



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

**TUESDAY, OCTOBER 12, 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 Government Code Section 54953(e) and the state declared emergency, this meeting will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of the attendees. Therefore, no physical meeting location will be 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/89092330038>. 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: **890 9233 0038**. 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: September 27, 2021**
- 2. Review and Approve Draft Agenda:**
  - a. 10/26/21 – 6:00 p.m. Regular City Council Meeting
- 3. Selection of Item for the Berkeley Considers Online Engagement Portal**
- 4. Adjournments In Memory**

## **Scheduling**

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

## **Referred Items for Review**

- 8. Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings of Legislative Bodies**
- 9. Preliminary Analysis of Return to In-Person Meetings of City Legislative Bodies**

## **Unscheduled Items**

- 10. Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**

## **Items for Future Agendas**

- **Discussion of items to be added to future agendas**

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

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## **Additional items may be added to the draft agenda per Council Rules of Procedure.**

*Rules of Procedure as adopted by Council resolution, Article III, C3c - Agenda - Submission of Time Critical Items*

*Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.*

*If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.*

*The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.*

*Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee prior to the meeting.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.*



### **COMMUNICATION ACCESS INFORMATION:**

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

\* \* \*

I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on October 7, 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](mailto:policycommittee@cityofberkeley.info).*



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

**MONDAY, SEPTEMBER 27, 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/83342059740>. 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: **833 4205 9740**. 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.

**Roll Call:** 2:34 p.m. All present.

**Public Comment:** 9 speakers

## Review of Agendas

**1. Approval of Minutes: September 13, 2021**

**Action:** M/S/C (Wengraf/Arreguin) to approve the minutes of 9/13/21.

**Vote:** All Ayes.

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

a. 10/12/21 – 6:00 p.m. Regular City Council Meeting

**Action:** M/S/C (Arreguin/Wengraf) to approve the agenda of 10/12/21 with the changes noted below.

- *Item Added: Ghost Guns (Taplin) – added to Consent Calendar*
- *Item 16 Free AC Transit (Harrison) – moved to Action Calendar*
- *Item 17 SB 8 Texas (Wengraf) – Councilmembers Taplin, Kesarwani, and Hahn added as co-sponsors*
- *Item 18 Support HR 3755 (Wengraf) – revised item submitted; Councilmembers Taplin, Kesarwani, and Hahn added as co-sponsors*
- *Item 23 Fire Code Amendments (City Manager) – moved to Consent Calendar*
- *Item 24 Scheduling Meetings (Arreguin) – moved to Consent Calendar; Councilmembers Taplin and Hahn added as co-sponsors*
- *Item 25 Berkeley Pier (Taplin) – moved to Consent Calendar; Councilmember Kesarwani added as a co-sponsor*
- *Item 26 Direct Pay (Harrison) – moved to Consent Calendar*

Order of Items on Action Calendar

Item 19 ZAB Appeal

Item 20 Officeholder Accounts

Item 21 Commission Referral

Item 22 Council Referrals

**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**

- Added presentations to the list for scheduling regarding Homeless and Mental Health Services, Housing Element, and Council Priority Setting Follow-Up

**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:** 3 speakers. No action taken.

9. **Preliminary Analysis of Return to In-Person Meetings of City Legislative Bodies**

**Action:** 3 speakers. Brief update from staff regarding AB 361. No action taken.

## Unscheduled Items

10. **Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**

## Items for Future Agendas

- None

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 3:42 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on September 27, 2021.

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Mark Numainville  
City Clerk

## Communications

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## DRAFT AGENDA



### BERKELEY CITY COUNCIL MEETING

**Tuesday, October 26, 2021  
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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

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

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

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/87152148000>. 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: 871 5214 8000.. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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

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

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

## Preliminary Matters

### Roll Call:

**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 Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference.  
**Financial Implications:** None  
Contact: Farimah Brown, City Attorney, (510) 981-6950
- 2. Referral Response: Amending City Council Office Budget Expenditure and Reimbursement Policies**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution revising the Councilmember Office Budget Relinquishment and Grant Policy to add that donations to nonprofit organizations be made on behalf of the City Council and the residents of Berkeley.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 3. Appointment of Emergency Standby Officer for City Council District 2 and Resignation of Second Standby Officer for District 7**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution confirming the appointment of a newly nominated standby officer for City Council District 2 to serve in the event the elected official is unavailable during an emergency, removing the second standby officer for District 7, and rescinding Resolution No. 69,190-N.S.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 4. Revised Conflict of Interest Code**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution adopting a revised Conflict of Interest Code for the City of Berkeley and rescinding Resolution No. 69,152–N.S.  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900

## Consent Calendar

**5. Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve the minutes for the council meetings of September 14, 2021 (closed and regular), September 21, 2021 (special) and September 28, 2021 (closed and regular).

**Financial Implications:** None

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

**6. Contract No. 32100161 Amendment: Dorothy Day House for Services at 742 Grayson Street**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to amend contract number 32100161 with Dorothy Day House, adding \$548,096 for a new total not to exceed amount of \$1,657,618, to include the operation of homeless shelter for people living in vehicles in an off-street safe parking program for Recreational Vehicles at 742 Grayson Street, and extending the contract through September 30, 2022.

**Financial Implications:** See report

Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000

**7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 26, 2021**

**From: City Manager**

**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

**Financial Implications:** Parking Meter Fund - \$300,000

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

**8. Contract: Federal Engineering, Inc. for Prioritized Dispatch Consulting**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Federal Engineering, Inc. (Contractor) to provide prioritized dispatch consulting services from November 1, 2021 to October 30, 2022 in an amount not to exceed \$100,000 with an option to extend for two additional two-year terms, for a total contract amount not to exceed \$300,000.

**Financial Implications:** See report

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

## Consent Calendar

- 9. Contract No. 31900009 Amendment: Building Opportunities for Self-Sufficiency (BOSS) for Property Management Services at 2111 McKinley Ave**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 31900009 with Building Opportunities for Self-Sufficiency (BOSS) to fund property management services at 2111 McKinley Avenue in Berkeley, a supported housing site for mental health division clients, to increase the amount by \$287,712 for a total contract not to exceed \$657,712, and to extend the contract through November 1, 2023.  
**Financial Implications:** FY22 Budget - \$287,712  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 10. Contract No. 32100019 Amendment: Sonya Dublin Consulting as the External Evaluator, Tobacco Prevention Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32100019 with Sonya Dublin Consulting as the External Evaluator for Health, Housing and Community Services Public Health Division's Tobacco Prevention Program, increasing the amount by \$9,900 for a total amount not to exceed \$103,500, and extending the contract through December 31, 2021.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 11. Contract: Discovery Health Services, Vendor for Citywide COVID-19 Testing**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Discovery Health Services for weekly onsite employee COVID-19 testing, for the period covering November 1, 2021 to November 1, 2022 for an amount not to exceed \$450,000.  
**Financial Implications:** See report  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
- 12. Contract: Voya for Third-Party Administrator for COBRA Administration and Retiree Health Premium Assistance Plan Administration**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Voya for COBRA Plan administration and administration of the Retiree Health Premium Assistance Plan for non-sworn retirees and other retiree medical programs for sworn Fire and Police, for the period covering November 1, 2021 to November 1, 2026 for an amount not to exceed \$112,000.  
**Financial Implications:** See report  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800

## Consent Calendar

- 13. Revise Housing Inspector Supervisor Classification and Salary**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 69,996-N.S. Memorandum of Understanding: Public Employees Union - Local 1, revising the Housing Inspector Supervisor Classification and Salary.  
**Financial Implications:** See report  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
- 14. Assistant Inspector, Housing Inspector I, Housing Inspector II, and Senior Housing Inspector**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 69,991-N.S. Classification and Salary Resolution for SEIU 1021 Community Services and Part-Time Recreation Activity Leaders Memorandum Agreement, Unit L (career and non-Career, miscellaneous and administrative employees) adding Assistant Inspector, Housing Inspector I, Housing Inspector II and Senior Housing Inspector.  
**Financial Implications:** See report  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
- 15. Dell Computers, Inc.: Using National Association of State Procurement Officials (NASPO) ValuePoint Cooperative Purchasing Agreement for Computer Hardware and Software Purchases**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to increase spending authority with Dell Computers, Inc. for the purchase of computer and server hardware, software, and related services, utilizing pricing and contracts, amendments, and extensions from the National Association of State Procurement Officials (NASPO) ValuePoint for the period beginning October 26, 2021 through June 30, 2023 for an amount not-to-exceed (NTE) \$1,939,538 with \$1,019,769 in Fiscal Year 2022 and \$919,769 in Fiscal Year 2023.  
**Financial Implications:** Various Funds - \$1,939,538  
Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000
- 16. Contract No. 122411-2 Amendment: Communication Strategies for Consulting Services for Voice over IP (VoIP) Extending Support and Maintenance and AT&T Phone Bill Audit**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 122411-2 with Communication Strategies for Consulting Services for Voice over IP (VoIP) extending Support and Maintenance and in order to conduct a phone billing audit of AT&T, increasing the contract amount by \$14,625 for a total not-to-exceed amount of \$97,436 from July 1, 2017 to June 30, 2023.  
**Financial Implications:** IT Cost Allocation Fund - \$14,625  
Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000

## Consent Calendar

17. **Grant Application: the San Francisco Restoration Authority Measure AA Grant Program for Pre-Construction documents for Potential Improvement Projects at Aquatic Park**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to: 1) submit a grant application in the amount of \$897,000 to the San Francisco Restoration Authority Measure AA Grant Program to prepare pre-construction technical documents for potential improvement projects at Aquatic Park; 2) accept any grants; 3) execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
18. **Grant Application: Boating Safety and Enforcement Equipment (BSEE) grant program of the California Division of Boating & Waterways**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to 1) submit a grant application to the California Division of Boating and Waterways 2021 BSEE grant program for \$20,000; 2) accept any grants; and 3) execute any resulting grant agreements and any amendments; and the City Council authorizes the implementation of the projects and appropriation of funding for related expenses subject to securing the grant.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
19. **Renewal of the Elmwood Avenue BID for Calendar Year 2022**  
**From: Elmwood Advisory Board**  
**Recommendation:** Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board's (hereafter "Elmwood BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2021 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2022; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2022 and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 16, 2021.  
**Financial Implications:** See report  
Contact: Kieron Slaughter, Commission Secretary, (510) 981-7530

## Consent Calendar

### 20. **Renewal of the Solano Avenue BID for Calendar Year 2022**

**From: Solano Avenue BID Advisory Board**

**Recommendation:** Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2021 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2022; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2022; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 16, 2021

**Financial Implications:** See report

Contact: Eleanor Hollander, Commission Secretary, (510) 981-7530



## Consent Calendar

### 21. **Adopt-a-Spot Program Development Recommendations**

#### **From: Public Works Commission and Parks and Waterfront Commission**

**Recommendation:** That Council adopt a Resolution to support and fund two new full-time dedicated Volunteer Coordinators to run an expanded Adopt-a-Spot program and coordinate new programs for youth volunteers, and funding for operational expenses should be included.

The programs shall promote participation and civic pride by providing a unified portal for all programs across all departments, and incorporate many of the Program Elements outlined below. The Coordinators shall build on recent efforts by Public Works staff to fortify the existing programs for storm drains and traffic circles and incorporate existing programs from the Parks & Rec department. In addition, the Adopt-a-Spot program shall be expanded and improved upon to support additional community engagement opportunities that can include, but are not limited to, restoring native habitat to promote biodiversity (including a Bee City USA liaison), litter removal, vegetation maintenance, graffiti removal, tree planting/watering/monitoring, monitoring sidewalk conditions, adoption of homeless encampments, coordinating volunteers for emergency situations, beautification efforts, and other ideas that the Berkeley community may wish to support and organize around.

Some features of the program are beyond the scope of our Commissions' visibility and will need to be finalized by Council and Staff. However, the following recommendations are offered:

**Budget Commitment** - to ensure success, the two new positions must be dedicated to volunteer coordination. Sharing of responsibilities across staff or financing only a single or half-time position should be avoided as it likely wouldn't meet the needs of the community. If at least one dedicated position cannot be supported the role of Volunteer Coordinator should be given to a third-party or community non-profit group.

**Program Design** - the Volunteer Coordinators may work with interns and the community to define program features and details of implementation, which could include a phased approach (alternatively, the City could hire a consultant to outline the program),

**Reporting Structure** - options include Parks Rec & Waterfront, Public Works, Office of Sustainability, or the City Manager's office (alternatively, the position could be shared across departments)

**Supporting Tools** - begin with the fewest but most necessary initial features. For example, policies and waivers, outreach tools such as a robust city webpage presence including dynamic maps and signage to recruit, volunteer reporting mechanisms to ensure compliance and track activity, volunteer appreciation events to build community, etc.

**Financial Implications:** See report

Contact: Roger Miller, Commission Secretary, (510) 981-6700, Joe Enke, Commission Secretary, (510) 981-6300

## Council Consent Items

- 22. Budget Referral: Reckless Driving and Sideshow Deterrence Improvements**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** That the City Council refers to the FY2023 budget process the funding of sideshow deterrence infrastructure, traffic circles or botts' dots, at the following intersections:  
Seventh Street and Addison Street, Eighth Street and Channing Way, Bonar Street and Allston Way, Bonar Street and Bancroft Way, additional intersections to be determined by the Transportation Division of the Public Works Department. The Transportation Division shall determine which intersections best qualify for bott's dots and which qualify for traffic circles.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 23. Budget Referral: Sidewalk Repair on Arterial Streets**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** That the City Council refers to the FY2023 budget process an allocation of \$600,000 from the General Fund for the purpose of funding sidewalk repairs on major West and South Berkeley arterial streets including Sacramento Street, Alcatraz Avenue, and Dwight Avenue.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 24. Presentation Request: Study to Achieve Equity in City Contracting - "Berkeley Inclusion in Opportunity Index"**  
**From: Councilmember Bartlett (Author)**  
**Recommendation:** Request for Mason Tillman Associates Ltd (MTA) to present their findings and recommendations from the "Berkeley Inclusion in Opportunity Index" study at the November 9th, 2021 City Council meeting. The presentation should include an analysis of the City's use of local, small, emerging, and diverse enterprises. The study focuses on enterprises experiencing barriers to access in obtaining City contracts in construction, architecture, engineering, professional services, goods, and other services.  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
- 25. Support Net Energy Metering**  
**From: Councilmember Hahn (Author)**  
**Recommendation:** Approve a Resolution in support of Net Energy Metering and transmit copies to Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (CPUC).  
**Financial Implications:** None  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

## Council Consent Items

- 26. Budget Referral: Public Bank East Bay**  
**From: Councilmember Robinson (Author)**  
**Recommendation:** Refer \$50,000 to the November 2021 AAO process for a contribution to the Friends of the Public Bank East Bay for the development of a business plan for the Public Bank East Bay.  
**Financial Implications:** General Fund - \$50,000  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 27. Budget Referral: Durant Parklet and Telegraph Plaza Improvements**  
**From: Councilmember Robinson (Author)**  
**Recommendation:** Refer \$60,000 to the November 2021 AAO process for placemaking improvements in the Telegraph District, consisting of the installation of a public parklet on Durant Avenue and the closure of the right-turn slip lane at the Dwight Triangle to create a public plaza.  
**Financial Implications:** \$60,000  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 28. Budget Referral: Telegraph Shared Streets Feasibility Study**  
**From: Councilmember Robinson (Author)**  
**Recommendation:** Refer \$500,000 to the November 2021 AAO process for conducting a feasibility study of the Telegraph Shared Streets project.  
**Financial Implications:** \$500,000  
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 – New Business

29. **Proposal to Allocate Revenues Generated by the Transient Occupancy Tax in the Waterfront Area to the Marina Fund to Avoid Insolvency, Rebuild its Fund Balance and to Stabilize its Finances** *(Reviewed by the Budget & Finance Policy Committee)*

**From:** Parks and Waterfront Commission

**Recommendation:** That Council adopt a Resolution adopting a policy that all Transient Occupancy Taxes (TOT hotel tax) generated at the Berkeley Waterfront be allocated to the City's Marina Enterprise Fund. All other property, sales, utility users, and parking taxes; as well as business license and franchise fees, would continue to be allocated to the City's General Fund.

*Policy Committee Recommendation: Send the item to Council with a negative recommendation and additionally request a referral to the Budget & Finance Policy Committee to discuss and develop alternative revenue streams for the Marina Fund including a dedicated reserve.*

**Financial Implications:** See report

Contact: Roger Miller, Commission Secretary, (510) 981-6700

## Action Calendar – Policy Committee Track Items

30. **CalVIP Grant Application Authorization**

**From:** Councilmember Taplin (Author)

**Recommendation:** Authorize the City Manager to respond to Requests For Proposals (RFPs) and submit applications to the California Violence Intervention and Prevention (CalVIP) Grant Program in future funding cycles in order to provide resources for community safety initiatives.

**Financial Implications:** None

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

31. **Amending BMC Section 6.52.010 to Add Punitive Fees for the Unauthorized Removal of Coastal Live Oak and Authorize Tree Replacement Requirements for the Granting of Tree Removal Permits**

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

**Recommendation:** Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 6.52.010 to (1) add fees of seven hundred thousand dollars (\$700,000) for the removal of Coast Live Oak in violation of the moratorium of removal and (2) grant the City Manager the authority to require the planting of two new Coast Live Oaks when approving permits for removal of Coast Live Oak that meet the criteria for exceptions from the moratorium.

**Financial Implications:** See report

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

## Action Calendar – Policy Committee Track Items

### 32. Restoration of Red Light Camera Program

**From: Councilmember Taplin (Author)**

**Recommendation:** Refer the City Manager to pursue the reestablishment of the City's Red Light Camera Program and enter into any third party contracts necessary to reinstall red light cameras at the following locations:

University Avenue and Shattuck Avenue, University Avenue and Sixth Street, Martin Luther King Jr. Way and Adeline Street, San Pablo Avenue and Ashby Avenue, San Pablo Avenue and University Avenue, San Pablo Avenue and Dwight Avenue, Sacramento Street and Ashby Avenue, Sacramento Street and University Avenue, Sacramento Street and Dwight Avenue, Sacramento Street and Alcatraz Avenue.

Additional intersections to be determined by the Transportation Division of the Public Works Department and the Berkeley Police Department.

**Financial Implications:** See report

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

### 33. Bright Streets to Schools

**From: Councilmember Hahn (Author), Councilmember Kate Harrison (Co-Sponsor)**

**Recommendation:** 1. Within an approximately two-block radius of all Berkeley public to improve safety for youth, families, teachers, and staff and to support the City of Berkeley's Vision Zero goals, refer to the City Manager to review and, as needed, repaint, repair, replace or otherwise improve the condition of crosswalks, midlines, bike lanes, parking and handicapped parking spaces, curbs, and other street markings; bike racks, benches, trash cans, and other street/sidewalk furnishings; and traffic and other signage, to ensure all features are in very good condition, prior to August 15, 2022.

2. Refer to the City Manager to integrate into workplans yearly revision of all of the above-referenced features and repainting, repairs, replacement and other measures to achieve very good condition prior to August 15 each year.

3. Refer to the City Manager to use existing funds for street painting, signage, and rehabilitation of other features on a priority basis for areas around schools, and to identify additional costs, if any, to refer to the budget process such that funds are made available to assess, undertake and complete the first round of upgrades and repairs prior to August 15, 2022.

**Financial Implications:** See report

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

## Action Calendar – Policy Committee Track Items

34. **Amend City Council Rules of Procedure and Order to Allow Extension of Items in Committee in Writing**  
**From: Councilmember Robinson (Author)**  
**Recommendation:** Adopt a Resolution revising the City Council Rules of Procedure and Order to amend Chapter III, Section G, Subsection 4 to allow the Chair of a Committee to accept a Primary Author's written request that their item remain in Committee past the 120 day deadline rather than requiring that extensions be approved by a full vote of the committee.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

## Information Reports

35. **Annual Commission Attendance and Meeting Frequency Report**  
**From: City Manager**  
Contact: Mark Numainville, City Clerk, (510) 981-6900
36. **Senior Center Survey Results – Fiscal Year 2021**  
**From: City Manager**  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
37. **Parks and Waterfront Commission Work Plan for 2021-2022**  
**From: City Manager**  
Contact: Roger Miller, Commission Secretary, (510) 981-6700

## Public Comment – Items Not Listed on the Agenda

## Adjournment

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

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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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Elmwood BID Advisory Board

CONSENT CALENDAR

October 26, 2021

To: Honorable Mayor and Members of the City Council  
 From: Elmwood Business Improvement District Advisory Board  
 Submitted by: Claudia Hunka, Chair, Elmwood BID Advisory Board  
 Subject: Renewal of the Elmwood Avenue BID for Calendar Year 2022

RECOMMENDATION

Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board's (hereafter "Elmwood BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2021 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2022; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2022 and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 16, 2021.

FISCAL IMPACTS OF RECOMMENDATION

Projected BID revenue of approximately \$30,000 will be deposited into the Elmwood BID Fund, and expensed from budget code 782-21-208-251-0000-000-446-636110. The BID constitutes an independent funding source that must be targeted to commercial revitalization efforts that are recommended by the Advisory Board. The City of Berkeley operates a parking lot within the district and will thus be assessed \$1,000 for 2022, paid through the Off-Street Parking Fund. To the extent that the work of the Elmwood BID enhances the development of the Elmwood commercial district and its business climate over the long term, the BID contributes towards improving City revenues through increased sales and property taxes.

