Equity & Community Committee made a qualified positive recommendation to send the item to Council including the following referrals: 1. Refer to staff to explore expanding the Ordinance to buildings with one unit; 2. Refer to staff to explore and consider improvements in the interface between the residential and commercial non-smoking Ordinances in mixed-use buildings; 3. Refer to staff to create a web-based complaint filing mechanism/service; 4. Refer to staff to create special protocols for chronic situations and to consider including requirements for better air filtration and purification as well as other measures to effectively manage chronic cases; 5. Refer to staff to study the infraction and enforcement mechanisms and determine if they have any benefits and to consider other potential enforcement end points; 6. Refer to staff to look for opportunities for bias in enforcement and mechanisms to better guard against bias while still allowing for maximum action to resolve legitimate complaints; 7. Refer to staff to propose funding sources for enforcement; 8. Refer to staff to collect demographic data around complaints and targets of complaints (as much as possible); and 9. To return to Council with Ordinance amendments to accomplish the following: (a) amend or remove the 10-day language element (b) modify or remove the 2-complainant rule if warranted (c) adjust for the medical cannabis state law changes, (d) propose any and all other improvements beneficial to the Ordinance. | N/A              | Draft | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 25  | Council and Budget Referrals - Demand | Companion Report: The SSBPPE Commission's Proposed Policy to Refrain from Procuring, Selling, and Serving Sugar-Sweetened Beverages | Refer both Item 26a and 26b to the City Manager and request that the City Manager draft an ordinance for consideration by the City Council. Original Comm Recommendation: "...adopt an Ordinance amending the Administrative Code to direct the City of Berkeley departments and City food services contractors to refrain from: 1. Procuring sugar-sweetened beverages with City funds; 2. Selling sugar-sweetened beverages on City property, including in vending machines; and 3. Serving sugar-sweetened beverages at City meetings and events on City property."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | N/A              | Draft | Health, Housing & Community Services | N           | Y            | N            | N                     | N                                | Y                       | N                                  |
| 26  | Council and Budget Referrals - Demand | Developing a Mechanism to Facilitate an Improved Homeless Point-In-Time Count                                                       | The Homeless Commission recommends to Council that Council refer to staff to assign an intern or seek a volunteer affiliation, through an educational institution, to conduct outreach to, and engage with, community stakeholders including homeless advocates and persons who are experiencing or have experienced homelessness, to identify how homeless persons can be more thoroughly counted during the upcoming 2021 Berkeley Homeless Point-In-Time count.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Draft | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                                                                                                              | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Percent Complete | State | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 27  | Council and Budget Referrals - Demand | Development of the West Berkeley Service Center, 1900 6th Street, for Senior Housing with Supportive Services [Part c]                                                                                                                                                                            | <p>State the intent of the City Council that the West Berkeley Service Center property, 1900 6th Street, will be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations, maximizing the number of affordable units.</p> <p>The Berkeley Way Project, 2012 Berkeley Way, is the City's top affordable housing priority. The West Berkeley Service Center, as a City-owned property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to initiate the process of developing senior housing at the West Berkeley Service Center:</p> <p>c. Based on recommendations from the Health, Housing and Community Services Department, the Housing Advisory Commission, Measure O Bond Oversight Committee, Commission on Aging, and taking into consideration requirements and restrictions associated with potential funding sources, create recommendations to Council regarding levels of affordability, unit sizes, on-site services and other features to be included in a senior housing and social services development, including senior living housing types. These recommendations will be presented to the City Council to inform the issuance of an RFP.</p> | N/A              | Draft | Health, Housing & Community Services | N           | N            | N            | N                     | N                                | N                       | N                                  |
| 28  | Council and Budget Referrals - Demand | Home Share Pilot Program Recommendation                                                                                                                                                                                                                                                           | Item 26a moved to the Consent Calendar to refer to the City Manager the possibility of working within existing similar programs such as Safe Home and Ashby Village.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | N/A              | Draft | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 29  | Council and Budget Referrals - Demand | Referral to the City Manager and the Housing Commission to Consider Creating a Dedicated Revenue Stream from Campus Area Projects to Fund Housing for Homeless and Extremely Low Income Students, and Drafting a Letter Encouraging Exploration of University Funding streams for student housing | Refer to the City Manager and Housing Commission to consider in partnership with the proposed density bonus in the campus area and other policies directed at increasing student housing, creating a dedicated revenue stream to fund housing for homeless and extremely low income students using methods of identifying eligible students based on one or more of the following criteria: EOP, FAFSA, Pell Grant, Work Study qualified, family income or other verifiable status as well as similar categories applicable to graduate students.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Draft | Health, Housing & Community Services | Y           | N            | N            | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                               | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Percent Complete | State | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 30  | Council and Budget Referrals - Demand | Budget Referral: Transportation to Support Mobility-Impaired Individuals Experiencing Homelessness who are Engaged in Rehousing and other Services | "Refer to the budget process to allocate funds to provide transportation for mobility-impaired individuals experiencing homelessness who are engaged with rehousing and other services through the STAIR Center, The Hub, or other City of Berkeley-funded homeless services. Refer to staff to determine needs and establish the best method for providing transit services to mobility-impaired individuals, and to also consider potential transit needs of other individuals engaged with rehousing and homeless services. For the mobility-impaired, options include, but are not limited to, helping one or more service providers to purchase or lease wheelchair-accessible vehicle(s), or to repair or retrofit currently owned vehicle(s), providing additional vouchers for existing Paratransit services, providing additional taxi scripts (as recommended by the Homeless Commission), or contracting with a suitable transportation service. Also consider making mobility services and transportation available during enforcement activities, both for people and belongings. Consistent with the Americans with Disabilities Act (ADA), vehicles purchased, leased, or otherwise procured for the mobility-impaired should include the option of/access to a boarding device (e.g. lift or ramp) so that a passenger who uses a wheelchair or mobility device can reach a securement location onboard." | N/A              | Draft | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 31  | Council and Budget Referrals - Demand | Paid Family Leave Policy in Berkeley to Supplement California Paid Family Leave Program                                                            | That the City Council adopt this policy and refer to the City Manager and City Attorney to amend the proposed ordinance based on the recommendations of the Paid Family Leave (PFL) Subcommittee and to conform to legal and code consistency requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Draft | Human Resources                      | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                   | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Percent Complete | State    | Lead City Department           | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 32  | Council and Budget Referrals - Demand | Whistleblower Ordinance - Revised materials (Supp 2)                                                                                                                   | The purpose of this proposal is to protect the whistleblowers from many forms of retaliation, including but not limited to discrimination, harassment, intimidation, alienation, and in some cases even termination. The following recommended actions can be considered to comply with the aforementioned purpose:<br>1. Adopt the attached ordinance that provides legal safeguards which protect whistleblowers from retaliation.<br>2.a. Assign the responsibilities to a current city department to accept and investigate such reports/complaints from whistleblowers within the existing resources.<br>Or<br>b. Create a separate unit within the department or establish a contract with an independent contractor to be managed by the city department to accept and investigate such reports/complaints from current employees and the public.<br>Or<br>c. Establish a contract with an independent contractor to provide a "hotline" that would then turn the complaint over to the city unit for further investigation. | N/A              | Approved | Human Resources                | N           | Y         | N       | N                     | Y                                | Y                       | N                                  |
| 33  | Council and Budget Referrals - Demand | Referral to the City Manager to consider the videotaping of Planning Commission meetings                                                                               | That the City Council refer to the City Manager to consider ways of videotaping the Planning Commission meetings in the same manner as Zoning Adjustment Board meetings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | N/A              | Draft    | Information Technology         | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 34  | Council and Budget Referrals - Demand | City Manager Referral: Consider Mitigations for Minimum Wage Increases to Support Small Businesses and Non-Profits by Addressing Parking, Permit and High Rents Issues | Refer to the City Manager to consider mitigations for minimum wage increases to support small businesses and non-profits by attempting to address parking and permits. Request that the Office of Economic Development report on other methods to mitigate the impacts of minimum wage increases on small businesses.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Approved | Office of Economic Development | N           | N         | N       | N                     | N                                | Data Pending            | Data Pending                       |
| 35  | Council and Budget Referrals - Demand | Solano Avenue Economic Development Study                                                                                                                               | Refer to the City Manager to undertake a comprehensive study of the Solano Avenue Commercial District, to provide baseline information for future strategic planning and business development and initiatives that will result in increased tax revenues for the City of Berkeley, and to report to the Council on a priority basis, at an upcoming worksession.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A              | Draft    | Office of Economic Development | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 36  | Council and Budget Referrals - Demand | Vitality of University Avenue                                                                                                                                          | Refer to the City Manager and Economic Development to analyze storefront vacancies on University Avenue and make recommendations on how to create a more vibrant streetscape on our main boulevard.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Draft    | Office of Economic Development | N           | N         | N       | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Percent Complete | State    | Lead City Department             | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 37  | Council and Budget Referrals - Demand | Budget Referral: Increasing Safety at San Pablo Park                                                                        | 3. Re-initiate classes for daycare providers who use San Pablo Park out of the Frances Albrier Community Center: Historically, the City provided a variety of classes on safety and recreation for daycare providers who use San Pablo Park. This referral includes re-establishing a series of courses that daycare providers find useful based on gathering their input. One such course requested was sheltering in place in the situation of an active shooter.                                                                                                                                                                                                                                                     | N/A              | Draft    | Parks, Recreation & N Waterfront |             | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 38  | Council and Budget Referrals - Demand | Consider Fire Safety Options for Fire Pit at Codornices Park                                                                | Referral to the Parks & Waterfront Commission to consider safety options regarding the future of the fire pit at Codornices Park. Please consider 1) Complete removal of fire pit or 2) Manufacture of a cover that can be secured and locked.                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | N/A              | Approved | Parks, Recreation & Y Waterfront |             | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 39  | Council and Budget Referrals - Demand | Evaluation of Possible Ban on New Planting of Certain Tree Species                                                          | Take action to either: a) Direct the City Manager to proceed with Option 1, and continue the City's current practice regarding tree plantings on City property, which currently do not include Eucalyptus, and Monterey Pine (except at the Marina).-OR- b) Adopt a Resolution as described in Option 2 that would ban the new planting of certain tree species on City property. -OR-c) Direct the City Manager to develop an ordinance for Council adoption that bans the new planting of certain tree species on both public and private property, and includes enforcement mechanisms.                                                                                                                              | N/A              | Approved | Parks, Recreation & N Waterfront |             | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 40  | Council and Budget Referrals - Demand | Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley             | 1. Refer to the City Manager to incorporate relevant elements of the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley, submitted to the City Council by the Commission on Disability, into the Berkeley Pedestrian Master Plan currently being updated, and any other planning processes for which the report would provide relevant information.<br>2. Refer to the Public Works and Parks and Waterfront Commissions to return to Council reports on ways that elements of the Navigable Cities Framework can be incorporated into the work, projects, contracts, and policies of the Public Works and the Parks, Recreation & Waterfront Departments. | N/A              | Draft    | Parks, Recreation & Y Waterfront |             | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 41  | Council and Budget Referrals - Demand | Refer the City Manager to Improve the Current Tree Ordinance and Seek Funding Opportunities to Plant More Trees in the City | That the Council refer the City Manager to improve the current tree ordinance to protect more trees, develop policy on street tree/hardscape conflicts, encourage more community initiative and participation in the maintenance and care of our street trees and seek potential funding opportunities to plant more trees in Berkeley and funds to maintain new and existing trees on public property.                                                                                                                                                                                                                                                                                                                 | N/A              | Draft    | Parks, Recreation & N Waterfront |             | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Percent Complete | State | Lead City Department | Commission?                  | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 42  | Council and Budget Referrals - Demand | 2-Lane Option on Adeline St. between MLK Way and Ward St.                           | Refer to the City Manager to analyze the potential for a major redesign of the section of Adeline St. between MLK Way and Ward St., to improve the public space to increase safety for pedestrians, cyclists, and people living with disabilities, while also meeting the needs of public transit and emergency vehicles and to also consider potential use of portions of the redesign area for use as a shared community plaza. The analysis should prioritize a 2-lane option that reduces the width of the street and creates many benefits for our community and include exploration of demonstration projects for study. Specific project designs should be reviewed by the Transportation Commission. Refer \$250,000 to the budget process to fund this important project. | N/A              | Draft | Planning             | N                            | N         | Y       | Y                     | N                                | Y                       | Y                                  |
| 43  | Council and Budget Referrals - Demand | Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals                    | 1. Refer to the City Manager to come up with a program to clarify existing short term rental regulations in areas that have proven confusing to hosts, guests and tenants.<br>2. Refer ordinance considering Short Term Rental regulations including host platform responsibilities and possible remedies for violating the ordinance simultaneously to the Land Use, Housing and Economic Development Committee and the Planning Commission.                                                                                                                                                                                                                                                                                                                                      | N/A              | Draft | Planning             | Y                            | N         | N       | N                     | N                                | Y                       | N                                  |
| 44  | Council and Budget Referrals - Demand | Berkeley Electric Mobility Roadmap - Electric Mobility Implementation Working Group | Adopt a Resolution approving the Berkeley Electric Mobility Roadmap and refer to the City Manager to form an Electric Mobility Implementation Working Group, including community stakeholders, relevant commissions, to prioritize, support, and track implementation of the other actions of this plan, including identification of funding sources for implementation.                                                                                                                                                                                                                                                                                                                                                                                                           | 10.00            | Draft | Planning             | N                            | Y         | N       | N                     | N                                | Y                       | N                                  |
| 45  | Council and Budget Referrals - Demand | Berkeley Opportunity Zone Displacement Mitigation Zoning Overlay                    | Direct the City Manager and refer to the Planning Commission to create one or several zoning overlays, and/or recommend any mechanism, which protects Berkeley residents living in one or all of Berkeley's Federal Opportunity Zones from gentrification and displacement. Overlays and/or recommendations may also confer community benefits, including but not limited to: affordable housing, supportive social services, green features, open space, transportation demand management features, job training, and/or employment opportunities.                                                                                                                                                                                                                                | N/A              | Draft | Planning             | Involves Planning Commission | N         | N       | N                     | N                                | N                       | N                                  |
| 46  | Council and Budget Referrals - Demand | Bird Safe Berkeley Requirements                                                     | Refer to the Planning Commission and the City Manager to consider the attached ordinance amending Berkeley Municipal Code Title 23C, adding a new Chapter 23C.27 establishing bird safety requirements for new construction and significant renovations and a new Chapter 23C.28 establishing a dark skies ordinance, for review and approval.                                                                                                                                                                                                                                                                                                                                                                                                                                     | N/A              | Draft | Planning             | Involves Planning Commission | N         | N       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Percent Complete | State    | Lead City Department | Commission?                  | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 47  | Council and Budget Referrals - Demand | City Manager and Planning Commission Referral: Facilitate Primarily Student Housing by a Twenty Feet Height Increase and Adjust Floor Area Ratio in the R-SMU, R-S and R-3 Areas Only From Dwight to Bancroft and From College to Fulton | Refer to the City Manager and Planning Commission to facilitate primarily Student Housing by amending the Zoning Ordinance to add a twenty feet height increase and adjust Floor Area Ratio in the R-SMU, R-S and R-3 areas only from Dwight to Bancroft and from College to Fulton.                                                                                                                                                                                                 | 50.00            | Approved | Planning             | Y                            | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 48  | Council and Budget Referrals - Demand | City Manager and Planning Commission's Referral: Enable Implementation of Council Approved Floor Area Ratio in the Telegraph Commercial District between Dwight and Bancroft by Amending the Zoning Ordinance                            | Refer to the City Manager and Planning Commission an immediate implementation strategy to bring the City Zoning Ordinance in compliance with the policy adopted by City Council to increase Floor Area Ratio (FAR) in the Telegraph Commercial District between Dwight and Bancroft - COUNCIL DIRECTION ON COMMUNITY BENEFITS NEEDS FOLLOW UP WORK AND REPORT TO COUNCIL                                                                                                             | 50.00            | Approved | Planning             | Y                            | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 49  | Council and Budget Referrals - Demand | Companion Report: Conducting an Analysis of Increasing Inclusionary Housing over Affordable Housing Mitigation Fee                                                                                                                       | Refer to the City Manager to conduct a feasibility analysis for the recommendations by the Homeless Commission as part of the existing referral to examine potential reforms to the Affordable Housing Mitigation Fee.                                                                                                                                                                                                                                                               | N/A              | Draft    | Planning             | Involves Planning Commission | Y            | Y            | N                     | N                                | Y                       | N                                  |
| 50  | Council and Budget Referrals - Demand | Creating Additional Administrative Powers of Zoning Officer to Grant or Recommend New Permits as Related to Code Enforcement                                                                                                             | Refer to the City Manager and Berkeley Planning Commission to explore the creation of a mechanism that would explicitly allow staff new discretionary powers to prevent applicants from being granted new residential permits until they have abated outstanding noncompliance issues or code violations in other buildings they own in Berkeley within a reasonable time frame or taken good faith measures to commence doing so.                                                   | N/A              | Draft    | Planning             | N                            | N            | N            | N                     | N                                | Y                       | N                                  |
| 51  | Council and Budget Referrals - Demand | Creating Additional Administrative Powers of Zoning Officer to Grant or Recommend New Permits as Related to Code Enforcement DMND0002545                                                                                                 | Refer to the City Manager and Berkeley Planning Commission to explore the creation of a mechanism that would explicitly allow staff new discretionary powers to prevent applicants from being granted new residential permits until they have abated outstanding noncompliance issues or code violations in other buildings they own in Berkeley within a reasonable time frame or taken good faith measures to commence doing so.                                                   | N/A              | Draft    | Planning             | Y                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 52  | Council and Budget Referrals - Demand | Customer Service Improvements to Land Use Permit Process                                                                                                                                                                                 | Direct staff to make structural improvements to the Zoning Ordinance, communication improvements to better explain complex technical and procedural elements to the public, and organizational improvements to the Land Use Planning Division; and authorize the issuance of a request for proposals (RFP) for the selection of consultants to make structural improvements to the Zoning Ordinance and develop graphic communication elements in an amount not to exceed \$300,000. | N/A              | Approved | Planning             | N                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Percent Complete | State    | Lead City Department | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 53  | Council and Budget Referrals - Demand | Development of the West Berkeley Service Center, 1900 6th Street, for Senior Housing with Supportive Services. [Parts a and b]                                                                                                                                  | <p>State the intent of the City Council that the West Berkeley Service Center property, 1900 6th Street, will be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations, maximizing the number of affordable units.</p> <p>The Berkeley Way Project, 2012 Berkeley Way, is the City's top affordable housing priority. The West Berkeley Service Center, as a City-owned property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to initiate the process of developing senior housing at the West Berkeley Service Center:</p> <p>a. Refer to the City Manager to conduct a basic analysis of the development potential for the West Berkeley Service Center site including build-out scenarios for a three-, four-, five-, six- and seven-story building at the site, using Mixed-Use Residential (MUR), West Berkeley Commercial (C-W), and Multiple-Family Residential (R-3) Development Standards. Each buildout scenario should reflect base project conditions, and conditions if a Density Bonus is granted including waivers and concessions, or if Use Permits are used to modify standards. The scenarios should also incorporate space on the ground floor for resident amenities, supportive social services, and community space. The results of the development scenarios will be presented to the City Council and Planning Commission.</p> | N/A              | Draft    | Planning             | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 54  | Council and Budget Referrals - Demand | Direct the City Manager to Draft an Ordinance to Waive Certain Fees for Berkeley Housing Trust Fund Projects and Send a Letter to BUSD Board of Education Requesting Consideration of a Waiver of School Facility Fees for Berkeley Housing Trust Fund Projects | <p>1. Direct the City Manager to draft an ordinance establishing automatic waiver of certain administrative, permit, impact and other fees for projects receiving City of Berkeley Housing Trust Fund (HTF) monies and submit a draft within 90 days for Council approval. Fee waivers shall apply to all HTF projects that have not yet been issued a building permit, and should include, but not be limited to:</p> <p>a. Waiver of internal, staff-time-related permit, inspection, and other fees; and c. Notwithstanding the above, fees to cover City "out of pocket" costs, fees passed-through to other agencies, and fees necessitated by CEQA should not be waived.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | N/A              | Approved | Planning             | N           | N         | Y       | N                     | N                                | Y                       | Y                                  |
| 55  | Council and Budget Referrals - Demand | Enable Internal Renovation of a Residence That Does Not Increase the Footprint As an AUP if the Building is an Historic Non-Conforming Use in the Percent of Lot Coverage                                                                                       | Refer to the Planning Commission to enable an AUP for the renovation of an existing residence, rather than a Use Permit, in the following circumstances: 1. The renovation does not increase the percentage of lot coverage; 2. The residence is an pre-existing non-conforming use in the percentage of lot coverage; 3. The renovation does not appear to create an intensification of use; 4. No change to the building envelope.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | N/A              | Draft    | Planning             | Y           | N         | N       | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                                                  | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Percent Complete | State    | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 56  | Council and Budget Referrals - Demand | Encouraging Long-Term Tenant Stability                                                                                                                                                                                                | Facilitate the ability of long-term tenants to purchase their residence by referring to the City Manager to amend BMC 21.28.080 as it pertains to the Affordable Housing Mitigation fee as follows: If the property contains 4 units or fewer, the affordable housing mitigation fee for a unit that is and has been occupied by an owner as his or her principal place of residence for at least 5 consecutive years immediately prior to the date of conversion or sale, including as a tenant in that unit immediately prior to ownership, shall be reduced by 50 percent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | N/A              | Draft    | Planning             | N           | N            | N            | N                     | N                                | N                       | N                                  |
| 57  | Council and Budget Referrals - Demand | Fossil Fuel Free Berkeley                                                                                                                                                                                                             | Refer to the Energy Commission and Transportation Commission consideration of the proposed resolution or similar action to further implement the Climate Action Plan and establish the goal of becoming a Fossil Fuel Free Berkeley, and further consider: <ul style="list-style-type: none"> <li>Establishing a date by which we are committed to being a Fossil Fuel Free City.</li> <li>Opposing further transportation of oil, gas, and coal.</li> <li>Fully implementing Berkeley Deep Green Building, raising the citywide LEED certification requirement above the current LEED Silver, and applying the same requirements to newly constructed city facilities, and major renovations.</li> <li>Requiring all future City government procurements of vehicles to minimize emissions, and establishing a goal and plan for transitioning the city's vehicle fleet to all electric vehicles</li> <li>Establishing a goal and plan for transitioning to 100% renewable energy for municipal operations and a community wide goal of 100% reductions by 2030.</li> <li>Formally opposing the recent expansion of offshore drilling by the Trump Administration.</li> <li>Calling for region-wide solutions to carbon emissions, including rapid adoption of renewable energy sources, affordable densification of cities and low-emissions public transportation infrastructure.</li> </ul> | N/A              | Approved | Planning             | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 58  | Council and Budget Referrals - Demand | Item E - Short-Term Referral to the Planning Commission and Design Review Committee to Research and Draft an Urban Forestry Ordinance Requiring Tree Planting Upon Completion of New Residential Construction and Certain Alterations | Six-month referral to the Planning Commission to research and draft an Urban Forestry Ordinance requiring tree planting upon completion of new construction, excluding single-family homes and ADUs, as well as construction in High Hazard Fire Zones. The Planning Commission should consider the following: <ul style="list-style-type: none"> <li>Appropriate tree planting requirements for new construction, with the goal of increasing the tree canopy in Berkeley.</li> <li>Appropriate species requirements.</li> <li>Establishing a Tree Planting Fund to support increased tree planting throughout Berkeley.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | N/A              | Draft    | Planning             | N           | N            | N            | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Percent Complete | State | Lead City Department | Commission?                  | Underway? | Funded?  | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 59  | Council and Budget Referrals - Demand | Missing Middle Housing Report                                                                                                                                                                                   | Refer to the City Manager to prepare a report to the Council of examining methods, including potential revisions to the zoning code, that may foster a broader range housing types across Berkeley, particularly missing middle housing types (duplexes, triplexes/fourplexes, courtyard apartments, bungalow courts, townhouses, etc.), in areas with access to essential components of livability like parks, schools, employment, transit, and other services. Given the range of requests included in this referral, it is expected that responding to the referral will require a combination of field research, consultation with design professionals and other cities and agencies, and community outreach and engagement. Council requests that staff initiate this work as soon as possible. | N/A              | Draft | Planning             | N                            | N         | Deferred | N                     | N                                | Y                       | N                                  |
| 60  | Council and Budget Referrals - Demand | Mitigating Impacts of Outdoor Air Quality on Indoor Air Quality in Berkeley                                                                                                                                     | Refer the item to the Planning Commission to consider the analyses presented here, and the draft provided in Appendix II, to create new Standard Conditions of Approval (SCA) for new building construction near major sources of air pollution, to achieve an acceptable level of indoor air quality (IAQ) for sensitive receptors.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | N/A              | Draft | Planning             | N                            | N         | N        | N                     | N                                | N                       | N                                  |
| 61  | Council and Budget Referrals - Demand | Rectify Discrepancy Regarding Inclusionary Units in Live/Work Housing                                                                                                                                           | Refer amendments to the Berkeley Municipal code (Sections 23C.12 and 23E.20.080) to rectify discrepancies over how Live/Work Unit inclusionary requirements are governed, both for rental and owner occupied units, to the Planning Commission.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 50.00            | Draft | Planning             | Involves Planning Commission | Y         | Y        | N                     | N                                | Y                       | N                                  |
| 62  | Council and Budget Referrals - Demand | Refer the Civic Arts Commission's recommended language to the Planning Commission on protecting Live Work spaces from conversion to cannabis uses.                                                              | Refer the Civic Arts Commission's recommended language to the Planning Commission on protecting Live Work spaces from conversion to cannabis uses. This action was adopted as part of the Cannabis Ordinance amendments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Draft | Planning             | Y                            | N         | N        | N                     | N                                | Y                       | N                                  |
| 63  | Council and Budget Referrals - Demand | Refer to the City Manager the design of a companion Resilient Homes Equity Pilot Program that would provide funding for home retrofit improvements to low-income residents                                      | Refer to the City Manager the design of a Companion Resilient Homes Equity Pilot Program that would provide funding for home retrofit improvements for low income residents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 10.00            | Draft | Planning             | N                            | Y         | N        | Y                     | N                                | N                       | Y                                  |
| 64  | Council and Budget Referrals - Demand | Refer to the City Manager to add a condition to Zoning Board Approved permits to bring attention to the Pay Transparency policy to project applicants, and consider these Pay Transparency Ordinance amendments | That the Council refer to the City Manager to add a condition to Zoning Board Approved permits in order to bring attention to the Pay Transparency policy to project applicants, and consideration of amendments to the Pay Transparency Ordinance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A              | Draft | Planning             | N                            | N         | N        | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                                                                                                   | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Percent Complete | State    | Lead City Department | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 65  | Council and Budget Referrals - Demand | Refer to the Planning Commission an amendment to BMC Chapter 23C.12.020 (Inclusionary Housing Requirements - Applicability of Regulations) and the Affordable Housing Mitigation Fee Resolution to Close a Loophole for Avoiding the Mitigation Fee through Property Line Manipulation | 1) Refer to the Planning Commission an amendment to BMC Section 23C.12.020 (Inclusionary Housing Requirements – Applicability of Regulations) and BMC Section 22.20.065 (Affordable Housing Mitigation Fee) to close a loophole allowing prospective project applicants to avoid inclusionary affordable housing requirements for projects by modifying property lines so that no lot is large enough to construct five or more units; the Commission should return to Council with a report by April 30, 2019. 2) Refer to the Planning Commission to consider modifying the structure of in-lieu fees for owner-occupied developments to a flat per-unit fee, as with rental developments, or a per square foot fee; the Commission should return to Council with a report. 3) Refer to the Housing Advisory Commission to assess the appropriateness of the fee level as suggested in the proposed amendments to BMC 23C.12. 4) The Planning Commission is to consider the following language from the item submitted at the meeting: It is possible that the new fee structure will be adopted prior to the Housing Advisory Commission approving the level of the fee. In this instance, those projects that opt to pay the in-lieu fee and are permitted after the new fee structure is adopted but before the new fee level is adopted shall be given the choice of paying the current fee level, or the one that is adopted. | 50.00            | Approved | Planning             | Y           | Y         | Y       | N                     | N                                | Y                       | N                                  |
| 66  | Council and Budget Referrals - Demand | Refer to the Planning Commission and Housing Advisory Commission to Research and Recommend Policies to Prevent Displacement and Gentrification of Berkeley Residents of Color and African Americans                                                                                    | Refer to the Planning Commission and Housing Advisory Commission to research and recommend policies to prevent displacement and gentrification of Berkeley residents of color. Recommended policies should include real solutions. The Commission should do the following: - Develop a policy to address the erosion of People of Color (POC), including the African American sector of our Berkeley society. - Develop rules and regulations to halt the loss of People of Color including the African American communities. - Develop a "right to return" for Berkeley's People of Color including the African American communities who have been displaced by these economic and social developments, especially those who continue to be employed in our City, even after having to relocate beyond our boundaries. - Solicit expert and lived experience testimonies regarding displacement and gentrification. - Recommend alternatives to prevent displacement and gentrification of our valued Berkeley citizens of color and African Americans. Hold public workshops on the subject.                                                                                                                                                                                                                                                                                                                                       | 10.00            | Draft    | Planning             | Y           | Y         | N       | N                     | N                                | N                       | N                                  |
| 67  | Council and Budget Referrals - Demand | Referral Response: Expanding community engagement within work to address Climate Impacts                                                                                                                                                                                               | Refer to the City Manager to continually advance engagement around community-driven, equitable climate solutions, and to seek external resources to enable increased community engagement of impacted communities around equitable climate solutions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 20.00            | Draft    | Planning             | N           | Y         | N       | N                     | N                                | N                       | N                                  |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Percent Complete | State    | Lead City Department | Commission?                  | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 68  | Council and Budget Referrals - Demand | Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses                            | Refer to the Planning Commission modifications to the Zoning Ordinance that are designed to streamline the zoning review process for new or expanding small businesses in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A              | Draft    | Planning             | Y                            | N         | N       | N                     | N                                | Y                       | Y                                  |
| 69  | Council and Budget Referrals - Demand | Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses (Beer/Wine in M Dist)      | Refer to staff and the Planning Commission to consider amendments related to beer and wine sales in the M District.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A              | Draft    | Planning             | Involves Planning Commission | N         | N       | N                     | N                                | Y                       | N                                  |
| 70  | Council and Budget Referrals - Demand | Referral to City Manager to Return to Council with an Amnesty Program for Undocumented Secondary Units          | Referral to City Manager to Return to Council with an Amnesty Program for Undocumented Secondary Units using the guiding framework presented in the Background.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A              | Draft    | Planning             | N                            | N         | N       | N                     | Y                                | N                       | N                                  |
| 71  | Council and Budget Referrals - Demand | Referral to Planning Commission: City-Wide Green Development Requirements                                       | Refer to the Planning Commission, Energy Commission, and the Community Environmental Advisory Commission to consider requiring the same Green Building and Transportation Demand Management (TDM) measures required in the Commercial Downtown Mixed Use District (C-DMU) for projects of 75 units or more throughout the City of Berkeley's commercial zoning districts. The commissions are to consider the standards as outlined in the report which would apply to larger projects city-wide and pertain to: bicycle parking spaces, vehicle sharing spaces, Residential Parking Permits, required parking spaces, LEED rating, Stopwaste Small Commercial Checklist standards, and transportation benefits. In addition, the commissions are to also consider the following 1. that transit passes would only be required for projects within a quarter of a mile of a bus stop; 2. a square-footage threshold, in addition to the unit threshold, for projects to which the requirements would apply, 3. the validity of the LEED certification; and 4. the impact on the financial feasibility of proposed requirements on the development of housing and affordable housing in particular. | N/A              | Approved | Planning             | Y                            | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 72  | Council and Budget Referrals - Demand | Referral to Planning Commission: Guiding Development on San Pablo Avenue                                        | Refer to the Planning Commission the development of a Plan to guide development on San Pablo Avenue.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Draft    | Planning             | Y                            | N         | N       | Y                     | Y                                | N                       | N                                  |
| 73  | Council and Budget Referrals - Demand | Referral to the City Manager and Planning Commission: Update BMC Chapter 22.16 Development Agreement Procedures | Refer to the City Manager and Planning Commission to review and update the Berkeley Municipal Code Chapter 22.16 Development Agreement Procedures to create a streamlined process that maximizes community benefits and conforms to State law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | N/A              | Draft    | Planning             | N                            | Y         | N       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                         | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Percent Complete | State     | Lead City Department | Commission?                  | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 74  | Council and Budget Referrals - Demand | Referral to the Community Environmental Advisory Commission and the City Manager: Anti-Idling Ordinance                      | Refer to the Community Environmental Advisory Commission and the City Manager to explore developing an anti-idling ordinance. The ordinance should limit vehicle engine idling when a vehicle is parked, stopped, or standing, including for the purpose of operating air conditioning equipment; and prohibit all unattended private passenger motor vehicles from idling. The ordinance should outline enforcement and citation procedures. The Commission and the City Manager should develop appropriate exceptions for commercial vehicles. Any funds received through enforcement of the ordinance should accrue to the General Fund to provide additional funding for sustainability efforts. The Community Environmental Advisory Commission and the City Manager should review the District of Columbia's anti-idling regulations (attached to report) to aide in the development of the ordinance. | N/A              | Approved  | Planning             | Y                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 75  | Council and Budget Referrals - Demand | Referral to the Energy Commission to Hold a Series of Public Outreach and Educational Meetings Regarding Electrification     | Refer to Berkeley's Energy Commission to hold two separate special public outreach and educational meetings regarding electrification in new buildings by July 31, 2019: 1. A meeting regarding multi-family, mid/high-rise buildings, including those with ground floor commercial; 2. A meeting regarding commercial buildings (without housing), including manufacturing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Approved  | Planning             | Y                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 76  | Council and Budget Referrals - Demand | Referral to the Planning Commission to Allow 4 Temporary Zoning Amendments to Increase Student Housing in the Southside Area | Refer to the City Manager and the Planning Commission to consider conversion of existing commercial space for residential use between College Avenue and Fulton Street and Bancroft Way to Dwight Way.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | N/A              | Approved  | Planning             | Y                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 77  | Council and Budget Referrals - Demand | Referral to the Planning Commission to Allow Non-commercial Use on Ground Floor                                              | Refer to the Planning Commission an amendment to the Zoning Ordinance to create a use permit process to allow non-commercial use on the ground floor in appropriate locations, where commercial might otherwise be required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Approved  | Planning             | Y                            | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 78  | Council and Budget Referrals - Demand | Referral to the Planning Commission to Consider Amendments to the Zoning Ordinance and "Mini-Dorm" Ordinance                 | Referral to the Planning Commission to: 1. Amend the mini-dorm ordinance to enable the conversion of an accessory structure into an office (which is also considered a bedroom) without the required public hearing process under the mini-dorm regulations, as long as there are no other alterations to the subject property, and 2. Consider amendments to the Zoning Ordinance and "Mini-Dorm" Ordinance to provide more flexibility for accessory buildings on properties that are developed with single-family residences. ADD: Issues raised in supplemental memo.                                                                                                                                                                                                                                                                                                                                    | N/A              | Draft     | Planning             | Involves Planning Commission | N            | N            | N                     | N                                | Y                       | N                                  |
| 79  | Council and Budget Referrals - Demand | Wildland Urban Interface Fire Safety and Fire Safety Education                                                               | Commission Referral #5 revised to read: 5. Refer to the Planning Commission to consider Accessory Dwelling Units (ADUs) in the Very High Hazard Fire Zone to review public safety issues especially relevant to the risk of WUI fires. Amend Section 23D.10 to incorporate greater public safety considerations to be met before issuing an Administrative Use Permit (AUP);                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Submitted | Planning             | N                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Percent Complete | State    | Lead City Department    | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 80  | Council and Budget Referrals - Demand | Zoning Ordinance Modification for Elmwood Commercial District                                               | Refer to the Planning Commission to amend Chapter 23E.44, C-E Elmwood Commercial District Provisions to allow for amusement device arcades with a Tier 2 Administrative Use Permit (for spaces >3,000 Sq. Ft.) and a Zoning Certificate (for spaces < 3,000 Sq. Ft.). Proposed ordinance language for changes to Table 23E.44.030 are attached to the report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 75.00            | Draft    | Planning                | Y           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 81  | Council and Budget Referrals - Demand | 100% Sustainable Trips by 2040                                                                              | Adopt the attached Resolution, setting a goal of achieving 50% increase in trips taken by sustainable modes by 2030 and 100% by 2040, and refer to the Community Environmental Advisory Commission, the Energy Commission, and the Transportation Commission to develop relevant proposals and recommendations for accomplishing that goal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Draft    | Planning & Public Works | Y           | Y         | N       | Y                     | N                                | N                       | N                                  |
| 82  | Council and Budget Referrals - Demand | Campus-City National Night Out. Revised to be a Referral with no specific date - Revised materials (Supp 1) | Adopting a Resolution to refer the campus-city National Night Out event to the City Manager to help reduce crime in the campus area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | N/A              | Draft    | Police                  | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 83  | Council and Budget Referrals - Demand | Extend the Berkeley Police Drone Moratorium for One Additional Year                                         | Extend the moratorium on the use of unmanned aircraft systems, or "drones," by the Berkeley Police for one additional year. REFERRAL: Approved recommendation amended to request that the City Manager return to Council with a policy on the use of drones by Berkeley Police.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | N/A              | Approved | Police                  | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 84  | Council and Budget Referrals - Demand | Improving Hate Crimes Reporting and Response                                                                | Refer to the City Manager to review the following proposals and implement new systems for reporting and response to hate incidents and crimes: -Develop a Hate Crimes Reporting Hotline (modeled after the San Francisco District Attorney's hotline) to be staffed by the Berkeley Mental Health Division or a non-profit community partner. The Hotline will provide support for victims and those reporting hate crimes/incidents, and direct victims to resources and how to report hate crimes or incidents. Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline. -Explore adding hate crimes to the BPD Online Crime Reporting System to allow individuals to report specific hate related criminal acts or incidents. - Launch a public information campaign including the production of informational videos, posters, and ads in different languages about what is a hate crime and how to report it to Berkeley Police. -Conduct proactive outreach and develop partnerships with religious leaders, community service providers and organizations that work with groups which have historically been the target of hate crimes/incidents. -Refer to the Police Review Commission to review existing BPD policy on hate crimes (BPD Policy 319), request a report from BPD on hate crimes statistics and its implementation of BPD Policy 319, and review: privacy policies/procedures for reporting; culturally appropriate personnel structures to respond to incidents that will encourage reporting, reduce fear and provide support. The creation of accessible and multilingual | N/A              | Draft    | Police                  | N           | N         | N       | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                           | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Percent Complete | State     | Lead City Department | Commission? | Underway?    | Funded?                                                                                                                                                           | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 85  | Council and Budget Referrals - Demand | Referral: Measures to Address Traffic Enforcement and Bicycle Safety                                                                                                           | 2. Refer to the City Manager to establish the opportunity for bicyclists to participate in a ticket diversion program that would provide safety education as an alternative to monetary fines related to other infractions, and to ensure integration of Vision Zero principles in implementation of state Office of Traffic Safety grants. Staff should consider either the creation of a City of Berkeley-operated ticket diversion program or cooperation with ticket diversion programs operated by neighboring jurisdictions. | N/A              | Draft     | Police               | N           | Y            | Y                                                                                                                                                                 | Y                     | N                                | Y                       | Y                                  |
| 86  | Council and Budget Referrals - Demand | 31. City Manager Referral: Refer CPTED Streetscape for Action and Exploration of Grant or Other Funding Opportunities to Find the Funds to Construct the Proposed Improvements | Refer the Crime Prevention Through Environmental Design (CPTED) streetscape to the City Manager for action and exploration of grant or other funding opportunities to find the funds to construct the proposed improvements.                                                                                                                                                                                                                                                                                                       | N/A              | Approved  | Public Works         | N           | N            | N (However, some components of the Telegraph CPTED proposal might be incorporated into the federally funded Southside Complete Streets project as funding allows) | N                     | N                                | N                       | N                                  |
| 87  | Council and Budget Referrals - Demand | 48. City Manager Referral: Preparations to Apply for Telegraph Pedestrian Safety Funds (Continued from December 3, 2013)                                                       | Refer to the City Manager to apply for Telegraph Ave pedestrian safety funds and to produce a preliminary plan for Telegraph pedestrian safety improvements as requested by the Telegraph Merchants Association.                                                                                                                                                                                                                                                                                                                   | N/A              | Approved  | Public Works         | N           | N            | N (However, pedestrian safety improvements between Bancroft and Dwight are included in the federally funded Southside Complete streets project)                   | Y                     | N                                | N                       | N                                  |
| 88  | Council and Budget Referrals - Demand | 9. Portable Sign Pilot Program                                                                                                                                                 | Refer to the City Manager, the Commission on Disability, and the Transportation Commission for consideration the expansion of the existing portable sign program that enables businesses to place portable signs on sidewalks and medians.                                                                                                                                                                                                                                                                                         | N/A              | Approved  | Public Works         | Y           | Data Pending | Data Pending                                                                                                                                                      | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 89  | Council and Budget Referrals - Demand | City Manager Referral: Updating Graffiti Ordinance and Policies Based on a Review of San Francisco's New Ordinance                                                             | Refer to the City Manager and the Public Works and Parks and Recreation Commissions to create an ordinance that revises Berkeley's policies regarding graffiti, focusing on prevention and enforcement of regulations.                                                                                                                                                                                                                                                                                                             | N/A              | Submitted | Public Works         | Y           | Data Pending | Data Pending                                                                                                                                                      | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Percent Complete | State    | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 90  | Council and Budget Referrals - Demand | City Manager Short-Term Referral: To Change Telegraph Avenue Parking Signs to Allow Parking All Times                                                           | That the Council refer to the City Manager to eliminate the no parking signs on Telegraph Avenue between Bancroft and Dwight.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A              | Draft    | Public Works         | N           | Y            | N            | N                     | N                                | Y                       |                                    |
| 91  | Council and Budget Referrals - Demand | Conceptual Study for Undergrounding Utility Wires in Berkeley From: Public Works Commission, Disaster and Fire Safety Commission, and Transportation Commission | That Council approve the following items: 1. Conceptual Study for undergrounding utility wires in Berkeley (the "Undergrounding Plan"). 2. Proceed with Phase 3 of the Undergrounding Plan. We want to emphasize the importance for Berkeley to actively participate in the current California Public Utilities Commission review of the Rule 20 program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A              | Draft    | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 92  | Council and Budget Referrals - Demand | Consideration of Universal Design Standards in City Projects                                                                                                    | Refer to the City Manager to make the consideration of Universal Design features an explicit and listed criteria for all projects undertaken by the city, including the many upcoming projects to be funded through Measure T1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | N/A              | Approved | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 93  | Council and Budget Referrals - Demand | Considering Multi-year Bidding Processes for Street Paving                                                                                                      | 1. Restate the recommendation approved at the December 11, 2018 Council meeting to create a two-year bidding process for street paving to realize savings by (a) reducing by 50% City staff time devoted to bidding and contracting processes over each two year period and (b) benefitting from reduced pricing which may be available for larger contracts that offer greater economies of scale and reduce contractors' bidding and contracting costs.<br>2. Short-term referral to the City Manager to explore the possibility, feasibility, costs, and benefits of bidding in increments of up to 5 years to encompass entire 5-year paving plans, or other ideas to more rationally and cost-effectively align the paving plan with budget cycles and reduce costs associated with frequent bid cycles for relatively small contracts. | N/A              | Approved | Public Works         | N           | N            | N            | N                     | N                                | Y                       | Y                                  |
| 94  | Council and Budget Referrals - Demand | Creation and Adoption of a Transit Streets Cooperative Agreement with the Alameda-Contra Costa (AC) Transit District                                            | Refer to the City Manager the Creation and Adoption of a Transit Streets Cooperative Agreement with the Alameda-Contra Costa (AC) Transit District.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | N/A              | Draft    | Public Works         | N           | N            | N            | N                     | N                                | Y                       | Y                                  |
| 95  | Council and Budget Referrals - Demand | Electric Vehicles for the City Fleet                                                                                                                            | Request that the City Manager return to the Council with a Fleet Climate Action Plan for transition to all-electric vehicles (EVs) or plug-hybrids for the City fleet. The plan could:<br>1. set annual targets for greenhouse gas (GHG) reductions from City fleet operations in support of the City's Climate Action Plan;<br>2. require replacing all non-emergency vehicles and all possible emergency vehicles with EVs or plug-in hybrids by April 1, 2025, with an interim goal of a certain percent by April 1, 2018;<br>3. require conversion wherever possible to hybrid vehicles in cases where EVs or plug-in hybrids are not yet feasible; and<br>4. consider the Additional Measures as described in the report.                                                                                                               | N/A              | Approved | Public Works         | N           | Y            | N            | Y                     | Y                                | N                       | Y                                  |