CURRENT SITUATION AND ITS EFFECTS

Under the State of California Parking and Business Improvement Area law of 1989 (California Streets and Highways Code section 36500 et.seq.) the City Council must approve an Annual Report prepared by the BID Advisory Board with a proposed budget for the next year as a requirement to levy new assessments. Accordingly, at its meeting of September 10, 2021, the Elmwood BID Advisory Board voted to recommend that the City Council approve the Annual Report of 2021 and budget for 2022 and adopt a Resolution of Intention to renew the assessment (M/S-Hunka/Souza; Ayes: Hunka, Souza, Stepak; Nays: none). The Resolution of Intention also sets a public hearing date for November 16, 2021 where affected Elmwood businesses can express support or opposition to renewal of the BID for 2022. If written and/or oral protests are received

from businesses proposed to pay a majority of the assessment prior to or at the public hearing, Council cannot vote to levy assessments for 2022. If no majority protest is received, the Council may renew the assessment.

BACKGROUND

The Elmwood BID was established in November 2013 to provide the Elmwood Business Association with a sustainable, predictable source of funding for its activities to promote, maintain, and beautify the Elmwood commercial district. The Elmwood Business Association has used the funds raised through the BID to implement a variety of activities such as place-based marketing, events, and capital improvements.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

By maintaining and enhancing the district, the Elmwood BID creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. The environmental enhancements such as seasonal signage, window displays, parklets and holiday decorations contribute to making the Elmwood district a more pleasant walking and biking destination. Because the District is well served by public transportation and biking infrastructure, these services indirectly support environmental sustainability goals of encouraging alternative transportation modes and decreasing carbon emissions.

RATIONALE FOR RECOMMENDATION

State law requires that the City Council annually renew the Elmwood BID by first passing a resolution stating Council's intention to levy an annual assessment and scheduling a public hearing on the proposed renewed assessment for the coming year.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Kieron Slaughter, Secretary to the Elmwood BID Advisory Board, (510) 981-2490

Attachments:

1: Resolution

- Exhibit A: Elmwood BID Annual Report and proposed budget for 2022
- Exhibit A1: Map of the Elmwood BID
- Exhibit A2: Assessment Rates

RESOLUTION NO. -N.S.

APPROVING THE 2021 ANNUAL REPORT AND PROPOSED BUDGET OF THE ELMWOOD BUSINESS IMPROVEMENT DISTRICT FOR 2022; DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE DISTRICT FOR 2022; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR NOVEMBER 16, 2021 REGARDING LEVYING OF A RENEWED ASSESSMENT FOR 2022

WHEREAS, the Parking and Business Improvement Area Law of 1989 (California Streets and Highway Code section 36500 et seq.) authorizes cities to establish parking and business improvement areas for the purpose of imposing assessments on businesses for certain purposes; and

WHEREAS, on November 19, 2013 the Berkeley City Council established such an area known as the Elmwood Business Improvement District (the "District"); and

WHEREAS, the City Council established a Elmwood Business Improvement District Advisory Board (Advisory Board) to act in compliance with State law to oversee the activities of the District; and

WHEREAS, the Advisory Board has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for 2022 as required by the California Streets and Highways Code Section 36533; and

WHEREAS, the Annual Report is clear and complete and found to comply with the interests of Elmwood BID assessees; and

WHEREAS, the annual process for levying assessments in Business Improvement Districts requires that cities adopt a Resolution of Intent that declares their intent to levy such an assessment and then set a date for a public hearing where interested parties may be heard on the issue.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. The City Council hereby approves the Elmwood Business Improvement District Annual Report for 2021-22 (Exhibit A) as submitted to the City Clerk by the Elmwood Business Improvement District Advisory Board.

Section 2. Pursuant to the provisions of Section 36500 et seq. of the California Streets and Highways Code (the "Act"), the City Council declares its intent to levy an annual assessment for the parking and business improvement area known as the Elmwood Business Improvement District.

Section 3. The boundaries of the District are set forth in Exhibit A1 to the 2021-22 Annual Report which is attached hereto and incorporated herein by reference.

Section 4. The improvements and activities proposed for the District are as described in the Report and budget (Exhibit A) and appended hereto.

Council intends that these funds be used for designated activities and improvements in the Elmwood commercial area. Council explicitly intends that funds generated through this BID shall not be used to pay for activities routinely paid for by the City.

Section 5. The City Council intends to levy assessments on businesses located within the boundaries of the District shown Exhibit A1 and according to the business classifications and rates set forth in Exhibit A2 which is attached hereto and incorporated herein by reference.

Section 6. A public hearing shall be held before the City Council on November 16, 2021, virtually on a publicly accessible video conference call. Following the hearing the Council will consider adoption of a resolution levying an assessment as recommended by the Elmwood Business Improvement Advisory Board. At this hearing the Council will hear all interested persons for or against the levying of such an assessment.

Formal protests against the levying of the District assessment must be made in writing. All written and oral protests should contain the following certification: "I certify that I am the owner of the business listed below, and that the business is located or operates within the boundaries of the Elmwood Business Improvement District." Protests should also contain the following information: business name (printed), business address (printed), City Business License Tax Registration number, name of protester (printed), signature of protester, date of protest and the reason(s) the protester is against the levying of the District assessment. Protests will not be considered valid unless signed and submitted by the owner of a business located within the boundaries of the proposed District. Written protests shall be filed with the City Clerk, First Floor, City Hall, at 2180 Milvia Street, Berkeley, California, 94704, at or before 3 pm on November 16, 2021 and shall contain a description of the business sufficient to identify the business, and if the person so protesting is not listed on City records as the owner of the business, the protest shall be accompanied by written evidence that the person subscribing the protest is the owner of the business. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. If written protests are received from the owners of businesses in the District which will pay fifty percent (50%) or more of the assessment proposed to be levied, no further proceedings to levy the assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated.

Section 7. The City Clerk is directed to give notice of said public hearing by publishing the Resolution of Intention in a newspaper of general circulation.

#### Exhibits

- A: Annual Report for the Elmwood Business Improvement District for 2021-22
  - A1: Map of the Elmwood BID
  - A2: Assessment Rates

**EXHIBIT A**

**Annual Report for the Elmwood Business Improvement District for 2021-22**

August 31, 2021

To: Members of the Berkeley City Council  
From: The Elmwood Business Improvement District Advisory Board  
Re: 2022 Elmwood BID Renewal

We respectfully request that the Elmwood Business Improvement District be renewed for the 2022 fiscal year, without any changes to the assessment method or amount.

The Elmwood BID was established in November 2013 to promote, maintain and beautify the Elmwood commercial district. Revenues of roughly \$30,000 per year provide a regular, predictable source of funding for the activities of the Elmwood Business Association (EBA). The Elmwood BID has allowed the EBA to expand its activities into areas such as maintenance and capital improvements.

The Elmwood Business Association is continuing to be the catalyst for Elmwood Business District's on-going vitality. Here are some highlights of our projects:

- Maintenance of year-round lighting installation on district buildings
- Website: [www.shoptheelmwood.com](http://www.shoptheelmwood.com) serves as one of the district's main marketing tool – District Events, Introducing New Businesses, and on-going marketing updates
- Hired a landscaping contractor to maintain 70 tree wells – currently on a bi-monthly maintenance schedule
- Quarterly weeding and cleaning of Russell St. parking lot partnering with UC Berkeley
- Installation and maintenance of security camera at Russell St. parking lot
- Maintaining a part-time Administrative Assistant to:
  - Post on social media
  - Manage merchant communications
  - Promote monthly happenings/specials among Elmwood Merchants
  - Updating the website to keep it current
- Sponsored the following events:
  - Due to Covid pandemic, EBA had to halt all in-person events that would bring people to the shopping district
- Held a Merchant Social in an outdoor setting along with our Annual Meeting
- Members of the board active in other Berkeley commercial and residential neighborhoods to promote harmony and cooperation
- Planned (but halted during pandemic) Elmwood District Shopping Guide/Map
- Halloween window scavenger hunt, Christmas holiday hunt

Below for your review is a summary of our current financial position and our proposed budget for 2020-2021

## 2021-22 Projected Expenditures Elmwood Business Association

Elmwood Business Association

## 2022 Budget

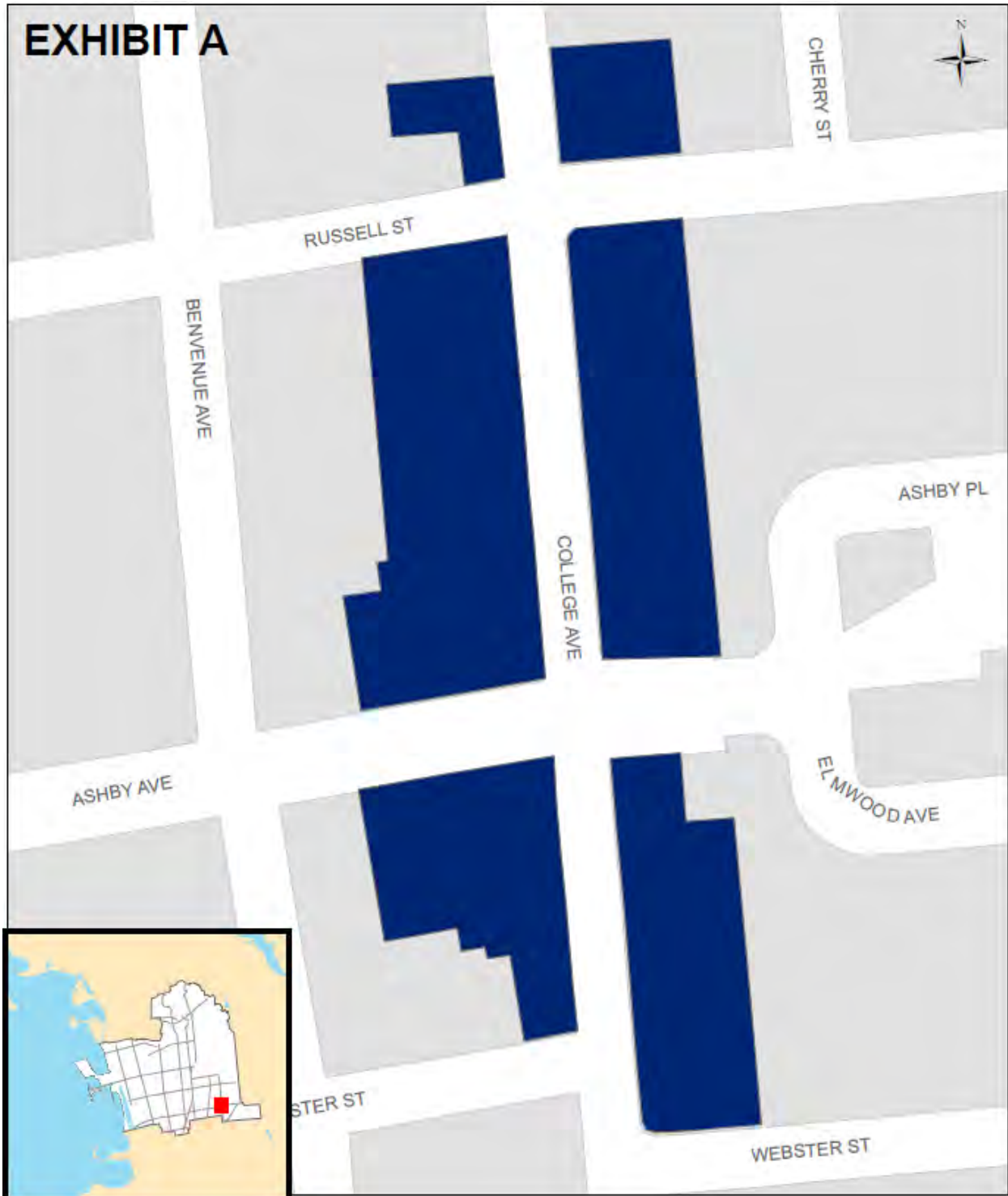
INCOME	2022 Budget	2021 Actual	2021 Budget
<b>Operating Income</b>			
BID Membership dues	\$ 22,000	\$ 30,000	\$ 30,000
<i>Other (Partial BID Payment, Wine Walk Income)</i>	\$ 9,700	\$ -	\$ 10,200
<b>Total Operating Income</b>	<b>\$ 31,700</b>	<b>\$ 30,000</b>	<b>\$ 40,200</b>
<b>Non-Operating Income</b>			
Other			
<b>Total Non-Operating Income</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Total INCOME</b>	<b>\$ 31,700</b>	<b>\$ 30,000</b>	<b>\$ 40,200</b>

EXPENSES			
<b>Advertising &amp; Marketing</b>			
Banner maintenance	\$ 2,400	\$ -	\$ -
Wine Walk production	\$ 4,600	\$ -	\$ 5,500
Spring event production	\$ 1,100	\$ -	\$ -
Summer event production	\$ 2,200	\$ -	\$ -
<i>Special Event-Art &amp; Music Week</i>	\$ -	\$ -	\$ 9,800
Web Hosting and Domains	\$ 750	\$ 693	\$ 750
General Marketing, Ads, Social media	\$ 300	\$ -	\$ -
Halloween event production	\$ 300	\$ -	\$ -
Holiday season event production (incl. tree lights)	\$ 600	\$ 6,966	\$ 3,000
Event planning	\$ 250	\$ -	\$ -
EBA Expansion research	\$ 100	\$ -	\$ -
<b>Charity</b>			
Wine Walk partner	\$ 1,500	\$ -	\$ 1,500
<b>Consulting &amp; Accounting</b>			
Accounting S/W	\$ 100	\$ 73	\$ 120
<b>Dues and Subscriptions</b>			
Chamber of Commerce	\$ 300	\$ 3	\$ 900
<b>Insurance</b>			
Liability for EBA	\$ 550	\$ 500	\$ 500
Liability for Board members	\$ 750	\$ 711	\$ 1,200
<b>License &amp; Permits</b>			
Taxes & Licenses	\$ 50	\$ 30	\$ 50
Lobbyist registration	\$ 500	\$ -	\$ -
<b>Other: Office Supplies/Annual Mtg.</b>			
Printing/copy	\$ 650	\$ 143	\$ 800

Postage & Delivery (PO Box)	\$ 150	\$ 150	\$ 150
Miscellaneous	\$ 200	\$ 134	\$ 1,200
<b>Repairs and Maintenance</b>			
Gardening (Tree wells)	\$ 700	\$ -	\$ 600
<b>Professional Fees</b>			
Legal and Professional Fees	\$ 200	\$ -	\$ 500
<b>Security</b>			
Surveillance System Installation	\$ 2,500	\$ -	\$ 2,500
Surveillance System Maintenance	\$ 400		
Holiday Private Security	\$ 5,500	\$ 4,000	\$ 6,500
<b>Admin Support</b>			
Wages	\$ 9,000	\$ 8,250	\$ 9,000
<b>Total Operating Expenses</b>	<b>\$ 35,650</b>	<b>\$ 21,653</b>	<b>\$ 44,570</b>
<b>Retained Earnings</b>	<b>\$ (3,950.00)</b>	<b>\$ 8,347</b>	<b>\$ (4,370)</b>

Thank you for your attention to this matter. We look forward to an equally productive year for the BID in 2022.

Exhibit A1: Elmwood Business Improvement District, Map





## Exhibit A2: Elmwood Business Improvement District, Assessment Rates

Classifications	Rates
Retail including jewelers and groceries but not restaurants (Tax Codes R, M and G but without NAICS 722, Food Services and Drinking Places) <ul style="list-style-type: none"> <li>Gross receipts under \$350,000</li> <li>Gross receipts \$350,000=\$999,000</li> <li>Gross receipts \$1,000,000</li> </ul>	\$250.00 per year \$350.00 per year \$500.00 per year
Restaurants, including all businesses that prepare and serve food at the request of customers (NAICS 722)	\$500.00 per year
Professionals including offices of real estate brokers (Tax Code P) <ul style="list-style-type: none"> <li>Gross receipts under \$100,000</li> <li>Gross receipts over \$100,000</li> </ul>	\$300.00 per year \$400.00 per year
Entertainment and Recreation (Tax Code E)	\$450.00 per year
Business, Personal and Repair Services (Tax Code B) except Hair, Nail and Skin Cares Services (NAICS 81211)	\$200.00 per year
Hair, Nail and Skin Care Services (NAICS 81211)	\$250.00 per year
Parking lot operators	\$1,000.00 per year
Financial Institutions	\$2,500.00 per year

Any business that is classified as a nonprofit (Tax Code N) for business license purposes shall nevertheless pay the assessment at the rate that corresponds to its North American Standard Industrial Classification if it is engaged in the sale of products or services and occupies a space zoned for commercial purposes.





Office of the City Manager

CONSENT CALENDAR

October 26, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Peggy Smith, Chair, Solano Avenue BID Advisory Board

Subject: Renewal of the Solano Avenue BID for Calendar Year 2022

RECOMMENDATION

Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2021 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2022; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2022; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for November 16, 2021.

FISCAL IMPACTS OF RECOMMENDATION

Projected BID revenue of approximately \$25,000 will be deposited into the Solano Avenue BID Fund, revenue budget code 783-21-208-251-0000-000-000-412110- and expensed from budget code 783-21-208-251-0000-000-446-636110-. The BID constitutes an independent funding source that must be targeted to commercial revitalization efforts that are recommended by the Solano BID Advisory Board. To the extent that the work of the Solano BID enhances the economic development of Solano Avenue and its business climate over the long term, the BID contributes towards improving City revenues through increased sales and property taxes.

CURRENT SITUATION AND ITS EFFECTS

Renewal of the Solano BID is a Strategic Plan Priority Project, advancing our goal to foster a dynamic, sustainable, and locally-based economy. Under the State of California Parking and Business Improvement Area law of 1989 (California Streets and Highways Code section 36500 et.seq.) the City Council must approve an Annual Report prepared by the Solano BID Advisory Board with a proposed budget for the next year as a requirement to levy new assessments. Accordingly, at its meeting of September 21, 2021, the Solano BID Advisory Board voted to recommend that the City Council approve the Report for the Solano Avenue Business Improvement District for 2021-22 and adopt a Resolution of Intention to renew the assessment for that year. The Resolution of Intention also sets a public hearing date for November 16, 2021 where affected Solano businesses can express support or opposition to renewal of the BID for calendar year 2022. If written and/or oral protests are received from businesses

proposed to pay a majority of the assessment, Council cannot vote to levy assessments for 2022. If no majority protest is received the Council may renew the assessment.

### BACKGROUND

Since its revival in May 2012, the Solano BID Advisory Board has used Solano BID revenues to finance three programs: 1) a tree watering contract to ensure the health of 48 young street trees on Solano; 2) installing a program of 40 hanging planter baskets on light poles; and 3) sponsorship of events that attract customers to the district and improvements that enhance the pedestrian experience. In 2021, the BID program has focused on sponsoring activities and improvements intended to market and promote the Solano Avenue business district. In the wintertime, the BID in conjunction with the Solano Avenue Association (which represents both Albany and Berkeley businesses along Solano Avenue) pays a contractor to erect holiday lights and decorations on City street light poles. This will continue for the 2021-22 season. Although the BID will spend a good portion of its funds on the holiday décor program, in the remainder of 2021 it also plans to establish an expanded landscaping program for merchants to clean and level tree wells and water existing hanging flower baskets. BID expenditures are to be made through an established fiscal agency contract with Telegraph Property and Business Management Corporation (Telegraph PBMC).

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

By maintaining and enhancing the district, the Solano BID creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. The environmental enhancements such as the added street trees, hanging planters, parklet, and holiday decorations contribute to making Solano a more pleasant walking destination. Because the District is well served by public transportation and biking infrastructure, these services indirectly support environmental sustainability goals of encouraging alternative transportation modes and decreasing carbon emissions.

### RATIONALE FOR RECOMMENDATION

State law requires that the City Council annually renew the Solano BID by first passing a resolution stating Council's intention to levy an annual assessment and scheduling a public hearing on the proposed renewed assessment for the coming year.

### ALTERNATIVE ACTIONS CONSIDERED

None.

### CONTACT PERSON

Eleanor Hollander, Secretary to the Solano BID Advisory Board, (510) 981-7536.

Attachments:

1: Resolution

Exhibit A: Report for the Solano Avenue Business Improvement District 2021-22

Exhibit A1: Map of the Solano BID

Exhibit A2: Assessment Rate

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

APPROVING THE ANNUAL REPORT AND PROPOSED BUDGET OF THE SOLANO AVENUE BUSINESS IMPROVEMENT DISTRICT FOR 2021-22; DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE DISTRICT FOR 2022; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR NOVEMBER 16, 2021 TO CONSIDER LEVYING A RENEWED ASSESSMENT FOR 2022.

WHEREAS, the Parking and Business Improvement Area Law of 1989 (California Streets and Highway Code section 36500 et seq.) authorizes cities to establish parking and business improvement areas for the purpose of imposing assessments on businesses for certain purposes; and

WHEREAS, on December 9, 2003 the Berkeley City Council established such an area known as the Solano Avenue Business Improvement District (the "District"); and

WHEREAS, the City Council established a Solano Avenue Business Improvement District Advisory Board (Advisory Board) to act in compliance with State law to oversee the activities of the District; and

WHEREAS, the City Council established a Solano Avenue Business Improvement District Advisory Board (Advisory Board) to act in compliance with State law to oversee the activities of the District; and

WHEREAS, the Advisory Board has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for 2022 as required by the California Streets and Highways Code Section 36533; and

WHEREAS, the Annual Report is clear and complete and found to comply with the interests of Solano Avenue assessees; and

WHEREAS, the annual process for levying assessments in Business Improvement Districts requires that cities adopt a Resolution of Intent that declares their intent to levy such an assessment and then set a date for a public hearing where interested parties may be heard on the issue.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. The City Council hereby approves the Solano Avenue Business Improvement District Annual Report 2021 and Budget for the year 2022 (Exhibit A) as submitted to the City Clerk by the Solano Avenue Business Improvement District Advisory Board.

Section 2. Pursuant to the provisions of Section 36500 et seq. of the California Streets and Highways Code (the "Act"), the City Council declares its intent to levy an annual

assessment for the parking and business improvement area known as the Solano Avenue Business Improvement District.

Section 3. The boundaries of the District are set forth in Exhibit A1 to the 2021-22 Annual Report which is attached hereto and incorporated herein by reference.

Section 4. The improvements and activities proposed for the District are as described in the Report and budget (Exhibit A) and appended hereto.

Council intends that these funds be used for designated activities and improvements in the Solano Avenue commercial area. Council explicitly intends that funds generated through this BID shall not be used to pay for activities routinely paid for by the City.

Section 5. The City Council intends to levy assessments on businesses located within the boundaries of the District shown Exhibit A1 and according to the business classifications and rates set forth in Exhibit A2 which is attached hereto and incorporated herein by reference.

Section 6. A public hearing shall be held before the City Council on November 16, 2021 via accessible video teleconference. Following the hearing the Council will consider adoption of a resolution levying an assessment as recommended by the Solano Avenue Business Improvement Advisory Board. At this hearing the Council will hear all interested persons for or against the levying of such an assessment.

Formal protests against the levying of the District assessment must be made in writing. All written and oral protests should contain the following certification: "I certify that I am the owner of the business listed below, and that the business is located or operates within the boundaries of the Solano Avenue Business Improvement District." Protests should also contain the following information: business name (printed), business address (printed), City Business License Tax Registration number, name of protester (printed), signature of protester, date of protest and the reason(s) the protester is against the levying of the District assessment. Protests will not be considered valid unless signed and submitted by the owner of a business located within the boundaries of the proposed District. Written protests shall be filed with the City Clerk, First Floor, City Hall, at 2180 Milvia Street, Berkeley, California, 94704, at or before 3 pm on November 16, 2021 and shall contain a description of the business sufficient to identify the business, and if the person so protesting is not listed on City records as the owner of the business, the protest shall be accompanied by written evidence that the person subscribing the protest is the owner of the business. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. If written protests are received from the owners of businesses in the District which will pay fifty percent (50%) or more of the assessment proposed to be levied, no further proceedings to levy the assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated.

Section 7. The City Clerk is directed to give notice of said public hearing by publishing the Resolution of Intention in a newspaper of general circulation seven days prior to the public hearing.

Exhibits

A: Report for the Solano Avenue Business Improvement District 2021-22

A1: Map of the Solano BID

A2: Assessment Rates



## Exhibit A:

Report for the Solano Avenue Business Improvement District for 2021 and Budget for 2022**Background**

The first version of the Solano Business Improvement District (BID) operated from 2002-2007 with administration of the BID headed by the Solano Avenue Association. In 2012, the Council appointed the Solano BID Advisory Board to administer the Solano Avenue BID, to fund physical improvements to the street and dedicate marketing and promotion efforts towards the businesses on the portion of Solano Avenue that lies in Berkeley. This Annual report and budget updates the most recent year of operational programs of the Solano BID.

**Landscape program**

In 2013, the Solano BID financed a tree watering program for young street trees along upper Solano Avenue. In 2016, per the City of Berkeley arborist, the trees were mature enough to not require additional water services. In early 2016, the board voted to enhance Solano's landscape by installing a program of 41 hanging planter baskets on light poles distributed throughout the district; utilizing the Downtown Berkeley Association's (DBA) services. The DBA watered and maintained the baskets through the end of calendar year 2018. From 2019 to 2021, rainwater alone supported the baskets, and the Solano BID started a conversation with The Downtown Streets Team (DST) to supplement other efforts to clean, weed, and level the tree wells through the district, and to develop an ongoing watering and maintenance system for the hanging flower baskets. This work was challenging to get started because of the need to identify a storage place for DST's tools, and the ongoing impacts of COVID-19 since March 2020. A storage location is now established, and this program should be implemented in 2022.

In 2020, funds were approved and a selection process was conducted for a public realm plan study on Solano. The BID was supportive of the process and was deeply committed to involving both local merchants and local residents in the effort to re-imagine Solano Avenue in a way that brings more vitality to the Avenue in concert with the efforts of the City of Albany with the intention of strengthening the Solano Avenue 'brand' overall. The funding for this project was repurposed for the emergency response to the COVID-19 pandemic. The project was restored in the city's FY22 budget (adopted June 29, 2021) and will move forward in 2022.

**Marketing and promotion of Solano**

Marketing and promotion of Solano Avenue constitutes the second priority of the Solano BID. To promote the avenue during the holiday season, a holiday light display program was established by the Solano BID. In 2016 and 2017 the BID contracted with a vendor, the Christmas Light Pros of SF, to deploy decorative unlit multi-colored garlands. In 2018 and 2019, the board approved funding for a new vendor which, under direction of the Solano Avenue Association (SAA), covered more poles and provided greater decoration coordination opportunities with neighboring Albany, all at a lower cost than previous seasons. The intention for the holiday season in '21-'22 is to use the same vendor from the '20-'21 season and reimburse the SAA after the lights are installed. This partnership underscores the leverage that

the SAA organization has been able to provide to support BID efforts for the Berkeley portion of Solano Avenue.

In the remainder of 2021, the Advisory Board may again decide to participate in the development of virtual or otherwise safe holiday campaigns and activities (i.e. supporting the Solano Avenue Association in producing events 'Santa on Solano' event or similar). The details of the overall 2021 (and the future 2022) event and marketing program will be developed over the remainder of the year, with a possible coordinated launch party for the new Touchstone Oaks bouldering gym at the top of the Avenue once construction is complete. The party could include an unveiling of refreshed street banners (anticipated date summer 2022).

Expanded landscaping improvements (including porous pavement in tree wells and watering and maintenance of the hanging flower baskets) have yet to be determined by the board. It is presumed that provided a successful demonstration of landscaping maintenance this fall/winter season (2021-22), a multi-year contract could be extended accordingly in 2022.

### Solano BID Administration

The Solano BID has one existing contract; a fiscal agent contract with the Telegraph Property and Business Management Corporation (Telegraph PBMC), who charges a 5% fee on new BID revenue annually (for example, the anticipated new Solano BID revenue for 2022 is \$25,000, so the fiscal agent for 2022 will be \$1,250).

#### FINANCIAL STATUS OF THE SOLANO BID, SEPTEMBER 2021

Solano BID Revenue, as of 9/15/2021	\$ 96,774.26
Less fiscal agent fee to Telegraph PBMC (5%) - of estimated new revenue	\$ (1,250.00)
Less funds allocated for Solano Ave Assn Events Contract (including 2021-22 holiday-related events)	\$ (20,000.00)
Less funds allocated for decorative holiday lights + Installation + Removal + Storage Nov '21 to Jan '22	\$ (10,300.00)
<b>Unallocated as of 9/15/2021</b>	<b>\$ 65,224.26</b>

#### BUDGET FOR THE SOLANO BID FOR 2022 (Calendar Year)

Estimated new revenue 2022	\$ 25,000.00
Carryover from 2021 (estimated)	\$ 65,224.26
<b>Total available for expenditure in 2022</b>	<b>\$ 90,224.26</b>

#### PROPOSED EXPENDITURES FOR 2022 (Calendar Year)

Landscaping installation/tree well porous pavement	\$ 15,000.00
Watering and Maintenance for hanging flower baskets	\$ 12,000.00
Installation, removal and storage of holiday decor 2022-23 season	\$ 11,000.00
Banners 2022 (Design and Install)	\$ 32,000.00
Marketing expenditure (branding/business/event support contract with SAA)	\$ 20,000.00
<b>Total projected expenditure 2022</b>	<b>\$ 90,000.00</b>

**Recommendations**

The Advisory Board recommends that the Council approve the Annual Report and Budget for 2022.

The Advisory Board recommends that the Council make no changes in the boundaries of the Solano Business Improvement District or in the two Benefit Zones, A & B.

The recommended improvements and activities for 2022 are those stated in the Report. The cost for providing them is stated in the Budget for 2022.

The method and basis for the assessment is as stated in Exhibit A2.

The estimate for surplus revenues to be carried over from 2021 is as stated in the Budget for 2022.

Exhibit A1

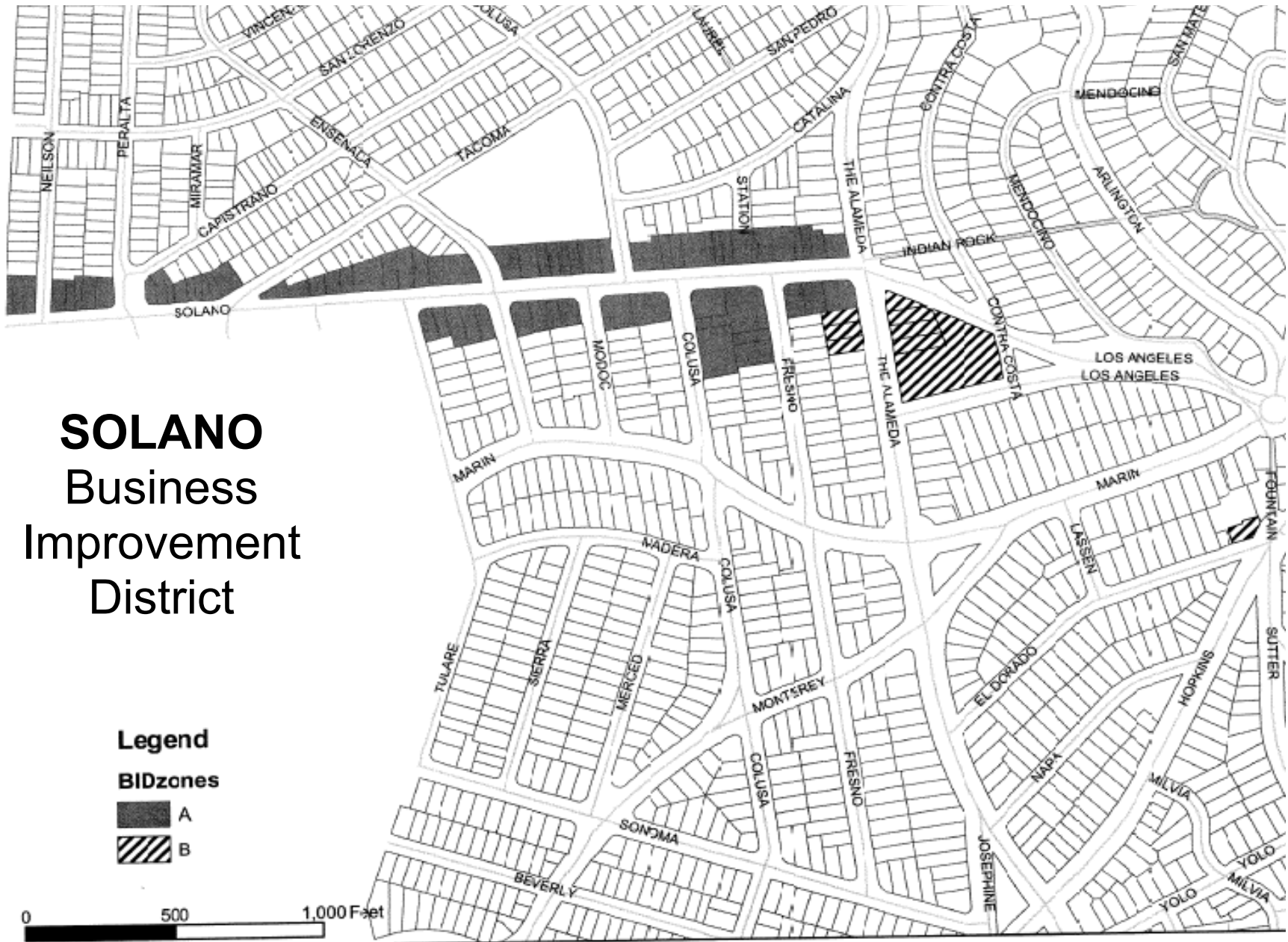


Exhibit A2

**Berkeley Solano Avenue Business Improvement District Annual Assessment Formula**

Type of Business		Annual Assessments	
		Zone A	Zone B
a. <i>Retailers and Restaurants</i>	1-5 employees	\$200	\$125
	6-9 employees	\$300	\$175
	10+ employees	\$400	\$225
b. <i>Service Businesses</i>		\$175	\$100
c. <i>Professional Services</i>		\$100	\$65
d. <i>Financial Institutions</i>		\$500	\$500





Public Works Commission  
Parks and Waterfront Commission

CONSENT CALENDER  
October 26, 2021

To: Honorable Mayor and Members of the City Council  
 From: Public Works Commission  
Parks and Waterfront Commission  
 Submitted by: Margo Schueler, Chairperson  
Gordon Wozniak, Chairperson  
 Subject: Adopt-a-Spot program development recommendations

#### RECOMMENDATION

That Council adopt a Resolution to support and fund two new full-time dedicated Volunteer Coordinators to run an expanded Adopt-a-Spot program and coordinate new programs for youth volunteers, and funding for operational expenses should be included.

The programs shall promote participation and civic pride by providing a unified portal for all programs across all departments, and incorporate many of the **Program Elements** outlined below. The Coordinators shall build on recent efforts by Public Works staff to fortify the existing programs for storm drains and traffic circles and incorporate existing programs from the Parks & Rec department. In addition, the Adopt-a-Spot program shall be expanded and improved upon to support additional community engagement opportunities that can include, but are not limited to, restoring native habitat to promote biodiversity (including a Bee City USA liaison), litter removal, vegetation maintenance, graffiti removal, tree planting/watering/monitoring, monitoring sidewalk conditions, adoption of homeless encampments, coordinating volunteers for emergency situations, beautification efforts, and other ideas that the Berkeley community may wish to support and organize around.

Some features of the program are beyond the scope of our Commissions' visibility and will need to be finalized by Council and Staff. However, the following recommendations are offered:

- **Budget Commitment** - to ensure success, the two new positions must be dedicated to volunteer coordination. Sharing of responsibilities across staff or financing only a single or half-time position should be avoided as it likely wouldn't meet the needs of the community. If at least one dedicated position cannot be

supported the role of Volunteer Coordinator should be given to a third-party or community non-profit group.

- **Program Design** - the Volunteer Coordinators may work with interns and the community to define program features and details of implementation, which could include a phased approach (alternatively, the City could hire a consultant to outline the program),
- **Reporting Structure** - options include Parks Rec & Waterfront, Public Works, Office of Sustainability, or the City Manager's office (alternatively, the position could be shared across departments)
- **Supporting Tools** - begin with the fewest but most necessary initial features. For example, policies and waivers, outreach tools such as a robust city webpage presence including dynamic maps and signage to recruit, volunteer reporting mechanisms to ensure compliance and track activity, volunteer appreciation events to build community, etc.

## BACKGROUND

### **Council Referrals**

City Council has expressed strong support for a robust Adopt-a-Spot program. Beginning in fall 2019 Council introduced the first of four separate Referrals to both the Public Works and Parks & Waterfront Commissions with the following dates: (1) April 23, 2019<sup>1</sup>, (2) September 24, 2019<sup>2</sup>, (3) November 12, 2019<sup>3</sup>, and (4) February 23, 2021<sup>4</sup>. The Referrals mentioned a range of goals for the Adopt-a-Spot program, including, supporting city cleanup and maintenance efforts, addressing Vision 2050 storm water and watershed goals, promoting a thriving volunteer force to adopt and maintain traffic circles, creating and maintaining pollinator habitat and funding a City Liaison as part of a Bee City USA program, adopting encampments and street campers/RVs, and more.

### **History of Adopt-a-Park and Grant program**

Berkeley has a history of supporting programs like Adopt-a-Spot and has even provided grants to incentivize participation. For at least ten years, beginning in FY93-94 with Resolution No. 57-557<sup>5</sup>, and in response to a \$1.5M refund from PERS, a popular mini-grant program was created and later supported by funds from the Park Tax<sup>6</sup>. Small grants were allocated to volunteer groups to assist in the development of small programs, not to exceed \$3,500. The program was implemented through a Joint Committee with representatives from the Parks and Recreation Commission, Berkeley Partners for Parks and staff from the Parks and Recreation department. This mini-grant program provided a method for involving citizens and stimulating their interests in the care of parks and open space. The funds were to be used for materials, supplies and

<sup>1</sup> City Council Agenda, Regular Mtg, [April 23, 2019](#), Item 33.

<sup>2</sup> City Council Agenda, Regular Mtg, [September 24, 2019](#), Item 24.

<sup>3</sup> City Council Agenda, Special Mtg [November 12, 2019](#), Item 1a.

<sup>4</sup> City Council Agenda, Regular Mtg, [February 23, 2021](#), Item 24.

<sup>5</sup> [Resolution No. 57,557-N.S.](#), June 28, 1994

<sup>6</sup> City of Berkeley webpage, "[Parks Mini-Grant Program](#)"



general assistance. It was a very popular program that generated enthusiasm and nourished the community spirit through wide-ranging activities such as the installation of chess tables at San Pablo park, the creation of Halcyon Commons, dog waste dispensers and trail improvements in Cesar Chavez Park, a cultural exhibit on the Ohlone Greenway, and many more.

At a regular meeting of the Public Works Commission on July 1, 2021, it was M/S/C to send this item to Council for consideration: (Schuler/Erbe/U): Ayes: Barnett; Constantine; Erbe; Freiberg; Hitchen; Napoli; Nesbitt; Schuler; Noes: None; Absent: None.

At a regular meeting of the Parks and Waterfront Commission on August 11, 2021, it was M/S/C to send this item to Council for consideration: (McGrath/Wozniak/U): Ayes: Cox; Diehm; Kamen; Kawczynska; Landoni; McGrath; Srioudom; Wozniak; Noes: None; Absent: None.

## CURRENT SITUATION AND ITS EFFECTS

### **Updates in Progress**



As of June 2021 the City is working with UC Berkeley interns and currently interviewing for a CivicSpark<sup>7</sup> fellow to begin enhancing the Adopt-a-Spot program and unifying all volunteer opportunities within the City in one place. The table below outlines the current situation. However, several changes are in progress including website updates, creation of a GIS map showing all opportunities within the city (including Parks), updated volunteer agreement forms and procurement of safety vests and tools for volunteer use.

### **Current Volunteer Offerings**

Berkeley currently has a set of volunteer opportunities available to the community through Public Works and Parks & Rec. The information about available programs is located on the City's website, on three separate webpages, and through programs housed in three different divisions. Two programs have their own logo. The table below illustrates the current organization of the programs.

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<sup>7</sup> See the CivicSpark webpage for 2021-2022 Projects, "[Adopt-A-Spot: Enhancing Public Works' Community Outreach, Volunteerism And Stormwater Quality](https://civicspark.lgc.org/2021-22-projects/)" (https://civicspark.lgc.org/2021-22-projects/)

Public Works		Parks, Rec & Waterfront
<b>Adopt-a-Spot</b>		
<p><b>GENERAL INFORMATION</b></p> <p>General Information</p> <hr/> <p><b>Adopt-a-Spot Volunteer Program</b></p> <p><a href="#">Adopt-a-Traffic Circle</a></p> <p><a href="#">Adopt-a-Drain</a></p>		
<b>Traffic Circles</b>	<b>Storm Drains</b>	<b>PRW Volunteer</b>
<p><b>TRANSPORTATION</b></p> <p>Transportation Division</p> <hr/> 	<p><b>PUBLIC WORKS</b></p> <p>Department of Public Works</p> <hr/> <p><b><u>Adopt-a-Spot - Storm Drains</u></b></p>	<p><b>RECREATION</b></p> <p>Recreation Division</p> <hr/> <p>Become A PRW Volunteer!</p> 

As illustrated in the table above, the Adopt-a-Spot program lives within the Public Works Department at this time. The top-level webpage is found on a page marked “General Information”. From there the user can click on either of two links to navigate to a webpage for Traffic Circles (which lives on a webpage of the Transportation Division) or Adopt-a-Drain (which lives on a webpage of the Public Works Department). The many programs associated with our Parks, Rec and Waterfront Department can be found on a separate webpage within the Recreation Division. Links to these webpages are listed here:

- (General Adopt-a-Spot) <https://www.cityofberkeley.info/adoptaspot.aspx>
- (Storm Drains) <https://www.cityofberkeley.info/adoptadrain.aspx>
- (Traffic Circles) <https://www.cityofberkeley.info/adoptattrafficcircle.aspx>
- (Parks, Rec & Waterfront) [https://www.cityofberkeley.info/Parks\\_Rec\\_Waterfront/Recreation/Volunteer\\_Opportunities.aspx](https://www.cityofberkeley.info/Parks_Rec_Waterfront/Recreation/Volunteer_Opportunities.aspx)

Looking at the two Adopt-a-Spot programs within Public Works, forms such as Volunteer Agreement and Waivers must be printed, scanned (or photographed), and then emailed to the address ([adoptaspot@cityofberkeley.info](mailto:adoptaspot@cityofberkeley.info)<sup>8</sup>). In addition, and in collaboration with the associated Task Force, helpful supporting materials are now

<sup>8</sup> This centralized email address, which includes a new logo, is a recent development after collaboration with the Traffic Circles Task Force.

available for Traffic Circles, including (1) a list of suggested plants (the [Planting Guide](#)), (2) the approval form for plants ([Planting List](#); waived if plants chosen from the approved Planting Guide), and (3) a map of traffic circles location and availability ([Map of Traffic Circles](#)).

The 16 volunteer opportunities [within Parks, Rec & Waterfront](#) are organized by frequency (on-going vs. annual) and also include 2 links to suggest a project, as either an All Crew Day or Create Your Own, specified for weekdays only. Printable Application and Waiver forms and a phone number is listed. An online "[Volunteer Application Form](#)" is also available, with the general parks email listed at the top for possible follow-up contact.