**Disposition of  
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| No. | Type                                  | Name                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Percent Complete | State    | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 96  | Council and Budget Referrals - Demand | Farmers' Markets Investments                                                                                    | Refer to the City Manager to initiate improvements and changes to support the Berkeley Farmers' Markets that would address growing public safety and access concerns while enhancing the shopping experience and benefit the markets.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | N/A              | Draft    | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 97  | Council and Budget Referrals - Demand | Installation of Solar Panels at the Donna Spring Animal Shelter Parking Area                                    | Request that the City Manager pursue grant funding for a solar installation at the Donna Spring Animal Shelter parking area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | N/A              | Approved | Public Works         | N           | N            | N            | N                     | N                                | Y                       | N                                  |
| 98  | Council and Budget Referrals - Demand | Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley | 1. Refer to the City Manager to incorporate relevant elements of the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley, submitted to the City Council by the Commission on Disability, into the Berkeley Pedestrian Master Plan currently being updated, and any other planning processes for which the report would provide relevant information.<br>2. Refer to the Public Works and Parks and Waterfront Commissions to return to Council reports on ways that elements of the Navigable Cities Framework can be incorporated into the work, projects, contracts, and policies of the Public Works and the Parks, Recreation & Waterfront Departments. | N/A              | Draft    | Public Works         | N           | N            | N            | N                     | N                                | N                       | N                                  |
| 99  | Council and Budget Referrals - Demand | Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley | 1. Refer to the City Manager to incorporate relevant elements of the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley, submitted to the City Council by the Commission on Disability, into the Berkeley Pedestrian Master Plan currently being updated, and any other planning processes for which the report would provide relevant information.<br>2. Refer to the Public Works and Parks and Waterfront Commissions to return to Council reports on ways that elements of the Navigable Cities Framework can be incorporated into the work, projects, contracts, and policies of the Public Works and the Parks, Recreation & Waterfront Departments. | N/A              | Draft    | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 100 | Council and Budget Referrals - Demand | Prioritizing Pedestrians at Intersections                                                                       | Refer to the City Manager and the Transportation Commission the development of policies to improve the pedestrian crossing experience and reduce pedestrian wait times at intersections with "beg buttons," potentially by activating pedestrian crossing signaling with every cycle (as opposed to the current situation, which only activates crossing signals when a button is pushed). Consider the development of a pedestrian-driven intersection improvement process to address signaling and timing inadequacies.                                                                                                                                                                                               | N/A              | Draft    | Public Works         | N           | Y            | N            | N                     | N                                | N                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                       | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Percent Complete | State            | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 101 | Council and Budget Referrals - Demand | Providing Wheelchair Charging Opportunities for Homeless Individuals       | Refer to the City Manager to develop policies which will provide accessible, reliable opportunities for homeless individuals with disabilities to charge power wheelchairs. Refer to the City Manager to research existing conditions of homeless individuals with disabilities; barriers to charging power wheelchairs; related consequences; and potential City actions to provide accessible, reliable wheelchair charging. Refer to the City Manager to assemble a policy to be reviewed and implemented.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 50.00            | Work in Progress | Public Works         | Y           | Y            | N            | N                     | N                                | N                       | N                                  |
| 102 | Council and Budget Referrals - Demand | Referral: Develop a Bicycle Lane and Pedestrian Street Improvements Policy | 1) Refer to the City Manager to develop a comprehensive ordinance with input from the Public Works & Transportation Commissions governing a Bicycle Lane and Pedestrian Street Improvements Policy that would: <ul style="list-style-type: none"> <li>• Require simultaneous implementation of recommendations in the City's Bicycle and Pedestrian Plans when City streets are repaved, if one or more of the following conditions are met: <ul style="list-style-type: none"> <li>• Bicycle Plan recommendations can be implemented using quick-build strategies that accommodate transit operations.</li> <li>• Pedestrian Plan recommendations can be implemented using quick-build strategies that accommodate transit operations.</li> <li>• The Bicycle Plan recommends studying protected bike lanes as part of a Complete Street Corridor Study in the Tier 1 Priority list.</li> <li>• Improvements are necessary to comply with the Americans with Disabilities Act.</li> <li>• Encourage the use of quick builds by expediting quick-build projects under \$1 million.</li> <li>• "Quick-build" is defined as projects that a) require non-permanent features such as bollards/paint/bus boarding islands, b) make up less than 25 percent of the total repaving cost for that street segment, and c) can be a component of a Complete Street Corridor Study that includes evaluation after installation.</li> <li>• Require staff to report progress back to Council every two years.</li> </ul> </li> </ul> | N/A              | Draft            | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 103 | Council and Budget Referrals - Demand | Referral: Electric Moped Ride-Share Franchise Agreement                    | Refer to the City Manager to rename the existing One-Way Car Share Program as the One-Way Vehicle Share Program and to amend the Program to include administrative requirements and parking permit fees for motorized bicycles that are affixed with license plates and require a driver's license for individuals to operate them (mopeds), in coordination with the City of Oakland.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A              | Draft            | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 104 | Council and Budget Referrals - Demand | Referral: Measures to Address Traffic Enforcement and Bicycle Safety       | 3. Refer to the City Manager to develop a plan to calm and divert motor vehicle traffic on bicycle boulevards to provide people who bicycle and walk a safe, comfortable and convenient mobility experience by adding or reconfiguring stop signage and other traffic calming measures, per the recommendations of the 2017 Bicycle Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Draft            | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
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| No. | Type                                   | Name                                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Percent Complete | State            | Lead City Department | Commission? | Underway?    | Funded?                                                                                 | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 105 | Council and Budget Referrals - Demand  | Referral: Measures to Address Traffic Enforcement and Bicycle Safety DMND0003830                                                | 3. Refer to the City Manager to develop a plan to calm and divert motor vehicle traffic on bicycle boulevards to provide people who bicycle and walk a safe, comfortable and convenient mobility experience by adding or reconfiguring stop signage and other traffic calming measures, per the recommendations of the 2017 Bicycle Plan.                                                                                                                                                                                                                                                                                                        | N/A              | Draft            | Public Works         | N           | Data Pending | Data Pending                                                                            | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 106 | Council and Budget Referrals - Demand  | Referral: Report on Public Realm Pedestrianization Opportunities [Transportation Commission]                                    | Refer to the Transportation Commission to generate a report on potential public realm pedestrianization opportunities in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Draft            | Public Works         | Y           | Data Pending | Data Pending                                                                            | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 107 | Council and Budget Referrals - Demand  | Referral: Telegraph Shared Streets                                                                                              | Refer to the City Manager to develop and return to Council with a plan to implement the shared streets proposal outlined in the Telegraph Public Realm Plan, including identification of potential regional funding sources for the project, in consultation with appropriate transportation agencies.                                                                                                                                                                                                                                                                                                                                           | N/A              | Draft            | Public Works         | N           | N            | N (May be able to partially fund some components as part of Southside Complete Streets) | N                     | N                                | N                       | N                                  |
| 108 | Council and Budget Referrals - Demand  | Zero Emission Vehicle Requirements for City Fleet                                                                               | Refer to the City Manager the finalization of a policy which would require all new purchases of light-duty passenger vehicles to be electric vehicles or plug-in hybrids, and require the City-owned light-duty passenger vehicle fleet to be 100% electric vehicles or plug-in hybrids by the mid-2020s. This policy would be based on the City & County of San Francisco's zero-emission light-duty passenger vehicle policy, and the report to Council should identify any additional costs associated with electric vehicles or plug-in hybrids, potentially accelerated fleet turnover, and necessary charging infrastructure on City lots. | N/A              | Submitted        | Public Works         | N           | Data Pending | Data Pending                                                                            | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 109 | Council and Budget Referrals - Project | Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F | 1) determine if the City can require businesses to post notices on their website                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 0.00             | Not Started      | City Attorney        | N           | N            | N                                                                                       | N                     | N                                | Y                       | N                                  |
| 110 | Council and Budget Referrals - Project | Dynamex Decision Impact and Compliance on Minimum Wage Ordinance and Paid Sick Leave Ordinance                                  | That the City Council refers to the City Manager and the Labor Commission to ensure the Berkeley Minimum Wage Ordinance (MWO) and Paid Sick Leave Ordinance are interpreted and enforced in a manner consistent with the holdings in Dynamex Operations West, Inc. v. Superior Court of Los Angeles (2018) 4 Cal.5th 903.                                                                                                                                                                                                                                                                                                                        | 67.00            | Work in Progress | City Attorney        | N           | Y            | N                                                                                       | N                     | N                                | Y                       | Y                                  |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                 | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Percent Complete | State            | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 111 | Council and Budget Referrals - Project | Personal Liability Protection for Small Businesses                   | 1. Direct the City Manager and City Attorney to draft and submit to the City Council for consideration an emergency ordinance to prohibit the enforcement of personal liability provisions in commercial leases and commercial rental agreements in the City of Berkeley for lessees/renters who have experienced financial impacts related to the Covid-19 pandemic.<br>2. Direct the City Manager to conduct outreach to all commercial tenants regarding any protections enacted by the City Council, with a particular focus on businesses that were required to stop serving food or beverages (e.g., restaurants, bars); close to the public (e.g., hair salons, barbershops, tattoo parlors); cease operations (e.g., gyms, fitness centers); or sharply limit operations (e.g., schools, retail shops, nurseries) due to the COVID-19 crisis. | 33.00            | Work in Progress | City Attorney        | N           | N            | N            | N                     | N                                | Y                       | Y                                  |
| 112 | Council and Budget Referrals - Project | Private Parking Lot Regulations                                      | Refer to the City Manager the development of an ordinance that would allow parking lot operators to manage their parking facilities so as to meet the needs of local businesses and their customers.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Deferred         | City Attorney        | N           | N            | N            | N                     | N                                | Y                       | N                                  |
| 113 | Council and Budget Referrals - Project | Prohibition on the Resale of Used Combustion Vehicles in 2040        | On November 18, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to refer to the City Manager for review of the attached ordinance prohibiting the resale of used, existing combustion-powered vehicles beginning in 2040, to the extent legally possible.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | City Attorney        | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 114 | Council and Budget Referrals - Project | Supplemental Paid Family Leave                                       | 2) refer to the City Manager to draft an ordinance regarding retaliation against employees using state family leave, including a private right of action provision.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 50.00            | Work in Progress | City Attorney        | N           | Y            | N            | N                     | N                                | Y                       | Y                                  |
| 115 | Council and Budget Referrals - Project | Referral Response: Including Climate Impacts in City Council Reports | Request that the City Manager update the templates and associated training materials to add "Climate Impacts" in the "Environmental Sustainability" section of reports to the City Council, and codify the changes in Appendix B in the next update to the Berkeley City Council Rules of Procedure. This recommendation is a partial response to a January 21, 2020 referral, sponsored by Councilmembers Davila and Bartlett, to require that all City Council items and staff reports include "climate impacts" in addition to environmental sustainability.                                                                                                                                                                                                                                                                                       | 25.00            | Work in Progress | City Clerk           | N           | Y            | N            | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                           | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Percent Complete | State            | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 116 | Council and Budget Referrals - Project | Referral: Commission Low-Income Stipend Reform | Refer to the City Manager to develop and return to Council with a plan to improve equity, accessibility, and representation in City of Berkeley commissions by modernizing the low-income stipend program, and in doing so consider:<br>1. Increasing the annual household income cap for stipend eligibility from \$20,000 to align with the 50% Area Median Income (AMI) guidelines for Alameda County and reflect household size, and updating it annually with the latest HUD data.<br>2. Increasing the low-income stipend from \$40 to \$78 per meeting, and updating it annually with the City of Berkeley minimum wage to correspond to compensation for 2.5 hours of work.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Not Started      | City Clerk            | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 117 | Council and Budget Referrals - Project | Administrative Changes Related to Taxicabs     | Request the City Manager consider the following administrative changes, in order to increase the competitiveness of the taxi industry: 1. Reduce the annual vehicle inspection fee from \$88 to \$45 and the re-inspection fee from \$45 to \$25.; 2. Increase the maximum amount of free taxi scrip that drivers are able to redeem each week from the current limit of \$400 to \$800 (if taxi scrip is redeemed twice per week, the maximum amount redeemed at once should be raised to \$400 from \$200).; 3. Consolidate all taxi-related undertakings, including customer service and taxi scrip redemption, to one office located at 1947 Center Street, Berkeley, CA 94704.; 4. Reduce the burden of the current mandatory sensitivity training course for taxi drivers, by exploring an option to complete the course online instead of in San Francisco, which costs \$50 and imposes onerous logistical costs. For example, available courses can be found at <a href="http://www.equo.co.uk/11-Taxi-Drivers">http://www.equo.co.uk/11-Taxi-Drivers</a> .; 5. Clarify in writing that taxi-drivers may purchase collective insurance instead of individual insurance. This will allow drivers to accumulate a more substantial fund to cover individual crashes, pay less per person, and reap similar benefits as rideshare drivers (who are insured by Transportation Network Companies) do. | 0.00             | Work in Progress | City Manager's Office | N           | N         | N       | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Percent Complete | State            | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 118 | Council and Budget Referrals - Project | City of Berkeley Neighborhood Services and Outreach Program (formerly "Amend April 26, 2018 Referral Regarding Sidewalks Policies ")                                                                        | In light of the 9th Circuit Court of Appeal's September 4, 2018 ruling in Martin v. City of Boise, refer to the City Manager further analysis of Council's April 26, 2018 proposed "Regulations for Sitting, Lying, Dogs and Objects on Sidewalks and in Parklets" and analysis of Berkeley's existing regulations and practices, including but not limited to ordinances, administrative regulations, training protocols and other policies and practices, related to use and limits to use of sidewalks, parklets, streets, parks and other City property. Refer to the City Manager to collaborate with the offices of the Mayor and Councilmember Hahn to amend existing and, as necessary, draft new policies and procedures compliant with the above analysis, and report back to Council with recommendations for compliant policies. | 50.00            | Work in Progress | City Manager's Office | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 119 | Council and Budget Referrals - Project | Denouncing Presidential Executive Order to Build a Border Wall and Urging the City of Berkeley to Divest from Companies Supporting or Participating in the Construction of a Border Wall; Revised materials | Adopt a Resolution denouncing the presidential executive order to build a wall along the U.S.-Mexico border and recommend that the City of Berkeley divest from any companies involved in the construction of a border wall.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 0.00             | Not Started      | City Manager's Office | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 120 | Council and Budget Referrals - Project | Enforce Bi-Weekly (Once Every Two Weeks) Residential Cleaning Measures to Address Encampments and Promote Clean Streets in Berkeley                                                                         | Refer to the City Manager to promote equitable street cleaning practices and require biweekly (once every two weeks), cleanings of populated encampment sites in Berkeley and adjacent residential neighborhoods. In order to determine where City Staff should prioritize residential cleaning services, the City Manager should establish a radius around the campsites. When encampments are on non-City owned property, such as Caltrans, the City should bill the appropriate agency for the cost of staff and materials.                                                                                                                                                                                                                                                                                                               | 50.00            | Work in Progress | City Manager's Office | Y           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 121 | Council and Budget Referrals - Project | Non-Criminal Options for Enforcement of Sidewalk Regulations                                                                                                                                                | Refer to the City Manager the development of non-criminal options for the enforcement of Berkeley laws and regulations related to use of public space that: Reduce, delay or, if possible, eliminate criminal penalties; Offer positive alternatives; and Ensure that the City has effective tools for enforcement of laws and regulations. While ensuring effective enforcement, options should delay or avoid pursuing infractions and misdemeanors and provide options to cure violations through positive actions such as mandated and verified community service, education, or participation in social service programs.                                                                                                                                                                                                               | 10.00            | Work in Progress | City Manager's Office | N           | N         | N       | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                 | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Percent Complete | State            | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 122 | Council and Budget Referrals - Project | Public Toilet Policy                                                 | Refer to the City Manager to develop the following "Neighborhood Public Toilet Policy": Develop a process in which residents can obtain a permit for a neighborhood public toilet via an official petition; Residents should contact the City via 311 to obtain an official petition form to apply for a permit; In order to obtain the permit, the petition should be signed by at least 51% of residential addresses and business owners within the nearest two block radius of the proposed public toilet site; The City shall not fund or contribute to the financing of the public toilets or their maintenance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 85.00            | Past Due         | City Manager's Office | N           | Y         | N       | N                     | N                                | Y                       | N                                  |
| 123 | Council and Budget Referrals - Project | Recommendations Related to Code Enforcement and Receivership Actions | On November 25, 2019, the Health, Life Enrichment, Equity & Community Committee took action to send an item to Council with a positive recommendation that for purposes of understanding the issues and identifying potential changes to the City's codes, policies, and procedures the committee recommends the following:<br>a. That the City Manager provide an information session to the City Council regarding the various ways in which code enforcement issues have been brought to the attention of the City over the last 5 years;<br>b. How various code enforcement issues at residential properties are currently handled;<br>c. Timeframe and mechanisms for achieving code compliance at residential properties;<br>d. Any existing assistance programs available to support property owners found to have code violations;<br>e. Specific learnings/changes in City practices resulting from the Leonard Powell receivership case;<br>f. Other information deemed relevant and appropriate to understand the City's current code enforcement practices for residential properties<br>Additionally, the Policy Committee requests that the Mayor call a special meeting of the City Council for purposes of a forum based on the recommendations provided by Councilmember Bartlett as the draft plan for a public meeting on receivership.<br>And third, the Committee requests from the City Manager a specific reply on creating a mechanism to provide legal and technical assistance to independent third parties for | 25.00            | Work in Progress | City Manager's Office | N           | Y         | N       | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                       | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Percent Complete | State            | Lead City Department  | Commission? | Underway?                             | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 124 | Council and Budget Referrals - Project | Referral Responses: Managing Recreational Vehicle (RV) Parking                                                                                                             | <p>The City of Berkeley seeks to implement all laws and ordinances in a fair and humane manner.</p> <p>To that end, we refer to the City Manager for consideration the following guidelines to help ensure enforcement of revised RV parking restrictions allowed under Ordinance No. 7,643-N.S. (BMC Section 14.40.120) is conducted with outreach, including information and resource guides and written notice.</p> <p>Further, we refer to the City Manager to quickly establish a three-month permit program (with possibility for renewal), to be offered on a one-time basis to existing priority populations and we refer to the Health, Life Enrichment, Equity &amp; Community Policy Committee to establish basic criteria for a standard two-week permitting process.</p> <p>The City Council reiterates its February 28, 2019 referral to identify and develop a temporary RV site to serve highly vulnerable populations, as well as a regional non-profit RV site, and to develop a program to allow private entities to host RVs on their property.</p> | 0.00             | Work in Progress | City Manager's Office | N           | Y                                     | N       | N                     | N                                | Data Pending            | N                                  |
| 125 | Council and Budget Referrals - Project | Referral to City Manager to establish Recreational Vehicle Waste Discharge Facility on City Property and Referral to FY 2020/21 Budget Process                             | 1. Refer to the City Manager to establish a recreational vehicle waste discharge facility on City property and equitable administrative fee program, and 2. Refer costs associated with the facility to the FY 2020/21 Budget Process. Include consideration of 1) method of pump out; 2) cost; 3) locations; and 4) capacity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.00             | Pending          | City Manager's Office | N           | N                                     | Partial | N                     | N                                | Y                       | Y                                  |
| 126 | Council and Budget Referrals - Project | Supporting Worker Cooperatives and Referral to City Manager to Develop a Worker Cooperative Ordinance (Continued from January 12, 2016 – Item includes revised materials.) | <p>Adopt a Resolution to support worker cooperatives, and refer to the City Manager to develop a Worker Cooperative Ordinance, which includes:</p> <p>1. Revising the existing Buy Local contracting preference and adding a worker cooperative preference; 2. Revising the business permit application; 3. Incentivizing existing businesses to convert to cooperatives; 4. Creating business tax and land use incentives, and 5. Developing educational materials.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 75.00            | Work in Progress | City Manager's Office | N           | Y                                     | Y       | N                     | N                                | Y                       | Y                                  |
| 127 | Council and Budget Referrals - Project | Urgency Item: Safety for All: The George Floyd Community Safety Act - City Attorney and Manager Analysis of Contractual and Legal Barriers to Public Safety Reform         | Direct the City Manager and City Attorney to analyze contractual and legal barriers to public safety reform including police union contracts, vendor contracts, state and federal laws, to determine barriers to accountability and substantive reform. In addition, direct the City Manager and City Attorney to evaluate elements in the proposed police review commission charter amendment, that can be implemented by the City Council.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 10.00            | On Hold          | City Manager's Office | N           | N (On hold, pending Reimaging Police) | N       | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                  | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Percent Complete | State                   | Lead City Department                                                | Commission? | Underway? | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 128 | Council and Budget Referrals - Project | Companion Report: Effective Enforcement of Safe Lead-Paint Practices - Update on Amendments                                           | Based on the intent of the recommendation from the Community Environmental Advisory Commission (CEAC) for the City to expand enforcement of unsafe lead paint practices, refer to the City Manager to: - Coordinate with the Alameda County Healthy Homes Program to clearly identify roles and responsibilities for expanding enforcement of unsafe lead practices, and to explore options for sharing resources that can support expanded local enforcement; - Identify what resources, staff capacity, and program structure would be required to expand City enforcement of unsafe lead practices; - Continue current work to educate building permit applicants and contractors about safe lead paint practices; train and certify all City of Berkeley Building and Housing Inspectors in lead paint safety; respond to, investigate, and enforce safe lead paint practices as needed; and administer the Public Health Division's Childhood Lead Poisoning Prevention Program; and - Provide an update to City Council within one-year that identifies progress and next steps for expanding enforcement of unsafe lead practices. Additions: Request that the City Manager return to Council as soon as possible with recommendations on staffing for robust enforcement and internal restructuring for inspections. Options for noticing and distributing disclosure information. Enforcement by the City or the County, if feasible. | 0.00             | Pending Not On Schedule | City Manager's Office/Health, Housing & Community Services/Planning | N           | N         | N            | N                     | N                                | N                       | N                                  |
| 129 | Council and Budget Referrals - Project | Funding Streetlight Near South East Corner of Otis Street                                                                             | Approved recommendation revised to change the item to a budget referral and refer an assessment of feasibility to fund construction of a streetlight on the corner of Otis near Ashby to the City Manager.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started             | City Manager's Office/Public Works                                  | N           | N         | Data Pending | N                     | N                                | Data Pending            | Data Pending                       |
| 130 | Council and Budget Referrals - Project | Community Microbond Initiative. Revised materials (Supp 2)                                                                            | Refer to the 2018 prioritization process to direct the City Manager to produce a report outlining steps required if the City were to implement a Pilot Project for the Community Microbond Initiative within 90 days. Consider including a community engagement component (such as a survey) to identify a project for the pilot, identify City staff who would be involved in the Pilot Project, analyze the cost structure to the City, clarify the process to identify, select and collaborate with relevant vendors, and outline any and all other necessary steps to achieve a Pilot Microbond offering. Consider including the following requirements for a proposed RFP: Vendor(s) selected should have municipal bond underwriting capabilities; Vendor(s) selected should have experience with blockchain technology                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 90.00            | Work in Progress        | Finance                                                             | N           | Y         | Y            | N                     | N                                | Y                       | Y                                  |
| 131 | Council and Budget Referrals - Project | Develop Ordinance Prohibiting Companies Participating in the Construction of a Border Wall from Contracting with the City of Berkeley | Direct the City Manager to develop an ordinance prohibiting companies involved in the construction of a border wall from contracting with the City of Berkeley. Return to Council with the proposed ordinance within 90 days.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 25.00            | Pending Not On Schedule | Finance                                                             | N           | Y         | Y            | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Percent Complete | State            | Lead City Department      | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 132 | Council and Budget Referrals - Project | Accessory Dwelling Unit Ordinance Updates                                                                                                           | Action: M/S/Carried (Hahn/Wengraf) to adopt the item as written in Supplemental Reports Packet #1 and including the following changes.<br><ul style="list-style-type: none"> <li>• Remove the language regarding view protections.</li> <li>• Add new #9 on hillside heights measurements where no previous structure exists.</li> <li>• Add "and any other solutions" to #5 regarding parking.</li> <li>• Include the referral from Item 15 with this referral.</li> </ul> 01/14/21 (SM for DB)<br>Restricted allowances due to state law. Solution may be incorporated into Safe Passages.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 90.00            | Work in Progress | Fire & Emergency Services | N           | Y         | Y       | N                     | Y                                | Y                       | N                                  |
| 133 | Council and Budget Referrals - Project | Commission Referral: Recommendation to Install an Outdoor Public Warning System (Sirens) and Incorporate It Into a Holistic Emergency Alerting Plan | Recommend that City of Berkeley explore evaluating locations to install and maintain an outdoor public warning system (sirens) as a supplement to other alert and warning technologies within our boundaries and coordinated with abutting jurisdictions and Alameda County, and refer the item to the November budget discussion.<br>01/14/21 (SM for DB).<br>Funding identified in Measure FF                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 10.00            | Work in Progress | Fire & Emergency Services | Y           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 134 | Council and Budget Referrals - Project | Immediate Measures to Address Fire Safety and Prevention [Non-RRV Prioritization Process]                                                           | Refer to the City Manager to study and evaluate, in consultation with relevant Commissions, the following fire safety and prevention measures on a priority basis. After study and evaluation, implement or, where additional resources may be required, recommend implementation and sources of funding. 1. Complete the Berkeley Fire Department's comprehensive Evacuation Plan and publicize evacuation routes and protocols on a priority basis. 2. Increase outreach efforts to sign up residents for the Alameda County Emergency Alert program. 3. Review and update the City's existing Fire Safety ordinances, including BMC 12.50 Fire Inspection Program. 4. Consider implementation of a siren warning system, similar to Oakland's Emergency Siren system. 5. Review and, as necessary, strengthen coordination and communication with Oakland, East Bay Regional Parks (EBRP), Alameda County, Contra Costa and other neighboring Fire Department and emergency response service providers. 6. Expand programs and practices to reduce fire hazards and fuel loads and ensure clearance for utility lines on both public and private property as outlined in the report.<br>01/14/21 - Programs to be funded by FF (SM for DB). | 10.00            | Not Started      | Fire & Emergency Services | Y           | Y         | Y       | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