Updating and merging all of these programs into a unified Adopt-a-Spot program, with a single City webpage that links to all volunteer opportunities, would facilitate the user experience by creating a kind of "one stop shopping". For example, all volunteer opportunities, those under Public Works and Parks & Rec, can be listed on a single webpage. In addition, the print-and-submit forms can be replaced by online forms. The static map of traffic circle locations & availability can be replaced with a dynamic one. Once the volunteer coordinator positions are created and the City's overall website is redesigned<sup>9</sup>, additional programs and functionality can be added, as outlined in the section **Suggested Program Elements**, below.

## RATIONALE FOR RECOMMENDATION

### **Goals of Program**

The primary goal of a successful volunteer program is to positively engage the community. This can be done by creating a structure in which individuals are given the best possible opportunities to perform useful environmental maintenance work safely and efficiently, with a focus on equity. An easily accessible volunteer website which includes all participating departments, an interactive signup and data entry functions, and appropriate forms and information for the various types of tasks.

Volunteers can perform many basic maintenance tasks in our parks, on traffic circles, on landscaped areas, on drains, litter and trash pickup, and report on observed problem areas such as overgrown vegetation, and sidewalk hazards and obstructions. They can support the growing effort to provide native habitat to promote biodiversity. Youth volunteers can participate in summer job programs to gain experience and address needs identified by staff. Volunteers are not a substitute for the work of dedicated city staff, but there are often areas where additional hands can make a positive difference.

City Staff are responsible for city infrastructure and environmental features, and Volunteers clearly work under their ultimate direction. City workers already know what needs to be done, and how to do it, and they can establish clear policies and procedures for volunteers. A Volunteer program is successful when it builds upon existing staff efforts and priorities, so that the program is a clear benefit to employees.

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<sup>9</sup> City Council Agenda, Regular Meeting, [July 28, 2020](#), Item 15, [Rolling Orange Redesigning Website](#)

Risk management by the use of liability waivers, mandating best safety practices, and in some cases by direct Supervision is essential to ensure no one is injured while volunteering, and that the city has a strong legal defense if an accident were to occur.

The most successful programs actively highlight Volunteer activities, have a formal recognition component, and collect accurate data on the number of volunteer hours and projects completed to be included in official city documents and for public information. An annual event possibly including awards and prizes is a sure way to boost volunteer spirit and incentivize additional participants.

Finally, continually reaching out to the community with excellent communications, soliciting suggestions for new projects, and sincere feedback for Volunteers assures the future success of the program.

**Precedent and Research**

Our working group researched more than 30 Adopt-a-Spot programs nationwide. For each location we documented a wide variety of features. See Appendix M for the data spreadsheet. The cities we reviewed are listed below:

<b>Adopt-a-Spot Programs Reviewed</b>		
<p><b>California</b>                      Burlingame, CA                      Los Angeles, CA                      Marin County, CA                      Riverside, CA                      Santa Clara, CA                      San Francisco, CA                      San Mateo, CA                      Truckee, CA</p>	<p><b>Other U.S. Cities</b>                      Boulder, CO                      Muncie, DE                      Fort Lauderdale, FL                      Carbondale, IL                      Indianapolis, IN                      Columbia, MO                      Minneapolis, MN                      Anne Arundel County, MD                      Prince George's, MD                      Minneapolis, MN                      Missoula, MT</p>	<p>Albuquerque, NM                      Santa Fe, NM                      Ferguson, PA                      Austin, TX                      Fort Worth, TX                      San Antonio, TX                      Hampton, VA                      Seattle, WA                      Madison, WI</p> <p><b>Canada</b>                      Vancouver, BC</p>

We found that many cities and local government agencies in the Bay Area and throughout the U.S. have created Adopt-a-Spot programs. San Francisco, Oakland, Marin County, City of Santa Clara, Pittsburg, and others maintain successful programs based on the basic principle of enlisting residents to volunteer and sign up for ongoing cleanup, maintenance and beautification of specific areas.

These city-led volunteer programs have many things in common, both structurally and in the type and scope of citizen participation. Logistically, the programs include a list (or clickable online map) of suggested spots, a liability waiver, a registration system, and staff support in providing tools, supplies, and waste disposal. The staff positions may be located in a variety of departments but the most common are Public Works and Parks & Rec.

Some of the most common adoptable "spots" in our peer research are listed here:

- Storm drains maintenance
- Litter & graffiti action, both patrolling and mitigating
- Greening, planting and maintenance, e.g. medians, traffic circles and street gardens
- Tree planting and watering
- Various civic art projects including decorating assets such as trash cans or utility boxes
- Trail maintenance and/or construction

When thinking about our community, programs could specifically target Berkeley's needs and values, such as:

- Installing and maintaining pollinator & native habitat gardens
- Monitoring, reporting and prioritizing found sidewalk defects
- Supporting encampments, campers and RVs
- Maintenance of off-leash dog areas
- Creation of city art, including murals

The Volunteer Coordinator can also serve as:

- Liaison for a Bee City USA program
- Liaison with the Ecology Center (e.g. Community Gardens, Recycling Efforts)
- Outreach and coordination of Cal Project Day
- Liaison with East Bay Regional Parks
- Liaison with other local non-profits

### **Suggested Program Elements**

Flexibility & adaptability is critical for ongoing success of the program. The following elements are commonly found in programs in other cities. (See the Appendices for sample images.)

#### **A. Administrative Elements**

1. **Promotion:** Promotion is an important part of any citywide volunteer program and most cities have some means of accomplishing this through their websites, community bulletin boards, social media, monthly newsletters, or signs in other public spaces like parks.
2. **Recruiting & Onboarding:** A simple streamlined application process where each volunteer receives acknowledgement and information about the citywide volunteer program is necessary for success of the program. Setting expectations for the approval process, including a checklist and typical timeline of approval, can enhance usability.

3. **Liability & Waivers:** A means of addressing legal liability for the City is required. Most jurisdictions have legal waivers for volunteers that are completed when the volunteer is onboarded.
4. **Safety Rules & Training:** Related to liability, basic rules and safety training is an element of onboarding for volunteers in many cities. (e.g. Oakland's [training](#) project coordinators for Earth Month). Provide clear and up-to-date guidelines, sometimes in the form of a Volunteer Manual, so volunteers understand the scope of their involvement and the responsibilities of their participation.
5. **Recognition:** Volunteer recognition is important for retention and builds a sense of community. Other cities use items including signage in public areas, volunteer appreciation events or annual parties, volunteer of the month or top volunteer of the year, or certificates or cards recognizing volunteer contributions. More locally, East Bay Regional Parks has given out badges for events attended.

## **B. Operational Elements**

1. **Mapping & Identification of Opportunities:** Dynamic and clickable citywide maps show “adopted” areas and those available for adoption. Layering within the maps allows volunteers to focus on different kinds of opportunities (e.g. drains vs. gardens)
2. **Single Point of Contact & Website:** Successful programs have some sort of “coordinator” position that provides a single point of contact for volunteers and this contact information is prominently listed on the website.
3. **Calendar of Events:** A centralized calendar listing volunteer events promotes participation and transparency. Calendar entries can hyperlink to event descriptions and digital sign-up. Color-coded sub-calendars by 'type' (e.g. litter, gardening, drains) can allow for easy sorting. Individual user accounts support customization.
4. **Tools, Supplies, & Support:** Tools for common programs - litter pickers, garbage bags, shovels, gloves, etc. - are often provided upon request, either for pickup or drop-off. Post-event garbage pick-up is often available, too.
5. **Tracking & Reporting:** Documenting volunteer time spent or accomplishments (e.g. # of trash bags filled) is a common feature of successful programs. These data can serve as quality control, to help ensure work is done, and quantify the total number of volunteer hours spent, which can be included in grant applications. Photos documenting regular maintenance of certain locations, like traffic circles or medians, can be submitted via a new digital portal.
6. **Problem Resolution:** With a volunteer program, problems and issues will arise and the volunteers need a means of relaying issues back to city staff. Utilization of the existing 311 or SeeClickFix could be used or another means of communication can help identify locations in need. Problem resolution between

persons, volunteers and/or the community, should be handled by a Volunteer Coordinator.

7. **Coordinating with external organizations:** Some volunteer groups and non-profits will remain independent of any City programs. The City's Volunteer Coordinators can serve as a liaison between residents with external groups, to promote volunteerism city-wide.
8. **Plant Lists and Seedlings:** A list of suggested plants can introduce volunteers to habitat plants that are native to the region, ones that meet potential requirements (e.g., height or water needs), and can facilitate approval of plant palettes. Some cities provide free plants to volunteers (and in some cases these plants are grown by other volunteers. See Appendix L, Madison WI)

### **Suggested Implementation Options**

The preferred option is for one of the two new volunteer coordinators, the senior Coordinator, to design the program, engaging the interns and CivicSpark fellows to build out desired new tools. As a second option, or in the event that additional input or resources are needed, an outside consulting firm could be engaged to more clearly define and develop the program using best practices in existing public programs.

The expansion of the programs can be done in a phased manner, starting with existing ones, for example, adding online tools and materials, and then over time adding new kinds of "spots", depending on community input and city goals.

The following departments, commissions and stakeholders should be engaged during the development of the program:

- Public Works Department
- Parks, Recreation and Waterfront Department
- Public Works Commission
- Parks and Waterfront Commission
- Traffic Circle Task Force
- Community Organizations that have historically worked with the City

### **Location of Program in the City**

The Commissions did not reach a final recommendation about the location of the new Volunteer Coordinators. Their work will span a broad range of activities, functioning as a kind of "umbrella" position, supporting the work associated with many departments. For this reason, the best place to start the Adopt-a-Spot program may be in the City Manager's Office, where the Customer Service Center and Online Service Center already exist. There is also a Fighting Graffiti program, which already solicits volunteers. On the other hand, since many of the volunteer efforts will require input from Parks or Public Works it may be best for the position to live in one of these departments or be split between them.

Not hiring dedicated coordinators and sharing the responsibilities of the program across multiple employees is greatly discouraged as some departments are short-staffed and team members already have full work loads. For comparison, the City of Oakland has four full time employees and two part-time trainees affiliated with their Adopt-a-Spot program. They are deployed by subject area, 1) parks; 2) creeks/storm drains; and 3) streets.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

A well-run Adopt-a-Spot program will help residents support many of the City's climate, safety and greening goals, including improving stormwater flows, reducing refuse that reaches the Bay, promoting safe and beautiful intersections, mitigating urban heat island effect, monitoring sidewalks for safety, and widespread planting of California-natives to increase urban ecology that supports pollinators and promotes public health.

#### ALTERNATIVE ACTIONS CONSIDERED

The Commissions discussed taking no action to expand the Adopt-a-Spot program but concluded that the benefits from funding a more robust program, with dedicated staff positions, far outweigh the program costs.

#### CITY MANAGER

Refer to the budget process.

#### FINANCIAL IMPLICATIONS

##### **Funding**

To ensure a successful Adopt-a-Spot program it is essential that two dedicated FTE positions be fully funded, a Volunteer Coordinator, who will function as the manager, and an entry-level position Coordinator who can coordinate year-round youth programs, or the equivalent. In addition, funds should be allocated for supporting materials, such as tools, vests, signs, litter pick-up materials, T-shirts, and an annual recognition and awards party.

At writing, it is estimated that \$500,000 is needed to cover both fully-loaded FTEs and operational costs. There are two possible sources of funding: the General Fund and Special Revenue Funds.

At the end of FY21 the total revenue of the Discretionary General Fund was \$196M. A fee of approximately 0.25% from this fund would cover all proposed program costs. However, the General Fund is susceptible to fluctuations, which could introduce uncertainty into the long-term health of the program and is not the Commissions' first choice.

The preferred alternative is to allocate a percentage of total revenue from four Special Revenue Funds in the Public Works and Parks departments, as these funds tend to be more stable and citizen engagement will directly benefit both these departments. At the end of FY21 the total revenue of these four funds was almost \$100M. A fee of just half a percent - or 0.5% - from the four funds can cover all costs.



**Revenue Adopted Update FY21 (\$M)**

\$ 48.7	Zero Waste
27.7	Sewer
14.4	Parks Tax
5.0	Storm Water

-----  
\$ 96M    TOTAL

0.5% of \$96M = ~\$500,000

Funding from the Special Funds is ideal because it's a more stable long-term source. But funding from the General Fund could also be a good strategy, if necessary.

**CONTACT PERSON**

Margo Schuler, Public Works Commission, (510) 528-1975  
Erin Diehm, Parks and Waterfront Commission, (510) 666-0662

**Attachments:**

- 1: Resolution
- 2: Appendices

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

**APPROVAL OF AN EXPANDED AND FULLY FUNDED ADOPT-A-SPOT PROGRAM  
TO POSITIVELY ENGAGE THE COMMUNITY, PROMOTE CIVIC PRIDE, and  
SUPPORT CLIMATE ACTION GOALS**

WHEREAS, beginning in fall 2019 Council introduced the first of four separate Referrals to the Public Works and Parks and Waterfront Commissions with the following dates: (1) April 23, 2019, (2) September 24, 2019, (3) November 12, 2019, and (4) February 23, 2021; and

WHEREAS, the Referrals mentioned a range of goals for the Adopt-a-Spot program, including, supporting city cleanup and maintenance efforts, addressing Vision 2050 storm water and watershed goals, promoting a thriving volunteer force to adopt and maintain traffic circles, creating and maintaining pollinator habitat and funding a City Liaison as part of a Bee City USA program, adopting encampments and street campers/RVs, and more; and

WHEREAS, Berkeley has a long history of volunteerism and community participation, it is critically important to provide a robust program to manage and facilitate citizen efforts; and

WHEREAS, the two commissions conducted research and compiled succinct data in order to determine what was necessary for the successful implementation of this program; and

WHEREAS, we found that many cities and local government agencies in the Bay Area and throughout the U.S. have created robust and comprehensive Adopt-a-Spot programs; and

WHEREAS, a well-run Adopt-a-Spot program will help residents support many of the City's climate, safety and greening goals, including improving stormwater flows, reducing refuse that reaches the Bay, promoting safe and beautiful intersections, mitigating urban heat island effect, monitoring sidewalks for safety, and widespread planting of California-natives to increase urban ecology that supports pollinators and promotes public health; and

WHEREAS, on July 1, 2021 the Public Works Commission and on August 11, 2021, the Parks and Waterfront Commission voted to approve the implementation of an expanded Adopt-A-Spot program, as described above.

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Berkeley hereby adopts an expanded Adopt-a-Spot program, including two full-time Volunteer Coordinators (2 FTEs) and associated operational costs.

BE IT FURTHER RESOLVED, that the expanded Adopt-a-Spot program shall be paid for by a 0.5% fee on four Special Revenue Funds (Zero Waste, Sewer, Parks, and Storm Water) or, as an alternative, by an approximate 0.25% fee from the General Fund.

APPENDICES

**Berkeley**

A: Selected Materials from Berkeley's current Adopt-a-Spot program

**Other Cities**

B: Signage

C: Clickable Maps

D: Videos

E: Calendars

F: Brochures

G: Online Grant Application

H: Online Program Application

I: Online Reporting

J: Volunteer Handbook

K: Volunteer Appreciation

L: Native Plants

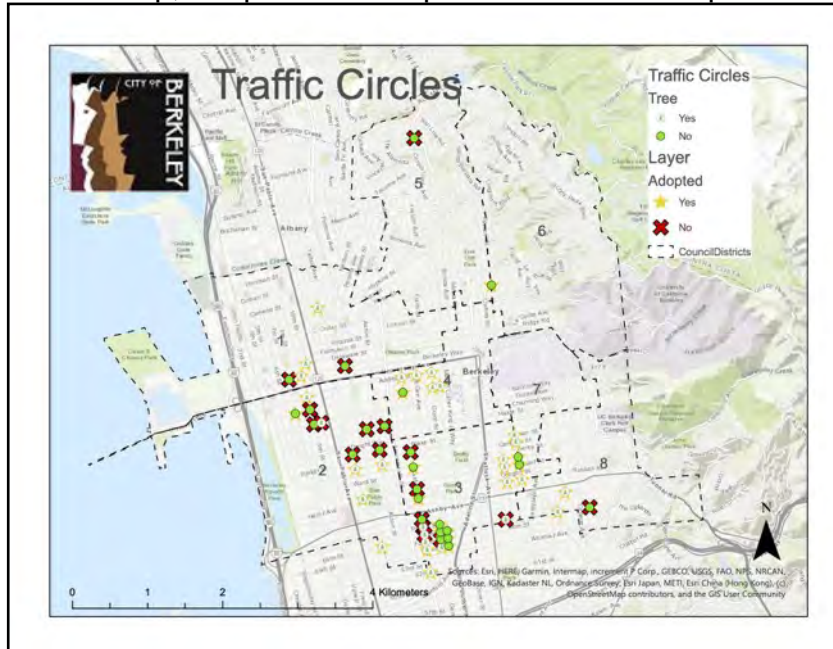
**Research**

M: Screenshot of Google sheet with details for locations researched

## Appendix A: Selected Materials from Berkeley's Adopt-a-Spot program for Traffic Circles

<https://www.cityofberkeley.info/adoptattrafficcircle.aspx>

Public Works staff shared some exciting news at the June 2021 meeting of the Public Works Commission. They're working with interns and fellows to create a dynamic ArcGIS map, to update and replace the static one pictured below (due Summer 2021).



[Berkeley's Map of Traffic Circles](#) - Identifies circles, adopted and available

**Suggested Plants for Traffic Circles – Tier One (#1-5 of 10)**











Bloom	Plant	Scientific Name	Height	Width	Notes	Wildlife Supported
	Buckwheat, Coast	Eriogonum arifolium	12-20in	2ft	Compact mound of softly felted blue grey spoon shaped leaves topped by pale pink 1" clusters of flowers blooming summer into fall. Used for erosion control, drought tolerant. Ground nesting native bees scrape fuzz off leaves to use in nest. Loved by bees, butterflies and many pollinators.	 Acmon Blue
	Buckwheat, Naked	Eriogonum nudum	12-20in	2-3ft	Another keystone Buckwheat. Late blooming, short growing. Drought tolerant, attractive to butterflies and bees.	 Mormon Metamorph
	Buckwheat, Red	Eriogonum grande var. rubescens	12-20in	2-3ft	Another keystone Buckwheat. Late blooming, short growing. Drought tolerant, attractive to butterflies and bees.	 Silvery Blue
	California Aster, Point Saint George	Symphoricarpos chionensis, "Point Saint George"	6in	2ft	A low growing vigorous native perennial, reaching up to 6 inches in height and spreading widely. Covered with soft lavender daisies over a long period, summer through fall, often into winter.	 Field Crescent
	California Lilac (low growing selections)	ex. Ceanothus heisterium - San Simeon Ceanothus	3-12in	6ft	Many species and varieties, choose low growing selections. Ceanothus heisterium is fast growing, with dark green crinkled leaves and 1" deep blue flower clusters in the spring.	 Pale Swallowtail

Photo Credits (from Calphotos.org unless otherwise noted): (1) Coast Buckwheat (2013 John Doyen)/Acmon Blue (2008 Ron Wolf); (2) Naked Buckwheat (2016 Steve Matten)/Mormon Metamorph (Bill Bouton); (3) Red Buckwheat (2008 Steve Matten)/Silvery Blue (2014 Ron Wolf); (4) Aster (2007 Neal Kramer)/Field Crescent (Wilmert); (5) Ceanothus (2007 Stan Shabo)/Pale Swallowtail (2013 Ron Wolf)

Suggested Plants for Traffic Circles – Tier One

[Berkeley's Suggested plantings for traffic circles](#) (1 of 4 pages, 20 plants total)  
Focus is on CA natives that support butterflies, bees and birds.

**Appendix B: Examples of Signage**

Signage identifies spots that are either available or already adopted, sometimes including the name of the adopting party. The signs are placed directly in the public space or marked on GIS maps, and help recruit new volunteers and acknowledge existing ones.