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| 135 | Council and Budget Referrals - Project | Referral to Develop Comprehensive Plan for Disaster Preparedness and Post-Disaster Rebuilding with Respect to Multi-Family Housing [Non-RRV Prioritization Process]                                           | Refer to applicable City departments and commissions the development of a comprehensive plan for both disaster preparedness and post-disaster rebuilding with respect to multi-family housing. As part of the plan, applicable departments and commissions should explore how applicable ordinances (e.g., Demolition Ordinance, Relocation Ordinance, Rent Stabilization Ordinance) may interface with rebuilding efforts in the event of a major disaster and make recommendations to amend or clarify them as appropriate. The referral can be added to existing referrals concerning disaster preparedness item and prioritized as appropriate. | 0.00             | Not Started      | Fire & Emergency Services            | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 136 | Council and Budget Referrals - Project | Referral to the Disaster and Fire Safety Commission and the City Manager: Five Year Plan for Expanded Disaster Preparedness Services [Non-RRV Prioritization Process]                                         | Refer to the Disaster and Fire Safety Commission and the City Manager's office to explore developing a five year plan for expanded disaster preparedness services.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Work in Progress | Fire & Emergency Services            | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 137 | Council and Budget Referrals - Project | Adding Threat of Displacement of a Berkeley Resident to the Current Income Qualification Guidelines Which Would Place an Applicant in Priority Status for BMR (Below Market Rate) Units [Housing Action Plan] | Refer to the City Manager adding to income qualification the status of pending displacement of a Berkeley resident or family, for priority eligibility for BMR units.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 0.00             | Not Started      | Health, Housing & Community Services | N           | Y            | Y            | Y                     | N                                | Y                       | Y                                  |
| 138 | Council and Budget Referrals - Project | Cigarette and Tobacco Litter Ordinance; Referral to Community Health Commission                                                                                                                               | Referral to the Community Health Commission to establish an ordinance that would diminish pollution from cigarettes waste similarly to San Francisco's Cigarette Abatement Fee Ordinance.                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 139 | Council and Budget Referrals - Project | Community Impact of Future Changes to Services at Sutter Health Alta Bates Ashby Campus                                                                                                                       | Refer to the Community Health and Disaster and Fire Safety Commissions to evaluate potential community impacts of changes to services at the Sutter Health Alta Bates Ashby campus in the coming years.                                                                                                                                                                                                                                                                                                                                                                                                                                             | 0.00             | Work in Progress | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 140 | Council and Budget Referrals - Project | Companion Report and Referral Response: Creation of a Small Sites Program                                                                                                                                     | 4) Request that the Council and Housing Advisory Commission receive copies of small sites loan applications along with staff's corresponding analysis and decision. 6) Refer further consideration of a long-term small sites program to the City Manager and the Housing Advisory Commission. 7) Refer the small sites program to the November budget update and next biannual budget planning cycle in 2019.                                                                                                                                                                                                                                      | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | N            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Percent Complete | State            | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 141 | Council and Budget Referrals - Project | Companion Report: Support for Oregon Park Senior Apartments - [Housing Action Plan]                                                      | Refer the Housing Advisory Commission's recommendation that staff work with Oregon Park Senior Apartments (OPSA) to the Council prioritization process so that the Council can evaluate this recommendation in the context of other recommendations for the use of Housing & Community Services staffing resources. Adopted with the following conditions: 1. Oregon Street Park Apartments will conduct a financial audit. 2. Oregon Street Park Apartments will conduct a full assessment of the structure of the building and the facility needs. 3. Oregon Street Park Apartments will hire a property manager to oversee the financials and the property. 4. The City will commit to holding the fines in abeyance until such time that conditions 1-3 are completed. | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 142 | Council and Budget Referrals - Project | Disposition of City-Owned, Former Redevelopment Agency Property at 1631 Fifth Street                                                     | Refer the item to the City Manager to explore City uses of the property for housing and homelessness services and needs, or other uses, and review the remediation needs of the property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Pending          | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 143 | Council and Budget Referrals - Project | Health Equity & Innovation District                                                                                                      | Referral to the Planning Commission, the Community Health Commission, the Commission on Aging, and the City Manager to establish a Health Equity & Innovation District (HID). The goal of the HID is to reduce chronic racial health disparities and improve the overall public health strategy of Berkeley by fostering innovations in healthcare delivery, improving resiliency, and strengthening the integration of health services and systems. The HID is intended to draw investment and grant opportunities, as well as to explore the expansion of scope of practice for medical providers.                                                                                                                                                                       | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 144 | Council and Budget Referrals - Project | Healthy Checkout Ordinance                                                                                                               | 2. Refer to the City Manager to determine funding and staffing needs to implement and enforce the ordinance and sources of funding to support this program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 25.00            | Work in Progress | Health, Housing & Community Services | N           | Y            | N            | N                     | Y                                | Y                       |                                    |
| 145 | Council and Budget Referrals - Project | Providing our Unhoused Community in the City of Berkeley with Menstrual Products                                                         | 3. Direct the City Manager to use existing homeless services funding to develop and deploy a program to provide a broad spectrum of menstrual products, including but not limited to, feminine hygiene, pads, tampons, underwear, and other related products, both through the City's outreach direct services, as well as through the community based homeless services providers. Additionally, require some elements of this program be deployed immediately, with a full program deployment within six months.                                                                                                                                                                                                                                                         | 10.00            | Work in Progress | Health, Housing & Community Services | N           | Y            | N            | N                     | N                                |                         | Y                                  |
| 146 | Council and Budget Referrals - Project | Refer to the City Manager's Office and Budget Referral: Second Dwelling Unit/Accessory Dwelling Unit Pilot Program to House the Homeless | Refer to the City Manager's office and the HAC to develop a second dwelling unit/accessory dwelling unit Pilot Project as an additional strategy to provide housing for homeless persons and families.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started      | Health, Housing & Community Services | Y           | N            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                      | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Percent Complete | State            | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 147 | Council and Budget Referrals - Project | Referral to Commission on Labor: Amendments to Living Wage Ordinance (BMC 13.27)                                          | Refer to the Commission on Labor the following suggested amendments to the Living Wage Ordinance, Berkeley Municipal Code Chapter 13.27: 1. Amend Section 13.27.050.A to allow an employee the right to opt out of an employer provided medical benefit plan and still receive the higher compensation amount (currently \$15.99 per hour) as cash in lieu if they provide proof of alternative coverage under a medical benefit plan. 2. Amend the posting requirements, retaliation, complaint process, and enforcement sections to conform to the language in the recently adopted Minimum Wage Ordinance.                                                                                                                                                                                                                                                                                                                                    | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 148 | Council and Budget Referrals - Project | Referral to the City Manager: Adopt Section 8 Landlord Incentives [Housing Action Plan]                                   | Refer to the City Manager the adoption of the following measures to encourage landlords to accept Section 8 and Shelter + Care vouchers: 1. Create a list of qualified, efficient and affordable contractors vetted by the City, and a discount or waiver of permit fees, to support bringing their unit(s) to code; 2. Provide legal and/or mediation support, offered either through the City or a partner, in negotiating Landlord/Tenant disputes out-of-court; 3. Allow parcel and/or property tax reductions based on the percentage of property or units that are currently Section 8 and/or decided during annual Section 8 inspection; and 4. Identify organizations who can support financial literacy and management for Section 8 tenants, including establishing bank accounts with direct deposit to Landlords. We ask City staff to research and develop a proposal of options for implementing these within the next six months. | 0.00             | Not Started      | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 149 | Council and Budget Referrals - Project | Referral to the Labor Commission and the Commission on the Status of Women: Paid Family Leave Ordinance Revised materials | Refer the attached ordinance for consideration by to the Labor Commission and the Commission on the Status of Women to help in the development of a Paid Family Leave Ordinance for the City of Berkeley. The Labor Commission shall be responsible for conducting a public hearing to collect community input on the attached draft legislation. The Labor Commission shall conduct outreach and invite relevant stakeholders to attend, including representatives from small business associations, chambers of commerce, Berkeley employers, and Berkeley employees. The Commission on the Status of Women shall be responsible for research and overall project management. The Commissions shall jointly prepare a report for submission to Council summarizing both commissions' suggestions and the community's suggestions for changes that should be made to the attached legislation.                                                  | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                             | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Percent Complete | State            | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 150 | Council and Budget Referrals - Project | Small Sites Acquisition Program and Tenant Opportunity to Purchase [Housing Action Plan]         | Refer to the City Manager the implementation of the following strategies to preserve existing affordable housing and prevent displacement: 1. Create a Small Sites Program to assist non-profits in acquiring existing properties that considers the following criteria: a. Targets 5-25 unit multi-family buildings, particularly properties with strong potential for conversion to resident ownership, those in which no-fault evictions have been filed, or those at high risk of speculative purchase. b. Allocates \$1-2 million from multiple funding sources. Such sources could include Measure A1 and U1 funds, Section 8 vouchers, and the MTC NOAH program. c. Includes administrative guidelines for a streamlined allocation process that will ensure an expedited commitment and funding process. Such commitments could include a letter of commitment from the City when non-profit organizations are placing an option on a property, or a small grant to make a down payment. 2. Review and develop an ordinance modeled after Washington D.C.'s Tenant Opportunity to Purchase Act that offers existing tenants the first right of refusal when property owners place rental property on the sale market, which can be transferred to a qualifying affordable housing provider. | 50.00            | Work in Progress | Health, Housing & Community Services | N           | Y            | N            | N                     | N                                | N                       | N                                  |
| 151 | Council and Budget Referrals - Project | Workforce Housing Affordability Plan [Housing Action Plan]                                       | Refer to the City Manager the addition of a new workforce housing option to the inclusionary housing law that raises the percentage of inclusionary units by allowing the production of more subsidized units at a reduced subsidy per unit. Additionally, request that the City Manager return with "affordable by design" suggestions to help address the underproduction of middle-income units in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started      | Health, Housing & Community Services | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 152 | Council and Budget Referrals - Project | Workforce Housing for Berkeley Unified School District Personnel [Housing Action Plan]           | Request the City Manager to direct staff to investigate the feasibility of developing workforce housing, in conjunction with Berkeley Unified School District, for teachers and employees. This investigation should include research into what other California cities (such as San Francisco, Oakland, Santa Clara and San Mateo County) are considering as part of their pursuit of school district workforce housing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 0.00             | Not Started      | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 153 | Council and Budget Referrals - Project | Budget Referral: Remediation of Lawn Bowling, North Green and Santa Fe Right-of-Way, FY2020-2021 | Refer to the November 2019 AAO consideration of at least \$150,000 and up to remediate the Lawn Bowlers, North Green and Santa Fe Right-of-Way in advance of Request for Proposal (RFP) for these areas that potentially could provide much needed affordable alternative housing. Refer to the Homeless Services Panel of Experts to consider Measure P funds for remediation purposes for these properties.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                           | Percent Complete | State            | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 154 | Council and Budget Referrals - Project | Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F                                                 | 2) analyze the impacts of artificial flavorings/additives and advise if any further regulations are necessary                                                                                                                                                                                                                                                                                                                                         | 0.00             | Pending          | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 155 | Council and Budget Referrals - Project | Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F                                                 | 2) direct the Berkeley Public Health Department to review the issue of flavored cannabis products for combustion or inhalation, and cannabis products whose names imply that they are flavored, and review any additional ingredients that may be hazardous, whether natural or artificial, including vitamin E acetate in inhalation products, and make recommendations for action.                                                                  | 0.00             | Pending          | Health, Housing & Community Services | Y           | Y            | Y            | N                     | Y                                | Y                       | Y                                  |
| 156 | Council and Budget Referrals - Project | Companion Report: Health Study to be Conducted by the Public Health Division to Gather Data on Health Conditions, Health Disparities and Mortality Rates of Berkeley's homeless | Send a letter to Alameda County requesting data on deaths of identified homeless individuals.<br><br>Contact Alameda County request that they explore the feasibility of recording homelessness as a data point in death records and/or making investments to begin tracking this information locally.                                                                                                                                                | 50.00            | Work in Progress | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 157 | Council and Budget Referrals - Project | Open Doors Initiative: City Worker and First Time Affordable Homebuyer Program                                                                                                  | That the City Council refer the City Manager and Housing Advisory Committee to explore mechanisms to support homeownership by City of Berkeley employees and further refer to City Manager to prepare a report detailing available first-time homeownership and low-income homeowner programs that might be available for implementation in the City of Berkeley. Analysis to include the new Self-Help Housing Program and the provisions of AB 101. | 0.00             | Not Started      | Health, Housing & Community Services | Y           | N            | N            | N                     | N                                | Y                       | Y                                  |
| 158 | Council and Budget Referrals - Project | Voluntary Time Off on Statewide Election Days for City Employees                                                                                                                | Refer to the City Manager to designate Statewide Election Days as VTO days, and refer to the 2x2 Committee to discuss coordinating City and District policy on holidays, in particular Election Day.                                                                                                                                                                                                                                                  | 80.00            | Work in Progress | Human Resources                      | N           | Y            | Y            | N                     | Y                                | Y                       | N                                  |
| 159 | Council and Budget Referrals - Project | Expanding the Downtown Arts District                                                                                                                                            | 1. Request the Planning Commission examine expanding the boundaries of the current Downtown Arts District Overlay as well as the allowable active ground-floor uses.<br>2. Request the City Manager consider the Downtown Arts District as part of the update to the Berkeley Arts and Culture Plan.                                                                                                                                                  | 95.00            | Work in Progress | Office of Economic Development       | N           | Y            | N            | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                          | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Percent Complete | State            | Lead City Department           | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 160 | Council and Budget Referrals - Project | Path to Permanence for Outdoor Dining and Commerce Permits Granted Under COVID-19 Public Health Emergency Declaration                                                         | On November 2, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to send the item to the City Council with the recommendation language as amended by the committee. The revised recommendation language includes: Refer to the City Manager to develop a program and, if necessary, ordinance language to facilitate the transition of temporary outdoor dining and commerce permits that were obtained under the City's declaration of emergency to permanent status. - Consider criteria for transitioning spaces for Public vs. Private outdoor use. - Consider the structural, materials, safety and other criteria for temporary vs. permanent outdoor spaces. - Consider costs and benefits of private outdoor spaces adjacent to specific businesses on customer access, parking availability, parking revenues, and all other factors. - Consider Merchant opt-out vs. opt-in: To encourage and support the use of outdoor commerce, upon the conclusion of the City declaration of emergency, outdoor commerce permit holders might automatically be transitioned to permanent permit status unless the permit holder chooses to remove the installation, or the City might reach out to temporary permit holders and offer an opt-in or quick transition program. - Consider Fees and potential Fee waivers for temporary spaces transitioning to permanent status: Fees associated with the minor encroachment permits or sidewalk seating typically necessary for outdoor dining and commerce permits could | 10.00            | Work in Progress | Office of Economic Development | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 161 | Council and Budget Referrals - Project | Referral to the Civic Arts Commission to Consider the Creation and Selection of a Flag for the City of Berkeley                                                               | Refer to the Civic Arts Commission to select a flag for the City of Berkeley from submissions from the public.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 0.00             | Work in Progress | Office of Economic Development | Y           | N            | Y            | N                     | N                                | Y                       | Y                                  |
| 162 | Council and Budget Referrals - Project | Referral to the Civic Arts Commission to create interactive family-friendly art attractions                                                                                   | Refer to the Civic Arts Commission to create interactive family-friendly art attractions in the City of Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Work in Progress | Office of Economic Development | Y           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 163 | Council and Budget Referrals - Project | Referral to the Civic Arts Commission to develop a grant program available for arts and cultural organizations to support retaining and improving creative spaces for artists | Referral to the Civic Arts Commission to prioritize within their current Work Plan creating a process for awarding competitive grants to Berkeley-based arts and cultural organizations that will help support their ability to stay in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 11.00            | Work in Progress | Office of Economic Development | Y           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 164 | Council and Budget Referrals - Project | Evaluation of Possible Ban on New Planting of Certain Tree Species                                                                                                            | Take action to either: a) Direct the City Manager to proceed with Option 1, and continue the City's current practice regarding tree plantings on City property, which currently do not include Eucalyptus, and Monterey Pine (except at the Marina).-OR- b) Adopt a Resolution as described in Option 2 that would ban the new planting of certain tree species on City property. -OR-c) Direct the City Manager to develop an ordinance for Council adoption that bans the new planting of certain tree species on both public and private property, and includes enforcement mechanisms.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Work in Progress | Parks, Recreation & Waterfront | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Percent Complete | State            | Lead City Department             | Commission?                  | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 165 | Council and Budget Referrals - Project | Referral to the City Manager: Equitable Access to Greenspace                                                                                                             | Refer to the City Manager to explore developing a plan for increasing Equitable Access to Greenspace in Berkeley. Future parks and greenspace investments should be targeted at reducing disparities in access to greenspace. Criteria to consider should include: ☐ Geographical distance and square footage of available greenspace ☐ Income levels of area residents, which may impact their ability to afford non-public facilities and/or transportation to green spaces ☐ The proportion of youth, seniors and disabled people unable to travel to more distant facilities The City may utilize recommendations from the report "Berkeley Parks Planning for an Equitable Future" produced by the Parks and Waterfront Commission's Subcommittee on Planning. The City should also consider the work of San Francisco's Green Connections (see <a href="http://sf-planning.org/green-connections">http://sf-planning.org/green-connections</a> ) which promotes the presence and attractiveness of walking and bike paths to green spaces in order to encourage their use. The City should investigate strategies for expanding park capacity including assessing prime areas for developing new parks and greenspaces, such as in the Adeline Corridor and Santa Fe ROW. The Adeline Corridor Plan must consider and account for increasing greenspace in the Southeast Quadrant of Berkeley, and explore innovative ways for integrating greenspace into our urban environment. To implement these recommendations, the City should explore public private funding partnerships as well as community partnerships with Berkeley residents, community | 0.00             | Work in Progress | Parks, Recreation & N Waterfront |                              | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 166 | Council and Budget Referrals - Project | Authorize Installation of Security Cameras at the Marina and Request an Environmental Safety Assessment                                                                  | Adopt the following recommendations in order to address the recent dramatic uptick in reported crime incidents at the Berkeley marina: -Request that the City Manager install security cameras and signage as expeditiously as possible as a long-term safety measure; -Refer to the City Manager to perform an environmental safety assessment of the Berkeley marina with particular attention to the berther parking areas. Cameras will not use facial recognition or biometric software.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 90.00            | Work in Progress | Parks, Recreation & N Waterfront |                              | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 167 | Council and Budget Referrals - Project | 27. Green Affordable Housing Package (Continued from October 6, 2015)                                                                                                    | Refer that the Planning Commission and City Manager investigate the following two policies as ways to reduce barriers for the creation of affordable housing. City Council requests that commissions and staff address and propose solutions and/or an implementation plan using the recommendations in the report by September 1, 2016. Policy 1: Designate units and funding for affordable housing by prioritizing housing over parking spaces in new developments. Policy 2: Remove the structural and procedural barriers to creating more housing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 90.00            | Work in Progress | Planning                         | Involves Planning Commission | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 168 | Council and Budget Referrals - Project | City Manager Referral: Facilitate the Local Implementation of Senate Bill 1413 and Expedite the Development of Teacher and School Employee Housing [Housing Action Plan] | Refer to the City Manager to work with the Planning to facilitate the local implementation of Senate Bill 1413 in an effort to expedite the development of housing for teacher and school employees in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 0.00             | Not Started      | Planning                         | N                            | N            | N            | N                     | N                                | Y                       | N                                  |

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| 169 | Council and Budget Referrals - Project | Classify Home Occupation Activities Receiving Five or Fewer Visits as Moderate Impact Home Operation (PDF)                                                                                 | Refer to the City Manager that the zoning code for Moderate Impact Home Operation (Moderate Impact HO) be amended to include home occupation activities receiving five or fewer visits weekly, requiring an AUP rather than a Use Permit with public hearing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 90.00            | Work in Progress | Planning             | Involves Planning Commission                      | Y            | N            | N                     | N                                | Y                       | Y                                  |
| 170 | Council and Budget Referrals - Project | Deferral of Remaining Permit Fees for 2009 Addison Street                                                                                                                                  | Refer to the City Manager to conduct a feasibility analysis and develop an MOU with the Berkeley Repertory Theater to defer \$720,000 in remaining permit and inspection fees for Berkeley Repertory Theater's housing project at 2009 Addison Street (leaving flexibility for timing, setting of interest, schedule of payments, and fund sources).                                                                                                                                                                                                                                                                                                                                                                         | 0.00             | Not Started      | Planning             | N                                                 | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 171 | Council and Budget Referrals - Project | Partial Response to Council Referral on Deep Green Building Initiative - Recommendation for Dedicated Revenue Stream to Incentivize Residential Energy Efficiency and Electrification      | City Council refers to staff a request to conduct an analysis to identify and develop a set of programs and policies consistent with the Climate Action Plan to incentivize residential energy efficiency and electrification investments, based on a cost benefit analysis to determine highest value energy-saving measures. This recommendation supports the Deep Green Building Initiative referral from the Council to the Energy Commission. Council further refers \$50,000 to the budget process for the staff work and analysis.                                                                                                                                                                                    | 20.00            | Work in Progress | Planning             | N                                                 | Y            | Y            | Y                     | N                                | Y                       | Y                                  |
| 172 | Council and Budget Referrals - Project | Permit Service Center Improvements                                                                                                                                                         | Refer to the City Manager to include in current efforts to improve the Land Use Permitting process the following proposals to increase the efficiency and outreach of the Permit Service Center, making the permitting process easier for staff and applicants alike. Specific proposals to consider include: 1. Website improvements for tracking of permits, calculating permit fees, and applying online; 2. Case Managers for coordinated intake of permit applications and materials; 3. Informational materials including an improved user guide and infographics modeled after BizGrid; 4. Customer service improvements at the Center including a fast track line, kiosks, and an online appointment booking system. | 50.00            | Work in Progress | Planning             | N                                                 | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 173 | Council and Budget Referrals - Project | Planning Commission Referral for a Pilot Density Bonus Program for the Telegraph Avenue Commercial District to Generate Revenue to House the Homeless and Extremely Low-Income Individuals | Refer a City Density Bonus policy for the Telegraph Avenue Commercial District to the Planning Commission to generate in-lieu fees that could be used to build housing for homeless and extremely low-income residents.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 25.00            | Work in Progress | Planning             | Involves Planning Commission                      | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 174 | Council and Budget Referrals - Project | Providing Requested Direction to the City Manager and Planning on the Number of Cannabis Retail Establishments and the Creation of an Equity Program                                       | That the Council provides requested direction to the Planning on how to proceed with the Equity Program recommended by the Cannabis Commission in the October 9, 2018 staff report; with the following specifications: Recommendation of creating 1 new dispensary license for equity applicants. It is envisioned as new licenses are created, such as, delivery, manufacturing, and micro-business, permits will be reserved for equity applicants for each new category.                                                                                                                                                                                                                                                  | 25.00            | Work in Progress | Planning             | Involves Planning Commission, Cannabis Commission | N            | N            | N                     | N                                | Y                       | N                                  |

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| 175 | Council and Budget Referrals - Project | Referral to the Planning Commission to Allow 4 Temporary Zoning Amendments to Increase Student Housing in the Southside Area                                                                                                                                                                                              | Refer to the City Manager and the Planning Commission to consider conversion of existing commercial space for residential use between College Avenue and Fulton Street and Bancroft Way to Dwight Way.                                                                                                                                                                                                                                                                               | 50.00            | Work in Progress | Planning             | Y                            | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 176 | Council and Budget Referrals - Project | Short Term Referral to Expedite Components of the More Student Housing Now Resolution, and budget referral to the annual appropriation ordinance adoption                                                                                                                                                                 | Short term referral to the City Manager and the Planning to promptly move forward with components of the More Student Housing Now Resolution that do not require additional CEQA review, amend existing City ordinances and policies that prevent the implementation of SB 1227, and provide a budget referral to the annual appropriation ordinance adoption that would allocate the necessary resources as determined by the Planning Staff.                                       | 50.00            | Work in Progress | Planning             | Involves Planning Commission | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 177 | Council and Budget Referrals - Project | Tiny Homes and Tiny Home Communities as Homeless Housing Options [Housing Action Plan]                                                                                                                                                                                                                                    | 2. Refer the item to the City Manager for further research and analysis. The creation of Tiny Homes on public or private property for long-term use and/or as habitable dwellings with facilities intended as a homeless program would require modifications to the existing zoning and building codes and additional program requirements to ensure such developments are moving clients out of homelessness.                                                                       | 0.00             | Not Started      | Planning             | N                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 178 | Council and Budget Referrals - Project | Zoning Ordinance Amendments to Increase the Floor Area Ratio (FAR) and Building Heights in Portions of the Telegraph Avenue Commercial (C-T) District; Amending BMC Chapter 23E.56; REFERRAL: refer to the City Manager to develop community benefit requirements, with a focus on labor practices and affordable housing | Adopt first reading of an Ordinance amending the Zoning Ordinance, Berkeley Municipal Code Chapter 23E.56, Telegraph Commercial District (C-T) to increase the floor area ratio and building heights in portions of the Telegraph Avenue Commercial (C-T) District.                                                                                                                                                                                                                  | 50.00            | Work in Progress | Planning             | Involves Planning Commission | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 179 | Council and Budget Referrals - Project | ZORP   Customer Service Improvements to Land Use Permit Process                                                                                                                                                                                                                                                           | Direct staff to make structural improvements to the Zoning Ordinance, communication improvements to better explain complex technical and procedural elements to the public, and organizational improvements to the Land Use Planning Division; and authorize the issuance of a request for proposals (RFP) for the selection of consultants to make structural improvements to the Zoning Ordinance and develop graphic communication elements in an amount not to exceed \$300,000. | 30.00            | Work in Progress | Planning             | Involves Planning Commission | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 180 | Council and Budget Referrals - Project | City Manager Referral: Expanding Gun Safety Measures in Berkeley                                                                                                                                                                                                                                                          | Refer to the City Manager to consider the following ordinances: 1. Banning Unsecured Firearms And Ammunition Located In Unattended Vehicles In The Public Right Of Way And "Public Places" As Defined In The Ordinance; and 2. Requiring That City-Issued Firearms In Unattended Vehicles Be Secured.                                                                                                                                                                                | 30.00            | Work in Progress | Police               | N                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 181 | Council and Budget Referrals - Project | City Manager Referral: Plan for Lighting and Signage at the Ohlone Greenway at Cedar, Rose, and Hopkins                                                                                                                                                                                                                   | Refer to the City Manager to develop a plan to improve the lighting and signage (e.g. stop signs) at the Ohlone Greenway crossing at Cedar, Rose, and Hopkins, particularly for bicycle transit.                                                                                                                                                                                                                                                                                     | 0.00             | Work in Progress | Public Works         | N                            | Y            | N            | Y                     | N                                | Y                       | Y                                  |
| 182 | Council and Budget Referrals - Project | Four Way Stop Signs on Eighth Street at Carleton Street and Pardee Street                                                                                                                                                                                                                                                 | Refer to the City Manager a proposal to install stop signs at the intersections of Eighth Street and Carleton Street and Eighth Street and Pardee Street.                                                                                                                                                                                                                                                                                                                            | 2.00             | Work in Progress | Public Works         | N                            | N            | N            | N                     | N                                |                         | N                                  |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Percent Complete | State               | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 183 | Council and Budget Referrals - Project | Refer to City Manager to look into adopting an ordinance requiring a permit process for scooter sharing companies to operate on public streets                                                              | Refer to the City manager to look into adopting an ordinance establishing a pilot Powered Scooter Share Permit Program for 24 months, requiring a permit issued by the Director of Public Works, establishing a fee for the issuance of the permit, establishing administrative penalties for failure to obtain a permit or violation of permit requirements, providing a procedure for the assessment and collection of administrative penalties for permit violations or parking or leaving standing an unpermitted powered scooter subject to the pilot Powered Scooter Share Permit Program on a sidewalk, street, or other public right-of-way. | 50.00            | Work in Progress    | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 184 | Council and Budget Referrals - Project | Referral to Consider Caregiver Parking in Residential Shared Parking Pilot                                                                                                                                  | Refer to the City Manager and Transportation Commission to consider a pilot program for caregiver parking permits in RPP zones in the goBerkeley Residential Shared Parking Pilot.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 25.00            | Pending On Schedule | Public Works         | Y           | Y            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 185 | Council and Budget Referrals - Project | Referral to the City Manager: Prioritize Climate Action Plan's Policy to Redesign/Rebuild the Berkeley Transfer Station and Material Recovery Facility into a State of the Art Zero Waste Facility          | Referral to the City Manager: Prioritize the City of Berkeley's Climate Action Plan's policy to redesign/rebuild the Berkeley Transfer Station and the material recovery facility into a state of the art Zero Waste facility.                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Work in Progress    | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 186 | Council and Budget Referrals - Project | Referral to the Public Works Department and the City Manager: Finishing the installation of Sculpture Lighting into Adjacent Street Lights for the William Byron Rumford Statue on Sacramento and Julia St. | Refer to the City Manager a request to finish the installation of sculpture lighting into adjacent street lights for the William Byron Rumford statue on Sacramento and Julia Street. Refer to the Public Works Department for its installation.                                                                                                                                                                                                                                                                                                                                                                                                     | 25.00            | Work in Progress    | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 187 | Council and Budget Referrals - Project | Request for Information Regarding Current Status and Progress on Traffic Mitigations at Dwight Way and California Street                                                                                    | Refer to the City Manager a request for information regarding the current status and progress on traffic mitigations and pedestrian safety improvements at the intersection of Dwight Way and California Street.                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started         | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | N                                  |
| 188 | Council and Budget Referrals - Project | Residential Preferential Parking (RPP) Program Reform and Expansion                                                                                                                                         | 2. Refer to the City Manager to explore options to amendments to the ordinance related to the cap on permits for situations such as caregivers, child care, and others.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 25.00            | Work in Progress    | Public Works         | N           | Y            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 189 | Council and Budget Referrals - Project | Restrict Parking in the Hills Hazardous Fire Area (Continued from January 12, 2016)                                                                                                                         | Refer to staff the design of a parking restriction program in the Hills Fire Zone to ensure access for emergency vehicles and to allow for safe evacuations in an emergency and to hold public meetings to get community input in the design of such a program.                                                                                                                                                                                                                                                                                                                                                                                      | 10.00            | Work in Progress    | Public Works         | N           | Y            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 190 | Council and Budget Referrals - Project | Special RPP Designation, Grant Street between Ohlone Park and Delaware Street                                                                                                                               | Request the City Manager to designate a special "no 2-hour parking grace period" residential permit parking zone for the one cul-de-sac block of Grant Street between Ohlone Park and Delaware Street. Also, request to provide Council with an Info Report on the process and perform increased enforcement.                                                                                                                                                                                                                                                                                                                                        | 0.00             | Work in Progress    | Public Works         | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                    | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Percent Complete | State            | Lead City Department                        | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 191 | Council and Budget Referrals - Project | Adopt a Spot Initiative for Volunteer Stewardship of Public Spaces                                      | Refer to the Public Works Commission and Parks and Waterfront Commission to develop an Adopt A Spot initiative; specifically outlining potential environmental benefits, program costs, staffing. Rationale: -Adopt a Spot programs enable a network of volunteer residents to assist in city maintenance and clean up efforts which have great impact using minimal City staff/funding. -Vision 2050 will include stormwater and watershed management goals, both of which this program would support.                                                                                                                                                         | 75.00            | Work in Progress | Public Works/Parks, Recreation & Waterfront | Y           | Y            | Y            | N                     | N                                | Y                       | N                                  |
| 192 | Council and Budget Referrals - Project | Wildland Urban Interface Fire Safety and Fire Safety Education                                          | To address long term fire, earthquake and disaster preparedness, response, and safety: Refer all of the Proposed Measures from the Commission's report to the City Manager for review by the Fire Department, Public Works, Parks, Recreation & Waterfront and other affected departments to be considered and prioritized along with: Councilmember Bartlett's November 28, 2017 referrals, Councilmember Hahn's January 30, 2018 referrals, and The January 2018 Conceptual Study to Underground Utility Wires. All of these measures should be reviewed, evaluated and prioritized by the City Manager. Report the City Manager's prioritization to Council. | 0.00             | Work in Progress | Fire & Emergency Services                   | Y           | Y            | Y            | N                     | N                                | Y                       | N                                  |
| 193 | Council and Budget Referrals - Project | Treatment of women in custody at Santa Rita Jail                                                        | Refer to the Commission on the Status of Women the alleged offensive treatment of women in custody at Santa Rita Jail, as reported below with the aim of ensuring that searches of women not be conducted in the presence of men (be they male officers or inmates) and any other changes in protocol that might be needed to ensure appropriate policies are followed during searches of women in custody.                                                                                                                                                                                                                                                     | 0.00             | Work in Progress | City Manager's Office                       | Y           | Data Pending | N            | N                     | N                                | Data Pending            | N                                  |
| 194 | Council and Budget Referrals - Project | Traffic Circle Vegetation Maintenance Policy                                                            | Refer to Parks and Waterfront Commission and the Transportation Commission to establish a city/community task force to: a) Evaluate the City's current traffic circle vegetation policy and b) Conduct a community led process to update that policy to ensure pedestrian/bicycle/vehicle safety and preserve community efforts to beautify traffic circles.                                                                                                                                                                                                                                                                                                    | 0.00             | Not Started      | Parks, Recreation & Waterfront              | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 195 | Council and Budget Referrals - Project | Non-Citizen Voting in Berkeley Elections Refer to Peace and Justice Commission                          | Refer to the Peace and Justice Commission to consider preparation of an amendment to the Berkeley City Charter to be presented to the voters in Berkeley that would allow a non-citizen resident the right to vote in Berkeley city elections.                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | City Manager's Office                       | Y           | N            | N            | N                     | N                                | Data Pending            | N                                  |
| 196 | Council and Budget Referrals - Project | Referral to Peace and Justice Commission to Further Protections for Immigrants and Religious Minorities | Adopt a Resolution referring to the Peace and Justice Commission to: 1. Identify entities involved in attempts to create databases and registries used to target immigrants and religious minorities, and make recommendations to the City Council on divesting from such entities; and 2. Identify all service providers to US Immigration and Customs Enforcement, and make recommendations to the City Council on prohibiting city investment in such service providers.                                                                                                                                                                                     | 0.00             | Not Started      | City Manager's Office                       | Y           | N            | N            | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                                                                                                                             | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Percent Complete | State            | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 197 | Council and Budget Referrals - Project | Referral to the Peace & Justice Commission: Examine Internet Communications Platforms Servicing Berkeley                                                                                                                                                                         | Referral to the Peace & Justice Commission to examine the internet communications platforms servicing Berkeley to assess whether they are propagating or promoting racism and/or discrimination.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | City Manager's Office                | Y           | N            | N            | N                     | N                                | Data Pending            | N                                  |
| 198 | Council and Budget Referrals - Project | Accessory Dwelling Unit Ordinance Updates                                                                                                                                                                                                                                        | Refer to the Planning Commission to consider additional elements for Berkeley's Accessory Dwelling Unit Ordinance (BMC 23C.24), on an expedited basis, and refer to the Disaster and Fire Safety Commission bullet point #5, relating to potential obstruction of emergency vehicles, and request that their recommendations be sent directly to the Planning Commission to inform the Planning Commission's review and recommendations. Amendments: Remove the language regarding view protections; Add new #9 on hillside heights measurements where no previous structure exists; Add "and any other solutions" to #5 regarding parking; Include the referral from Item 15 with this referral. | 0.00             | Not Started      | Fire & Emergency Services            | Y           | Y            | Y            | N                     | Y                                | Y                       | Y                                  |
| 199 | Council and Budget Referrals - Project | Amending Chapter 19.34 of the Berkeley Municipal Code to Expand Automatic Gas Shut-Off Valve Requirements in Multifamily, Condominium and Commercial Buildings Undergoing Renovations and to All Existing Buildings Prior to Execution of a Contract for Sale or Close of Escrow | Refer to the Disaster and Fire Safety Commission to consider an ordinance amending Berkeley Municipal Code (BMC) 19.34.040 to expand requirements for automatic natural gas shut-off valves or excess flow valves in multifamily, condominium and commercial buildings undergoing renovations and in all existing buildings prior to execution of a contract for sale or close of escrow. Ask the Commission to consider other triggers as appropriate. 01/14/21 (SM for DB)<br>DFSC recommendation to be reviewed by Planning prior to going to Council.                                                                                                                                         | 90.00            | Work in Progress | Fire & Emergency Services            | Y           | Y            | N            | N                     | N                                | Y                       | N                                  |
| 200 | Council and Budget Referrals - Project | Comprehensive Study of Emergency Services Call Center, Staffing and Development Systems<br><br>Revised Materials                                                                                                                                                                 | Refer to the City Manager and the Disaster and Fire Safety Commission to work with the Berkeley Fire Department and Berkeley Firefighters Association to investigate the Department's current practices and determine the feasibility of implementing a criteria-based dispatching system that allocates staffing based on need and risk, ensures that calls are prioritized based on acuity, and more efficiently delivers the appropriate allocation of resources to every 911 call. Include Alta Bates ER closure in analysis.                                                                                                                                                                 | 0.00             | Work in Progress | Fire & Emergency Services            | Y           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 201 | Council and Budget Referrals - Project | Referral to the Disaster and Fire Safety Commission and the City Manager: Five Year Plan for Expanded Disaster Preparedness Services                                                                                                                                             | Refer to the Disaster and Fire Safety Commission and the City Manager's office to explore developing a five year plan for expanded disaster preparedness services.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | On Hold          | Fire & Emergency Services            | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 202 | Council and Budget Referrals - Project | Amending BMC Chapter 9.04: Tax Rate for Non-Medical Cannabis Businesses                                                                                                                                                                                                          | 2) refer to the Community Health Commission to study the health effects of cannabis and possible funding recommendations for allocating the tax revenue;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 203 | Council and Budget Referrals - Project | First They Came for the Homeless Encampment                                                                                                                                                                                                                                      | to refer Item 38a back to the Homeless Commission with the chart of questions provided by Council and request that the commission develop a more specific policy that is broadly applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                             | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Percent Complete | State            | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 204 | Council and Budget Referrals - Project | Homeless Youth Policy                                                                                                                                            | Refer to the City Manager, the Homelessness Commission, and the Labor Commission to develop a Homeless Youth Policy for the City of Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 205 | Council and Budget Referrals - Project | Homeless Youth Policy                                                                                                                                            | Refer to the City Manager, the Homelessness Commission, and the Labor Commission to develop a Homeless Youth Policy for the City of Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 206 | Council and Budget Referrals - Project | Mobile Shower Referral                                                                                                                                           | Refer to the Homeless Commission and City Manager the establishment of a mobile shower unit in Berkeley and assess the feasibility/cost of such a project in comparison to existing programs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 50.00            | Work in Progress | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 207 | Council and Budget Referrals - Project | Moderate-Income Housing Strategies [Housing Action Plan]                                                                                                         | Forward these strategies to the Housing Advisory Commission (HAC) and staff for follow-up as appropriate: 1. Renter Strategies: Encourage homeowners to rent out unused rooms. Encourage homeowners to build Accessory Dwelling Units (ADU's) that could be rented to tenants. 2. Owner/Renter Strategies: Continue to study the use of a small sites strategy to maintain affordability in existing housing. Commit to securing one site as a small sites case study that could be replicated. Encourage and support new development that is owned and financed in less traditional ways, including expanded use of land trusts, cooperative form of ownership, and other approaches, such as co-housing and collaborative housing. Promote construction of affordable housing on surplus public land, particularly for BUSD teachers and staff. 3. Allocation of New Funding Sources: Inform Berkeley residents of the new Measure A1 funds that will be available from the County to assist moderate-income homeowners. Allocate a portion of the Measure U1 funds for moderate-income housing development. | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 208 | Council and Budget Referrals - Project | Neighborhood Preference in Affordable Housing to Reduce the Impact of Displacement and Ellis Act Evictions (Continued from March 29, 2016) [Housing Action Plan] | Refer to the City Manager and Planning Commission an ordinance to clarify existing preferences in allocating City affordable housing units to Berkeley residents living within ½ mile of any new development and tenants evicted under the Ellis Act, expand the second category of preference for eligible tenants displaced under the Ellis Act to include certain tenants displaced through an Owner Move-In or (Measure Y) eviction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | Y            | Y            | Y                     | N                                | Y                       | Y                                  |
| 209 | Council and Budget Referrals - Project | Referral to the Health Commission to Consider a "Deemed Approved Ordinance"                                                                                      | Refer to the Health Commission to consider a Concurrent Sales of Gasoline and Alcoholic Beverages Law regulating the concurrent sales of gasoline and alcoholic beverages. Deem such establishments approved, subject to their adherence to certain standards of behavior.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Percent Complete | State       | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 210 | Council and Budget Referrals - Project | Decriminalizing Entheogenic Plants                                                                              | Refer to the Community Health Commission to consider the possibility of de-prioritizing enforcement of laws relating to entheogenic plants and fungi by persons over 21 years of age. Consider potential health and community benefits and concerns, as well as possible policy variations with regard to possession, use, growing/production, and sales; quantities involved; use while driving; use during pregnancy and other possible "special circumstances considerations."                                                                                                                                                                                                                                                 | 0.00             | Not Started | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 211 | Council and Budget Referrals - Project | Housing for a Diverse, Equitable and Creative Berkeley: Proposing a Framework for Berkeley's Affordable Housing | Refer to the Housing Advisory Commission, the Measure O Bond Oversight Committee, and the Homeless Services Panel of Experts to consider the proposed Housing for a Diverse, Equitable and Creative Berkeley framework (the "Framework") and return comments for consideration at a Special Meeting of the City Council in the early fall, to inform a final version the City Council will adopt to guide Berkeley's affordable housing policies, programs and projects through 2030. The item is further amended to add a "Draft" notation, remove the phrase "rather than for profit-maximizing companies" from Section II, and remove reference to the 50% goal.                                                               | 0.00             | Not Started | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 212 | Council and Budget Referrals - Project | Local Construction Workforce Development Policy                                                                 | Policy Recommendation: That the City Council refer to the Commission on Labor to address the shortage of qualified local construction workers; worker retention, and elevated labor costs through the creation of a construction workforce development policy. This local workforce development policy will encourage housing and nonresidential development applicants to require contractors to utilize apprentices from state-approved, joint labor-management training programs, and to offer employees employer-paid health insurance plans. The policy will help stabilize regional construction markets; and enhance productivity of the construction workforce Berkeley needs to meet its General Plan's build-out goals. | 0.00             | Not Started | Health, Housing & Community Services | Y           | N            | N            | N                     | N                                |                         | N                                  |
| 213 | Council and Budget Referrals - Project | Local Construction Workforce Development Policy                                                                 | Policy Recommendation: That the City Council refer to the Commission on Labor to address the shortage of qualified local construction workers; worker retention, and elevated labor costs through the creation of a construction workforce development policy. This local workforce development policy will encourage housing and nonresidential development applicants to require contractors to utilize apprentices from state-approved, joint labor-management training programs, and to offer employees employer-paid health insurance plans. The policy will help stabilize regional construction markets; and enhance productivity of the construction workforce Berkeley needs to meet its General Plan's build-out goals. | 0.00             | Not Started | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                                                                                                                                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Percent Complete | State       | Lead City Department                 | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 214 | Council and Budget Referrals - Project | Refer on a Short Term Basis to the Planning Commission Close a Loophole for Avoiding the Mitigation Fee through Property Line Manipulation and to Consider Modifying the In Lieu Fee Structure for Owner Occupied Units; Refer to the Housing Advisor Commission to Assess the Rate of a Fixed Per-Unit Fee for Owner-Occupied Developments | 1. Refer to the Planning Commission an amendment to BMC Section 23C.12.020 (Inclusionary Housing Requirements – Applicability of Regulations) and BMC Section 22.20.065 (Affordable Housing Mitigation Fee) to close a loophole allowing prospective project applicants to avoid inclusionary affordable housing requirements for projects by modifying property lines so that no lot is large enough to construct five or more units; the Commission should return to Council with a report by April 30, 2019.<br>2. Refer to the Planning Commission to consider modifying the structure of in-lieu fees for owner-occupied developments to a flat per-unit fee, as with rental developments, or a per square foot fee; the Commission should return to Council with a report.<br>3. Refer to the Housing Advisory Commission to assess the appropriateness of the fee level as suggested in the proposed amendments to BMC 23C.12.<br>4. The Planning Commission is to consider the following language from the item submitted at the meeting: It is possible that the new fee structure will be adopted prior to the Housing Advisory Commission approving the level of the fee. In this instance, those projects that opt to pay the in-lieu fee and are permitted after the new fee structure is adopted but before the new fee level is adopted shall be given the choice of paying the current fee level, or the one that is adopted. | 0.00             | Not Started | Health, Housing & Community Services | Y           | N         | Y       | N                     | N                                | Y                       | Y                                  |
| 215 | Council and Budget Referrals - Project | Refer to the City Manager and the Housing Advisory Commission to Consider Reforming the Affordable Housing Mitigation Fee                                                                                                                                                                                                                   | Refer to the City Manager, the Planning Commission, and the Housing Advisory Commission to consider possible reforms to the Affordable Housing Mitigation Fee, including adopting a per-square-foot fee structure, potentially on a geographic basis.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 0.00             | Not Started | Health, Housing & Community Services | Y           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 216 | Council and Budget Referrals - Project | Refer to the Planning Commission and Housing Advisory Commission to Research and Recommend Policies to Prevent Displacement and Gentrification of Berkeley Residents of Color and African Americans                                                                                                                                         | Refer to the Planning Commission and Housing Advisory Commission to research and recommend policies to prevent displacement and gentrification of Berkeley residents of color. Recommended policies should include real solutions. The Commission should do the following: - Develop a policy to address the erosion of People of Color (POC), including the African American sector of our Berkeley society. - Develop rules and regulations to halt the loss of People of Color including the African American communities. - Develop a "right to return" for Berkeleyans, including the African American communities who have been displaced by these economic and social developments, and those who continue to be employed in our City, even after having to relocate beyond our boundaries. - Solicit expert and lived experience testimonies regarding displacement and gentrification. - Recommend alternatives to prevent displacement and gentrification of our valued Berkeley residents of color and African Americans. Recommendation includes a request for public workshops.                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started | Health, Housing & Community Services | Y           | N         | Y       | Y                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Percent Complete | State            | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 217 | Council and Budget Referrals - Project | Small Sites Loan Program Recommendations                                                                                    | 4. Request that the Council and Housing Advisory Commission receive copies of small sites loan applications along with staff's corresponding analysis and decision.<br>6. Refer further consideration of a long-term small sites program to the City Manager and the Housing Advisory Commission.<br>7. Refer the small sites program to the November budget update and next biannual budget planning cycle in 2019.                                                       | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 218 | Council and Budget Referrals - Project | Referral: Telegraph Crosswalk Art Installations                                                                             | Refer to the Civic Arts Commission to develop and return to Council with a plan to:<br>1. Create a public contest to design new crosswalk art on Telegraph at the intersections of Bancroft, Durant, Channing, Haste, and Dwight Streets.<br>2. Build the winning design on the intersections.                                                                                                                                                                             | 0.00             | Not Started      | Office of Economic Development       | Y           | N            | Y            | N                     | N                                | Data Pending            | Y                                  |
| 219 | Council and Budget Referrals - Project | Replacement Mural for Center for Independent Living (CIL)                                                                   | Request the Arts Commission to consider, with CIL representatives, potential locations and suggestions for a new mural to replace that which was at the CIL Telegraph site.                                                                                                                                                                                                                                                                                                | 0.00             | Not Started      | Office of Economic Development       | Y           | N            | Y            | N                     | N                                | Data Pending            | Y                                  |
| 220 | Council and Budget Referrals - Project | Consider Fire Safety Options for Fire Pit at Codornices Park                                                                | Referral to the Parks & Waterfront Commission to consider safety options regarding the future of the fire pit at Codornices Park. Please consider 1) Complete removal of fire pit or 2) Manufacture of a cover that can be secured and locked.                                                                                                                                                                                                                             | 0.00             | Not Started      | Parks, Recreation & Waterfront       | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 221 | Council and Budget Referrals - Project | Direction to the Children, Youth, and Recreation Commission: Tackle the Summer Learning Loss for Elementary School Children | Direct the Children, Youth, and Recreation Commission to tackle the summer learning loss for low-income elementary children through: 1. Consolidation, Education, & Outreach as outlined in the report; and 2. Assessment & Policy Recommendations as outlined in the report.                                                                                                                                                                                              | 0.00             | Not Started      | Parks, Recreation & Waterfront       | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 222 | Council and Budget Referrals - Project | Pollinators and Habitat (Commission Referral)                                                                               | Adopt three referrals that will deepen Berkeley's commitment to protecting pollinator plants and establishing habitats that will protect pollinators and our environment:<br>2. Refer to Public Works Commission and Parks and Waterfront Commission consideration of how to incorporate pollinators and habitat into the Adopt-A-Spot initiative referred on April 2, 2019. (COMMISSION REFERRAL)<br>Parts 1 and 3 referred to City Manager                               | 0.00             | Not Started      | Parks, Recreation & Waterfront       | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 223 | Council and Budget Referrals - Project | Potential Recreational Opportunities at Willard Park and Pool                                                               | Refer the issue of recreational opportunities in the vicinity of Willard Park to the City Manager, Parks and Waterfront Commission and the 2X2 Committee of the City Council and the Board of Education to determine the best course of action for increased recreational equity in South Berkeley, including but not limited to the re-opening of Willard Pool. Authorize staff to develop cost estimates for a minimal level of repairs to get Willard Pool operational. | 0.00             | Work in Progress | Parks, Recreation & Waterfront       | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                                                                                                                                                                          | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Percent Complete | State            | Lead City Department           | Commission?                                                              | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 224 | Council and Budget Referrals - Project | Referral to the City Manager and Parks and Waterfront Commission to Create a Policy to Establish a Commemorative Tree Program                                                                                                                                                                                                 | Refer to the City Manager and the Parks and Waterfront Commission the creation of a policy establishing a Commemorative Tree Program, similar to the City's Park Bench Donation Policy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Not Started      | Parks, Recreation & Waterfront | Y                                                                        | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 225 | Council and Budget Referrals - Project | Referral to the Parks and Waterfront Commission: Greg Brown Park                                                                                                                                                                                                                                                              | Recommend that the Parks and Waterfront Commission consider initiating a community process regarding the reopening of Greg Brown Park. Conduct a public hearing and invite relevant stakeholders – including neighbors, representatives from the Berkeley Police and the Parks, Recreation, and Waterfront Department. Include an assessment of any funding requirements and/or public safety concerns. Prepare a report for submission to Council summarizing feedback from the public hearing and the commission's recommendations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | Parks, Recreation & Waterfront |                                                                          | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 226 | Council and Budget Referrals - Project | Ban on Receipts Made with BPA and Other Phenols                                                                                                                                                                                                                                                                               | Refer to the Health Commission and the Community Environmental Advisory Commission to consider an Ordinance to ban the manufacture, distribution, sale, or use of receipt paper that contains BPA or other phenols, and request that the commissions conduct at least one public hearing that includes invitations to local business associations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started      | Planning                       | Y                                                                        | N            | N            | N                     | N                                | Y                       | N                                  |
| 227 | Council and Budget Referrals - Project | COUNCIL DIRECTION ON COMMUNITY BENEFITS NEEDS FOLLOW UP WORK AND REPORT TO COUNCIL   City Manager and Planning Commission Referral: Facilitate Primarily Student Housing by a Twenty Feet Height Increase and Adjust Floor Area Ratio in the R-SMU, R-S and R-3 Areas Only From Dwight to Bancroft and From College to Fulton | Refer to the City Manager and Planning Commission to facilitate primarily Student Housing by amending the Zoning Ordinance to add a twenty feet height increase and adjust Floor Area Ratio in the R-SMU, R-S and R-3 areas only from Dwight to Bancroft and from College to Fulton.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 50.00            | Work in Progress | Planning                       | Involves Planning Commission                                             | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 228 | Council and Budget Referrals - Project | Housing Accountability Act                                                                                                                                                                                                                                                                                                    | Refer to the City Manager, Planning Commission, Zoning Adjustments Board, and Design Review Committee to consider the following actions, and others they may find appropriate, to address the potential impacts of the Housing Accountability Act and to preserve local land use discretion: 1. Amend the General Plan and Zoning Ordinance to adopt numerical density and/or building intensity standards that can be applied on a parcel-by-parcel basis in an easy and predictable manner. These would constitute reliable and understandable "objective general plan and zoning standards" that would establish known maximum densities. This could be done across the board or for specified districts. 2. Devise and adopt "objective, identified written public health or safety standards" applicable to new housing development projects. 3. Adopt "design review standards that are part of 'applicable, objective general plan and zoning standards and criteria". 4. Quantify and set objective zoning standards and criteria under the first sentence of Government Code Section 65589.5(j) for views, shadows, and other impacts that often underlie detriment findings. | 25.00            | Work in Progress | Planning                       | Involves Joint Subcommittee for the Implementation of State Housing Laws | N            | Y            | Y                     | Y                                | N                       | N                                  |