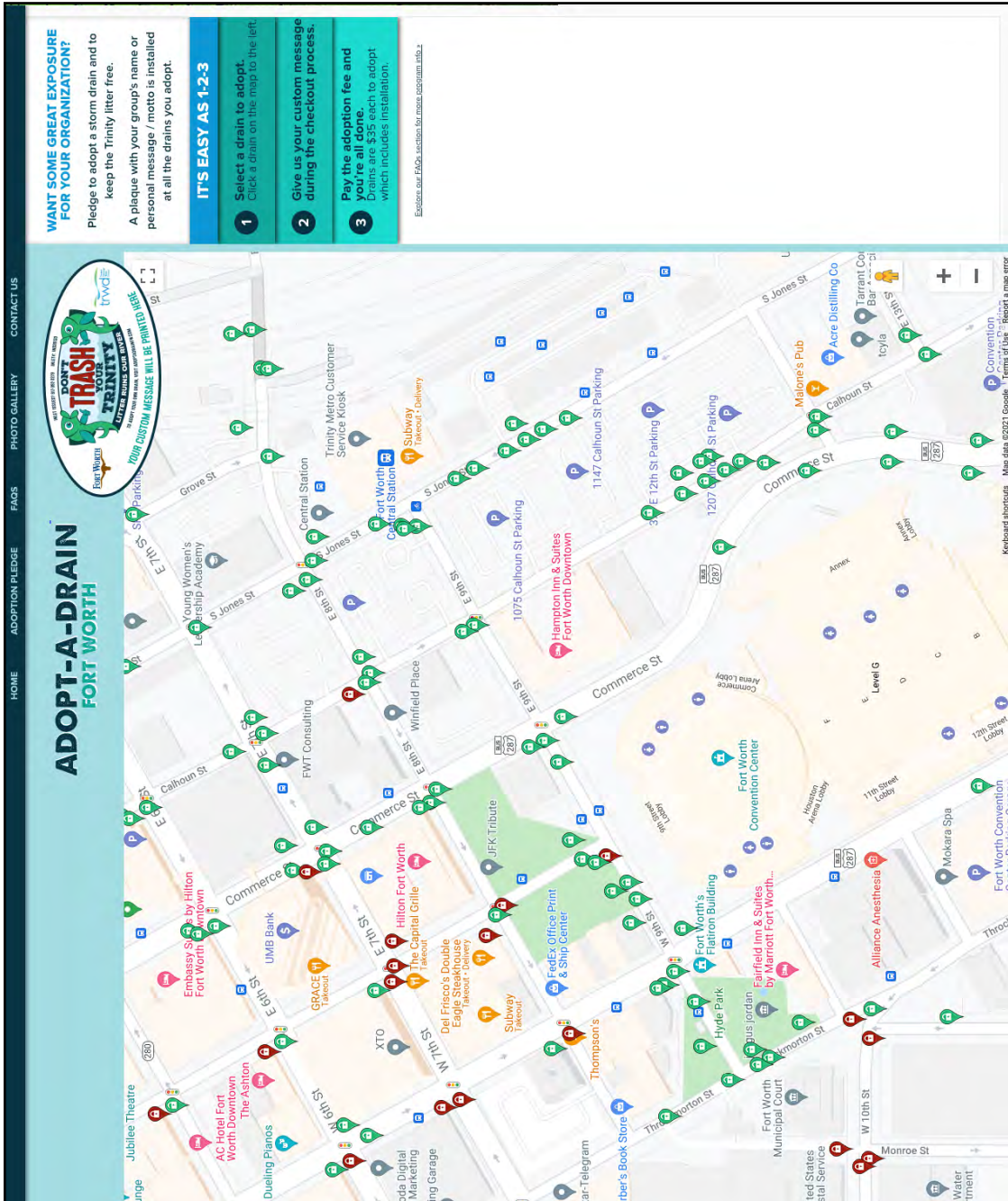
Examples of Adopt-a-Spot Signage		
<b>Adopted</b>		
 <p>Indianapolis, IN</p>	 <p>Vancouver, Canada</p>	 <p>Muncie, DE</p>
<b>Available</b>		
 <p>Vancouver, Canada</p>	 <p>Truckee, CA</p>	 <p>Greene Co., OH</p>
 <p>Atlanta, GA</p>	 <p>Saginaw, TX</p>	 <p>Marin, CA</p>



## Appendix C: Examples of Clickable Maps

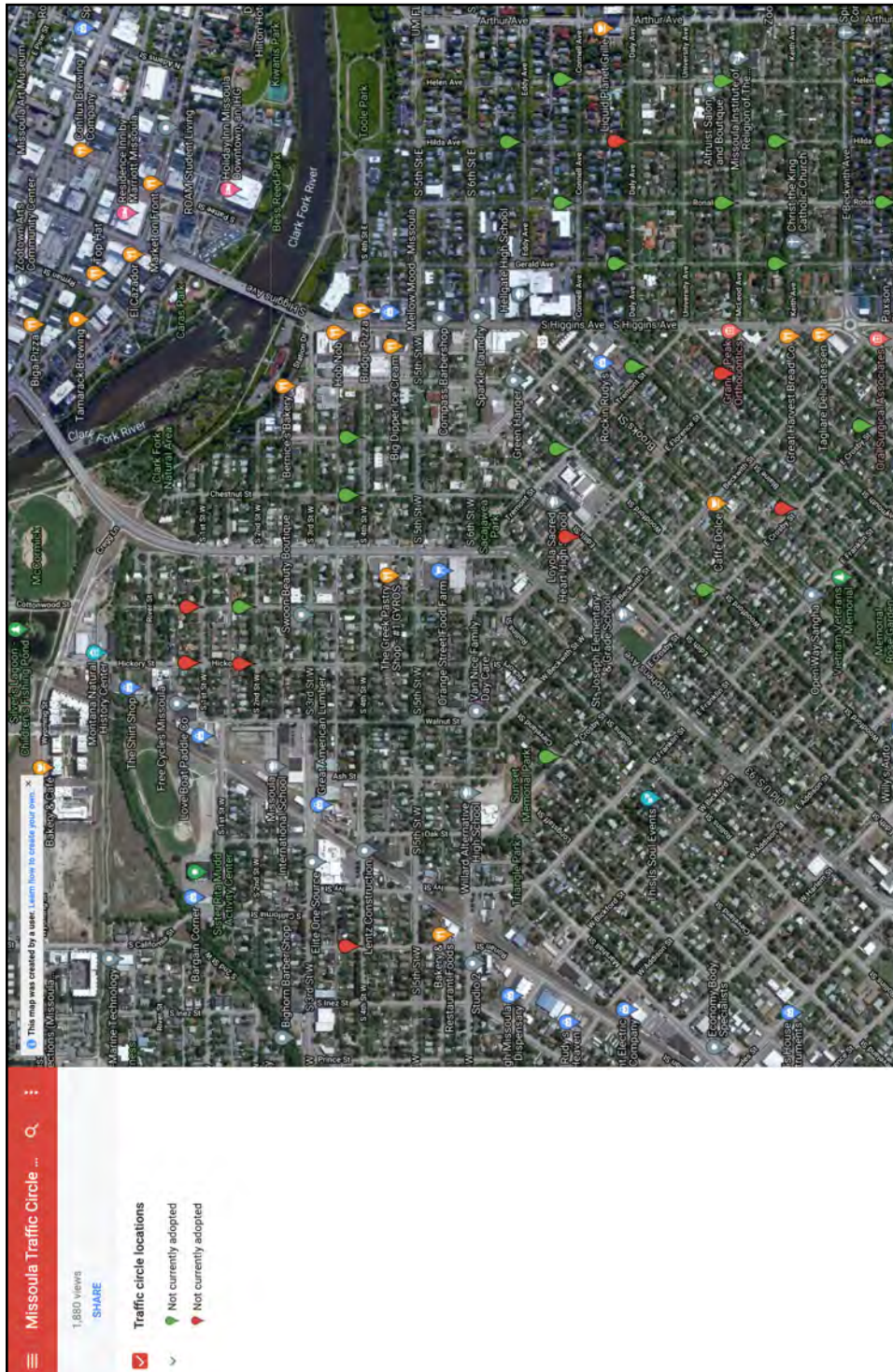
Usually color-coded to identify availability.

### Storm Drains



Fort Worth, TX - [Adopt a Drain](#)  
Green (“unlocked”) = available  
Red (“locked”) = adopted (name of adopting party - not published)

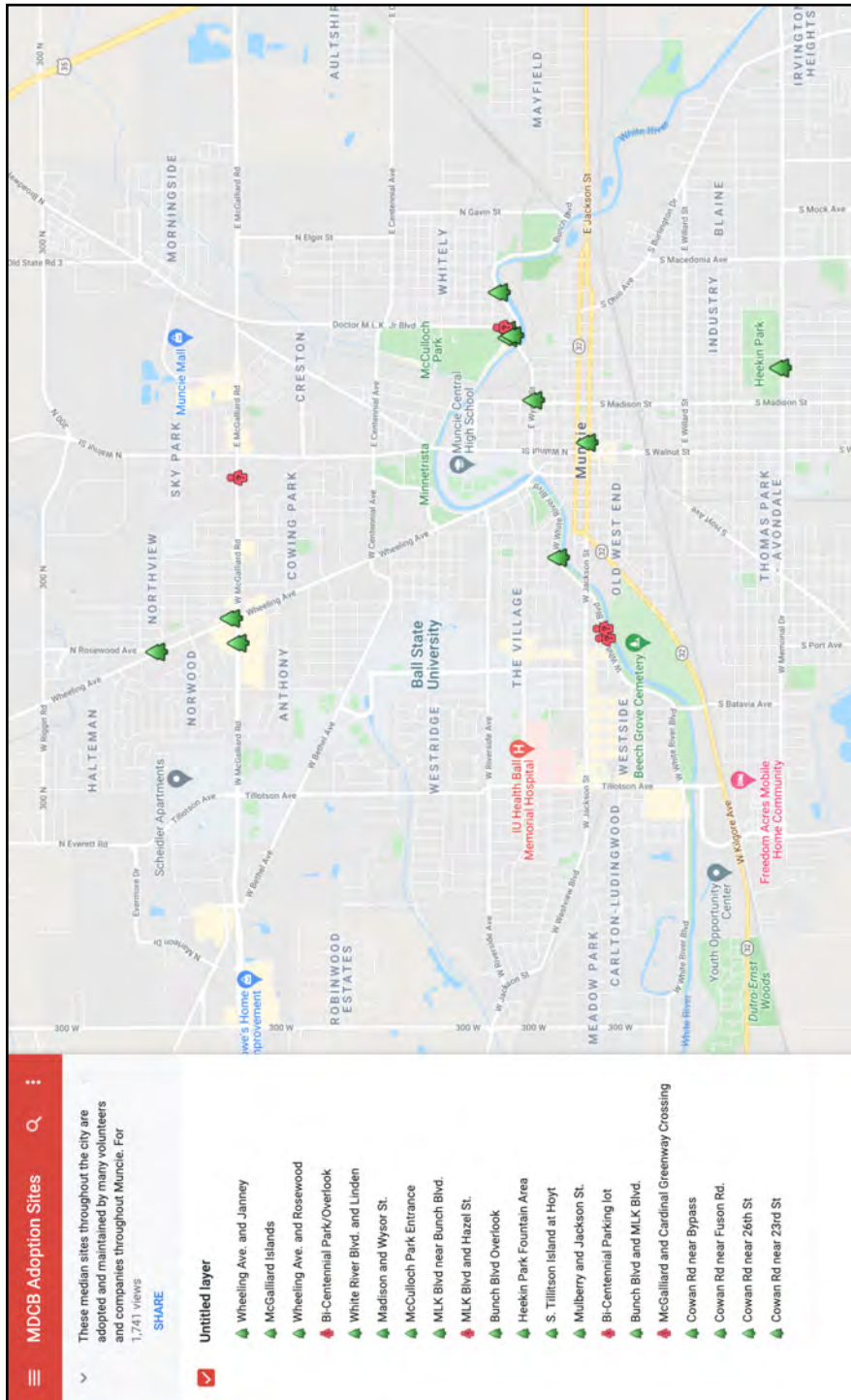
### Traffic Circles



Missoula, MT - [Adopt a Traffic Circle](#)  
**Green** = adopted (name of adopting party - published)  
**Red** = available



### Medians



Muncie, Delaware - [Adopt a Median](#)

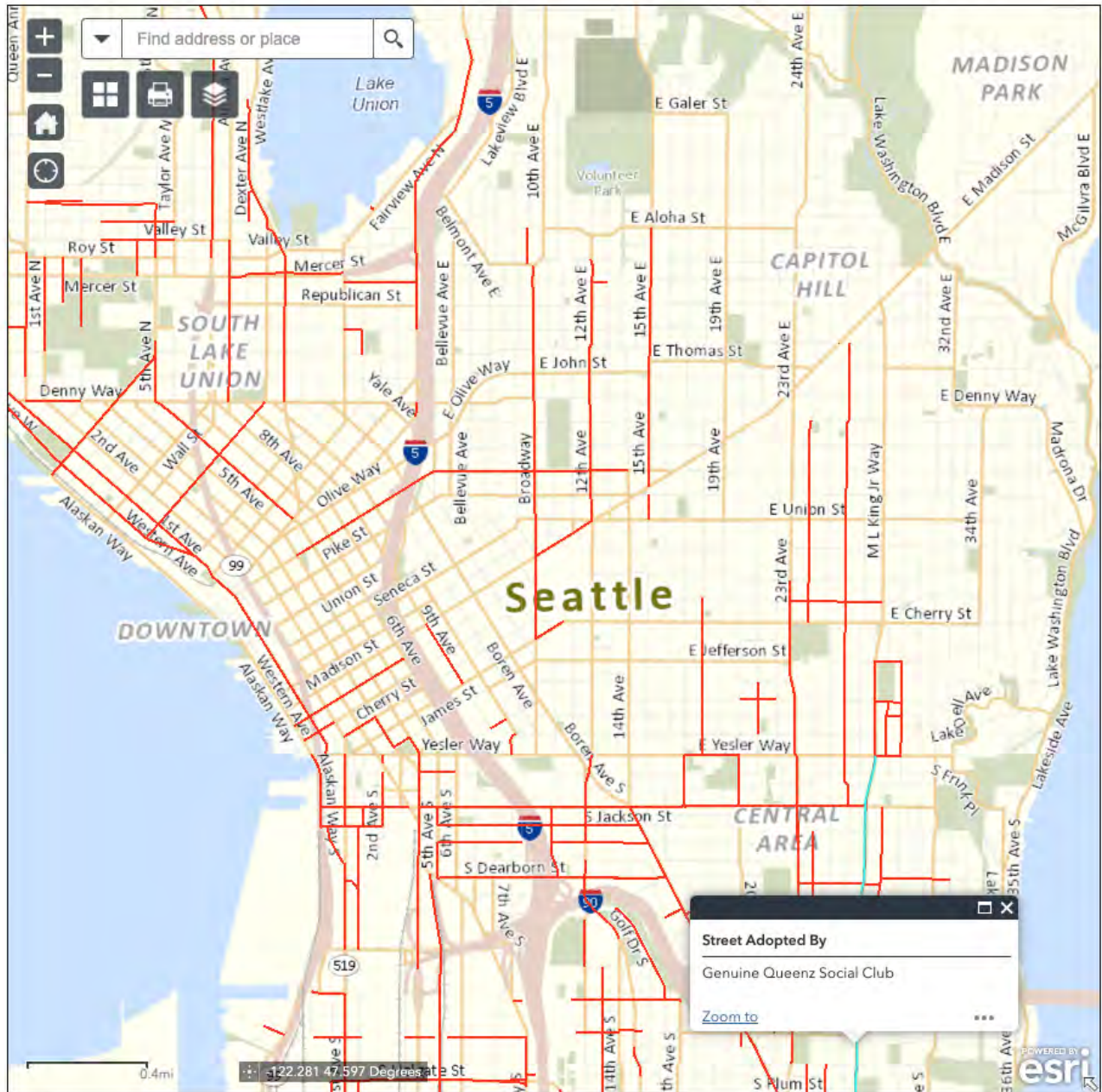
**Green** = adopted (name of adopting party - published)

**Red** = available

## Streets

# Adopted Streets

Select a section below to find out which streets have been adopted by other volunteers.



Seattle, WA - [Adopt a Street](#)

**Red** (turns **green** when clicked) = adopted (name of adopting party - published)



# Litter

The screenshot shows a Google My Maps interface for 'Keep Carbondale Beautiful'. The map displays various locations in Carbondale, IL, with colored lines and markers indicating 'Adopt A Spot' locations. The sidebar on the left lists the following groups:

- Over 60 groups have adopted spots in Carbondale. Find the spots and the groups. See also our gardens and special 3,789 views
- SHARE
- Untitled layer
  - citizen hero
  - citizen hero
- Adopt A Spot Locations
  - Sigma Pi
  - Lambda Theta Alpha
  - Phi Mu Alpha Sinfonia
  - Keith
  - Pi Sigma Epsilon
  - Available
  - Available
  - Nat'l Student Speech Language Hearing ...
  - Aur Beck
  - Gamma Phi Omega
  - Available
  - Alpha Gamma Rho
  - Sigma Kappa
  - Epiphany Lutheran Church of All Saints
  - Phi Kappa Tau
  - Available
  - Phi Iota Alpha
  - Hispanic Student Council
  - Nat'l Society of Collegiate Scholars (and ...
  - Delta Chi
  - Phi Sigma Kappa
  - First United Methodist Church
  - Rotary Club of Carbondale
  - Student Alumni Council
  - Alpha Gamma Delta
  - Farmhouse
  - IDOT says Creekside Vet Clinic
  - Beta Alpha Psi
  - Sigma Alpha Iota

Carbondale, IL - [Adopt-a-Spot](#) (Keep Carbondale Beautiful)  
Color-coded by adoptee, "Citizen Hero". Many are fraternities and sororities.

## Appendix D: Examples of Videos from Programs in Other Cities

### General (1 min.)



San Angelo, TX - [Adopt a Spot](#)  
Includes contact information for signing up

### Drains (1 min. 21 sec.)



Riverside, CA - [Adopt a Drain](#)  
Encourages volunteers to post photos to Facebook and Instagram

### Litter (1 min 5 sec)



Hampton, VA - [We Put Litter In Its Place #4](#)  
End of video gives contact information for signing up



### Medians - News Segment (2 min. 26 sec.)



Albuquerque, NM - [Adopt-a-Median](#)  
Includes city staff describing plans to expand program

## Appendix E: Examples of Calendars

### Calendar - Simple

[Home](#)
[Donate](#)
[Litter Control](#)
[Reduce, Re-...](#)
[Beautification](#)
[Education](#)
[Calendar of Events](#)
[Contact Us](#)

### Spring 2020 Calendar

Most of these events are ... cleanups (surprise!) KCB provides bags and gloves, plus a cooler of water on hot days. Dress appropriately for weather. Always wear closed-toe shoes. Bring a friend. There are no "rain dates" ... if you don't like the weather, stay home. If you think it's not that bad, show up. Someone will be there. We'll do what we can. Call or text (618) 525-5525 for more info.

— A littered site attracts more litter, so removing litter promotes beautification.

### March 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21 Cleanup @ Pyles Fork Creek and Preserve w/Green Earth 9am—12pm Meet at Attucks Park 800 N. Wall St.
22	23	24	25	26	27	28 Tree and Shrub Sale 9am-2pm Town Square Pavilion 121 N. Illinois Ave.
29	30	31				

Carbondale, IL - [Keep Carbondale Beautiful](#)



### Calendar - Comprehensive

The screenshot displays the 'Calendar' page of the Boulder, CO Volunteer Cooperative website. The top navigation bar includes 'Home', 'Calendar', and 'Contact Us'. Below the navigation, there are filters for 'Volunteer Opportunities' and 'Participation Opportunities', along with a 'Show Advanced Search Options' button. The main calendar area shows the month of June 2021, with days of the week and dates. Events are listed in colored boxes: purple for 'Used Bookstore' events, green for 'Father's Day Fun', pink for 'Outdoors for All Real', yellow for 'Kids' Fishing is Fun', and blue for 'Rollin into the Sun'. A legend at the bottom categorizes events by department and activity type, including City Managers Office, EXPAND Program, Housing and Human Services, Open Space Mountain Parks, Parks and Recreation, Planning, and Public Works.

Boulder, CO - ["Count Me In" Volunteer Cooperative](#) Calendar for all city-sponsored events. Filters by event type, department and activity.

## Appendix F: Examples of Brochures

### Brochure - Medians/Rain Gardens

**Adopt a Rain Garden**

Rain gardens on publicly owned land capture storm run-off water, allowing plants to filter out pollutants before the water infiltrates the ground. They are located across Madison in parks and city land.

Volunteers perform seasonal clean-up by removing dead plant material and replenishing mulch. Maintenance tasks include weeding, litter removal and planting supplemental plants provided by the City as needed.



**Benefits of Adopting a Median/Rain Garden**

- Beautify your neighborhood.
- Help the environment.
- Meet your neighbors and grow your neighborhood or homeowners' association.
- Safety vests are fashionable! Get yours for free.
- Free mulch and monetary reimbursement for qualifying plant purchases.
- Play outside!
- Makes for a great service project.

**Adopt a Median Program**

[www.cityofmadison.com/transportation/roadworks/adoptamedian](http://www.cityofmadison.com/transportation/roadworks/adoptamedian)



Johanna Johnson  
Adopt a Median Program Coordinator  
Phone: (608) 264-9274  
Fax: (608) 264-9275  
Email: [jjohnson@cityofmadison.com](mailto:jjohnson@cityofmadison.com)



City of Madison Engineering Division  
City-County Building, Room 115  
210 Martin Luther King, Jr. Blvd.  
Madison, WI 53703

Cover photo credit: Chuck Kime



**Adopt a Median / Rain Garden Volunteer Opportunity**



City of Madison Engineering Division

---

**Adopt a Median / Rain Garden**

The Adopt a Median / Rain Garden program is an opportunity for community members to make Madison beautiful and promote the environment by maintaining and modifying medians around the City. Rain gardens located on publicly owned land are also available for adoption.

Interested parties, affiliated with neighborhood associations, groups or businesses, or volunteers working on an individual basis, may apply to Adopt a Median / Rain Garden.

With approved application and waiver forms, volunteers may receive free mulch (coordinated delivery in the volunteers' neighborhood) and supplies such as safety vests and traffic cones. Some monetary reimbursement for approved plantings may also be available from the City Engineering Division.

*Safety First! Get traffic cones and safety vests from City Engineering.*

**Application Process**

1. Complete the Request for Application form. Return completed form to the City Engineering Division.
2. The Engineering Division provides the adopting group or individual with the Application and Waiver and Release form. **A waiver is required for each person working on the median/rain garden.** Return completed forms to the Engineering Division.
3. With an approved application and waivers on file, adopting groups/individuals are ready to show their medians or rain gardens a little T-L-C.

**For More Information**

Dig in! Start by filling out the Request for Application included in this brochure and return it to the City Engineering Division. Or, fill out the form online: [www.cityofmadison.com/transportation/roadworks/adoptamedian](http://www.cityofmadison.com/transportation/roadworks/adoptamedian)

*Get involved today!*

Questions? Contact Johanna Johnson, Adopt a Median Program, at (608) 264-9274.

**Adopt a Median/Rain Garden Request for Application**

Name of adopting group/organization/individual:
Name of volunteer contact who will sign the application:
Email:
Address:
Phone:
Median section(s)/lot/land location/rain garden to be adopted:

Return to: Johanna Johnson, City Engineering Division, City-County Building, Room 115, 210 Martin Luther King, Jr. Blvd., Madison, WI 53703. Email: [jjohnson@cityofmadison.com](mailto:jjohnson@cityofmadison.com)



Madison, WI - [Adopt-a-Median or Rain Garden](#)  
Tri-fold, includes application

Brochure - Litter

https://hampton.gov/DocumentCenter/View/311/Adopt-a-spot-brochure?bid=

**Send For Adopt-A-Spot Information NOW!**

Name: \_\_\_\_\_

Group: \_\_\_\_\_

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Do you have a spot you want to adopt? If so, what is it? (Optional)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MAIL TO:  
Hampton Clean City Commission  
22 Lincoln Street  
Hampton VA 23669

OR

FAX TO:  
727-8313

OR

E-MAIL INFORMATION ABOVE TO:  
hccc@hampton.gov

**Adopt-A-Spot Program Highlights**

Adopt-A-Spot sites are public areas within Hampton.