**Disposition of  
Referrals, Projects, and Audits**

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| 229 | Council and Budget Referrals - Project | Referral to Planning Commission to Amend Zoning Ordinance (non-commercial ground floor)                           | Refer to the Planning Commission an amendment to the Zoning Ordinance to create a use permit process to allow non-commercial use on the ground floor where commercial might otherwise be required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 25.00            | Work in Progress | Planning             | Y           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 230 | Council and Budget Referrals - Project | Referral to the Community Environmental Advisory Commission and the City Manager: Anti-Idling Ordinance           | Refer to the Community Environmental Advisory Commission and the City Manager to explore developing an anti-idling ordinance. The ordinance should limit vehicle engine idling when a vehicle is parked, stopped, or standing, including for the purpose of operating air conditioning equipment; and prohibit all unattended private passenger motor vehicles from idling. The ordinance should outline enforcement and citation procedures. The Commission and the City Manager should develop appropriate exceptions for commercial vehicles. Any funds received through enforcement of the ordinance should accrue to the General Fund to provide additional funding for sustainability efforts. The Community Environmental Advisory Commission and the City Manager should review the District of Columbia's anti-idling regulations (attached to report) to aide in the development of the ordinance. | 0.00             | Not Started      | Planning             | Y           | N            | N            | N                     | N                                | Y                       | N                                  |
| 231 | Council and Budget Referrals - Project | Referral to the Community Environmental Advisory Commission and the City Manager: Anti-Idling Ordinance           | Refer to the Community Environmental Advisory Commission and the City Manager to explore developing an anti-idling ordinance. The ordinance should limit vehicle engine idling when a vehicle is parked, stopped, or standing, including for the purpose of operating air conditioning equipment; and prohibit all unattended private passenger motor vehicles from idling. The ordinance should outline enforcement and citation procedures. The Commission and the City Manager should develop appropriate exceptions for commercial vehicles. Any funds received through enforcement of the ordinance should accrue to the General Fund to provide additional funding for sustainability efforts. The Community Environmental Advisory Commission and the City Manager should review the District of Columbia's anti-idling regulations (attached to report) to aide in the development of the ordinance. | 50.00            | Work in Progress | Planning             | Y           | N            | N            | N                     | N                                | Y                       | N                                  |
| 232 | Council and Budget Referrals - Project | Referral: Update the definition of "Research and Development"                                                     | Refer to the Planning Commission to update the definition of "Research and Development."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started      | Planning             | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 233 | Council and Budget Referrals - Project | Removing Plastic Microfibers From The Water Supply: A Referral to the Community Environmental Advisory Commission | Refer to the Community Environmental Advisory Commission to assess the City's capacity to participate in an outreach program informing residents of the harmful nature of microfibers. Revised to add that the Council will send a letter to EBMUD requesting a report on EBMUD's water sourcing measures in drought years; and that the letter will be submitted to Council as an information item.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 0.00             | Not Started      | Planning             | N           | N            | N            | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                    | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Percent Complete | State       | Lead City Department     | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 234 | Council and Budget Referrals - Project | Refer the Police Review Commission to create training requirements for Police Review Commissioners                                                      | Request that the Police Review Commission establishes mandatory training requirements for Police Review Commissioners, with input from the Police Review Commission Officer and Chief of Police. Recommendation amended to request that the commission consult with the City Manager regarding the training.                                                                                                                                                                                                                                                                                | 0.00             | Not Started | Police Review Commission | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 235 | Council and Budget Referrals - Project | Refer the Police Review Commission to extend time period to impose discipline on Berkeley Police officers pursuant to Police Review Commission findings | Recommend that the Council refer to the Police Review Commission to extend the time limit for Police Review Commission investigations and notification of discipline from the current limit to one calendar year.                                                                                                                                                                                                                                                                                                                                                                           | 0.00             | Not Started | Police Review Commission | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 236 | Council and Budget Referrals - Project | City Manager Referral: Improving the City's Elevator Ordinance                                                                                          | Referral to the City Manager and Commission on Disability to improve the City's Elevator Ordinance by addressing the concerns of the disabled community.                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.00             | Not Started | Public Works             | Y           | N            | N            | N                     | N                                | Y                       | N                                  |
| 237 | Council and Budget Referrals - Project | Oversized Vehicle Restrictions on Bicycle Boulevards                                                                                                    | Refer to the Transportation Commission a draft ordinance amending Berkeley Municipal Code Chapter (BMC) 14.56.050 to prohibit commercial trucks exceeding five tons gross vehicle weight from utilizing streets comprising the bicycle boulevards network. Request that the commission work with business associations, the size limitations, the streets subject to the restrictions, and the clarifications added by Councilmember Wengraf related to emergency vehicles.                                                                                                                 | 0.00             | Not Started | Public Works             | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 238 | Council and Budget Referrals - Project | Pavement of Derby Street and Ward Street between Telegraph Ave and Shattuck Ave                                                                         | That the Council refers consideration of the paving of Derby St. and Ward St. between Shattuck Ave and Telegraph Ave to the Public Works Commission in order to repair these deteriorating streets that serve as a part of a major commuter corridor which both individual drivers and buses use in their daily commute.                                                                                                                                                                                                                                                                    | 0.00             | Not Started | Public Works             | Y           | N            | N            | N                     | N                                | N                       | Y                                  |
| 239 | Council and Budget Referrals - Project | Protected Pedestrian Walkways                                                                                                                           | Refer to the City Manager and request that the Transportation Commission review and craft potential policy solutions—including but not limited to open or covered protected walkways—to improve pedestrian accessibility immediately surrounding construction or sidewalk upgrades.                                                                                                                                                                                                                                                                                                         | 0.00             | Not Started | Public Works             | Y           | N            | N            | N                     | N                                |                         |                                    |
| 240 | Council and Budget Referrals - Project | Reassessing Traffic Calming Policy                                                                                                                      | Refer to the Transportation Commission to re-evaluate the City's qualifying criteria and ranking and prioritization process for traffic calming, by considering the following possibilities, among other changes that would promote safe residential streets and maximize the public health benefit of the traffic calming program: -Lowering the speed limit criteria to read "where the 85th percentile speed profile is greater than the speed limit" instead of "greater than 5 mph over the speed limit." -Taking alignment with the City's bicycle and pedestrian plans into account. | 0.00             | Not Started | Public Works             | Y           | N            | N            | N                     | N                                |                         |                                    |
| 241 | Council and Budget Referrals - Project | Refer the Transportation Commission to consider incentives for the public to use sustainable modes of transportation similar to Bologna, Italy          | Refer to the Transportation Commission to create incentives for members of the public to cycle, walk and take public transport as opposed to driving.                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Not Started | Public Works             | Y           | N            | N            | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                                   | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Percent Complete | State            | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 242 | Council and Budget Referrals - Project | Refer to the City Manager, Disability Commission, and Planning Commission to Develop an Ordinance Requiring New Residential Buildings to Provide Auto-door Openers and Roll-in Showers | Refer to the City Manager, Disability Commission, and Planning Commission to require new residential buildings in Berkeley to include essential wheelchair-accessible modifications such as auto door openers and roll-in showers.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Work in Progress | Public Works         | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 243 | Council and Budget Referrals - Project | Refer to the Commission on Disability to examine the impacts that the parking citation system may have on persons with low income and disabilities                                     | Refer to the Commission on Disability to examine the impacts that the parking citation system may have on people with low income and disabilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Not Started      | Public Works         | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 244 | Council and Budget Referrals - Project | Refer to the Commission on Disability to examine the impacts that the parking citation system may have on persons with low income and disabilities                                     | Refer to the Commission on Disability to examine the impacts that the parking citation system may have on people with low income and disabilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Not Started      | Public Works         | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 245 | Council and Budget Referrals - Project | Referral: Measures to Address Traffic Enforcement and Bicycle Safety                                                                                                                   | 1. Refer to the Transportation Commission to consider a Resolution deprioritizing enforcement against the Idaho Stop convention for persons operating a bicycle, in an empty intersection after the operator has yielded to any other road users with the right of way, by limiting the use of any City funds or resources in assisting in the enforcement or issuance of citations for bicyclist violations of California Vehicle Code Section 22450(a), and to develop a process for evaluating the before and after effects on safety.                                                                                                                                                                                                                                                                                                                                                         | 0.00             | Not Started      | Public Works         | Y           | N            | N            | N                     | N                                | Y                       | N                                  |
| 246 | Council and Budget Referrals - Project | Referral: Street Lighting Near Campus                                                                                                                                                  | Refer to the Public Works Commission to include the following in the Street Lighting Subcommittee Work Plan, for the purposes of seeking input from key stakeholders and bringing together work that happens through parallel processes. The Subcommittee should: 1. Invite input from representatives from the UC Berkeley administration, UC Berkeley undergraduate and graduate students, UCPD and BPD, the Department of Public Works, and other relevant groups. 2. Develop a streamlined and accessible process for requesting street lights that includes neighborhood and campus input, while recognizing the overriding public safety concern posed by substandard lighting. 3. Develop a plan for expeditiously installing new streetlights near campus that prioritizes high-crime areas, high-injury pedestrian corridors, and student-priority areas as determined by student input. | 0.00             | Work in Progress | Public Works         | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 247 | Council and Budget Referrals - Project | Report on Public Realm Pedestrianization Opportunities                                                                                                                                 | Refer to the Transportation Commission to generate a report on potential public realm pedestrianization opportunities in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Not Started      | Public Works         | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 248 | Council and Budget Referrals - Project | Restricting the Number of Vehicles Being Parked on Our Streets                                                                                                                         | Refer to the Transportation Commission to establish an ordinance that would prevent the parking of many multiples of vehicles on any given Berkeley street, or contiguous streets, by an individual owner.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 0.00             | Not Started      | Public Works         | Y           | N            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                                              | Name                                                                                                                                                         | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Percent Complete | State              | Lead City Department  | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 249 | Council and Budget Referrals - Project / Strategic Plan - Project | Street Sweeping Improvement Plan                                                                                                                             | Refer to the City Manager, Public Works commission, and Zero Waste commission to develop a new strategy to ensure that street sweeping is not obstructed by waste/recycling pick-up. In addition to being unsightly, without proper street sweeping, trash and debris are more likely to go into the stormwater drains. Specifically 1. Staff should provide a map of streets in which sweeping days and waste/recycling pickup coincide to better understand where and when this problem occurs; and 2. Staff and Commissions should return to Council with a proposed solution including, but not limited to, rescheduling street sweeping and waste/recycling pickups to ensure that both services do not occur on the same day. | 0.00             | Not Started        | Public Works          | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 250 | Open Audit Recommendation                                         | City at Crossroads as Long-Standing Need for Structured Approach to Line of Business Experts Function Intersects with ERP Implementation- Recommendation 1.1 | Clearly define the purpose, responsibilities, minimum qualifications, and training requirements for the line of business experts function.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Data Pending     | Partly Implemented | City Manager's Office | N           | Y            | N            | N                     | N                                | Data Pending            | Data Pending                       |
| 251 | Open Audit Recommendation                                         | City at Crossroads as Long-Standing Need for Structured Approach to Line of Business Experts Function Intersects with ERP Implementation- Recommendation 1.2 | Work with Information Technology to establish written policies and procedures for the line of business experts function at the appropriate organizational level based on the guiding principles established in Recommendation 1.1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Data Pending     | Partly Implemented | City Manager's Office | N           | Y            | N            | N                     | N                                | Data Pending            | Data Pending                       |
| 252 | Open Audit Recommendation                                         | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16) - Recommendation 6.6                                                                    | Use the information learned from surveying project managers and administrative staff (Recommendation 6.5) to identify critical business needs for the purchase of a comprehensive grants management system. Provide this information to the Department of Information Technology to use as part of Enterprise Resource Planning.                                                                                                                                                                                                                                                                                                                                                                                                    | 0.00             | Not Started        | City Manager's Office | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 253 | Open Audit Recommendation                                         | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 1.1                                                                     | Issue an internal policy assigning the division responsible for overall grants accounting (e.g., billing and monitoring receivables) and reporting. Make it clear to project managers that they are responsible for providing information on the grants they manage to the appointed division to assist with grants accounting.                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started        | City Manager's Office | N           | N            | N            | N                     | N                                | Data Pending            | N                                  |
| 254 | Open Audit Recommendation                                         | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 1.2                                                                     | Create a work team of Public Works staff who administer and manage grants. Team members should include the position responsible for overall grants accounting and reporting, and staff from the divisions that manage grants (e.g., Engineering and Transportation). The team should work collectively to evaluate their respective functions and their interrelated roles and responsibilities for grants management, billing, and accounting; and work towards developing an effective workflow that provides for accurate and timely grants accounting and reporting.                                                                                                                                                            | 0.00             | Not Started        | City Manager's Office | N           | N            | N            | N                     | N                                | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Percent Complete | State       | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|---------------------------|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------|-----------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 255 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 1.3 | <p>Require the grants team to work collectively to develop a written procedures manual that clearly explains roles, responsibilities, and workflows. The manual should:</p> <ul style="list-style-type: none"> <li>▪ provide guidance on the overall grant application, approval, and monitoring process within the department</li> <li>▪ refer to other applicable policies and procedures such as City Administrative Regulation 1.17 and Contracts Online</li> <li>▪ describe the specific tasks performed within divisions and/or by job classification</li> <li>▪ identify the forms and data sheets that staff are to use for recording, tracking, and monitoring grants (also see Recommendations 5.1 and 6.2)</li> <li>▪ describe coordinating efforts needed between divisions and with the grant coordinator in Finance</li> <li>▪ identify timelines and requirements for reporting, performing reconciliations, and providing information to the Finance grant coordinator (also see Recommendation 2.2)</li> <li>▪ provide enough detail to more easily train new hires or staff with new responsibilities</li> </ul> <p>As with all procedures, the work team should consider the manual a living document that they review and update regularly to reflect changes in practices, procedures, and assignments.</p> | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 256 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 1.4 | <p>Require the grants work team to have regular meetings to share information and discuss workflows between their divisions. These meetings may need to be more frequent at first, e.g., quarterly, and less frequent over time, e.g., annually. The team should invite the Finance grant coordinator to their meetings to ensure the coordinator is receiving the necessary information for recording grants to the central repository and issuing grants receivables reports.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 257 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 2.1 | <p>Provide the Finance grant coordinator with a list of personnel who are responsible for grants management, accounting, and reporting so that they can be notified when the grant coordinator posts the grants reports to the City's shared drive.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 258 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 2.2 | <p>Require the division responsible for grants accounting and reporting to use Finance's grant reports to:</p> <ul style="list-style-type: none"> <li>▪ reconcile Public Works' grant financial records with FUND\$ to ensure that the department is recording expenditures and payments to the correct accounts</li> <li>▪ work with Finance to make any necessary corrections to FUND\$ financial data when they identify discrepancies and errors</li> <li>▪ track grants receivables and follow up with grantors on outstanding receivables</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Percent Complete | State       | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|---------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------|-----------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 259 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 3.1 | Take ownership of City Administrative Regulation 1.16 and:<br><ul style="list-style-type: none"> <li>▪ review and update the regulation so that it is consistent with City practices and procedures, and cross reference the regulation to other guidance and policies, e.g., Contracts Online and City Administrative Regulation 1.17</li> <li>▪ reissue the updated guidance to all City staff with emphasis on ensuring that project managers and those responsible for identifying and applying for grant funding are notified of the update</li> </ul> | Data Pending     | Started     | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 260 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 4.1 | Request that all department directors notify their grant management and accounting staff of City Administrative Regulation 1.17, and their expectations that staff adhere to the guidance.                                                                                                                                                                                                                                                                                                                                                                  | Data Pending     | Started     | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 261 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 5.1 | Require those responsible for grant accounting use the summary of charges sheet and work with project managers and the Finance grant coordinator to obtain the data they need to populate the sheet (also see Recommendations 1.3 and 1.4).                                                                                                                                                                                                                                                                                                                 | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 262 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 6.1 | Require that all department directors ensure that their staff with grants management and fiscal responsibilities receive the following training:<br><ul style="list-style-type: none"> <li>▪ City Administrative Regulation 1.17: Pre-Award Authorization and Post-Award Grant Requirements</li> <li>▪ Contracts Online, in particular, the revenue contract requirements</li> </ul>                                                                                                                                                                        | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 263 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 6.2 | Require all departments that receive financial assistance from a third-party to ensure that their written procedures clarify that all such awards are consider grants and must be packaged in accordance with Contracts Online, and to follow City Administrative Regulation 1.17 to ensure that the grant coordinator receives the grant accounting data sheet (also see Recommendation 1.3).                                                                                                                                                              | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | Data Pending                       |
| 264 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 6.3 | Notify department directors when the grant coordinator finds that project managers and administrative staff are not providing grant information in accordance with City policy. Request that the department directors refer their staff to City Administrative Regulation 1.17, Contracts Online, and departmental procedures for guidance on ensuring they adhere to required grant policies and procedures.                                                                                                                                               | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | Data Pending                       |
| 265 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 6.5 | Survey project managers and administrative staff who are responsible for grants management, reporting, and accounting to identify ways to improve the current grant database and reporting so that data are current and accurate, and reports are more user-friendly.                                                                                                                                                                                                                                                                                       | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                             | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Percent Complete | State              | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 266 | Open Audit Recommendation | Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight-Recommendation 1.3 | Conduct a staffing analysis to determine the appropriate staffing level needed for the Code Enforcement Unit to effectively enforce City codes. In conducting the analysis, include an assessment of the workload impact created by the codes for which the CEU is solely responsible as well as those created by the codes for which CEU shares responsibility with other enforcement units.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 0.00             | Not Started        | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 267 | Open Audit Recommendation | Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight-Recommendation 1.4 | Use the staffing analysis performed in response to Recommendation 1.3 to:<br><ul style="list-style-type: none"> <li>• Quantify the full burden cost of additional staff</li> <li>• Determine if sufficient budgetary funding is available for additional staff</li> <li>• Request additional staffing from Council during the annual appropriations process</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.00             | Not Started        | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 268 | Open Audit Recommendation | Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight-Recommendation 1.7 | Implement code enforcement software that:<br><ul style="list-style-type: none"> <li>• Identifies case assignment to CEU officers and other work units</li> <li>• Prioritizes cases, in particular high-risk cases posing health and safety risks</li> <li>• Captures pertinent case dates, e.g., opened, notice of violation, citation issuance, and closed</li> <li>• Tracks enforcement actions taken within the CEU and other work units</li> <li>• Quantifies citations issued and collected</li> <li>• Allows for readily identifying repeat offenders</li> <li>• Includes performance measurement tools, e.g., turnaround times within defined specifications (see Recommendation 2.2)</li> <li>• Allows for uploading information from mobile technologies (see Recommendation 1.8)</li> <li>• Includes reporting tool to showcase workload trends and capacity restrictions (i.e., backlogs)</li> </ul> | Data Pending     | Partly Implemented | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 269 | Open Audit Recommendation | Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight-Recommendation 2.2 | Implement performance metrics and goals to:<br><ul style="list-style-type: none"> <li>• Assess the effectiveness of code enforcement operations and goal achievement</li> <li>• Identify constraints preventing goal attainability.</li> <li>• Submit regular reports, e.g., biannually, to City management on performance.</li> </ul> <p>Include a metric to provide at least some proactive code enforcement activities. Develop this metric after implementing the process and system improvement recommendations made in this report.</p>                                                                                                                                                                                                                                                                                                                                                                   | Data Pending     | Partly Implemented | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Percent Complete | State              | Lead City Department                  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 270 | Open Audit Recommendation | Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight- Recommendation 5 | If budgetary constraints prevent additional staffing or if Council does not approve the budget needed to fund additional staffing, report to Council the restrictions placed on the Code Enforcement Unit's ability to effectively enforce City codes. Include information explaining the hindrance this will cause for any new ordinances the City Council may want to pass in the future. Provide this information regularly, for example, annually as part of the budget process, to keep Council informed of the CEU's capacity restrictions. See also Recommendation 1.7.                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Data Pending     | Partly Implemented | City Manager's Office                 | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 271 | Open Audit Recommendation | Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight- Recommendation 8 | Implement mobile computers and printers to allow Code Enforcement Officers to complete more work in the field, thus improving their time spent in the community and reducing time in the office. Mobile computers should have the capacity to interface with the code enforcement case management software implemented in response to Recommendation 1.7.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Data Pending     | Partly Implemented | City Manager's Office                 | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 272 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight- Recommendation 1.1                                              | The City Manager should formalize and approve the division of responsibilities between the Public Works department and other departments regarding lease management.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started        | City Manager's Office                 | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 273 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight- Recommendation 1.2                                              | The Public Works department should determine and formally define the role of the real property administration staff given available resources.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 0.00             | Not Started        | City Manager's Office                 | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 274 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight- Recommendation 1.5                                              | Formally communicate the plan with all affected City departments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started        | City Manager's Office                 | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 275 | Open Audit Recommendation | Most Contracts Executed Timely but Contract Project Managers Could Use Better Tools and Guidance- Recommendation 5              | Require departments to document their specific procedures for contract preparation, oversight, and management. Procedures should include: <ul style="list-style-type: none"> <li>• planning for department specific actions, e.g., obtaining management's approval</li> <li>• tracking contract status and funding needs</li> <li>• attending City training courses when offered, e.g., contract preparation and FUND\$ 101</li> <li>• describing shared contract management responsibilities between project managers and support staff</li> <li>• requiring projects managers to coordinate with and respond to support staff's needs for contract administration</li> <li>• requesting contract extensions</li> <li>• aligning contract needs with department work plans</li> <li>• using Finance's contract process timelines and On Demand report of expiring contracts for contract planning (also see recommendations 1.1 and 1.2)</li> <li>• minimum level of documentation needed to effectively manage contracts</li> </ul> | Data Pending     | Started            | City Manager's Office                 | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 276 | Open Audit Recommendation | Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better - Recommendation 4                     | Develop a system for tracking, analyzing, and reporting on suspected misconduct, including written guidance and forms (or similar) to assist employees in making reports.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Data Pending     | Started            | City Manager's Office/Human Resources | N           | Y         | Y       | N                     | N                                | Data Pending            | Data Pending                       |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                         | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Percent Complete | State              | Lead City Department                  | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in -2 years? | Have adequate staff resources for? |
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| 277 | Open Audit Recommendation | Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better- Recommendation 1.2 | Promote ethical standards to employees and the public by:<br><br>1) Including the City's ethics statement in the new employee packet and discussing the City's commitment to ethical standards in new employee orientation<br><br>2) Providing all employees with training covering the City's ethics related policies and incorporating key aspects of the Fair Political Practices Commission ethics training<br><br>3) Providing a variety of ways to access ethics information and resources for employees, including those with no regular computer access at work, such as:<br>• Posters and wallet cards<br>• Centralized, intranet based ethics resource center<br>• Periodic inclusion of ethics statement in Berkeley Matters<br><br>4) Emphasizing the City's commitment to workplace ethics during formal meetings, informal staff discussions, and regular communications with outside parties<br><br>5) Making the code of ethics available to the public, such as including the ethics code and related material in a centralized location on the City's public internet | Data Pending     | Partly Implemented | City Manager's Office/Human Resources | N           | Y            | N            | N                     | N                                | Y                       | Data Pending                       |
| 278 | Open Audit Recommendation | Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better- Recommendation 1.3 | Provide supervisors and midlevel management with written guidance and training on how to:<br><br>• Initiate and encourage discussions of ethical issues to help dispel misconceptions and alert management to actual problems<br><br>• Report concerns or complaints to management or an external resource, and conduct investigations of ethics related complaints according to the City's procedures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Data Pending     | Partly Implemented | City Manager's Office/Human Resources | N           | Y            | N            | N                     | N                                | Data Pending            | Data Pending                       |
| 279 | Open Audit Recommendation | Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better- Recommendation 1.5 | Provide employees and the City Council with summary reports about investigation and resolution of employee ethics complaints, such as the reports already provided about EEO complaints, taking care to protect confidential and identifying information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 0.00             | Not Started        | City Manager's Office/Human Resources | N           | N            | N            | N                     | N                                | Data Pending            | Data Pending                       |
| 280 | Open Audit Recommendation | Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better- Recommendation 1.6 | Monitor and regularly evaluate the effectiveness of the ethics program and make improvements based on results.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Data Pending     | Partly Implemented | City Manager's Office/Human Resources | N           | Y            | N            | N                     | N                                | Y                       | Data Pending                       |
| 281 | Open Audit Recommendation | Credit Card Use: Clearer Guidance Needed- Recommendation 3                                                   | Align City policies and procedures reflecting purchasing requirements and restrictions: purchasing; travel and attendance; petty cash; credit card use; food purchases; and any others that, if not updated, would create disconnect regarding the City's expectations and create confusion for City staff expected to adhere to City policy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Data Pending     | Started            | Finance                               | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                           | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Percent Complete | State            | Lead City Department      | Commission? | Underway? | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 282 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance-Recommendation 1.1                  | Analyze the short- and long-term impact of putting forth a change to the Berkeley Municipal Code to reduce the types or frequency of fire prevention inspections.                                                                                                                                                                                                                                                                                                                                                        | 60.00            | Work in Progress | Fire & Emergency Services | N           | Y         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 283 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance-Recommendation 1.2                  | Perform a workload analysis to quantify the staff needed now and in the future to comply with the local fire prevention inspection requirements.                                                                                                                                                                                                                                                                                                                                                                         | 60.00            | Work in Progress | Fire & Emergency Services | N           | N         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 284 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance-Recommendation 2.1                  | Develop a process, in consultation with the Information Technology Department, for sharing information on property changes and additions between Fire and other City database platforms.                                                                                                                                                                                                                                                                                                                                 | Data Pending     | Started          | Fire & Emergency Services | N           | Y         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 285 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance-Recommendation 2.2                  | Work with both the database's software vendor and the Information Technology Department to strengthen controls over the database, including:<br><br>· Assessing the needs for required fields for processing an inspection, such as unit, shift, inspector name, address, violation details, and violation location.<br><br>· Formatting drop-down menus for inspection status, inspection type, and violation status. Formatting the options available for the violation code numbers and violation description fields. | 0.00             | Not Started      | Fire & Emergency Services | N           | N         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 286 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance-Recommendation 3.1                  | Coordinate work plans with Suppression for all mandated fire prevention inspections. These should take into consideration the volume and nature of the other work Suppression performs.                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | Fire & Emergency Services | N           | N         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 287 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance-Recommendation 3.2                  | Create a risk-assessment plan to identify those properties that are most at risk of a fire.                                                                                                                                                                                                                                                                                                                                                                                                                              | 60.00            | Started          | Fire & Emergency Services | N           | Y         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 288 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance-Recommendation 3.5                  | Revise the fire prevention inspection training to provide hands-on training, using experienced Suppression staff, on how to conduct inspections and interact with residents and community members during inspections.                                                                                                                                                                                                                                                                                                    | 25.00            | On Hold          | Fire & Emergency Services | N           | Y         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 289 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance-Recommendation 3.6                  | Develop and distribute educational information to property owners prior to the beginning of the inspection cycle to provide information on the fire prevention inspection program, common violations, and any upcoming inspections for that area of the City.                                                                                                                                                                                                                                                            | 0.00             | Not Started      | Fire & Emergency Services | N           | N         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 290 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance-Recommendation 3.7                  | Create a process for issuing, tracking, and following up on administrative citations for properties with repeat or high-risk violations, including revenue collections and tracking. That process should collaborate with other City work units that perform enforcement activities to provide consistency.                                                                                                                                                                                                              | 0.00             | Not Started      | Fire & Emergency Services | N           | N         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 291 | Open Audit Recommendation | Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees-Recommendation 1.1 | Define and include sexual assault, stalking, and witnesses' rights.                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0.00             | Not Started      | Human Resources           | N           | Y         | Y            | N                     | N                                | Y                       | Y                                  |
| 292 | Open Audit Recommendation | Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees-Recommendation 1.3 | Revise the policy title to reflect the comprehensive scope of the policy.                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Not Started      | Human Resources           | N           | Y         | Y            | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                                                       | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Percent Complete | State              | Lead City Department   | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------|------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 293 | Open Audit Recommendation | Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 1.4                                            | Clarify that requirements for employees to document their use of leave or request for accommodations are at the discretion of Human Resources and may include self-certification when appropriate. We also recommend that Human Resources clarify that employees are encouraged to come to Human Resources for assistance even if they do not initially have the documentation that may be requested.                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started        | Human Resources        | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 294 | Open Audit Recommendation | Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 13.1                                           | Implement best practices, including:<br>- Training supervisors and Human Resources staff about their role in responding to employees experiencing domestic violence and providing information for employees about the domestic violence response policy;<br>- Conducting periodic outreach to employees to inform them about the policy, encourage them to come forward, and provide general information about domestic violence;<br>- Facilitating collaboration among city staff who have a role in implementing the policy, and convening a domestic violence response team to advise on policies, ongoing outreach and education, and Human Resources' implementation of recommendations from this audit; and<br>- Adopting a trauma-informed and inclusive approach. | 0.00             | Not Started        | Human Resources        | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 295 | Open Audit Recommendation | Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 2                                              | State that when assessing safety accommodations, Human Resources takes into consideration danger to the employee and undue burden to the employer.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 0.00             | Not Started        | Human Resources        | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 296 | Open Audit Recommendation | Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 2.1                                            | Incorporate the model policy and all best practice elements described in this finding, and communicate this guidance to city staff.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Not Started        | Human Resources        | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 297 | Open Audit Recommendation | City at Crossroads as Long-Standing Need for Structured Approach to Line of Business Experts Function Intersects with ERP Implementation- Recommendation 5 | Work with Human Resources to revise the job classification used for the portfolio coordinator position. Minimum qualification factors might include, but are not limited to:<br>- IT Governance/Portfolio Management experience;<br>- Project Management Professional certification;<br>- Project coordination experience; and<br>- Excellent verbal and written communication skills.                                                                                                                                                                                                                                                                                                                                                                                    | Data Pending     | On Hold            | Information Technology | N           | Y         | N/A     | N                     | N                                | N                       | N                                  |
| 298 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal- Recommendation 8       | Create a method for community members to track the status of their cases online, which will reduce the call volume to the 311 Call Center.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Not Started        | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 299 | Open Audit Recommendation | 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale - Recommendation 2                                                               | Use the staffing analysis performed in response to recommendation 1.1, to determine future resource needs of the Communications Center, including staffing, equipment, and physical space. Take into account planned changes to services and factors that may influence call volume.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Data Pending     | Partly Implemented | Police                 | N           | Y         | N       | Y                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                                                    | Description                                                                                                                                                                                                                                                                                                                                                                           | Percent Complete | State              | Lead City Department | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------|----------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 300 | Open Audit Recommendation | 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale - Recommendation 6                                                            | Implement an automated scheduling software that has built in decision-making capabilities to automatically fill shifts based on specified qualifications and staff availability.                                                                                                                                                                                                      | 25.00            | Partly Implemented | Police               | N           | Y         | N       | N                     | N                                | Y                       | N                                  |
| 301 | Open Audit Recommendation | 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale - Recommendation 7                                                            | Decrease the concentration of overtime among dispatchers.                                                                                                                                                                                                                                                                                                                             | 75.00            | Partly Implemented | Police               | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 302 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight - Recommendation 1.3                                                                     | Develop and finalize a property management plan that documents the specific responsibilities of Public Works and of other departments for lease management.                                                                                                                                                                                                                           | 0.00             | Not Started        | Public Works         | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 303 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight - Recommendation 1.4                                                                     | The property management plan should be coordinated with affected City departments, including the Contract Administrator in Finance/Purchasing, before finalizing.                                                                                                                                                                                                                     | 0.00             | Not Started        | Public Works         | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 304 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight - Recommendation 2.1                                                                     | Administrative Regulation 6.6 and Contracts Online should be updated to give clear direction to City staff regarding administration and execution of lease agreements.                                                                                                                                                                                                                | 0.00             | Not Started        | Public Works         | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 305 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight - Recommendation 3.3                                                                     | Public Works should update the City's real property administration policies and procedures to align with management's expectations.                                                                                                                                                                                                                                                   | 0.00             | Not Started        | Public Works         | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 306 | Open Audit Recommendation | Rocky Road: Berkeley Streets at Risk and Significantly Underfunded - Recommendation 1                                                                   | Update the Street Rehabilitation and Repair Policy annually and define who is responsible for ensuring the Policy is updated, as stated in the Policy.                                                                                                                                                                                                                                | 50.00            | Work in Progress   | Public Works         | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 307 | Open Audit Recommendation | Rocky Road: Berkeley Streets at Risk and Significantly Underfunded - Recommendation 1.1                                                                 | Annually, conduct a budget analysis, based on the deferred maintenance needs at that point in time, to determine what level of funding is necessary to achieve the desired goals of the Street Rehabilitation Program. Report findings to City Council. This information will be helpful during updates to the Five-Year Street Rehabilitation Plan and during the budgeting process. | 50.00            | Work in Progress   | Public Works         | Y           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 308 | Open Audit Recommendation | Rocky Road: Berkeley Streets at Risk and Significantly Underfunded - Recommendation 1.2                                                                 | Identify funding sources to achieve and maintain the goals of the Street Rehabilitation Program.                                                                                                                                                                                                                                                                                      | 0.00             | Work in Progress   | Public Works         | N           | Y         | N       | N                     | N                                | N                       | N                                  |
| 309 | Open Audit Recommendation | Rocky Road: Berkeley Streets at Risk and Significantly Underfunded - Recommendation 2.2                                                                 | When updating the Street Rehabilitation and Repair Policy, incorporate equity to align with Vision 2050 and clearly define how it will be applied to the street maintenance and rehabilitation planning process.                                                                                                                                                                      | 50.00            | Work in Progress   | Public Works         | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 310 | Open Audit Recommendation | Rocky Road: Berkeley Streets at Risk and Significantly Underfunded - Recommendation 2.3                                                                 | Define goals and performance measures to guide the Street Rehabilitation and Repair Policy and Street Rehabilitation Program that align with other plans and policies relevant to street paving (e.g., Complete Streets Policy, Vision 2050, etc.). Regularly report to Council on performance measures.                                                                              | 25.00            | Work in Progress   | Public Works         | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 311 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 1.1 | Request the City Council to redefine and then reaffirm its commitment to zero waste (i.e., the percentage that the Council considers to be success), and to ensure sufficient resources to fund appropriate staffing and the necessary infrastructure to achieve stated goals by 2020.                                                                                                | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N       | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                                                    | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Percent Complete | State              | Lead City Department | Commission? | Underway? | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------|----------------------|-------------|-----------|--------------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 312 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 1.2 | Draft and obtain Council approval of a written strategic plan to achieve zero waste by 2020, including annual or biennial interim waste diversion goals. Topics that the strategic plan should discuss include:<br><ul style="list-style-type: none"> <li>• Objectives and long-term and interim goals</li> <li>• Actions to be taken</li> <li>• Responsible parties</li> <li>• Expected cost and impact of implementation</li> <li>• Performance measures</li> <li>• External factors affecting performance and progress</li> </ul> | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 313 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 1.3 | Prepare detailed annual work plans that contain:<br><ul style="list-style-type: none"> <li>• Objectives</li> <li>• Annual/biennial (short-term) goals</li> <li>• Actions to be taken</li> <li>• Budget allocated for the actions</li> <li>• Timeline for completion</li> <li>• Lead staff responsible for task completion</li> <li>• Full-time equivalent employees assigned to the tasks</li> <li>• Performance measures</li> </ul>                                                                                                 | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 314 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 1.4 | Regularly communicate zero-waste goals and achievements to City staff and the Council, and offer training to staff on how they can help Berkeley achieve zero waste. This includes sharing strategic and annual work plan goals and regular updates regarding progress and completion.                                                                                                                                                                                                                                               | Data Pending     | Partly Implemented | Public Works         | N           | Y         | Data Pending | Data Pending          | N                                | Y                       | Data Pending                       |
| 315 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 1.5 | Determine if additional funds are needed for the education, outreach, compliance, and enforcement necessary to reach zero-waste goals. If sufficient funds are not available, propose to Council a separate fee to cover those costs for the City's zero-waste program, such as a regulatory fee as allowed under Proposition 218.                                                                                                                                                                                                   | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 316 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 2.1 | Work with the Department of Information Technology to configure the CRM system with a required field that auto populates valid route information based on address and service delivery type so that route-specific data can be collected on a going-forward basis.                                                                                                                                                                                                                                                                   | 0.00             | Not Started        | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 317 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 2.2 | Work with the Department of Information Technology to create a link between RouteSmart and the CRM system (or the software implementation of Recommendation 2.5 below).                                                                                                                                                                                                                                                                                                                                                              | 0.00             | Not Started        | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 318 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 2.4 | Designate a business-line expert within the Zero Waste Division and require that expert to develop internal capacity to configure optimal collection routes and produce standardized reports for route-specific reporting using existing software (or the software implementation of Recommendation 2.5 below). The reports developed should allow measurement of the performance metrics developed in Recommendation 1.2 and 1.3 above.                                                                                             | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                                                    | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Percent Complete | State              | Lead City Department | Commission? | Underway? | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------|----------------------|-------------|-----------|--------------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 319 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 2.5 | Assess the benefits of using mobile technologies that would allow drivers to enter information directly into the CRM system while on their routes, take pictures of why pickups were skipped, and implement electronic route books and other mobile field reporting. Include in the assessment changes to job responsibilities that might require a meet and confer with union representatives. Purchase the software and hardware if cost beneficial.                                                                                                                                                                                                                                                | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 320 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 2.7 | Use the reports developed from implementing recommendation 2.4 to monitor customer complaints and determine what impact the annual bid process has on customer service. If the information demonstrates the annual bid process significantly affects customer service, meet and confer with union representatives to discuss the elimination the annual route bidding process to help reduce customer complaints and improve service delivery. Implement change if agreement is reached.                                                                                                                                                                                                              | 0.00             | Not Started        | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 321 | Open Audit Recommendation | Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity - Recommendation 1.3                     | Require the zero waste team formed in response to recommendation 1.2 to develop written procedures that clearly support cross-departmental strategies and help staff perform their work, as well as understand how their work contributes to success. Include information that helps promote the unified view of zero waste operations, while also explaining the individual tasks that take place within the departments and how those connect. Examples include, but are not limited to, describing the process for routing customer cases from 311 calls, and detailing in layman's terms the monthly updates that take place to align the CX and RouteSmart systems. Also see recommendation 1.2. | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 322 | Open Audit Recommendation | Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity - Recommendation 1.5                     | In collaboration with Information Technology and as part of Enterprise Resource Planning, budget for, select, and install an account management system designed for zero waste activities. Use information from the zero waste team evaluation (recommendation 1.2) and zero waste strategy analysis (recommendation 1.8) to identify the critical business needs that should be included in the purchase of new zero waste account management system, or that should be considered when determining whether sufficient middleware options exist to fully integrate existing systems with the new account management software. Also see recommendations 1.2 and 1.8.                                  | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 323 | Open Audit Recommendation | Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity - Recommendation 1.8                     | Request that Information Technology use the CX module data extracts, such as the one used for this audit, to provide Public Works staff with the data they need to analyze zero waste strategies. Use the data extracts to further identify the critical business needs for new zero waste account management software. Also see recommendation 1.5.                                                                                                                                                                                                                                                                                                                                                  | Data Pending     | Partly Implemented | Public Works         | N           | Y         | Data Pending | Data Pending          | N                                | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                                | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Percent Complete | State                     | Lead City Department  | Commission? | Underway? | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|-----------------------|-------------|-----------|--------------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 324 | Open Audit Recommendation | Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity - Recommendation 1.9 | Perform, or contract for, a fully comprehensive route audit to align service delivery with billing rates. Use the route audit to:<br><ul style="list-style-type: none"> <li>▪ Make CX module and/or RouteSmart system updates to ensure customers are billed correctly for their City provided services.</li> <li>▪ Ensure that all residential accounts are receiving required services.</li> <li>▪ Ensure that the commercial accounts that the City is responsible for receive and pay for the zero waste services required by City policy.</li> <li>▪ Verify that roll-off bin customers serviced by the Zero Waste Division are accurately billed.</li> </ul> | Data Pending     | Partly Implemented        | Public Works          | N           | Y         | Data Pending | Data Pending          | N                                | Data Pending            | Data Pending                       |
| 325 | Strategic Plan - Project  | City Council Redistricting Process and Citizens' Redistricting Commission                                                           | After each decennial census the City is required to adjust the city council district boundaries so that each district has equal population. In 2016 voters adopted a charter amendment to conduct the redistricting process by using a Citizens' Redistricting Commission.                                                                                                                                                                                                                                                                                                                                                                                         | 10.00            | Work in Progress          | City Clerk            | N           | Y         | Y            | N                     | Y                                | Y                       | Y                                  |
| 326 | Strategic Plan - Project  | 2020 Vision Milestone                                                                                                               | PLACEHOLDER: Recognize the significance of the Year 2020 in Berkeley's 2020 Vision. Source: 2018 CC Berkeley's 2020 Vision Update report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 0.00             | On Hold                   | City Manager's Office | N           | N         | N            | N                     | N                                | Data Pending            | N                                  |
| 327 | Strategic Plan - Project  | African American Holistic Resource Center                                                                                           | In partnership with many in the community, plan for the development of a holistic African American Resource Center in South Berkeley, which will serve as a place of support and strength for the Berkeley community.                                                                                                                                                                                                                                                                                                                                                                                                                                              | 30.00            | Work in Progress          | City Manager's Office | N           | Y         | Y            | Data Pending          | N                                | Data Pending            | Data Pending                       |
| 328 | Strategic Plan - Project  | Annual Survey                                                                                                                       | Implementing an Annual Survey to better understand the needs of the community.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | On Hold                   | City Manager's Office | N           | N         | N            | N                     | N                                | Data Pending            | N                                  |
| 329 | Strategic Plan - Project  | Bayer HealthCare, Inc Development Agreement                                                                                         | Engage with Bayer HealthCare, Inc re: the extension of their existing development agreement.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 25.00            | Proposed Budget Reduction | City Manager's Office | N           | Y         | Y            | N                     | N                                | Y                       | Y                                  |
| 330 | Strategic Plan - Project  | Communications Staffing                                                                                                             | Introducing new positions of communications specialists to improve the City's communications.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 20.00            | Work in Progress          | City Manager's Office | N           | Y         | Y            | N                     | N                                | Y                       | Data Pending                       |
| 331 | Strategic Plan - Project  | Data Analysis                                                                                                                       | PLACEHOLDER: Explore and identify possible additional data sources to supplement the City's existing measure of outcomes for Berkeley's 2020 Vision. Source: 2018 CC Berkeley's 2020 Vision Update report                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 70.00            | Work in Progress          | City Manager's Office | N           | N         | Data Pending | N                     | N                                | Data Pending            | N                                  |
| 332 | Strategic Plan - Project  | Equity Toolkit                                                                                                                      | Operationalizing equity lens in service delivery and project planning (e.g., toolkit deliverable from Racial Equity Action Plan including things like adding an equity item to agenda reports, requiring an equity checklist as part of project work plans, etc).                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | On Hold                   | City Manager's Office | N           | N         | N            | N                     | N                                | Data Pending            | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                      | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Percent Complete | State                     | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|-----------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 333 | Strategic Plan - Project | Establishing an Outdoor Emergency Shelter | <p>1. Refer to the City Manager to establish an outdoor emergency shelter in Berkeley. Such a shelter should consider the following amenities to be provided but not required: A. Climate-controlled, wind-resistant durable tents with wooden pallets for support. B. Seeking an agency to manage and oversee the emergency shelter. C. Portable toilet service and handwashing service. D. Shower and sanitation services E. Garbage pickup and safe needle disposal.</p> <p>2. Refer to the November budget process \$615,000 to be considered alongside other Measure P recommendations.</p> <p>3. Temporarily waive BMC Article 9 Section 19.28.100 Section N106, to allow for the installation of tents and membrane structures that may be erected for longer than 180 days even if they do not meet all physical requirements.</p> <p>4. Refer to the City Manager protocol for selecting residents that mirror other shelter selection criteria and are less restrictive than HUD protocols.</p> <p>Action: 28 speakers. M/S/C (Harrison/Davila) to adopt the item as written in Supplemental Communications Packet #1 and #2, amended as follows:</p> <ul style="list-style-type: none"> <li>• Remove "November" from "November budget process"</li> <li>• Refer to the City Manager to analyze what elements, if any, of the municipal code need to be amended to implement program; any suggested locations to be presented to Council prior to implementation; provide an updated budget to include estimated installation costs.</li> </ul> | 25.00            | Work in Progress          | City Manager's Office | N           | Y         | Y       | Data Pending          | N                                | Data Pending            | N                                  |
| 334 | Strategic Plan - Project | Fleet-Related Initiatives                 | <p>A series of initiatives to:</p> <ul style="list-style-type: none"> <li>• increase alternative fuel vehicles,</li> <li>• standardize fleet,</li> <li>• reduce backlog,</li> <li>• implement fleet/system upgrades, and</li> <li>• conduct a City Vehicle Fleet Assessment.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 8.32             | Proposed Budget Reduction | City Manager's Office | N           | N         | Partial | N                     | N                                | Data Pending            | Data Pending                       |
| 335 | Strategic Plan - Project | Legislative Platform                      | Creating a formal structure and process to communicate policy and policy support to and from local, regional, and State legislative bodies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 50.00            | On Hold                   | City Manager's Office | N           | N         | Y       | N                     | N                                | Data Pending            | N                                  |
| 336 | Strategic Plan - Project | New City of Berkeley Website              | <p>Create a new design, look and information architecture for the City website so that it is interactive and serves and prioritizes the needs of the community, including a focus on increasing the number and types of transactions and services available online.</p> <p>Redesign the City website to improve the information and services available to community members online, to create web server redundancy in case of emergencies</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 70.00            | Work in Progress          | City Manager's Office | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |
| 337 | Strategic Plan - Project | Performance Management                    | Implementing results-based accountability citywide and provide a dashboard to better communicate results                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Proposed Budget Reduction | City Manager's Office | N           | Y         | N       | N                     | N                                | Data Pending            | N                                  |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                      | Description                                                                                                                                                                                                                                                             | Percent Complete | State                     | Lead City Department                 | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|--------------------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 338 | Strategic Plan - Project | Racial Equity Action Plan                 | With assistance from the Government Alliance on Race and Equity and researchers from UC Berkeley, develop a Racial Equity Action Plan designed to integrate equity considerations throughout City operations and services and to influence change within the community. | 83.40            | Work in Progress          | City Manager's Office                | N           | Y         | N       | N                     | N                                | Y                       | N                                  |
| 339 | Strategic Plan - Project | UC Long-Range Development Plan            | Participate in UC's Long Range Development Plan process                                                                                                                                                                                                                 | 25.00            | Work in Progress          | City Manager's Office                | N           | Y         | Y       | N                     | N                                | Data Pending            | Y                                  |
| 340 | Strategic Plan - Project | Web Content Training                      | Create and develop a governance structure and a training program so that all departments have the appropriate tools and skills to build effective web content.                                                                                                          | 50.00            | Work in Progress          | City Manager's Office                | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |
| 341 | Strategic Plan - Project | Equal Pay Vendor Preference               | Draft an ordinance related to an equal pay vendor preference for City contractors who demonstrate equal pay for male and female employees (gender based on self-identification).                                                                                        | 0.00             | Pending Not On Schedule   | Finance                              | N           | N         | Y       | N                     | N                                | Y                       | N                                  |
| 342 | Strategic Plan - Project | Fire Department Communications            | Increase and improve communication to the community by updating the Fire Department web page and creating social media policy and procedures                                                                                                                            | 0.00             | On Hold                   | Fire & Emergency Services            | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 343 | Strategic Plan - Project | Fire Department Reserve Truck             | Enhance the City's firefighting capacity by replacing a 20-year old ladder truck that has exceeded its user life.                                                                                                                                                       | 85.29            | Work in Progress          | Fire & Emergency Services            | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 344 | Strategic Plan - Project | Fire Prevention                           | Increase fire/life safety capacity and resources to effectively maintain community safety.                                                                                                                                                                              | 51.36            | Work in Progress          | Fire & Emergency Services            | N           | Y         | Y       | N                     | Y                                | Y                       | N                                  |
| 345 | Strategic Plan - Project | Outdoor Emergency Public Alerting Systems | (part of Rescue and Disaster Response Capabilities Program) Exploring options for system and then procuring and implementing system.                                                                                                                                    | 0.00             | On Hold                   | Fire & Emergency Services            | Y           | N         | Y       | N                     | N                                | Y                       | N                                  |
| 346 | Strategic Plan - Project | Safe Passages                             | (part of Wildfire Safety Program) Develop standards, update code, develop enforcement; identify narrow streets that need parking restrictions to keep areas clear.                                                                                                      | 0.00             | Proposed Budget Reduction | Fire & Emergency Services            | Y           | Y         | Y       | N                     | Y                                | Y                       | Y                                  |
| 347 | Strategic Plan - Project | Wildfire Vegetation Management            | (part of Wildfire Safety Program) Hand Crews                                                                                                                                                                                                                            | 59.68            | Proposed Budget Reduction | Fire & Emergency Services            | Y           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 348 | Strategic Plan - Project | Adult Mental Health Clinic Renovation     | The Adult Mental Health Clinic at 2640 MLK is currently uninhabitable and in need of significant repairs to be open to help people in Berkeley with severe and persistent mental illness.                                                                               | 99.98            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       | Y                     | N                                | Y                       | Y                                  |
| 349 | Strategic Plan - Project | Age Friendly Plan Implementation          | Establish infrastructure for implementation of Aging-Friendly Plan                                                                                                                                                                                                      | 93.04            | Work in Progress          | Health, Housing & Community Services | Y           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 350 | Strategic Plan - Project | Cannabis Dispensary/ Production           | Develop, propose and implement responsive education and enforcement strategies                                                                                                                                                                                          | 54.44            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       | N                     | Y                                | Y                       | Y                                  |
| 351 | Strategic Plan - Project | Community Agency Funding Information      | Develop and publish comprehensive report on outcomes of community agencies funded by City of Berkeley.                                                                                                                                                                  | 1.35             | Work in Progress          | Health, Housing & Community Services | N           | N         | Y       | N                     | N                                | Y                       | N                                  |
| 352 | Strategic Plan - Project | Home-cook Food Industry                   | Develop, propose and implement responsive education and enforcement strategies.                                                                                                                                                                                         | 76.88            | Work in Progress          | Health, Housing & Community Services | N           | Y         | N       | N                     | N                                | Y                       |                                    |
| 353 | Strategic Plan - Project | Homeless Services Expansion               | Implement plan to expand homeless services with Measure P funding as defined by Council.                                                                                                                                                                                | 73.70            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                                                       | Description                                                                                                                                                                                                                                                                  | Percent Complete | State                     | Lead City Department                 | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|--------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|--------------------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 354 | Strategic Plan - Project | Increase Affordable Housing: Measure O Implementation                                      | Implement plan to expand affordable housing options with Measure O funding as defined by Council.                                                                                                                                                                            | 30.50            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       |                       |                                  |                         | Y                                  |
| 355 | Strategic Plan - Project | Landlord Participation in Affordable Housing Programs                                      | Increase the supply of landlords who provide units for Shelter Plus Care and Section 8 programs. Provide other incentives to landlords to participate in these programs.                                                                                                     | 49.23            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       | N                     |                                  |                         |                                    |
| 356 | Strategic Plan - Project | Paid Family Leave Ordinance                                                                | Explore an ordinance that guarantees paid leave for new parents.                                                                                                                                                                                                             | 0.00             | On Hold                   | Health, Housing & Community Services | N           | Y         | N       | N                     | N                                | Y                       | N                                  |
| 357 | Strategic Plan - Project | Public Health Strategic Plan Implementation                                                | Implement a tracking and reporting system for Division program performance measures                                                                                                                                                                                          | 25.72            | Work in Progress          | Health, Housing & Community Services | N           | Y         | N       | N                     | N                                | Y                       | N                                  |
| 358 | Strategic Plan - Project | Results-Based Accountability Framework for Health, Housing & Community Services Programs   | Implement a results-based accountability performance management framework to better account for and improve the work that the Department of Health, Housing & Community Services undertakes, and to maximize impact. Develop and publish outcomes data on selected programs. | 19.61            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       | N                     | N                                | N                       | Y                                  |
| 359 | Strategic Plan - Project | Shelter Plus Care Expansion                                                                | Expand Shelter Plus Care through addition of 53 new housing vouchers                                                                                                                                                                                                         | 43.33            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       | Y                     |                                  |                         |                                    |
| 360 | Strategic Plan - Project | Sugar Sweetened Beverage Policy Development                                                | Develop a City of Berkeley healthy beverage policy                                                                                                                                                                                                                           | 42.62            | Work in Progress          | Health, Housing & Community Services | N           | Y         | N       | N                     | Y                                | N                       |                                    |
| 361 | Strategic Plan - Project | Develop Labor Relations Strategy Plan                                                      | In preparation for contract negotiations in 2020. Prepare a plan                                                                                                                                                                                                             | 80.00            | Work in Progress          | Human Resources                      | N           | Y         | Y       | N                     | Y                                | Y                       | N                                  |
| 362 | Strategic Plan - Project | Revision of Personnel Rules and Regulations and the Employer-Employee Relations Resolution | Update and revise both sets of Rules and Regulations to comply with current federal and state laws; reflect best practices; and ensure the established rules are comprehensive and consistent.                                                                               | 40.00            | Work in Progress          | Human Resources                      | N           | Y         | N       | N                     | Y                                | Y                       | N                                  |
| 363 | Strategic Plan - Project | Succession Planning                                                                        | In advance of a large amount of expected retirements in fiscal year 2018, develop and provide guidance to all City departments to improve succession planning and minimize disruption to the City government and the community it serves.                                    | 0.10             | Work in Progress          | Human Resources                      | N           | Y         | Y       | N                     | N                                | N                       | N                                  |
| 364 | Strategic Plan - Project | 360 Street Level Imagery                                                                   |                                                                                                                                                                                                                                                                              | 22.22            | Work in Progress          | Information Technology               | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 365 | Strategic Plan - Project | Accela Implementation - Phase 5                                                            | Modules to Implement:<br>Utility Permits: almost complete<br>Fire Permits Enhancements<br>Public Works Permits Online<br>Code Enforcement - HOLD<br>Right of Way Management - HOLD                                                                                           | 0.00             | Proposed Budget Reduction | Information Technology               | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 366 | Strategic Plan - Project | Active Directory Upgrade                                                                   | Version upgrade for Active Directory.                                                                                                                                                                                                                                        | 0.00             | Not Started               | Information Technology               | N           | N         | Y       | N                     | N                                | Y                       | Y                                  |
| 367 | Strategic Plan - Project | AD Cleanup (Prep for future Projects)                                                      | AD CleanUP (Prep for future Projects)                                                                                                                                                                                                                                        | 6.67             | Work in Progress          | Information Technology               | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                                                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Percent Complete | State            | Lead City Department   | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 368 | Strategic Plan - Project | Avaya Phone System (VoIP) Support Transition                                                                             | Avaya Support Transition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 79.78            | Work in Progress | Information Technology | N           | Y         | Y       | N                     | Y                                | Y                       | Y                                  |
| 369 | Strategic Plan - Project | BIA (Business Impact Assessment)                                                                                         | BIA (Business Impact Assessment)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 10.00            | Work in Progress | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 370 | Strategic Plan - Project | Broadband Infrastructure Master Plan                                                                                     | Develop a master plan to improve infrastructure for high-speed internet access in Berkeley. Release the RFP to develop a Broadband Infrastructure Master Plan that provides a roadmap for implementing the broadband infrastructure to increasing internet access and addressing the digital divide                                                                                                                                                                                                                                                                                                                       | 80.00            | Work in Progress | Information Technology | N           | Y         | N       | N                     | N                                | N                       | N                                  |
| 371 | Strategic Plan - Project | California Public Health Info Exchange Electronic Case Reporting (eCR)                                                   | Implement Electronic Case Reporting (eCR) which will automate public health case reporting by automatically generating and transmitting case reports from Electronic Health Records (EHRs) to public health agencies for review and action. The California Reportable Disease Information Exchange - Electronic Case Reporting (CalREDIE eCR) module will allow health care providers and organizations to more easily comply with the California Department of Public Health (CDPH) requirement for the reporting of certain diseases and conditions per the California Code of Regulations (CCR) Title 17 Section 2500. | 0.00             | On Hold          | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 372 | Strategic Plan - Project | Capital Project Management Software                                                                                      | Implement a Capital Improvement Project (CIP) tracking tool to better document and manage project implementation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.00             | On Hold          | Information Technology | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 373 | Strategic Plan - Project | City Data Services System Replacement                                                                                    | Project to replace hosted Grants and Loan Data Management for Health, Housing & Community Services. Community Agency Allocations & Contract Management, Rehab Programs, Housing Trust Fund, Mental Health Division Contracts, etc.                                                                                                                                                                                                                                                                                                                                                                                        | 0.00             | On Hold          | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 374 | Strategic Plan - Project | Citywide Backup Solution Replacement                                                                                     | Barracuda Backup Upgrade                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 79.36            | Work in Progress | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 375 | Strategic Plan - Project | Citywide Windows 10 Upgrade                                                                                              | Pilot and then fully launch the Windows 10 operating system for City computers, including all necessary staff training and application compatibility testing                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 93.13            | Work in Progress | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 376 | Strategic Plan - Project | Clinical Intake Workflow Improvements: Develop and Integrate Clinic Reproductive and Sexual Health (RSH) Intake Template | Clinical Intake Workflow Improvements: Develop and Integrate Clinic Reproductive and Sexual Health (RSH) Intake Template                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 40.00            | On Hold          | Information Technology | N           | Y         | Y       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 377 | Strategic Plan - Project | Compliance with Data Security Standards                                                                                  | Continue to implement Payment Card Industry (PCI), Department of Justice (DOJ), and Health Insurance Portability and Accountability Act (HIPAA) compliance requirements to maintain data security                                                                                                                                                                                                                                                                                                                                                                                                                         | 10.00            | Work in Progress | Information Technology | N           | Y         | Partial | N                     | Y                                | Y                       | Y, if funded                       |
| 378 | Strategic Plan - Project | Configure Remote Software installations for Off Network Laptops                                                          | Configure SCCM IBCM (Internet Based Configuration Management)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 51.02            | Work in Progress | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 379 | Strategic Plan - Project | Crime forum transition to new vendor (XenForo)                                                                           | Migrate police crime forum data away from vBulletin to Xenforo. They use AWS for hosting. internal crime information sharing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 80.00            | Work in Progress | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                                      | Description                                                                                                                                                                                                                                                       | Percent Complete | State                     | Lead City Department   | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 380 | Strategic Plan - Project | Customer Relationship Management (CRM) Database                           | Implement a 311 CRM solution and a mobile app to better track and manage community member queries                                                                                                                                                                 | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 381 | Strategic Plan - Project | Customer Relationship Management of Economic Development                  | Implement a customer and communications management platform to assist the Office of Economic Development in their business attraction and retention efforts                                                                                                       | 0.00             | Not Started               | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 382 | Strategic Plan - Project | Cyber Resilience Strategy                                                 | Develop a Cyber Resilience Plan in alignment with the City's Resilience Strategy, including software upgrade needs, policies and cyber security training for staff                                                                                                | 85.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | N                       | Y                                  |
| 383 | Strategic Plan - Project | Data Exchange for TCM Program (Alameda Alliance / Medi-Cal Managed Care)  | Data Exchange for TCM Program (Alameda Alliance / Medi-Cal Managed Care)                                                                                                                                                                                          | 0.00             | On Hold                   | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 384 | Strategic Plan - Project | Data Exchange for TCM Program (Blue Cross / Medi-Cal Managed Care)        | Data Exchange for TCM Program (Blue Cross / Medi-Cal Managed Care)                                                                                                                                                                                                | 0.00             | On Hold                   | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 385 | Strategic Plan - Project | Digital Permitting System                                                 | Conduct a needs assessment, issue an RFP, and procure a new permitting software                                                                                                                                                                                   | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 386 | Strategic Plan - Project | Disaster Recovery/Business Continuity Plan                                | Develop a Information Technology infrastructure Disaster Recovery and Business Continuity Plan                                                                                                                                                                    | 50.00            | Not Started               | Information Technology | N           | Y         | Partial | N                     | N                                | Y, if funded            | Y, if funded                       |
| 387 | Strategic Plan - Project | Emergency Operations Center (EOC) Management Software                     | Implement a software solution to assist with enhanced preparedness, disaster recovery and track emergency management efforts during EOC activations                                                                                                               | 0.00             | On Hold                   | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 388 | Strategic Plan - Project | Emphasys Elite System Replacement                                         | Assess business needs and review feasibility of utilizing ERMA modules. Replace software to manage Shelter Plus Care housing subsidy program for the chronically homeless. (Also used by Berkeley Housing Authority with separate databases.)                     | 0.00             | Not Started               | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 389 | Strategic Plan - Project | Environmental Health Field Operations Improvements                        | Assess and implement tools to enhance capacity and efficiency of Environmental Health field operations.                                                                                                                                                           | 0.00             | On Hold                   | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 390 | Strategic Plan - Project | EnvisionConnect System Replacement                                        | Develop options, costs and timelines for replacing Decade (Accela) software to manage Environmental Health inspections, work processes, and to produce regular local and State required reports. (System also used by Toxics Management, with separate database). | 0.00             | Not Started               | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 391 | Strategic Plan - Project | Extracts/Interfaces for data to Munis from (1) NextGen and (2) Persimmony | Extracts/Interfaces for data to Munis from (1) NextGen and (2) Persimmony                                                                                                                                                                                         | 0.00             | Not Started               | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 392 | Strategic Plan - Project | FUND\$ Replacement - Fleet Management System                              | Replacing the 28-year-old FUND\$ Fleet module for vehicle fleet asset and parts management system                                                                                                                                                                 | 23.06            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 393 | Strategic Plan - Project | FUND\$ Replacement - Work Order Application                               | Replace the Work Order module of FUND\$ with a Commercial Off the Shelf (COTS) software that will enable management of customer requests and work orders, preventive maintenance, resources and inventory, best practices and regulatory compliance.              | 48.51            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 394 | Strategic Plan - Project | FUND\$ Replacement - Zero Waste Solution                                  | Replace the Refuse Billing module of FUND\$ with a Commercial Off the Shelf (COTS) software that will enable billing, routing, and operations software for the public works operations.                                                                           | 25.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Percent Complete | State                     | Lead City Department   | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 395 | Strategic Plan - Project | FUND\$ Replacement: Core Financial and HR/Payroll        | "To replace City's Enterprise Resource Management Application to improve access to services and information for community members and create more efficient financial and information management processes for City staff, replace the City's core data management system.<br><br>To improve access to services and information for community members and create more efficient financial, human resources, and information management processes for staff, replace the City's core 28-year old financial and data management system" | 84.33            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 396 | Strategic Plan - Project | Fund\$ Software Upgrades                                 | SunGard Software Upgrade Project for Fund\$                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 20.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 397 | Strategic Plan - Project | Green City GIS Inventory                                 | Create a database for PRW for Park Assets. Databases design and field inventory of all infrastructure, buildings, such as bathrooms, benches and newly planted trees in the city parks system                                                                                                                                                                                                                                                                                                                                         | 95.00            | Work in Progress          | Information Technology | N           | N         | Y       | N                     | N                                | Y                       | Y                                  |
| 398 | Strategic Plan - Project | Help Desk Metrics Expansion                              | PURPOSE: This project addresses both processes/procedures and various tools that focus on the delivery of customer service across City departments by the HelpDesk and to measure and adjust team productivity to demand.                                                                                                                                                                                                                                                                                                             | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 399 | Strategic Plan - Project | Help Desk Process Improvements                           | Help Desk Process Improvements Year 1 (2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 400 | Strategic Plan - Project | Help Desk Standard Operating Procedures                  | Help Desk Standard Operating Procedures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 25.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 401 | Strategic Plan - Project | HIPAA Security Risk Assessment Audits Calendar Year 2019 | HIPAA Security Risk Assessment Audits Calendar Year 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 0.00             | Not Started               | Information Technology | N           | Y         | Y       | N                     | Y                                | Y                       | Y                                  |
| 402 | Strategic Plan - Project | HR Onboarding                                            | Purchase a software system for HR to streamline the new hire onboarding process. The onboard software will provide new hire access to forms, documents, videos, and checklist.                                                                                                                                                                                                                                                                                                                                                        | 22.06            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 403 | Strategic Plan - Project | Human Resources Case Management                          | Software to manage and track Human Resources Employee Relations and Equal Employment Opportunity cases.                                                                                                                                                                                                                                                                                                                                                                                                                               | 65.76            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 404 | Strategic Plan - Project | Infrastructure and Security Project Metrics              | Infrastructure and Security Project Metrics                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 405 | Strategic Plan - Project | IT Classification Study                                  | Conduct an IT Classification Study                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.00             | Proposed Budget Reduction | Information Technology | N           | Y         | Y       | N                     | Y                                | Y                       | Y                                  |
| 406 | Strategic Plan - Project | IT Service Management/Enterprise PM Tool                 | Replace Help Desk software, implement project portfolio management software                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 69.58            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 407 | Strategic Plan - Project | Learning Management System (ERP)                         | To deploy a learning management system for the administration, documentation, tracking, reporting and delivery of training programs                                                                                                                                                                                                                                                                                                                                                                                                   | 10.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |

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Referrals, Projects, and Audits**

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|-----|--------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|------------------------|-------------|-----------|-----------------------------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 408 | Strategic Plan - Project | Legal Case Management Tool                                        | Software to track and manage cases for City Attorneys                                                                                                                                                                                                                                                                                                                                       | 0.00             | On Hold                   | Information Technology | N           | N         | N                           | N                     | N                                | Y, if funded            | Y, if funded                       |
| 409 | Strategic Plan - Project | Medication Inventory software                                     | Identify business requirements and software that will also integrate with the NextGen EPM-EHR System.                                                                                                                                                                                                                                                                                       | 10.00            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | Y                                  |
| 410 | Strategic Plan - Project | Microfiche Digitizing for Berkley Police                          | Digitize remaining Police microfiche data to improve data management and accessibility                                                                                                                                                                                                                                                                                                      | 70.00            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | Y                                  |
| 411 | Strategic Plan - Project | Microsoft Office Upgrade                                          | (Formerly "ProofPoint & MS EA FY20 roll-out")                                                                                                                                                                                                                                                                                                                                               | 0.00             | Not Started               | Information Technology | N           | N         | Y                           | N                     | N                                | Y                       | Y                                  |
| 412 | Strategic Plan - Project | Migrate Veripic Data to Axon Capture (evidence.com)               | Migrate evidence data from Veripic (legacy system) to evidence.com (current system from Axon). This is a two step process: 1) export evidence and metadata from VeriPic, and 2) import evidence and metadata to evidence.com. This will allow officers to have one source of evidence and will remove a legacy system. Veripic is currently read only and has no new evidence as of 9-1-18. | 75.76            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | Y                                  |
| 413 | Strategic Plan - Project | Mobile Device Management (MDM) Software Replacement               | Transition from Meraki to Intune                                                                                                                                                                                                                                                                                                                                                            | 25.00            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | Y                                | Y                       | Y                                  |
| 414 | Strategic Plan - Project | MS Enterprise O365 Exchange Migration and OneDrive Implementation | Migrate Exchange (Email) to the cloud, and implement OneDrive for cloud-based file storage and file sharing.                                                                                                                                                                                                                                                                                | 87.78            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | N                                  |
| 415 | Strategic Plan - Project | MS Rights Management (& AIP)                                      | MS Rights Management (& AIP)                                                                                                                                                                                                                                                                                                                                                                | 25.00            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | Y                                  |
| 416 | Strategic Plan - Project | Network Architecture                                              | Network Architecture (roadmap of capabilities, connections, capacities means, & devices)                                                                                                                                                                                                                                                                                                    | 0.00             | Pending On Schedule       | Information Technology | N           | N         | Y                           | N                     | N                                | Y                       | Y                                  |
| 417 | Strategic Plan - Project | Network Device Replacement for FY18                               | Network Device Replacement for FY18                                                                                                                                                                                                                                                                                                                                                         | 87.50            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | N                                  |
| 418 | Strategic Plan - Project | Network Device Replacement FY20                                   | Network Device Replacement FY20                                                                                                                                                                                                                                                                                                                                                             | 0.00             | Not Started               | Information Technology | N           | Y         | Y, pending Council approval | N                     | N                                | Y, if funded            | Y, if funded                       |
| 419 | Strategic Plan - Project | New Fire Records Management System                                | Prepare a new fire records management system that will be compliant with the National Fire Information System and improve data collection and response information.                                                                                                                                                                                                                         | 0.00             | On Hold                   | Information Technology | N           | N         | N                           | N                     | N                                | Y, if funded            | Y, if funded                       |
| 420 | Strategic Plan - Project | NextGen eSignatures                                               | NextGen eSignatures                                                                                                                                                                                                                                                                                                                                                                         | 90.00            | On Hold                   | Information Technology | N           | N         | Y                           | N                     | N                                | N                       | N                                  |
| 421 | Strategic Plan - Project | Online Business Registration Permitting                           | Implement software program to help entrepreneurs get their businesses up and running more quickly and easily by providing an online interface to the permitting process at City Hall                                                                                                                                                                                                        | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | N                           | N                     | N                                | Y, if funded            | Y, if funded                       |
| 422 | Strategic Plan - Project | Performance Evaluations (ERP)                                     | To deploy a performance evaluation software                                                                                                                                                                                                                                                                                                                                                 | 10.00            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | Y                                  |

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| 423 | Strategic Plan - Project | Public Records Act (PRA) Request Management    | Implement a solution to track and manage PRA requests and provide visibility and transparency for PRA compliance                                                                   | 92.51            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 424 | Strategic Plan - Project | RLSS Loan/Grants Management System Replacement | Project to replace the Revolving Loan Servicing Software (Loan Profile Data, Loan Transactions, and Reporting for State & Federal Programs) Used for Senior Disabled Loan Program. | 5.00             | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 425 | Strategic Plan - Project | ServiceNow: Asset Management Implementation    | Implement SNOW Asset Management Module & create Software & Hardware inventory dashboard                                                                                            | 80.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 426 | Strategic Plan - Project | SharePoint Intranet                            | Implement SharePoint based TeamSites and Project sites                                                                                                                             | 45.54            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | N                       | Y                                  |
| 427 | Strategic Plan - Project | SIEM/MSSP                                      | SIEM/MSSP                                                                                                                                                                          | 50.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 428 | Strategic Plan - Project | SimsUshare                                     | SimsUshare CTC is a training system for emergency responders to develop and enhance knowledge, skills and abilities in safely and efficiently managing all types of incidents.     | 90.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 429 | Strategic Plan - Project | Smart Rooms                                    | Improve IT systems in the City's conference rooms, including conference call, videoconference, and star phone capabilities.                                                        | 99.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 430 | Strategic Plan - Project | Software for Managing Leased Properties (ERP)  | Implement a software solution to track and manage properties that the City leases to other entities                                                                                | 0.00             | On Hold                   | Information Technology | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 431 | Strategic Plan - Project | SQL Server 2008 Upgrade/Migration CityWide     | SQL Server 2008 Upgrade/Migration CityWide                                                                                                                                         | 80.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 432 | Strategic Plan - Project | Tiburon/CRIMES Data warehousing                | needed enterprise license for phones (close to completion)                                                                                                                         | 70.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 433 | Strategic Plan - Project | Time Management Application for Police         | Time Management Application for Police (Telestaff)                                                                                                                                 | 0.00             | On Hold                   | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 434 | Strategic Plan - Project | Upgrade Youth Lab computers                    | Upgrade Youth Lab computers                                                                                                                                                        | 0.00             | On Hold                   | Information Technology | N           | N         | Y       | N                     | N                                | Y                       | Y                                  |
| 435 | Strategic Plan - Project | Vendor Remote Access Improvements              | Improvements to vendor's remote access capabilities.                                                                                                                               | 80.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 436 | Strategic Plan - Project | Virtual Desktop Pilot Program                  | Virtual Desktop Infrastructure (VDI) pilot program with Citrix and Nutanix                                                                                                         | 10.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 437 | Strategic Plan - Project | Virtualize Firewalls                           | (Formerly "Microsoft Windows Security Patch Deployment", Configure Windows updates for all desktops and Laptops)                                                                   | 0.00             | Not Started               | Information Technology | N           | N         | Y       | N                     | N                                | Y                       | Y                                  |
| 438 | Strategic Plan - Project | VoIP Emergency Announcement Service            | PURPOSE: Enhance Voice-over-IP (VoIP) technical capabilities to introduce an Emergency Announcement Service within City buildings and office spaces.                               | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | Y       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                                                               | Description                                                                                                                                                                                                                                           | Percent Complete | State            | Lead City Department           | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|--------------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 439 | Strategic Plan - Project | Windows Security Patch Deployment Upgrade                                                          | Re-Configure Windows Updates                                                                                                                                                                                                                          | 53.75            | Work in Progress | Information Technology         | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 440 | Strategic Plan - Project | Windows Server Operating System Upgrades                                                           | Windows Server Operating System Upgrades                                                                                                                                                                                                              | 90.00            | Work in Progress | Information Technology         | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 441 | Strategic Plan - Project | Berkeley Business Marketing & Communications Project (i.e., Berkeley Branding & Marketing Project) |                                                                                                                                                                                                                                                       | 95.00            | Work in Progress | Office of Economic Development | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 442 | Strategic Plan - Project | Berkeley Ventures, Berkeley Values                                                                 | Develop and implement a "Berkeley Tech, Berkeley Values", a campaign to leverage local tech sector skills, wealth, and other resources to support equitable and inclusive growth.                                                                     | 75.00            | Work in Progress | Office of Economic Development | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 443 | Strategic Plan - Project | Expand and Modify the Downtown Arts District Overlay                                               | Examine and develop recommendations for expanding the boundaries of the current Downtown Arts District Overlay as well as the allowable active ground-floor uses. Related to PRJ0013155 and DMND0002497                                               | 95.00            | Work in Progress | Office of Economic Development | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 444 | Strategic Plan - Project | Interactive Digital Kiosks                                                                         | Facilitate the installation of interactive digital kiosks to share information about civic resources; market local businesses, arts organizations, and commercial districts; and generate revenue for the City of Berkeley                            | 95.00            | Work in Progress | Office of Economic Development | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |
| 445 | Strategic Plan - Project | Measure T1 Public Art Projects                                                                     | Implement new public art commissions associated with T1 Bond Projects at North Berkeley Senior Center and San Pablo Park, which will be integrated into the planned improvements in order to beautify these spaces and enhance their unique character | 90.00            | Work in Progress | Office of Economic Development | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 446 | Strategic Plan - Project | Aquatic Park Tide Tubes Renovation Project                                                         | Design, permitting, and environmental documents.                                                                                                                                                                                                      | 0.00             | Not Started      | Parks, Recreation & Waterfront | N           | N         | N       | Y                     | N                                | N                       | Y                                  |
| 447 | Strategic Plan - Project | Berkeley Municipal Pier Conceptual Design                                                          | Feasibility study for potential repairs to Pier.                                                                                                                                                                                                      | 75.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 448 | Strategic Plan - Project | Berkeley Rose Garden Pathways, Tennis Courts, Pergola                                              | Reconstruction of the pergola, ADA paths, and retaining Walls - Design and Construction.                                                                                                                                                              | 75.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 449 | Strategic Plan - Project | Berkeley Tuolumne Camp Rebuild                                                                     | Rebuild Berkeley Tuolumne Camp. Permitting, Environmental, Design, and Construction.                                                                                                                                                                  | 75.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | Y                     | N                                | Y                       | Y                                  |
| 450 | Strategic Plan - Project | Cazadero Camp Landslide Fix and Dormitory Replacement                                              | Repair significant damage to the City's Cazadero Camp caused by a landslide that occurred in 2016.                                                                                                                                                    | 60.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 451 | Strategic Plan - Project | Grove Park Field backstop, dugout, lights, and irrigation                                          | Renovation of existing ballfield backstop, dugout, lights, and irrigation - Construction.                                                                                                                                                             | 30.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 452 | Strategic Plan - Project | Live Oak Community Center Seismic Upgrade and Renovations                                          | Seismic upgrades and building renovations - Construction.                                                                                                                                                                                             | 95.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 453 | Strategic Plan - Project | San Pablo Park Tennis Courts and Play Equipment Upgrade (Ages 5-12 Play Areas)                     | Renovation of existing play equipment (ages 2-5 and 5-12) and tennis courts - Construction.                                                                                                                                                           | 70.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                                                           | Description                                                                                                                                                                                                                                            | Percent Complete | State            | Lead City Department           | Commission?                                                              | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in -2 years? | Have adequate staff resources for? |
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| 454 | Strategic Plan - Project | Training and Certification for Sports Coaches and Officials                                    | Start to implement a new program to provide the latest training and certifications all staff who serve as sports officials and coaches for the City's many sports programs, including softball, baseball, and tennis leagues, skateboarding, and more. | 35.00            | Work in Progress | Parks, Recreation & Waterfront | N                                                                        | Y            | N            | Y                     | N                                | Y                       | Y                                  |
| 455 | Strategic Plan - Project | Tree Planting Project in South and West Berkeley                                               | Plant 500 trees in South and West Berkeley                                                                                                                                                                                                             | 50.00            | Work in Progress | Parks, Recreation & Waterfront | N                                                                        | Y            | Y            | Y                     | N                                | Y                       | Y                                  |
| 456 | Strategic Plan - Project | University Avenue (West Frontage Rd to Marina Blvd), Marina Blvd, and Spinnaker Way Renovation | Renovate three roads at the Berkeley Marina (University Ave, Marina Blvd, and Spinnaker Way) - Construction - Design and Construction.                                                                                                                 | 30.00            | Work in Progress | Parks, Recreation & Waterfront | N                                                                        | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 457 | Strategic Plan - Project | WETA MOU and Ferry Feasibility Study                                                           | Develop an MOU with WETA and conduct an engineering feasibility study for potential WETA ferry service and recreation at the existing or a new Berkeley Pier.                                                                                          | 80.00            | Work in Progress | Parks, Recreation & Waterfront | N                                                                        | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 458 | Strategic Plan - Project | Ashby and North Berkeley and Development Parameters (formerly station area plan)               | State-mandated zoning study and updates at the North Berkeley and Ashby BART stations                                                                                                                                                                  | 25.00            | Work in Progress | Planning                       | Involves Planning Commission                                             | Y            | Y            | Y                     | Y                                | Y                       | Y                                  |
| 459 | Strategic Plan - Project | Clean energy (i.e., Fuel switching)                                                            | Promote strategies and make available resources for residents to convert to cleaner fuel use in buildings.                                                                                                                                             | 50.00            | Work in Progress | Planning                       | N                                                                        | Y            | N            | Y                     | N                                | N                       | Y                                  |
| 460 | Strategic Plan - Project | Climate Adaptation Work                                                                        | New climate adaptation work                                                                                                                                                                                                                            | 5.00             | Work in Progress | Planning                       | Y                                                                        | Y            | N            | Y                     | N                                | N                       | N                                  |
| 461 | Strategic Plan - Project | Demolition Ordinance and Affordable Housing                                                    | Study issues pertaining to demolition and replacement of existing rent controlled and affordable housing. Depending on outcomes of study, may result in a revised fee and/or ordinance                                                                 | 25.00            | Work in Progress | Planning                       | Involves Planning Commission, Rent Stabilization Board                   | Y            | N            | N                     | Y                                | Y                       | N                                  |
| 462 | Strategic Plan - Project | Development/Density Standards Project                                                          | Study options and proposed comprehensive density standards                                                                                                                                                                                             | 25.00            | Work in Progress | Planning                       | Involves Joint Subcommittee for the Implementation of State Housing Laws | Y            | Y            | Y                     | Y                                | N                       | F                                  |
| 463 | Strategic Plan - Project | Expanded and streamlined rental housing safety program                                         | Expand and streamline the Rental Housing Safety Program to enable proactive inspections and other actions to maintain Berkeley's aging rental housing stock.                                                                                           | 65.00            | Work in Progress | Planning                       | N                                                                        | Y            | Y            | N                     | Y                                | N                       | N                                  |
| 464 | Strategic Plan - Project | Increased EV infrastructure                                                                    | Provide better facilities and infrastructure for Electrical Vehicle charging, with an emphasis on electric mobility strategies to make cleaner transportation available to all across income lines.                                                    | 80.00            | Work in Progress | Planning                       | N                                                                        | Y            | N            | Y                     | N                                | N                       | N                                  |
| 465 | Strategic Plan - Project | Increased Student Housing                                                                      | Identify opportunities to enable additional student housing, such as through Zoning Ordinance amendments focused on increasing student housing capacity in the Telegraph Avenue Commercial District.                                                   | 50.00            | Work in Progress | Planning                       | Involves Planning Commission                                             | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 466 | Strategic Plan - Project | Local density bonus policy                                                                     | Develop and pilot a local Density Bonus program that enables payment of housing in-lieu fees to be used and leveraged to create additional affordable housing.                                                                                         | 50.00            | Work in Progress | Planning                       | Involves Planning Commission                                             | Y            | Y            | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                  | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Percent Complete | State            | Lead City Department | Commission?                                                              | Underway? | Funded?  | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|----------------------|--------------------------------------------------------------------------|-----------|----------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 467 | Strategic Plan - Project | Missing Middle Housing Study / Housing Element Update | Refer to the City Manager to prepare a report to the Council of examining methods, including potential revisions to the zoning code, that may foster a broader range housing types across Berkeley, particularly missing middle housing types (duplexes, triplexes/fourplexes, courtyard apartments, bungalow courts, townhouses, etc.), in areas with access to essential components of livability like parks, schools, employment, transit, and other services. Given the range of requests included in this referral, it is expected that responding to the referral will require a combination of field research, consultation with design professionals and other cities and agencies, and community outreach and engagement. Council requests that staff initiate this work as soon as possible. (Text from 4/23/19 Council Referral) | 1.00             | Work in Progress | Planning             | Involves Planning Commission                                             | Y         | Deferred | N                     | Y                                | Y                       | N                                  |
| 468 | Strategic Plan - Project | New Municipal Building Energy Policy                  | Develop options for a new Municipal Building Energy Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 5.00             | Work in Progress | Planning             | N                                                                        | N         | N        | N                     | N                                | Y                       | N                                  |
| 469 | Strategic Plan - Project | Objective Development Standards                       | Consultant work with community and commissions to describe, define, and revise objective development standards in corridors.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 25.00            | Work in Progress | Planning             | Involves Joint Subcommittee for the Implementation of State Housing Laws | Y         | Y        | Y                     | Y                                | N                       | N                                  |
| 470 | Strategic Plan - Project | Parking Reform                                        | Strategies to unbundle parking requirements from development requirements to facilitate housing production and car-free modes of transit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 90.00            | Work in Progress | Planning             | Involves Planning Commission                                             | Y         | Y        | N                     | N                                | Y                       | Y                                  |
| 471 | Strategic Plan - Project | Permit Conditions Enforcement Process                 | Review process/approach to monitoring and enforcing agreed-to conditions on Land Use permits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 50.00            | Work in Progress | Planning             | N                                                                        | Y         | N        | N                     | N                                | Y                       | N                                  |
| 472 | Strategic Plan - Project | Permit Service Center and Land Use Planning Survey    | Develop and administer a customer service survey relating to permitting services and land use planning processes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 33.00            | Work in Progress | Planning             | N                                                                        | Y         | Y        | N                     | N                                | Y                       | Y                                  |
| 473 | Strategic Plan - Project | Planning DOC                                          | Planning Operations Center (DOC) and Emergency Operations Plan (EOP)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 0.00             | Not Started      | Planning             | N                                                                        | N         | N        | N                     | N                                | Y                       | N                                  |
| 474 | Strategic Plan - Project | Seismic safety programs                               | Continue implementation of the City's Soft Story and Unreinforced Masonry Ordinances and administer a \$3 million Hazard Mitigation Grant from FEMA, which will provide design and construction grants to owners of the most seismically vulnerable buildings in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 70.00            | Work in Progress | Planning             | N                                                                        | Y         | Y        | Y                     | Y                                | N                       | Y                                  |
| 475 | Strategic Plan - Project | Sign Policy                                           | Evaluate and update design review processes/policies and Sign Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 50.00            | Work in Progress | Planning             | Involves Planning Commission, Design Review Committee                    | Y         | N        | N                     | N                                | Y                       | N                                  |
| 476 | Strategic Plan - Project | Solar + Storage Project                               | Latest strategy from previous Microgrid pilot program to co-locate solar and storage capacity, especially for emergency backup uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 30.00            | Work in Progress | Planning             | N                                                                        | Y         | N        | Y                     | N                                | Y                       | N                                  |
| 477 | Strategic Plan - Project | ZORP (Zoning Ordinance Revision Project)              | Revise the City of Berkeley Zoning Ordinance in order to clarify zoning rules and procedures for community members and improve the implementation process for City staff.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 50.00            | Work in Progress | Planning             | Involves Planning Commission                                             | Y         | Y        | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Percent Complete | State            | Lead City Department | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|----------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 478 | Strategic Plan - Project | Community Safety During Demonstrations                                                                          | Increase Police capacity, resources, tools and training, including training a bike-officer response unit, to effectively protect and facilitate free speech and maintain community safety when demonstrations and protests occur.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 80.00            | Work in Progress | Police               | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 479 | Strategic Plan - Project | Comprehensive Police Policy Review                                                                              | Fully implement and update Police policies to Lexipol format, ensuring full compliance with current law, case law, and incorporate best practices.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 85.00            | Work in Progress | Police               | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 480 | Strategic Plan - Project | Develop resources and programs for employee resiliency                                                          | Expand Police employee wellness and resiliency programs, including mental health, fitness, and nutrition resources.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 75.00            | Work in Progress | Police               | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 481 | Strategic Plan - Project | Hire, Train, and Retain Excellent Police Personnel                                                              | In order to continue to provide excellent service to the community, expediently fill any position vacancies while maintaining a highly qualified, well educated work force.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 80.00            | Work in Progress | Police               | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |
| 482 | Strategic Plan - Project | Implementation of new public safety technology. (Comprehensive Review of Police Equipment and Technology Needs) | Conduct a needs assessment and prioritization of tools and technology that would better enable the Police to safeguard the community. Implement new technology.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 80.00            | Work in Progress | Police               | N           | Y         | N       | N                     | N                                | N                       | Y                                  |
| 483 | Strategic Plan - Project | Police Community Engagement Strategy                                                                            | Enhance the Police's existing efforts to engage and inform community members about public safety by developing a Police Community Engagement Strategy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 70.00            | Work in Progress | Police               | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 484 | Strategic Plan - Project | Revise use-of-force policy and implement software                                                               | Implement software enhancements used to report and review department commendations and uses of force, in conjunction with a revised use of force policy. This will enable the BPD ability to report aggregate information internally and externally.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 95.00            | Work in Progress | Police               | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 485 | Strategic Plan - Project | 2nd Street, Monterey Avenue, Ward Street, Hopkins Street and Bancroft Way                                       | Pavement rehabilitation of 1,600 linear feet (0.3 miles) on Ward Street from San Pablo Avenue to Action Street with full-depth reclamation including sidewalk, driveway, and curb ramp replacement. The street will also include green infrastructure improvements, pervious concrete in the parking lane (8 feet wide) to infiltrate storm water into the native soil. Pavement rehabilitation of 1,600 linear feet (0.3 miles) on 2nd Street from Addison Street to Delaware Street, including installation of sidewalk, curb and gutter, crosswalks along University Avenue underpass, and removal of Railroad tracks on project area. Pavement rehabilitation of 3,100 linear feet (0.6 miles) on Monterey Avenue from Hopkins Street to The Alameda, including installation of sidewalk, curb & gutter, curb ramps, and striping of bike lanes and crosswalks. Pavement rehabilitation of 6,600 linear feet (1.25 miles) on Hopkins Street from San Pablo to The Alameda, including installation of sidewalk, curb & gutter, curb ramps, and striping of bike lanes and crosswalks. Pavement rehabilitation of 350 linear feet (0.06 miles) on Bancroft Way from Shattuck Avenue to Milvia Street, including installation of sidewalk, curb & gutter, curb ramps, and a protected bike lane from Fulton Street to Milvia Street. | 50.00            | Work in Progress | Public Works         | N           | Y         | Y       | N                     | Y                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