Groups or individuals adopt "spots". Participants younger than 15 must be supervised by adults. Adopters commit to cleaning their "spot" five times each year for two years.

HCCC provides equipment (litter sticks, safety vests, work gloves, & trash bags) for each cleanup. Supplies are picked up by participants at a central location. HCCC provides trash bag collection. Groups report the results of their cleanups when they return equipment. HCCC places a sign at the site after the first cleanup and publicizes the group's participation through various avenues. Participants also are invited to an annual Volunteer Recognition event.


**Litter! Such a Waste!**



Hampton Clean City Commission  
22 Lincoln Street  
Hampton VA 23669

Phone: 727-6394  
Fax: 727-8313  
E-Mail: hccc@hampton.gov  
Web Site: hampton.gov/hccc

**Litter! Such a Waste!**



**Adopt-A-Spot Program**

**HAMPTON**  
CLEAN CITY COMMISSION

Litter Awareness Committee

Working to Keep Hampton Clean & Beautiful

727-6394  
hccc@hampton.gov

**► It's a Dirty Job, But Someone Has To Do It!**

The Adopt-A-Spot program was established in the middle 1980s to address the litter problem in Hampton. Keep America Beautiful, Inc., a national community improvement organization, researched why people litter, and came up with three main answers:

- People litter because they feel no connection with or ownership of the areas in which they litter.
- People litter because litter has already accumulated.
- People litter because they think someone else will be paid to pick it up.


The Adopt-A-Spot program is based on combating these reasons for littering. The logic is that people may feel inhibited from littering if someone else has established "ownership" of the area, that keeping litter removed will remove the littering "trigger", and that showing that volunteers are cleaning up will elicit good will from litterers and prevent them from littering. Time has proven these ideas to be correct in many locations.



**Litter HURTS**

Litter is a blight on our landscape for many reasons:

- It is ugly and depressing to those who live around it.
- It turns people away from littered areas of the community, whether residential or commercial, and can bring down property values and deter business.
- It can injure people, animals, and property.
- It costs hundreds of thousands of public & private dollars to clean up each year, just in the City of Hampton alone.
- It clogs storm drains, causing flooding, and washes through storm drains straight into the Chesapeake Bay. Who wants to swim, fish, or boat with trash?!



**YOU Can Do Something About Litter**

You really CAN do something about litter!

First & foremost, **never litter**, not even a tiny little gum wrapper or a cigarette butt. It all messes up our local environment and has to be cleaned up by someone before it gets into our waterways.

Second, make sure your garbage is "under wraps" on collection day, so small pieces don't escape to become litter.

Third, join the Adopt-A-Spot Program in Hampton to help keep litter from piling up!

**YOU CAN MAKE A DIFFERENCE!**



**Litter! Such a Waste!**

Litter costs Hampton Roads community \$2 million dollars each year to clean up - not counting volunteer effort!

People litter cigarette butts because they think they will disintegrate into the environment—NOT TRUE! It can take seven years for cigarette butts to "go away" because they're made from synthetic materials.





## Appendix G: Example of Online Grant Application

LITTLE BIG AWARDS (ADOPT-A-BLOCK GRANTS)

Our Little BIG (Block Improvement Grant) Awards are grants of up to \$500 for Adopt-A-Block Captains to coordinate with each other to make their neighborhoods better. Each applicant group must include at least three Adopt-A-Block Captains. This way we can span multiple blocks and help neighbors work together.

To read the grant details and apply, please click the link below.

[LITTLE BIG GRANT APPLICATION](#)



**The Little BIG (Block Improvement Grant)** program is a way for you and your fellow captains to get together and make your neighborhood better!

Your grant proposal can be anything that you and at least two other Adopt-A-Block Captains in your neighborhood believe will make your community better and can accomplish on your own, you just need seed money. Maybe it's adding signage, fixing up a community greenspace, or throwing a neighborhood party. We want to hear from you, what's important to you and your neighbors.

Guidelines:

1. Grant applications will be reviewed between March and October.
2. Applications will be accepted until the funding pool has been depleted.
3. Your committee must consist of at least three current Adopt-A-Block Captains within your neighborhood.
4. Awards will be *reimbursed* in the form of a check from KIB when the budgeted work has been completed.
5. Award grantees will have 120 days from the date of award notification to complete their project and submit for reimbursement.

Unused awards or awards that have not been reimbursed after 120 days, will be reassigned to the general award pool for other applicants.

Award reimbursement will be dependent upon proper documentation of purchases outlined in this application **and** submission of a short write-up to Gerardo Ruiz Tovar (gruiztovar@kibi.org) with photo documentation before and after completion of the project.

I am applying as:

- Adopt-A-Block Captain  
 Adopt-A-Block School

Name of 1st Committee Member \*

1st Committee Member Email \*

This should be the main contact person

Name of 2nd Committee Member \*

2nd Committee Member Email \*

Name of 3rd Committee Member \*

Neighborhood \*

General description of your project: overview, goals, and how you will accomplish this project. (500 words or less) \*

Why is this project important to the community and what does it mean for the neighborhood? \*

Are there any other stakeholders involved and what is their involvement? (Neighbors, Local Officials, Institutions, etc...)\*

Does this require city permitting? \*

Yes

No

If so, what is the current status of your permitting application?

Are you leveraging any money or services? \*

Yes

No

Indianapolis, IN - [Adopt-a-Block](#) - [apply for grant online](#) (up to \$500)

## Appendix H: Example of Online Adoption Application

The screenshot shows the City of Missoula website's 'Form Center' for a 'Traffic Circle Adoption Agreement'. The page features a navigation menu on the left with categories like 'Agendas & Minutes', 'Bids & Proposals', and 'City Budgets'. The main content area includes a search bar, a 'Sign in to Save Progress' button, and a form with the following fields: 'First Name', 'Last Name', 'Address', 'City', 'State', 'Zip', 'Email Address', and 'Phone Number'. A 'Location of Traffic Circle Request\*' field is also present. Below these are sections for 'Sponsoring Organization/Individual\*' and a consent checkbox 'Can we use your name on the website as an adopter of a circle?'. A disclaimer section titled 'Adopt-A-Traffic-Circle Volunteer Release and Waiver' is included, followed by a 'Comments\*' field. At the bottom, there is a reCAPTCHA, a checkbox for 'Receive an email copy of this form.', an 'Email address' field, and a 'Submit' button. A note at the bottom states '\* indicates a required field'.

Missoula, MT -Traffic Circles - [Application Form](#)

## Appendix I: Example of Online Reporting

Create an Account - Increase your productivity, customize your experience, and engage in information you care about.

**HAMPTON VIRGINIA** LIVING PLAYING DOING BUSINESS GOVERNMENT HOW DO IT?

### Form Center

**Search Forms:**  
 Word or Phrase Select a Category ▾

By [signing in or creating an account](#), some fields will auto-populate with your information and your submitted forms will be saved and accessible to you.

#### Clean City Project Report Form Sign In to Save Progress

**Clean City Projects Cleanup & Beautification Report Form**  
 Clean City Project volunteers help keep our city clean and beautiful. Project volunteers clean up, beautify, and improve sites throughout the city.

\*All fields are required.

**First & Last Name\***

**Email Address\***  **Phone Number\***

**Organization Name\***  
  
 If no organization, enter NA

**Name of Spot Cleaned/Beautified/Improved\***

**Type of Project \***

<input type="checkbox"/> Adopt-A-Spot	<input type="checkbox"/> Clean the Bay Day	<input type="checkbox"/> Community Garden
<input type="checkbox"/> One-Time Cleanup	<input type="checkbox"/> International Coastal Cleanup	<input type="checkbox"/> Weeding/Mulching
<input type="checkbox"/> Boat Cleanup	<input type="checkbox"/> Walk Hampton Clean	<input type="checkbox"/> Recycling
<input type="checkbox"/> Shoreline Cleanup	<input type="checkbox"/> Tree/Flower Planting	<input type="checkbox"/> Painting/Graffiti Removal

**Date of Project\***  **Number of Participants\***  **How Long the Project Lasted\***   
 In hours

**How Many Bags of Trash Were Collected (Including Weeds)**  **How Many Cigarette Butts Were Collected**  **Bulk Debris (Large pieces of trash, tires, construction materials, etc.)**  **How Many Trees/Tree Seedlings Were Planted?**

Enter approximate amount (how much, volume, pickup truck load, etc.)

**Plastic Bags Recycled (in pounds)**  **Other Recycling Projects**

Please describe.

**How Many Flowers Were Planted?**  **How Much Mulch Was Spread?**  **Community Garden Project**  **Approximately How Many Square Feet Were Impacted By This Project?**

Indicate yes.

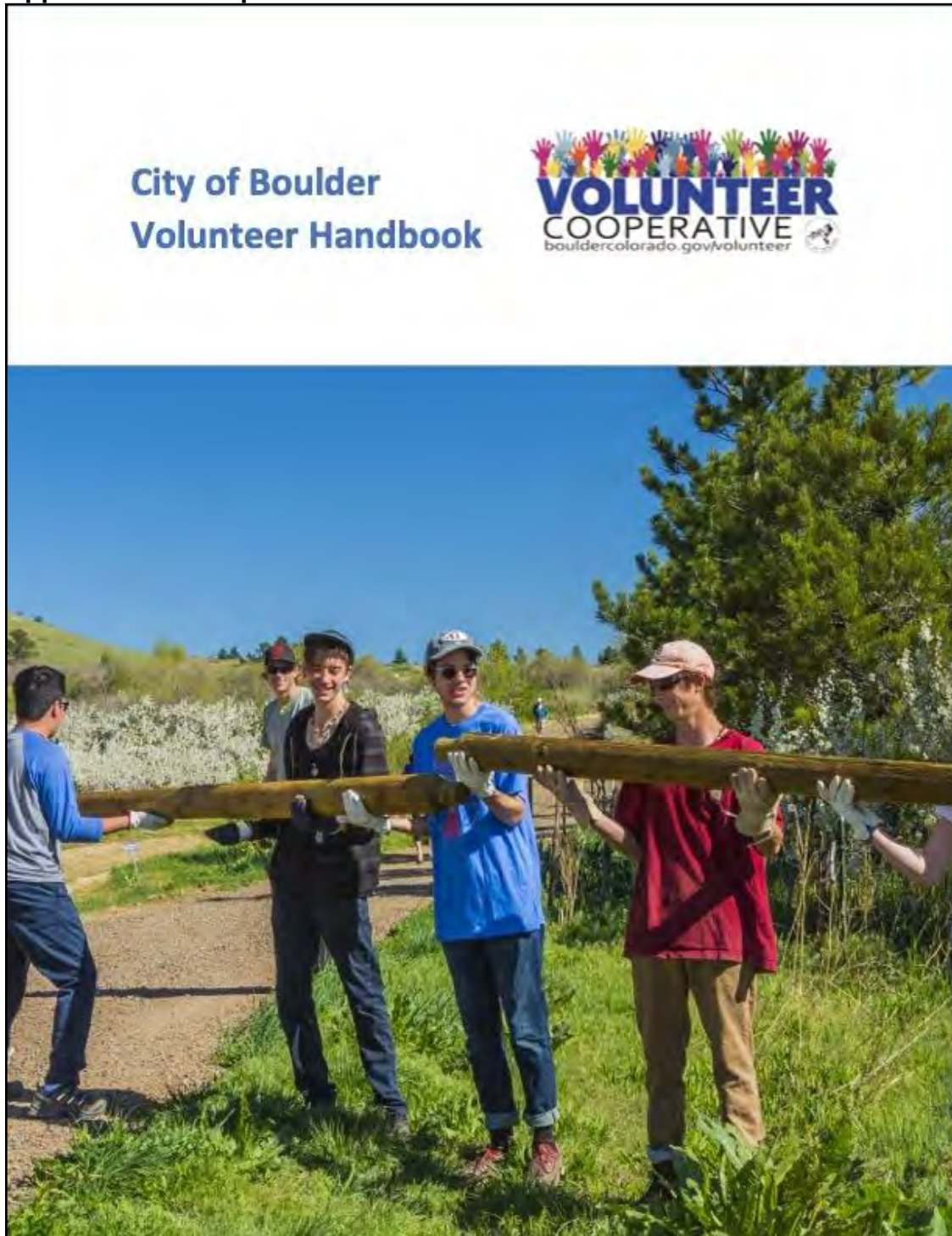
**Additional Comments**

**Photos, Maps, Other Documents You Want to Share**  
 Choose File no file selected

Hampton, VA - Adopt-a-Spot - [Reporting Form](#)  
 For 16 available programs



Appendix J: Example Volunteer Handbook



Boulder, CO - [Volunteer Cooperative](#) - [Volunteer Handbook](#)

## Appendix K: Examples of Volunteer Appreciation

### Appreciation - Annual Party and Awards

**Volunteers make a difference**

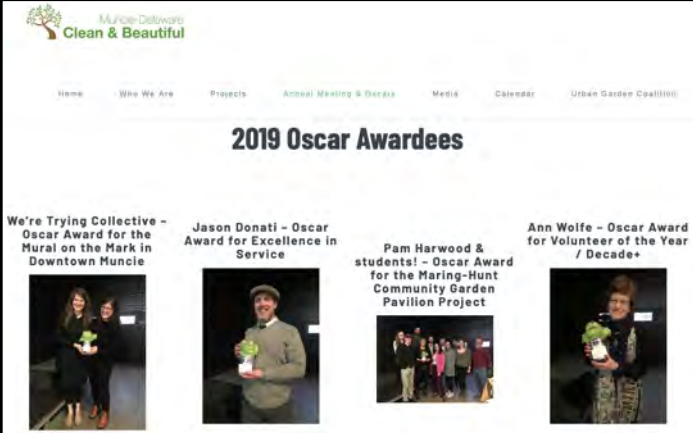


In 2019, 7,000 total volunteers contributed 80,057 hours to volunteer efforts, with an estimated financial impact worth \$2.2 million.

*Left: Volunteer award winners at the 2019 citywide volunteer appreciation event for the Alber Lifetime Achievement Award and Outstanding Departmental Volunteer Award.*

Boulder, CO - [Volunteer Appreciation](#)

### Appreciation - Annual Oscar Awards



Muncie, Delaware  
**Clean & Beautiful**

Home Who We Are Projects Annual Meeting & Decade Media Calendar Urban Garden Coalition

### 2019 Oscar Awardees

**We're Trying Collective - Oscar Award for the Mural on the Mark in Downtown Muncie**

**Jason Donati - Oscar Award for Excellence in Service**

**Pam Harwood & students! - Oscar Award for the Maring-Hunt Community Garden Pavilion Project**

**Ann Wolfe - Oscar Award for Volunteer of the Year / Decade+**

Muncie, DE - [Annual "Oscar" Awards and Party](#)

### Annual Beautification Party and Award



DPW&T's Beautification Award Ceremony at the Newton White Mansion on September 25, 2019 was attended by 200 participants and guests.

Prince George's County, MD - [Annual Beautification Award Ceremony \(pg. 20\)](#)

## Appreciation - Annual Award Recipients

**Volunteer Recognition Award Recipients**

The Annual Volunteer Recognition Luncheon celebrates the contributions of the County's Retired and Senior Volunteer Program (RSVP) and Foster Grandparent Program participants. Each year, the event is held in May to commemorate Older Americans Month and celebrate the achievements made by older adults.

**2019 Award Recipients**

**Grandpa Brenon Washington**  
Outstanding New Volunteer Award

Mr. Brenon Washington is a Foster Grandparent at Francis T. Evans Elementary School in Clinton, MD. He volunteers five days a week and is dedicated to making a difference in the lives of his 2nd graders, whom he works with daily, assisting them with their reading skills. The children mirror his enthusiasm for learning and are attentive when he speaks. Grandpa Washington is truly making a difference and is trying to recruit more male volunteers.

**Diane Williams**  
Outstanding Service Award

Ms. Diane Williams has been a Foster Grandparent volunteer at H. Winship Wheatley Special Center in Capitol Heights, for 12 years. Grandma Williams' Pre K class looks forward to her cheery "Good Morning" every day. She encourages the children to use their words and helps them with their social and emotional development. Ms. Williams has left a legacy that will live on in the lives of the children she has helped nurture.

**Carolyn Hammie**  
Volunteer Leadership Award

Grandma Carol volunteers at Avalon Elementary School in Fort Washington, MD, where she has helped a non-verbal student, in particular, through patience and love. Having had a daughter with developmental challenges, Grandma Carol has poured that same special grace and dedication with her student at Avalon Elementary. As a result, the student is now able to speak and form full sentences because of Ms. Hammie's efforts. Grandma Carol is truly a leader and always gives 100% to her students.

**Ms. Ernestine Vaughn**  
Ruby Peyton Award

Ms. Ernestine Vaughn volunteers at H. Wheatley Early Childhood Center in Capitol Heights and has been an active volunteer for 15 years, working mainly with children on the autism spectrum. Described by school teachers as thoughtful, compassionate, dependable, strong and hands on - Grandma Vaughn has worked in some of the most challenging classrooms. She offers words of encouragement and is known to gently redirect behavioral situations into positive outcomes. Grandma Vaughn is a team player that brings a mature structure into the classroom.

## Prince George's County, MD - [Annual Volunteer Awards](#)

## Appreciation - Monthly Recognition

COLUMBIA, MISSOURI

Search to Find It Fast!

Home Living in Columbia Doing Business in Columbia City Government Visitors CoMobile Apps

**Volunteer of the Month for May – John Mier**

Follow Us:  
f i+ s

**VOLUNTEER COLUMBIA**

P.O. Box 6015  
701 E. Broadway – 5th floor  
Columbia, MO 65205  
(573) 874-7499  
Volunteer@CoMo.gov

On the many trails that wind through Columbia, Adopt-A-Trail is not your usual litter control or cleanup volunteer program, and John Mier is not your typical volunteer. He is a heavy-weight champion in the battle to take down the invasive, non-native, bush honeysuckle that has overgrown our forests and trails.

Initially Adopt-A-Trail volunteers participate in training to learn proper tree care, trail maintenance, and the identification of invasive species in Missouri, and how to remove them. They are then assigned a quarter-mile section of trail in the city to care for. Since 2017 John has logged over 91 hours of hard work and sweat, but he doesn't mind because he says it's a great way to relieve stress. He jokingly calls the honeysuckle removal "bushwhacking," but the results are obvious. The trail opens up and looks much nicer, and clearing the honeysuckle allows for native plants to begin to grow back.

"It's all about helping," John says. He's been volunteering in some capacity for decades. "You meet new people, learn new things, and in most roles, you know you are helping." John also spends time volunteering at the St. Louis Zoo.

Thanks John for your energy, fortitude, and desire to help. If you also like helping and want to learn more about volunteering for the City's Adopt-A-Trail program, please contact [volunteer@comogov](mailto:volunteer@comogov) or call 573-874-7499.

Written by volunteer Bob Murphy.

## Columbia, MO - [Volunteer of the Month](#)



## Appreciation - Quarterly Recognition

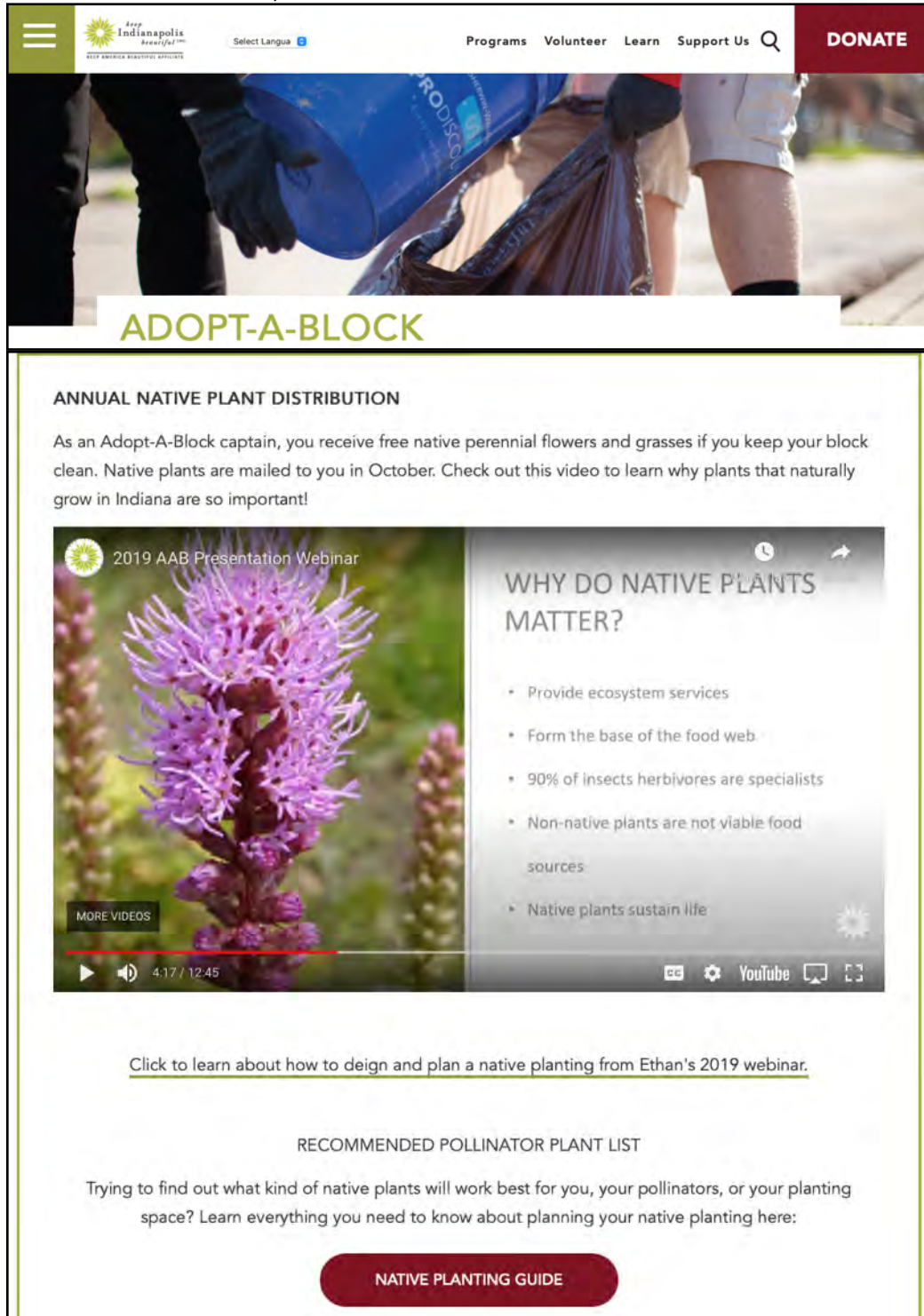
The screenshot shows a website page with a dark blue header. The header contains the logo for 'NSFB' (Keep Santa Fe Beautiful) and navigation links for 'Programs', 'Events', 'Volunteer', 'Donate', and 'About'. On the right side of the header are icons for home, Facebook, and email. Below the header is a large banner image with the text 'Median of the Quarter Summer 2021' overlaid in white. Underneath the banner is a white section with the 'KEEP Santa Fe BEAUTIFUL' logo on the left and 'Adopted MEDIAN OF THE QUARTER' on the right. Two photographs show landscaped medians with trees, flowers, and rocks. Below the photos is a paragraph of text: 'Our summer 2021 Median-of-the-Quarter award goes to Clemens & Associates Landscape Maintenance for their beautiful medians downtown on Grant Ave/Johnson St. Congratulations and thank you for being a part of our adopters program!' followed by 'Categorised in: Uncategorized'. At the bottom of the white section are links for 'Median Adoptees', 'Blog', 'Privacy Policy', 'Contact', and 'Subscribe'. The footer is dark blue and contains the text 'HAND CRAFTED BY: mindshare labs.' on the left and '© 2021 Copyright Keep Santa Fe Beautiful. All rights reserved.' on the right.

Santa Fe, NM - Keep Santa Fe Beautiful - [Median of the Quarter](#)



## Appendix L: Examples of Native Plants

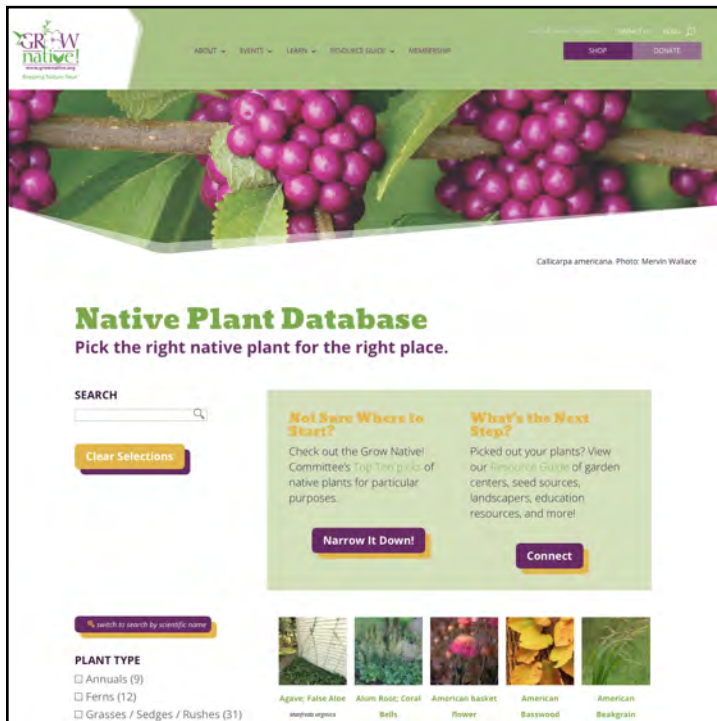
### Native Plants - Video, Guide and Free Plants



The screenshot shows the website interface for 'Keep Indianapolis Beautiful'. At the top, there is a navigation bar with a menu icon, the organization's logo, a language selector, and links for 'Programs', 'Volunteer', 'Learn', 'Support Us', and a search icon. A prominent red 'DONATE' button is on the right. Below the navigation is a large banner image of a person pouring water from a blue bucket into a black bag. A white text box with green lettering reads 'ADOPT-A-BLOCK'. The main content area features a section titled 'ANNUAL NATIVE PLANT DISTRIBUTION' with a sub-heading 'ADOPT-A-BLOCK'. The text explains that as an Adopt-A-Block captain, one receives free native perennial flowers and grasses if they keep their block clean. Below this is a video player for a '2019 AAB Presentation Webinar'. The video thumbnail shows a purple flower. The video title is 'WHY DO NATIVE PLANTS MATTER?' and it includes a list of bullet points: 'Provide ecosystem services', 'Form the base of the food web', '90% of insects herbivores are specialists', 'Non-native plants are not viable food sources', and 'Native plants sustain life'. Below the video player is a link: 'Click to learn about how to design and plan a native planting from Ethan's 2019 webinar.' Further down is a section titled 'RECOMMENDED POLLINATOR PLANT LIST' with the text: 'Trying to find out what kind of native plants will work best for you, your pollinators, or your planting space? Learn everything you need to know about planning your native planting here:'. At the bottom of this section is a red button labeled 'NATIVE PLANTING GUIDE'.

Indianapolis, IN - Adopt a Block - [Designing a Native Plant Garden](#)

Native Plants - Database



Columbia, MO - Adopt-a-Spot - [Resources for Native Plantings](#) - [Missouri Prairie Foundation](#)

Native Plants - Guide



Columbia, MO - Adopt-a-Spot - [Resources for Native Plantings](#) - [Info from the Missouri Dept of Conservation](#)

Native Plants - Example of Free Plants

The screenshot shows the 'Ripple Effects' website. At the top left is the 'Ripple Effects' logo. A search bar is in the top right. Below the header is a navigation menu with items: Home, Get Involved, Rain Gardens, Home & Yard, For Teachers, Resources, and About Us. The main content area features the 'Plant Dane' logo and a heading: 'Native Plantings and Rain Gardens have Ripple Effects on our Waters'. Below this is a paragraph: 'Convert some of your turf grass or pavement into a native garden this spring. Not only are native plants beautiful, but they provide important ecosystem services such as habitat for local wildlife and improved water quality. Native plants act as sponges helping rainwater to soak into the ground preventing stormwater runoff from draining into our lakes, rivers and streams.' A navigation bar below this contains: ORDER PLANTS, DONATE PLANTS, GROW PLANTS, VIRTUAL RAIN GARDEN WORKSHOP, and APPLY FOR FREE PLANTS. A green banner states: 'We are now accepting applications for the summer/fall cycle of the Free Native Plants Program.' Below this is a text block: 'The Dane County Land and Water Resources Dept. has a limited supply of free native plants that are available for use in school or community projects within Dane County that benefit water quality and education. Plants for the fall cycle are grown by volunteers. Plants will be available for pick up in late summer. To find out more about the program please visit the [program website](#). The program can also help provide seeds and supplies to teachers that would like to grow plants with their students. **Deadline to apply for summer/fall plants is July 20th, 2021.**' To the right of this text is a photo of a garden. The footer contains the 'Ripple Effects' logo, 'Madison Area Municipal Stormwater Partnership (MAMSWaP) / Dane County Land & Water Resources Department', and a 'TRANSLATE' section with options for English, Español, and Hmoob, and a 'Select Language' dropdown menu. Social media icons for Facebook and email are also present.

[Madison, WI - Plants for Rain Gardens \(Dane County\)](#)

Opportunities to order, grow, donate, and request free plants (above)



### Appendix M: Screenshot of spreadsheet used to capture details of Research Link available upon request

City	State	Name of Program	URL	Description (optional)	When was program first started?	Length of program (in years)	Other (optional)	Application	Grant / Measurement	Next List	Maintenance	Safety Data & Statistics	Map	Report	Other (optional)
1	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Many many programs, including FIRE, RTFF, Focus Department, Public Works	1990s	20+ years		Various	Up to \$2M, for focus on fire	Various	Various	Various	Various	Various	Various
2	CA	Street Bikes Program	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works and non profit M. P. Parks Alliance	1990s	20+ years		Various	Community Challenge Grant, no (subject later to PFI)	Various	Various	Various	Various	Various	Various
3	CA	Projects	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
4	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works and non profit M. P. Parks Alliance	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
5	CA	Community (Enhancements)	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
6	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
7	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
8	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
9	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
10	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
11	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
12	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
13	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
14	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
15	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
16	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
17	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
18	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
19	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
20	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
21	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
22	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
23	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
24	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
25	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
26	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
27	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
28	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various
29	CA	Volunteer Programs	<a href="#">https://www.ci.sanfrancisco.ca.us/248267/Programs</a>	Public Works	1990s	20+ years		Various	Various	Various	Various	Various	Various	Various	Various

CONSENT CALENDAR

October 26, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral: Reckless Driving and Sideshow Deterrence Improvements

RECOMMENDATION

That the City Council refers to the FY2023 budget process the funding of sideshow deterrence infrastructure, traffic circles or botts' dots, at the following intersections:

- Seventh Street and Addison Street
- Eighth Street and Channing Way
- Bonar Street and Allston Way
- Bonar Street and Bancroft Way
- Additional intersections to be determined by the Transportation Division of the Public Works Department

The Transportation Division shall determine which intersections best qualify for bott's dots and which qualify for traffic circles.

CURRENT SITUATION AND ITS EFFECTS

Sideshows, events where drivers take over street intersections to perform dangerous driving stunts, have been a common occurrence in the East Bay for decades. While these events often occur in large groups of vehicles with crowds of people gathering at intersections to observe, smaller groups of vehicles doing stunts in residential streets at night are just as common. These events present a safety threat to the drivers, active observers, and passersby when they are happening, with such reckless driving leading often to injuries among pedestrians and the drivers, as well as fights breaking out among the observing crowds.<sup>1</sup> Sideshows and smaller stunt driving events are constantly on the move between different intersections, and cities, on the evenings they occur, making deterrence by police officers difficult.

Due to the difficulties local police departments have experienced in enforcing traffic laws and shutting down sideshows, some cities have begun pursuing engineering solutions to deter sideshows before they can even begin. The City of Oakland, where sideshows are routine, has been at the forefront of experimenting with engineering solutions such as the use of "Bott's dots", which are circular tiles that raise pavement levels and specific points in the road. Botts's dots, commonly used on highways to mark lanes,

<sup>1</sup> <https://www.kqed.org/education/531891/oakland-sideshows-should-they-be-legal>

create a strong bump when driven over by vehicles and are now being explored in many cities as a possible deterrent for drivers seeking to drive recklessly in the middle of street intersections.<sup>2</sup> In the summer of 2021, the City of Oakland began installing botts' dots at intersections that are popular sideshow destinations in an effort to discourage unsafe sideshow driving activities.<sup>3</sup>



*Close up of bott's dot.*



*Bott's dots installed at an intersection to deter sideshows.*

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<sup>2</sup> <https://www.oaklandca.gov/topics/sideshow-prevention-efforts>

<sup>3</sup> <https://www.kron4.com/news/bay-area/oakland-installs-botts-dots-to-help-deter-illegal-sideshow/>

As the City of Berkeley studies an end to police involvement in traffic policing with its Reimagining Public Safety Task Force and the development of a Berkeley Department of Transportation, it is important that the City pursue as many engineering and infrastructural solutions as possible for the City's traffic and transportation issues. The use of traffic circles and Bott's dots are an opportunity to reduce sideshows and reckless driving without adding increased strains to our police budget by preventing these events from happening rather than by trying to enforce our traffic laws after they've already been broken. While there are a number of existing locations known for sideshow and stunt driving, the transient nature of these activities require further analysis to identify additional locations for the strategic placement of these deterrence measures.

#### FISCAL IMPACTS

Staff time for analysis of hotspot intersections and the implementation of improvements, an estimated \$50,000 per traffic circle<sup>4</sup>, and costs related to Bott's dots materials.

#### ENVIRONMENTAL IMPACTS

No environmental sustainability impact.

#### 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-Bicycle-Plan-2017\\_AppendixE\\_Project%20Recs%20Priorities\(1\).pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017_AppendixE_Project%20Recs%20Priorities(1).pdf)





CONSENT CALENDAR

October 26, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral: Sidewalk Repair on Arterial Streets

RECOMMENDATION

That the City Council refers to the FY2023 budget process an allocation of \$600,000 from the General Fund for the purpose of funding sidewalk repairs on major West and South Berkeley arterial streets including Sacramento Street, Alcatraz Avenue, and Dwight Avenue.

CURRENT SITUATION AND ITS EFFECTS

Berkeley's streets, from road pavement to sidewalks, are in chronic disrepair. According to Berkeley's 2018-2019 Capital Improvement Plan, an estimated 20-25 miles of the City's sidewalks need to be replaced, at a total cost of \$7 million.<sup>1</sup> Meanwhile, Berkeley's street pavement had a Pavement Condition Index (PCI) rating of 59 out of 100 in 2018 and will require an estimated \$27.3 million annual investment if the City wants to raise its PCI score in the coming years.<sup>2</sup> While recent Capital Improvement Plans and City audits have demonstrated the widespread degradation of the streets and sidewalks in Berkeley, the deterioration is not felt equally across the entire city.

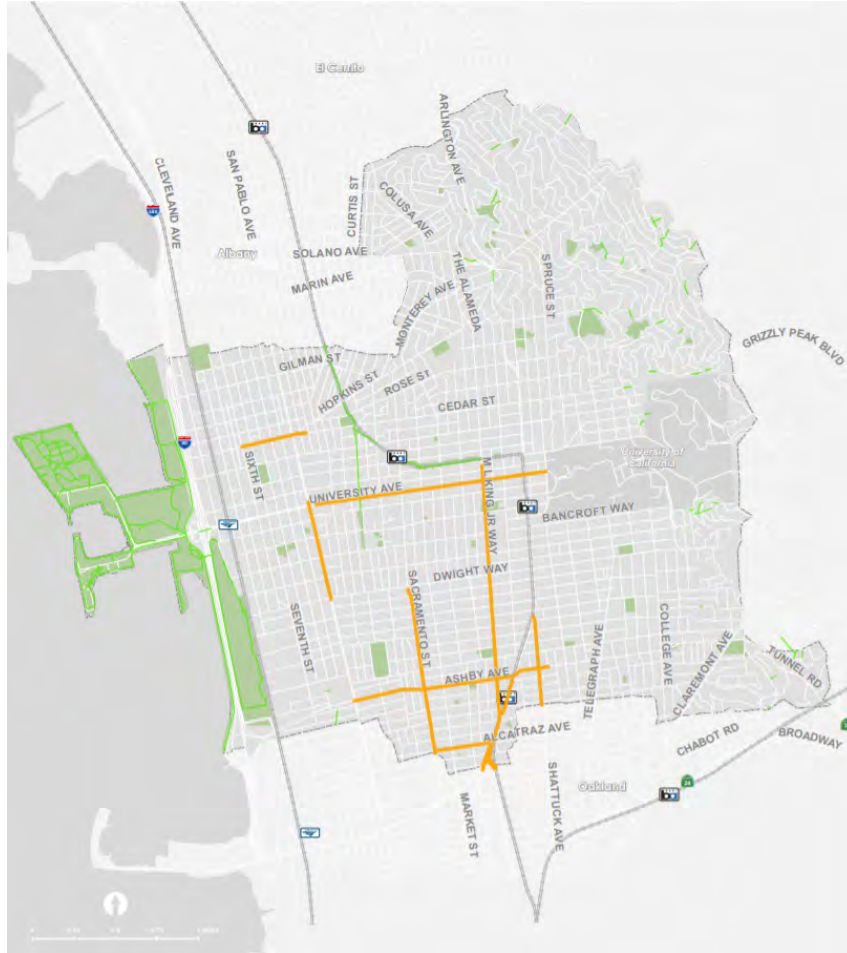
Following decades of disinvestment and inattention from City officials, the neighborhoods of West and South Berkeley are the home to more eroded streets and sidewalks than the more historically white and affluent areas of Berkeley. With this in mind, Berkeley's Pedestrian Plan identified much of West and South Berkeley as "Historically Underserved Areas" in need of outsized future investment by the City.<sup>3</sup> Furthermore, West and South Berkeley are home to an outsized number of "Prioritized High Injury Streets", where traffic injuries have been highly concentrated and require prioritized infrastructural interventions:

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<sup>1</sup> <https://www.berkeleyside.org/wp-content/uploads/2018/12/FY-2018-2019-Adopted-CIP-Budget-Book.pdf>

<sup>2</sup> <https://www.berkeleyside.org/wp-content/uploads/2020/11/Berkeley-Streets-Audit-Nov.-2020.pdf>

<sup>3</sup> [https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/2020%20Pedestrian%20Plan%20FULL%20adopted.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/2020%20Pedestrian%20Plan%20FULL%20adopted.pdf)



Map of Prioritized High Injury Streets from the Berkeley Pedestrian Plan.<sup>4</sup>

Through its 5-Year Paving Plan, the Pedestrian Plan, and Vision Zero Action Plan, the City has acknowledged and taken steps to rectify the historical disinvestment and notable street and sidewalk deterioration in West Berkeley by considering “equity” in its improvement plans. Despite these efforts, however, the state of West Berkeley’s streets and the regular stream of traffic injuries that occur in West Berkeley require escalated prioritization.

**FISCAL IMPACTS**

Staff time and an estimated \$600,000 from the General Fund for repairs.

**ENVIRONMENTAL IMPACTS**

No environmental sustainability impact.

**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/2020%20Pedestrian%20Plan%20FULL%20adopted.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/2020%20Pedestrian%20Plan%20FULL%20adopted.pdf)



CONSENT CALENDAR  
October 26, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett

Subject: Presentation Request: Study to Achieve Equity in City Contracting -  
"Berkeley Inclusion in Opportunity Index"

**RECOMMENDATION:**

Request for Mason Tillman Associates Ltd (MTA) to present their findings and recommendations from the "Berkeley Inclusion in Opportunity Index" study at the November 9th, 2021 City Council meeting.

The presentation should include an analysis of the City's use of local, small, emerging, and diverse enterprises. The study focuses on enterprises experiencing barriers to access in obtaining City contracts in construction, architecture, engineering, professional services, goods, and other services.

**BACKGROUND:**

The City of Berkeley and its residents have a longstanding commitment to diversity and advancing the development of local businesses. Part of this commitment is to ensure that the City's procurement activities allow for contracting opportunities to be accessible to the entire local business community. The purpose of a Barriers and Availability Study would therefore be to examine the City's procurement activities and identify disparities in the awarding of contracts affecting local, small, emerging business enterprises and other enterprises with barriers to access. To the extent that disparities exist, the City of Berkeley should undertake equity oriented remedies in its city contracting practices.

Alameda County and the City of Oakland have both performed Availability Studies, which allows these municipal entities to consider additional factors when awarding contracts and engage in more socially responsible contracting. The City of Berkeley must do the same to uphold its commitment to diversity as well.

On January 24, 2017, Berkeley City Council approved the "Berkeley Inclusion in Opportunity Index" . This Barriers and Availability Study was intended to critically examine the City's procurement activities.

On May 28th, 2019, the Council approved the 2019-2020 budget and allocated \$200,000 to fund the above-mentioned "Berkeley Inclusion in Opportunity Index" Barriers and Availability Study. Councilmember Bartlett worked with City staff to issue a Request for Proposal (RFP) to identify a qualified firm to perform a Barriers and Availability Study. The results ranked Mason Tillman Associates Ltd as the best firm to conduct this study as they are recognized as national leaders in the field.

By conducting a Barriers and Availability Study to identify discrimination in municipal contracting, the City will be able to identify specific disparities in the awarding of contracts and subsequently create a series of reparative measures.

More background on the “Berkeley Inclusion in Opportunity Index” is available in the attachments that include previous items.

### CURRENT SITUATION

The study conducted by Mason Tillman Associates Ltd was completed at the end of September.

### FISCAL IMPACTS OF RECOMMENDATION

Staff & Council Time

### RATIONALE FOR RECOMMENDATION

Because the validity of scientific results is conditional based on time, it is critical that the study results be presented to Berkeley City Council during the month of October or November.

### CONTACT PERSON

Councilmember Ben Bartlett  
James Chang  
Hillary Phan

[bbartlett@cityofberkeley.info](mailto:bbartlett@cityofberkeley.info)  
[jchang@cityofberkeley.info](mailto:jchang@cityofberkeley.info)  
510-981-7130

### ATTACHMENT

1. [2017- Budget Referral: “Berkeley Inclusion in Opportunity Index” - Request Availability Study to Achieve Equity in City Contracting](#)
2. [2019 - Budget Referral: “Berkeley Inclusion in Opportunity Index” - Funding Firm to Perform Availability Study to Achieve Equity in City Contracting](#)



Councilmember Ben Bartlett  
District 3

CONSENT CALENDAR  
January 24, 2017

To: Honorable Mayor and Members of the City Council  
From: Councilmember Ben Bartlett & Councilmember Kriss Worthington & Councilmember Cheryl Davila  
Subject: Budget Referral: "Berkeley Inclusion in Opportunity Index" - Request Availability Study to Achieve Equity in City Contracting

RECOMMENDATION

Refer to the 2016-2017 budget an allocation to perform an Availability Study to analyze the City's use of local, small, emerging enterprises and other enterprises with barriers to access in City construction, architecture, engineering, professional services, goods and other services contracts.