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|-----|--------------------------|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|----------------------|-------------|--------------|--------------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 486 | Strategic Plan - Project | 50/50 Sidewalk Program                                                                        | Reduce 50/50 sidewalk backlog                                                                                                                                                                                                                                                                                                                                                                                                                      | 70.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | N                       | N                                  |
| 487 | Strategic Plan - Project | American Disabilities Act Transition Plan                                                     | Work with DAC consultants to survey accessibility and ADA compliance for City facilities, public right of way, and parks, as well as programs and services.                                                                                                                                                                                                                                                                                        | 72.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | Y                                | Y                       | Y                                  |
| 488 | Strategic Plan - Project | Berkeley Rose Garden Drainage                                                                 | Repair creek channel to protect channel and contain creek flows.                                                                                                                                                                                                                                                                                                                                                                                   | 35.00            | On Hold          | Public Works         | N           | N            | N            | N                     | N                                | N                       | Y                                  |
| 489 | Strategic Plan - Project | Bicycle and Pedestrian Infrastructure Improvements (Ongoing Program)                          | Implement protected bicycle lanes on Milvia and Dana Streets and currently-funded Safe Routes to Schools and Active Transportation Program projects, including the 9th Street path crossing at Ashby Avenue. Implement BeST and Bicycle and Pedestrian Plan improvements during repaving projects. Identify funding sources for implementing all Tier 1 Bicycle Boulevard crossing recommendations from the Bicycle Plan.                          | 25.00            | Work in Progress | Public Works         | N           | Y            | Y            | Y                     |                                  | Y                       | Y                                  |
| 490 | Strategic Plan - Project | Bicycle Plan FY 2022 Update                                                                   | Construct bikeway projects and implement encouragement, education, enforcement, and evaluation programs to make Berkeley a model bicycle-friendly city where bicycling is a safe, comfortable, and convenient form of transportation and recreation for people of all ages and abilities                                                                                                                                                           | 0.00             | Not Started      | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 491 | Strategic Plan - Project | Compostable or Recyclable Foodware                                                            | Implementation: Phase 2 - All foodware certified compostable & vendor charges \$0.25 per disposal cup<br>Phase 3 - Only onsite foodware provided by vendor.                                                                                                                                                                                                                                                                                        | 5.00             | Work in Progress | Public Works         | N           | Y            | N            | N                     | Y                                | Y                       | N                                  |
| 492 | Strategic Plan - Project | Corporation Yard Roof and Electrical Upgrades                                                 | This facility requires general upgrades of the electrical system including panelboards, switchboard, and electrical feeders.                                                                                                                                                                                                                                                                                                                       | 75.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 493 | Strategic Plan - Project | Gilman Street Interchange Project                                                             | Improve the mobility and safety of the Gilman Street Corridor by reconstructing the Gilman Street Interchange and creating a new gateway into North Berkeley. In FY 2018-2019, complete the environmental documents and begin final design for the I-80 Gilman Interchange and pedestrian overcrossing projects.                                                                                                                                   | 90.00            | Work in Progress | Public Works         | N           | Y            | Y            | Y                     |                                  | Data Pending            | Data Pending                       |
| 494 | Strategic Plan - Project | Long-Term Waste Operations Strategy                                                           | RFP to develop long term Zero Waste Strategic Plan                                                                                                                                                                                                                                                                                                                                                                                                 | 10.00            | Work in Progress | Public Works         | N           | N            | N            | N                     | Y                                | N                       | N                                  |
| 495 | Strategic Plan - Project | Major Improvements to Downtown Berkeley Infrastructure and Amenities (Milvia Bikeway Project) | The project is currently in the grant funded planning phase for a protected bikeway between Hearst Ave and Channing Way, with a protected bikeway or traffic calming to upgrade the bikeway between Channing and Blake Street. Conceptual design will be complete in October 2019. Engineering design will start January 2020 and end October 2020. If additional grant funds are secured, construction would begin May 2021 and end January 2022. | 45.00            | Work in Progress | Public Works         | N           | Y            | Y            | Y                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Percent Complete | State            | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|-------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|----------------------|-------------|--------------|--------------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 496 | Strategic Plan - Project | Major Improvements to Downtown Berkeley Infrastructure and Amenities (Center Street Plaza)      | Convert Center Street between Shattuck and Oxford to a slow street with enhanced streetscape treatments emphasizing use by pedestrians and cyclists while retaining access for transit and deliveries. Project is on hold because anticipated SOSIP funds from hotel development were deferred for up to 10 years.                                                                                                                                                                                                                 | 0.00             | On Hold          | Public Works         | N           | N            | N            | N                     | N                                | N                       | N                                  |
| 497 | Strategic Plan - Project | Major Improvements to Downtown Berkeley Infrastructure and Amenities (Shattuck Reconfiguration) | Improve pedestrian safety by changing traffic flow and turning patterns at the Shattuck/University intersection. Put all through traffic in both directions on the newly two-way west leg of Shattuck between Center and University. Improve parking capacity and shorten pedestrian crossings on the east leg of Shattuck. Provide enhanced transit plaza on the east side of Shattuck between Alston and Center. Contract award by Council is scheduled for October 2018 and Construction is scheduled to commence January 2019. | 95.00            | Work in Progress | Public Works         | N           | Y            | Y            | Y                     | N                                | Y                       | Y                                  |
| 498 | Strategic Plan - Project | Marina Corporation Yard Electrical Upgrades                                                     | Electrical upgrades to the maintenance building.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 75.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 499 | Strategic Plan - Project | North Berkeley Senior Center Seismic Upgrades and Renovations                                   | Seismic and general upgrades to meet immediate occupancy rating.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 75.00            | Work in Progress | Public Works         | N           | Y            | Y            | Y                     |                                  | Y                       | Y                                  |
| 500 | Strategic Plan - Project | Pedestrian Plan Update                                                                          | Update the 2010 Pedestrian Master Plan to guide City efforts to make walking in Berkeley safe, attractive, easy, and convenient for people of all ages and abilities.                                                                                                                                                                                                                                                                                                                                                              | 97.00            | Work in Progress | Public Works         | Y           | Y            | Y            | Y                     | Y                                | Y                       | Y                                  |
| 501 | Strategic Plan - Project | Public Safety Building Improvements                                                             | Renovate the Public Safety Building lobby to improve service to community members and enhance the safety of Fire Department personnel. Install new carpet. Fix water leak on south side of building.                                                                                                                                                                                                                                                                                                                               | 95.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 502 | Strategic Plan - Project | Residential Preferential Parking (RPP) Program                                                  | Assess the potential for and interest in expansion of RPP in additional commercial districts.                                                                                                                                                                                                                                                                                                                                                                                                                                      | 60.00            | Work in Progress | Public Works         | N           | N            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 503 | Strategic Plan - Project | Sewer Master Plan                                                                               | The plan will provide flow monitoring, hydraulic modeling and capacity assessment, and condition assessment of the sewer system. These services will allow for identification of areas of high inflow and infiltration and capacity deficiency in the sewer system. In addition, they will provide prioritization of capital sewer improvements and a sanitary sewer rate study                                                                                                                                                    | 70.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 504 | Strategic Plan - Project | Solano Avenue Revitalization Plan                                                               | Conceptual design                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 505 | Strategic Plan - Project | Substation relocation project                                                                   | Relocation of the BPD Traffic Substation to a City of Berkeley-owned facility.                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 75.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 506 | Strategic Plan - Project | Transfer Station - Master Plan                                                                  | Re-construct the nearly 8-acre West Berkeley site where waste materials are sorted. The eventual goal of a new site is simple: if we recover more of what can be re-used or recycled, we slash what Berkeley trucks to the mountains of garbage that fill landfills.                                                                                                                                                                                                                                                               | 50.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                     | Description                                                                                                                                                                                                         | Percent Complete | State            | Lead City Department | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|----------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 507 | Strategic Plan - Project | Undergrounding Utility Wires                             | Finalize design and begin construction of Underground Utility District #48 (Grizzly Peak). The City is responsible for installation of decorative solar street lighting in support of this Undergrounding District. | 80.00            | Work in Progress | Public Works         | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |
| 508 | Strategic Plan - Project | Update Watershed Management and Storm Drain Master Plans | Undertaking a necessary update to citywide watershed management and storm drain master plans                                                                                                                        | 90.00            | Work in Progress | Public Works         | N           | N         | Y       | N                     | N                                | Y                       |                                    |
| 509 | Strategic Plan - Project | Zero Waste Rate Evaluation                               | Develop a study that provides for a new five year rate structure that sets rates through the Proposition 218 process.                                                                                               | 50.00            | Work in Progress | Public Works         | N           | N         | Y       | N                     | Y                                | Y                       | Y                                  |



Fair Campaign Practices Commission

Date: September 17, 2020

To: Fair Campaign Practices Commission and Open Government Commission

From: Commissioner Patrick O'Donnell

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

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This memorandum to the Fair Campaign Practices Commission (FCPC) and the Open Government Commission (OGC) substitutes for the one previously posted, mailed to members of the FCPC, and appearing as Item 7 on the agenda of the FCPC. The key difference is that this memorandum addresses not only officeholder accounts, but also proposed changes to City Council Expenditure and Reimbursement Policies (so-called D-13 Accounts). These two proposals are closely linked and should be considered together. Because the proposal relating to officeholder accounts falls under the jurisdiction of the FCPC and that relating to D-13 accounts falls under the jurisdiction of the OGC, the FCPC and OGC should act jointly in considering the proposed changes to BERA and the Reimbursement Policies.

The memorandum also makes the following recommendation:

Form 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.

The preceding recommendations are consistent with previous discussions and the annual workplans of the FCPC and the OGC.

To implement the recommendations in this memorandum, a revised report to the Council is attached.

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 had an initial discussion of these topics. It agreed that the Council Committee would 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, I propose that 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.



PUBLIC HEARING  
XXXXXX XX, XXXX

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 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:

Vote:

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 FPPC 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 1 – 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



Fair Campaign Practices Commission

Date: September 17, 2020

To: Fair Campaign Practices Commission

From: Commissioner Patrick O'Donnell

Subject: Amendments to the Berkeley Election Reform Act to regulate officeholder accounts

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In 2019, the FCPC approved an amendment to the Berkeley Election Reform Act (“BERA”) prohibiting officeholder accounts. That proposal was submitted to Council. However, some councilmembers have expressed opposition to an outright ban on officeholder accounts and a preference for developing regulations for those accounts. This report contains a new alternative proposal to regulate – rather than prohibit – officeholder accounts. At its July 16, 2020 meeting, the Commission voted to direct Commissioner O’Donnell to return at the Commission’s September 17, 2020 meeting with a version of the proposal drafted as an amendment to BERA that can be voted on and presented to Council.

## **Background**

During 2019, the Commission discussed whether there is a need to amend the law relating to the use of officeholder 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 may 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.” (Report, page 14.)

In the course of its review of the issue of officeholder accounts, the Commission 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 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 meeting, the Council had a lengthy discussion about their D13 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. (See Memorandum to FCPC dated February 12, 2020, a copy of which is attached.)

The City Council, however, referred both the issues relating to D13 accounts and those relating to officeholder accounts to its Agenda and Rules Committee for further consideration. At a special meeting on March 9, 2020, that Committee had an initial discussion of these topics. At that meeting, it was agreed that the Council Committee would work collaboratively with the FCPC on matters relating to D13 accounts and officeholder accounts. This collaborative work with the Council was included in the FCPC and OGC 2020-2021 workplans, which were approved on May 21, 2020.

### **Alternative Proposal for Legislation on Officeholder Accounts**

Given the Council's opposition to accepting an outright prohibition of officeholder accounts, the FCPC should at least explore some alternatives, including the option of amending the BERA to allow for officeholder accounts that would be subject to limitations, as the City of Oakland has done. The subcommittee which examined officeholder accounts briefly discussed this option but, given that there was unanimous support for prohibiting officeholder accounts entirely, it never developed a detailed proposal for this kind of alternative. However, now that the FCPC/OGC will be in conversation with the council about the options going forward, it seems to make good sense to examine in more detail what the alternative might look like.

For discussion purposes, a draft proposal to amend the BERA is attached (Attachment 1). It is based generally on the Oakland ordinance but differs in important ways from that statute. The basic concept behind this alternative is to allow officeholders to have *true* officeholder accounts, but to insure that the funds in these accounts are

used *strictly* for officeholder purposes and may not be used for political campaigns or other non-officeholder purposes. The proposal would also include limitations on the amount each donor may contribute and the total amount of donations to each officeholder account permitted annually. The amendments would require disclosures of the sources and amounts of all donations and expenditures. And they would specify how officeholder accounts are to be terminated.

Although not as fully effective as the complete prohibition of officeholder accounts previously recommended by the FCPC, this approach would allow officeholders to create regulated accounts for proper officeholder purposes. At the same time, these true officeholder accounts would be subject to public scrutiny and express limitations that would prevent serious abuses. Finally, the strict prohibitions in the proposed legislation against using any funds from officeholder accounts for campaign purposes would greatly simplify the management and oversight of these accounts. Current state law, which permits certain officeholder funds to be redesignated for campaign purposes under certain circumstances and subject to various disclosure and notice requirements, creates a nightmare of administrative and reporting requirements. It has made it difficult for officeholders to comply with the law and has established traps for the unwary. Thus, it is hardly surprising that most candidates elected to public office do not even attempt to set up officeholder accounts.

In the end, it may well be that the alternative presented here—or any other—may be unable to carry the day. Because of the double-green light requirements of BERA, no proposal may be able to garner the 2/3 votes of both the Council and Commission required to change the law. But for the purposes of collaborating with the Council on ways of improving the officeholder account process, the Commission should review the attached proposal which offers at least one possible scenario for addressing the problems and pitfalls involved with officeholder accounts.

Prior to approving this item, the Commission will need to make a determination regarding the dollar amounts for limits on donations to officeholder accounts. These amounts are highlighted in the attached Proposal in Section 2.12.600.E & F.

Attachments:

1. New draft proposed amendments to BERA to allow for officeholder accounts, to limit such accounts to being used strictly for officeholder purposes, and to subject these accounts to various other limitations and disclosure requirements (“Proposal”)
2. Report to the City Council from the Fair Campaign Practices Commission entitled “Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts: Amending BMC Chapter 2.12” (for Public Hearing on February 4, 2020) (with Attachments) (“Report”)
3. Memorandum from Dean Metzger, Chair, to FCPC dated February 12, 2020 (with Attachments) (“Memorandum”)





Fair Campaign Practices Commission

PUBLIC HEARING  
XXXXX XX, XXXX

To: Honorable Mayor and Members of the City Council  
From: Brad Smith, Chair, Open Government Commission  
Submitted by: Samuel Harvey, Secretary, Fair Campaign Practices Commission  
Subject: Amendments to the Berkeley Election Reform Act

RECOMMENDATION

Adopt an ordinance amending the Berkeley Election Reform Act (BMC Chapter 2.12) to regulate officeholder accounts.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

These recommended amendments to the Berkeley Lobbyist Registration Act were approved by the Open Government Commission at its regular meeting of XXXXX XX, XXXX.

**Action:**

**Vote:**

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.

BACKGROUND

In 2019, the FCPC approved an amendment to the Berkeley Election Reform Act (“BERA”) prohibiting officeholder accounts. That proposal was submitted to Council. However, some councilmembers have expressed opposition to an outright ban on officeholder accounts and a preference for developing regulations for those accounts. This report contains a new alternative proposal to regulate – rather than prohibit – officeholder accounts.

During 2019, the Commission discussed whether there is a need to amend the law relating to the use of officeholder 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 may 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.” (Report, page 14.)

In the course of its review of the issue of officeholder accounts, the Commission 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 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 meeting, the Council had a lengthy discussion about their D13 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. (See Memorandum to FCPC dated February 12, 2020, a copy of which is attached.)

The City Council, however, referred both the issues relating to D13 accounts and those relating to officeholder accounts to its Agenda and Rules Committee for further consideration. At a special meeting on March 9, 2020, that Committee had an initial discussion of these topics. At that meeting, it was agreed that the Council Committee would work collaboratively with the FCPC on matters relating to D13 accounts and officeholder accounts. This collaborative work with the Council was included in the FCPC and OGC 2020-2021 workplans, which were approved on May 21, 2020.

### **Alternative Proposal for Legislation on Officeholder Accounts**

At its September 17, 2020 meeting, the FCPC passed the attached proposal to amend the BERA (Attachment 1). It is based generally on the Oakland ordinance but differs in important ways from that statute. The basic concept behind this alternative is to allow officeholders to have *true* officeholder accounts, but to insure that the funds in these accounts are used *strictly* for officeholder purposes and may not be used for political

campaigns or other non-officeholder purposes. The proposal also includes limitations on the amount each donor may contribute and the total amount of donations to each officeholder account permitted annually. The amendments would require disclosures of the sources and amounts of all donations and expenditures, and specify how officeholder accounts are to be terminated.

This approach would allow officeholders to create regulated accounts for proper officeholder purposes. At the same time, these true officeholder accounts would be subject to public scrutiny and express limitations that would prevent serious abuses. Finally, the strict prohibitions in the proposed legislation against using any funds from officeholder accounts for campaign purposes would greatly simplify the management and oversight of these accounts. Current state law, which permits certain officeholder funds to be redesignated for campaign purposes under certain circumstances and subject to various disclosure and notice requirements, creates a nightmare of administrative and reporting requirements. It has made it difficult for officeholders to comply with the law and has established traps for the unwary. Thus, it is hardly surprising that most candidates elected to public office do not even attempt to set up officeholder accounts.

#### ENVIRONMENTAL SUSTAINABILITY

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

#### RATIONALE FOR RECOMMENDATION

This proposal is offered as an alternative to the proposed ban on officeholder accounts previously submitted to Council by the FCPC. This proposal would regulate – rather than prohibit – officeholder accounts.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CITY MANAGER

#### CONTACT PERSON

Brad Smith, Chair, Open Government Commission, (510) 981-6998

Samuel Harvey, Commission Secretary, Open Government Commission (510) 981-6998

#### Attachments:

1. Proposed ordinance amending BERA to allow and regulate officeholder accounts
2. Report to the City Council from the Fair Campaign Practices Commission entitled “Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts: Amending BMC Chapter 2.12” (for Public Hearing on February 4, 2020) (with Attachments) (“Report”)
3. Memorandum from Dean Metzger, Chair, to FCPC dated February 12, 2020 (with Attachments) (“Memorandum”)

ORDINANCE NO. -N.S.

AMENDING THE BERKELEY ELECTION REFORM ACT TO REGULATE  
OFFICEHOLDER ACCOUNTS

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

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

**Section 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 Article 9 of Chapter 2.12 of the Berkeley Municipal Code is added to read as follows

Article 9. Officeholder Accounts

**Section. 2.12.600 Regulation of officeholder accounts.**

A. The mayor and council members (the “officeholder” or “office holders”) shall each be permitted to establish one officeholder account, as defined in section 2.12.157.

B. All donations deposited into an officeholder account shall be deemed to be held in trust solely for expenses associated with holding the office currently held by the elected city officer. For the purpose of this section, “donation” 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, in support of the office currently held by an elected official.

C. Only a natural person who is a resident of the City may make a donation to an officeholder account.

D. Donations to an officeholder account must be made by a separate check or other separate written instrument. Single donations may not be divided between the officeholder account and any candidate committee or other entity.

E. No donor shall make, and no elected officer shall receive from a donor, a donation or donations under this section totaling more than fifty [or two-hundred and fifty] dollars (\$50.00 [or \$250.00]) per person for the calendar year. “Donor” means a natural person who is a resident of the City who makes a donation as defined in paragraph B.

F. For the office of mayor, total donations to an officeholder account from all donors shall not exceed ten thousand dollars (\$10,000.00) in the aggregate per calendar year. For each member of the city council, total donations to an officeholder account from all donors shall not exceed five thousand dollars (\$5,000.00) in the aggregate per calendar year.

G. All donations received for, and expenditures made from, an officeholder account during a calendar year shall be reported at least annually on the date or dates prescribed by the commission and the report shall be made available to the public promptly thereafter. The commission shall adopt or designate a form or forms for the purpose of reporting the information about each elected officer's officeholder account. The forms shall be filed electronically. The information on the form or forms shall be verified by the officeholder. The information that shall be included in the officeholder account report shall include the following:

1. The name of the officeholder and the office held;
2. The reporting period covered by the report;
3. A description of all receipts and expenditures.
4. The full name of each donor from whom a donation or donations has been received together with his or her street address, occupation, and the name of his or her employer, if any, or the principal place of business if he or she is self-employed; the amount which he or she donated; the date on which the each donation was received during the period covered by the report; and the cumulative amount that the donor donated. Loans received shall be set forth in a separate schedule and the foregoing information shall be stated with regard to each lender, together with the date and amount of the loan, and if the loan has been repaid, the date of the payment and by whom paid;
5. The full name and street address of each person to whom an expenditure or expenditures have been made, together with the amount of each separate expenditure to each person during the period covered by the report; a description of the purpose for which the expenditure was made; and the full name and street address of the person receiving the expenditure.
6. Under the heading "receipts," the total amount of donations received, and under the heading "expenditures," the total amount of expenditures made during the reporting period and cumulative amount of such totals;
7. The balance of cash and cash equivalents, including the amounts in the officeholder bank account, at the beginning and end of each period covered by the report.

H. Expenditures from an officeholder account may be made only for lawful officeholder purposes, and may not be used for any of the purposes prohibited in subsections J. and K. of this section.

I. Allowable expenditures from an officeholder account include the following:

1. Expenditures for fundraising (including solicitations by mail) for the officeholder account;
2. Expenditures for office equipment, furnishings and office supplies;

3. Expenditures for office rent;

4. Expenditures for salaries of part-time or full-time staff employed by the officeholder for officeholder activities;

5. Expenditures for consulting, research, polling, photographic or similar services except for campaign expenditures for any city, county, regional, state or federal elective office;

6. Expenditures for conferences, meetings, receptions, and events attended in the performance of government duties by (1) the officeholder (2) a member of the officeholder's staff; or (3) such other person designated by the officeholder who is authorized to perform such government duties;

7. Expenditures for travel, including lodging, meals and other related disbursements, incurred in the performance of governmental duties by (1) the officeholder, (2) a member of the officeholder's staff, (3) or such other person designated by the officeholder who is authorized to perform such government duties;

8. Expenditures for memberships to civic, service or professional organizations, if such membership bears a reasonable relationship to a governmental, legislative or political purpose;

9. Expenditures for an educational course or educational seminar if the course or seminar maintains or improves skills which are employed by the officeholder or a member of the officeholder's staff in the performance of his or her governmental responsibilities;

10. Expenditures for mailing to persons within the city which provide information related to city-sponsored events, an official's governmental duties or an official's position on a particular matter pending before the Council or Mayor;

11. Expenditures for expressions of congratulations, appreciation or condolences sent to constituents, employees, governmental officials, or other persons with whom the officeholder communicates in his or her official capacity;

12. Expenditures for payment of tax liabilities incurred as a result of authorized officeholder expense fund transactions; and

13. Expenditures for accounting, professional and administrative services provided to the officeholder account.

J. Officeholder expense funds shall not be used for the following:

1. Expenditures in connection with a future election for any city, county, regional, state or federal elective office or in connection with a ballot measure;

2. Expenditures for campaign consulting, research, polling, photographic or similar services for election to city, county, regional, state or federal elective office;

3. Membership in any athletic, social, fraternal, veteran or religious organization;

4. Supplemental compensation for employees for performance of an act which would be required or expected of the person in the regular course or hours of his or her duties as a city official or employee;

5. Any expenditure that would violate the provisions the California State Political Reform Act, including Government Code Sections 89506 and 89512 through 89519, and any provisions of the BERA.

K. Prohibitions:

1. No funds may be contributed or transferred from an officeholder account to any candidate or committee, as defined in sections 2.12.085 and 2.12.095 of this chapter, including to any committee in which the officeholder is a candidate. An officeholder may not redesignate his or her officeholder account as a committee for a future term of the same office or redesignate his or her officeholder funds to be used as campaign funds by his or her committee for a future term of the same office.

2. No funds may be used from an officeholder account to pay any campaign expenses.

3. An officeholder may not transfer or contribute funds from any other committee he or she controls to the officeholder account.

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

1. Paying for legitimate, outstanding officeholder expenses.

2. Repaying contributions to contributors to the officeholder accounts.

3. Making a donation to a bona fide charitable, educational, civic, religious or similar tax-exempt, non-profit 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.

M. The officeholder shall terminate the officeholder account within 90 days of the date that the officeholder's term of office ends or he or she leaves that office, whichever is earlier. The Commission may for good cause extend the termination date. The disposition of all funds from the closed officeholder account, including the identification of all persons and entities that have received funds from the account and the amounts distributed, shall be described on a form prescribed by the Commission. The officeholder must verify and file the form electronically no later the date prescribed for the termination of the officeholder account or an approved extension thereof.

N. All funds from a closed officeholder account not properly disposed of within the 90 day period prescribed above, or an approved extension thereof, shall be deposited in the City's general fund.

O. Violations of this article involving the unlawful use of officeholder accounts are subject to the procedures of, and the penalties in, Article 7 of this chapter.

**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 regulation of officeholder accounts.

The hearing will be held on, [date of hearing] at [6:00 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 [date of agenda posting].

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.

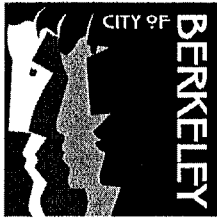
Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication 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:** [Publication Date in Newspaper]

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 [Enter Date].

Mark Numainville, City Clerk



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
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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.

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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.¹ 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.

¹Under 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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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.¹ For similar reasons, the BERA does not

¹ 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.² 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\ofthldr.mem.doc

² 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.^{1/} (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

^{1/}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 as of **January 30, 2020**.

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

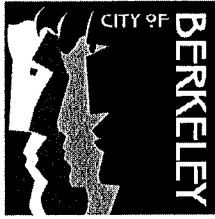
Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

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 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

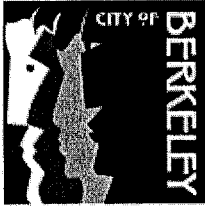
**Item Number:** 2

**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.

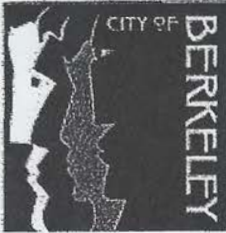
By allowing Officeholder Accounts and regulating them, Berkeley can place limits on amounts that can be raised, and on the individuals/entities from whom funds can be accepted, similar (or identical) to the limits Berkeley places on sources of campaign funds. Similarly, Berkeley can restrict uses of 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>



Fair Campaign Practices Commission

**Date:** February 12, 2020  
**To:** FAIR CAMPAIGN PRACTICES COMMISSION  
**From:** Dean Metzger, Commission Chair  
**Subject:** Council discussion and action with regards to the Officeholder Accounts FCPC proposal.

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At the Special City Council meeting of Tuesday February 4, 2020, the City Council had a lengthy discussion about their D13 accounts, and the lack of discretionary funds Council Members have to spend. They then decided not to approve the FCPC recommendation to prohibit Officeholder Accounts.

To remedy this concern the FCPC should request from the City Manager the amount each Council Member receives in their D13 accounts and after some discussion make a recommendation to Council. If the D13 account is large enough to allow Council members to make the expenditures they feel will keep their constituents informed of their activities, travel to local meetings, provide transportation expenses and meals - there would be no need for Officeholders Accounts.

A search of the City's Budget documents did not reveal the amounts allocated to the Council D13 accounts. Once the information is available the FCPC can make its recommendations to City Council.

**Attachments:**

1. Mayor and City Council Financial Summary
2. Draft request to City Manager for budget details of the Mayor and each individual Council Member



**MAYOR AND CITY COUNCIL FINA**

|                        | FY 2015<br>Actual | FY 2016<br>Actual | FY 2017<br>Adopted | FY 2018<br>Proposed | FY 2019<br>Proposed |
|------------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| <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 |

**DRAFT**

**DRAFT**

**DRAFT**

**Date:** February 20, 2020  
**To:** Dee Williams-Riley  
City Manager  
**From:** Fair Campaign Practices Commission  
**Subject:** Request for budget details of the Mayor and each individual Council Member.

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At the Special Council meeting of Tuesday, February 4, 2020 the Council heard and took action on the FCPC recommendation to amend the Berkeley Municipal Code to prohibit Officeholder Accounts. The Council discussion went to great lengths about why they needed the Officeholder Account before declining to approve the FCPC recommendation.

The FCPC needs to understand why the Council took the action it did.

To help the Commission determine if any further action on its part would be helpful, the Commission requests that your office provide the FCPC with the detailed budgets of the Mayor and each Council Member. The Commission has the budget summaries of the Mayor and City Council but it is of little use for the discussion.

Please provide the requested information in time for the FCPC meeting on March 19, 2020.

Thank you,

**Fair Campaign Practices Commission**



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

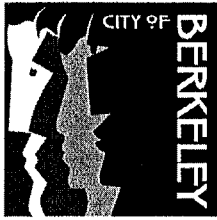
CONTACT PERSON

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

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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 (FPPC) 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

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<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.

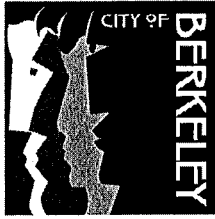
Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

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

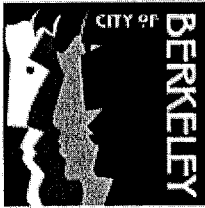
Item Number: 2

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.¹ 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.² 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

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

² <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."³ Nor may an elected official mail an item using public funds that features a reference to the elected official affiliated with their public position.⁴ 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.

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

⁴ <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.⁵ 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*

⁵ Councilmembers receive annual compensation of approximately \$36,000, while the Mayor receives annual compensation of approximately \$55,000.⁵

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.⁶

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

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

MAYOR AND CITY COUNCIL FINANCIAL SUMMARY

	FY 2015 Actual	FY 2016 Actual	FY 2017 Adopted	FY 2018 Proposed	FY 2019 Proposed
EXPENDITURES					
By Type:					
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>
By Division:					
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>
By Fund:					
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>
General Fund FTE	12.00	12.00	12.00	12.00	12.00
Total FTE	12.00	12.00	12.00	12.00	12.00