FINANCIAL IMPLICATIONS

Minimal costs and staff time.

BACKGROUND

The City of Berkeley and its residents have a longstanding commitment to diversity and to advancing the development of local businesses. Part of this commitment is to ensure that the City's procurement activities allow for contracting opportunities to be accessible to the entire local business community.

The purpose of an Availability Study would therefore be to examine the City's procurement activities and identify disparities in the awarding of contracts affecting local, small, emerging business enterprises and other enterprises with barriers to access. To the extent that disparities in the awarding of contracts exist, the City of Berkeley should undertake equity oriented remedies in its contracting practices. Alameda County and the City of Oakland have both performed Availability Studies, which allows these municipal entities to consider additional factors when awarding contracts and engage in more socially responsible contracting.

ENVIRONMENTAL SUSTAINABILITY

This proposal is aligned with the City's goal for Environmental Sustainability.

CONTACT PERSON

Councilmember Ben Bartlett, 510-981-7130  
Councilmember Kriss Worthington, 510-981-7170

Councilmember Cheryl Davila, 510-981-7120



Councilmember Ben Bartlett  
 City of Berkeley, District  
 2180 Milvia Street, 5<sup>th</sup> Floor  
 Berkeley, CA 94704  
 PHONE: 510-981-7130  
 EMAIL: [bbartlett@cityofberkeley.info](mailto:bbartlett@cityofberkeley.info)

CONSENT CALENDAR  
 May 28th, 2019

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Ben Bartlett and Cheryl Davila  
 Subject: Budget Referral: "Berkeley Inclusion in Opportunity Index" - Funding Firm to Perform Availability Study to Achieve Equity in City Contracting

RECOMMENDATION

That the Council refer to the 2019-2020 budget and allocate \$200,000 to fund Mason Tillman Associates Ltd (MTA) to perform an Availability Study to analyze the City's use of local, small, emerging enterprises and other enterprises with barriers to access in City construction, architecture, engineering, professional services, goods, and other services contracts.

CURRENT SITUATION

On January 24, 2017 Councilmembers Bartlett and Davila, along with former Councilmember Worthington, referred to the 2016-2017 budget and allocation to perform an Availability Study to analyze the City's use of local, small, emerging enterprises and other enterprises with barriers to access in City construction, architecture, engineering, professional services, goods and other services contracts.

Recommendations presented on June 13, 2017 included \$100,000 in FY 2018 for the Berkeley Inclusion in Opportunity Index, also referred to as the Availability Study.

On June 24, 2017, a FY 2018 and FY 2019 revised budget report was submitted to the City Council as agenda Item #47 by the Budget Manager. The report was revised to reflect the Mayor's Supplemental Budget.

Staff prepared Request for Proposal (RFP), Specification No. 18-11193-C, Availability Study for Affirmative Action in City Contracting which was released to the public in the spring of 2018. The RFP's intent was to identify and contract with a firm to conduct disparity and utilization analyses to assess the City's use of local, small, emerging, minority and women business enterprises in City construction, architecture, engineering, professional services, goods and other services contracts. Additionally, remediation recommendations to address any identified utilization gaps were requested as part of the scope of services. Specific outreach was made to 7 firms that participated in a similar request for proposal process with the City of Oakland. The RFP was posted on

the City's website and at the kiosk in front of Old City Hall. Six (6) firms submitted proposals in response to the RFP.

A panel comprised of City staff was convened to evaluate each proposal, conduct a rating and ranking process and identify the top ranked proposal. At the conclusion of the rating and ranking process the proposal submitted by Mason Tillman Associates Ltd (MTA) was deemed to provide the best overall value to the City, price and other factors considered. Particular strengths of the MTA proposal included:

- Extensive experience performing this type of work for states, cities and special districts and authorities, including the Cities of Oakland, Richmond and San Jose, San Francisco Bay Area Rapid Transit District, California High Speed Rail Authority, and Alameda County
- Clearly defined approach and proposed project plan with an estimated duration of 8 months from start to finish
- A detailing of data analysis tools and processes to be used, and
- Analysis of subcontractor awards.

## BACKGROUND

The City of Berkeley and its residents have a longstanding commitment to diversity and to advancing the development of local businesses. Part of this commitment is to ensure that the City's procurement activities allow for contracting opportunities to be accessible to the entire local business community.

The purpose of an Availability Study would therefore be to examine the City's procurement activities and identify disparities in the awarding of contracts affecting local, small, emerging business enterprises and other enterprises with barriers to access. To the extent that disparities in the awarding of contracts exist, the City of Berkeley should undertake equity oriented remedies in its contracting practices. Alameda County and the City of Oakland have both performed Availability Studies, which allows these municipal entities to consider additional factors when awarding contracts and engage in more socially responsible contracting.

## REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

To the extent disparities in the awarding of contracts exist, the City of Berkeley is barred by Proposition 209 from undertaking race conscious, gender-conscious and other affirmative action-related remedies without first conducting an Availability Study to identify discrimination. Such remedies may not be undertaken based on broad notions of equity or general allegations of discrimination, however, they are permitted if the City identifies specific disparities in the awarding of contracts.

Alameda County and the City of Oakland have both performed an Availability Study, which therefore allows them to consider additional factors and do more socially responsible contracting. The City of Berkeley must do the same to uphold its commitment to diversity.

## OUTREACH OVERVIEW AND RESULTS



Councilmember Bartlett has reached out to City staff to conduct an RFP to determine which firm would be the most qualified to perform an Availability Study for affirmative action in city contracting. The results have ranked Mason Tillman Associates Ltd as the best firm to conduct the study for the City of Berkeley.

RATIONALE FOR RECOMMENDATION

The Availability Study will allow for contracting opportunities to be accessible to the entire local business community while empowering municipal entities to engage in more socially responsible contracting.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

To be determined.

FISCAL IMPACTS OF RECOMMENDATION

If passed, the financial resources necessary for funding the firm to conduct the Availability Study will be allocated from the FY2020 and FY2021 budget.

ENVIRONMENTAL SUSTAINABILITY

This proposal is aligned with the City's goal for Environmental Sustainability.

OUTCOMES AND EVALUATION

It is expected that the Council will maintain their longstanding commitment to diversity and to advancing the development of local businesses by referring to the 2019-2020 budget and allocate \$200,000 to fund a firm to conduct the Availability Study.

CONTACT PERSON

Councilmember Ben Bartlett	510-981-7130
Katie Ly	510-981-7131

[https://www.cityofberkeley.info/uploadedFiles/Council\\_3/Level\\_3\\_-\\_General/BINDEX.pdf](https://www.cityofberkeley.info/uploadedFiles/Council_3/Level_3_-_General/BINDEX.pdf)

City manager results: file:///C:/Users/bbartlett/Downloads/2019-05-14%20Item%2059%20Results%20of%20RFP%20for%20Availability%20Study.pdf





Sophie Hahn  
Councilmember  
District 5

CONSENT CALENDAR  
October 26, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmember Sophie Hahn (Author)  
Subject: Support Net Energy Metering

#### RECOMMENDATION

Approve a Resolution in support of Net Energy Metering and transmit copies to Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (CPUC).

#### BACKGROUND

Customers who install small solar, wind, biogas, and fuel cell generation facilities to serve all or a portion of onsite electricity needs are eligible for the state's Net Energy Metering (NEM) program. NEM allows customers who generate their own energy to serve their energy needs directly onsite and to receive a financial credit on their electric bills for any surplus energy fed back to their utility.

The current NEM program was adopted by the California Public Utilities Commission (CPUC) in Decision (D.)16-01-044 on January 28, 2016. The program provides customer-generators rate credits for energy exported to the grid and requires them to pay charges that align NEM customer costs more closely with non-NEM customer costs. NEM is designed to support the installation of customer-sited renewable energy generation.

Recently, the CPUC launched a formal proceeding to update the current NEM structure. The new rulemaking is referred to as NEM 3.0 because this is the third iteration of the NEM program. Over 17 proposals have been submitted to the CPUC for consideration, including joint proposal from the state's big three investor-owned utilities (IOUs), Pacific Gas & Electric, Southern California Edison and San Diego Gas & Electric. Opponents of the big three IOUs' joint proposal claim that it would hinder the state's highly

successful rooftop solar market which is a key strategy in the state reaching its lofty clean energy and environmental goals.

NEM 3.0 is currently progressing through the necessary steps at the CPUC as part of the rulemaking proceeding. While it would be premature at this time to advocate for one particular proposal of the over 17 submitted, the Council should adopt the attached Resolution, which is general in nature but includes key goals and themes that are consistent with what the City has supported in the past.

These include:

- Protecting and expanding rooftop solar via a strong succeeding NEM tariff and expanding clean energy access by making it easier, not harder, for people to adopt rooftop solar and energy storage in order to meet California's ambitious clean energy targets and deploy solar in all communities and households, particularly those struggling to pay for electricity; and
- Expressing its support for the items as stated above, including urging the CPUC to:
  - (i) strengthen NEM to expand access to all households, particularly of low-and-moderate income;
  - (ii) expand access to other clean energy technologies that pair with solar, such as batteries;
  - (iii) ensure that the solar installations continue to grow in order to meet State and City climate goals; and
  - (iv) exclude provisions set forth in the IOU Proposal such as high monthly fixed fees and reducing or eliminating credits for sharing electricity with the power grid.

While the big three IOUs' plans and the solar and environmental advocates' plans are largely in opposition, a consensus is emerging that a fair and effective rooftop solar policy must share its benefits with low-income and disadvantaged communities that have previously been left out.

The investor-owned utilities' proposal before the CPUC threatens access to net energy metering and rooftop-scale solar and storage by homeowners and tenants alike, thus interfering with Berkeley's and California's climate action and equity goals.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

The passage of the IOUs' proposal will frustrate the deployment of rooftop-scale solar and storage in the City of Berkeley, which would interfere with a key strategy in the realization of Berkeley's Climate Action goals. This resolution proposes a path forward that supports our goals.

CONTACT PERSON

Councilmember Sophie Hahn      510-981-7150

Attachment:

1: Resolution

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

**IN SUPPORT OF NET ENERGY METERING**

WHEREAS, Net Energy Metering (NEM) is designed to support the installation of customer-sited renewable energy generation; and

WHEREAS, NEM allows customers to receive bill credits for power generated by their solar system and shared with the power grid and ultimately save money on their utility bills; and

WHEREAS, NEM is what has allowed solar to become increasingly accessible to low and moderate income households; and

WHEREAS, the California Public Utilities Commission (CPUC) has launched a formal proceeding to update the current NEM structure to be introduced in 2022 as NEM 3.0 and a number of parties have submitted their proposal for what they believe NEM 3.0 should look like; and

WHEREAS, the California Investor Owned Utilities (IOUs), Pacific Gas and Electric, San Diego Gas & Electric and Southern California Edison, have submitted a joint proposal (the "IOU Proposal") that calls for drastic changes to NEM that would make customer-sited renewable energy more expensive, increase the amount of time it takes for customers to pay off their systems, and ground to a halt the installation of distributed solar in California; and

WHEREAS, The IOU Proposal would make it impossible for customer-sited renewables to continue to grow sustainably as mandated by law as a result of high monthly fixed fees for all solar installations, and slashing credits customers receive for sharing their excess electricity with the power grid; and

WHEREAS, proposals submitted to CPUC by Protect Our Communities Foundation, California Solar & Storage Association, Vote Solar, GRID Alternatives, Solar Energy Industries Association, and others not only would encourage new solar adoption but also include additional subsidies for low income customers; and

WHEREAS, California cannot meet its clean energy targets in time with utility-scale solar alone and needs to triple the amount of rooftop solar, as reported by the California Energy Commission 2021 SB 100 Joint Agency Report Summary; and

WHEREAS, protecting rooftop solar and expanding access to rooftop solar in communities of concern will help California as well as our own city to move toward 100 percent clean energy, lessen the impacts of the climate crisis, and reduce climate injustices from dirty energy; and

WHEREAS, we are in a climate crisis and need to make the transition to clean energy more accessible.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley supports protection and expansion of rooftop solar via a strong Net Energy Metering (NEM) tariff and expansion of access to clean energy; and

BE IT FURTHER RESOLVED that, to help Berkeley and California meet their ambitious clean energy goals and to deploy solar energy in all communities and households, in particular those struggling to pay for electricity, the State of California should remove and not create new barriers to adoption of rooftop solar and local energy storage; and

BE IT FURTHER RESOLVED that the City of Berkeley urges the CPUC to:

- (i) Strengthen Net Energy Metering to expand access to all households, with programs to support access for low-and-moderate income households;
- (ii) Expand access to other clean energy technologies that pair with and support solar, including batteries;
- (iii) Ensure that solar installations continue to grow, to help meet State and City climate goals; and
- (iv) Exclude provisions set forth in the Investor Owned Utilities' Proposal such as high monthly fees and the reduction or elimination of credits for sharing electricity with the power grid; and

BE IT FURTHER RESOLVED that that copies of this Resolution shall be transmitted to Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board.







CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

CONSENT CALENDAR  
 October 26, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Rigel Robinson  
 Subject: Budget Referral: Public Bank East Bay

RECOMMENDATION

Refer \$50,000 to the November 2021 AAO process for a contribution to the Friends of the Public Bank East Bay for the development of a business plan for the Public Bank East Bay.

BACKGROUND

Public Bank East Bay was founded by public banking advocates in August 2016 to advocate for a public bank for Alameda and West Contra Costa Counties.

In 2017 the City of Oakland led the exploration of creating a public bank in response to community advocacy. On June 27, 2017, the Council adopted a resolution in support of the City of Oakland's efforts to create a Public Bank and referred to the City Manager to investigate the possibility of forming a mutually beneficial partnership with any future Oakland public bank. Three months later, on September 12, 2017, the Council approved a contribution from the Finance Department towards the funding of a feasibility study for such a bank. Ultimately, four East Bay jurisdictions came together to fund the feasibility study; the City of Oakland contributed \$75,000, the City of Berkeley \$25,000, the County of Alameda \$25,000, and the City of Richmond \$5,000.

On October 2, 2019, Governor Newsom signed AB 857, enabling local public bank charters in California. The Council adopted a resolution in support of AB 857 on April 23, 2019. In response to its passage, Public Bank East Bay advocates incorporated as a 501(c)(3) nonprofit, Friends of the Public Bank East Bay.

Friends of the Public Bank East Bay's mission is to provide community oversight and stewardship in the formation and functioning of a Public Bank in the East Bay. They are currently working to produce a viability study to follow up on and fill the gaps in the 2017 feasibility study. That new study should be completed at the end of this month, in advance of the November budget process.

Friends of the Public Bank East Bay are seeking funding to create a business plan for the bank, as required by state law. They are working with Gary Findley, an attorney and banking expert of Gary Steven Findley & Associates, to complete the plan. Their estimated cost for completion of the plan is \$250,000. This item recommends contributing \$50,000 towards that effort, representing one fifth of the estimated total

cost. This is approximately the same portion as the City of Berkeley's contribution towards the 2017 feasibility study.

Other local governments in California are also moving forward on creating public banks in response to the passage of AB 857. On June 15, 2021, the San Francisco Board of Supervisors adopted an ordinance creating a working group to create a business plan for a San Francisco Public Bank.<sup>1</sup> San Diego's council asked San Diego Mayor Todd Gloria to create a business plan for a San Diego bank in January of this year.<sup>2</sup> The Los Angeles City Council is agendized to authorize issuance of an RFP for a Los Angeles Public Bank business plan on October 5<sup>th</sup>.

#### FINANCIAL IMPLICATIONS

\$50,000 from the General Fund.

#### ENVIRONMENTAL SUSTAINABILITY

A public bank may create an alternate institution that could hold the City's cash reserves, allowing the City of Berkeley to withdraw its savings from financial institutions like Wells Fargo that finance environmentally destructive infrastructure projects like oil pipelines.

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Soli Alpert, Legislative Assistant, (510) 981-7171

#### Attachments:

1: 2017 Resolution

2: 2017 Contribution to Feasibility Study

3: 2019 Resolution in Support of AB 857

4: San Francisco Ordinance

<https://sfgov.legistar.com/View.ashx?M=F&ID=9596572&GUID=E3366761-048C-40AD-AF3D-FC352B6A33D7>)

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<sup>1</sup> <https://sanfrancisco.cbslocal.com/2021/06/15/sf-supes-approve-plan-to-create-first-public-bank-in-u-s/>

<sup>2</sup> <https://www.sandiegouniontribune.com/news/politics/story/2021-01-23/san-diego-resumes-efforts-to-create-city-run-public-bank>



Office of the Mayor

CONSENT CALENDAR

June 27, 2017

TO: Members of the City Council

FROM: Mayor Jesse Arreguin and Councilmembers Sophie Hahn, Linda Maio, and Cheryl Davila

SUBJECT: Support the City of Oakland's Efforts to Create a Public Bank and

RECOMMENDATION

Adopt a Resolution in support of the City of Oakland's efforts to create a Public Bank of Oakland and refer to the City Manager to investigate the possibility of forming a mutually beneficial partnership with any future Oakland public bank.

BACKGROUND

A public bank is a way to manage city funds in the public interest. Public banks collect deposits from government entities such as school districts, tax receipts and state infrastructure funds and use the money to issue loans that support public priorities. They operate in the public interest through institutions owned by the people and directed by their representative government. Additionally, they can have investment priorities that focus on the creation of local jobs that spur economic growth by providing affordable credit to small and medium-sized businesses that have been historically ignored by the larger, more established banks. Locally, a public bank can have investment priorities that center on providing loans for low and moderate income housing to help relieve the current housing crisis facing the Bay Area.

Public banking is not a new idea. North Dakota created the Bank of North Dakota in 1919. During the Great Recession, the Bank of North Dakota escaped the credit crisis and maintained budget surpluses with zero public debt and had the lowest foreclosure rates and unemployment rates in the nation, the lowest credit card defaults, and no bank failures. This is due in large part to the Bank of North Dakota's willingness to provide loans to keep the state economy functioning while credit had been frozen elsewhere.

The City of Oakland, led by council members Kaplan and Kalb, is currently investigating the possibility of establishing a Public Bank of Oakland. Currently, the City is evaluating two bids to do a study analyzing the feasibility and economic impact of establishing a Public Bank that includes the City of Oakland. The public bank could take a regional form that could include the Cities of Berkeley and Richmond. At a time when the City of Berkeley is actively looking to reinvest its city funds in ethical institutions with socially

responsible values, a public bank could represent an alternative that meets City's banking needs.

Oakland joins other cities like Philadelphia and Santa Fe that are exploring the possibility of forming a public bank at the city level.

#### ENVIRONMENTAL SUSTAINABILITY

Directs Berkeley toward investing our taxpayer dollars in a socially responsible manner, including with banks that are not engaged in oil pipeline projects

#### FINANCIAL IMPLICATIONS

Pending a positive outcome of the feasibility study conducted and funded by Oakland, Council will consider contributing to the cost of producing a business plan for a regional public bank, along with other jurisdictions in the region who are interested in partnering in this endeavor.

#### CONTACT PERSON

Mayor Jesse Arreguin

510-981-7100

Attachments:

1. Resolution

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

IN SUPPORT OF THE EFFORTS OF THE CITY OF OAKLAND TO CREATE A PUBLIC BANK OF OAKLAND AND TO INVESTIGATE THE POSSIBILITY OF FORMING A PARTNERSHIP WITH ANY FUTURE PUBLIC BANK OF OAKLAND OR REGIONAL PUBLIC BANK

WHEREAS, there is a desire for local funding solutions that reinvest public funds in the local community; and

WHEREAS, public banking operates in the public interest, through institutions owned by the people through their representative governments; and

WHEREAS, public banks are able to return revenue to the community and can provide low-cost financing in support of local communities; and

WHEREAS, a public bank can have investment priorities that focus on the creation of jobs that spur local economic growth by providing affordable credit to small and medium-sized businesses that have been historically ignored by the larger, more established banks; and

WHEREAS, a public bank can have investment priorities that center on providing loans for low and moderate income housing to help relieve the current housing crisis facing the Bay Area; and

WHEREAS, Wall Street banks seek short-term profits for their private shareholders by investing in stocks, derivatives, credit default swaps and other speculative financial instruments; and

WHEREAS, some Wall Street banks have broken criminal statutes and violated civil and regulatory rules with impunity; and on March 9th, 2016, the Wall Street Journal reported that Wall Street banks had paid in total more than \$100 billion in fines and penalties for mortgage-related fraud, and said Wall Street banks' criminal conduct and wrongful behavior should not be rewarded with future business dealings with local and state government bodies; and

WHEREAS, the state of North Dakota created a state publicly-owned bank (the Bank of North Dakota) in 1919 for the benefit of the people of North Dakota; and during the recent "Great Recession," escaped the credit crisis and maintained budget surpluses with zero public debt and had the lowest foreclosure rates and unemployment rates in the nation, the lowest credit card defaults, and no bank failures, due in large part to the Bank of North Dakota's willingness to provide loans to keep the state economy functioning while credit had been frozen elsewhere; and

WHEREAS, the Bank of North Dakota's total assets have increased seven-fold over the last two decades; and the Bank of North Dakota has returned \$385 million to the General

Fund of North Dakota over the last 20 years; and Community Banks in North Dakota, in large part due to their partnership with the Bank of North Dakota, averaged about \$12,000 in lending per capita compared to an average of \$3,000 for Community Banks in per capita lending nationwide; and

WHEREAS, the City of Philadelphia, by unanimous City Council Resolution, authorized the Council's Committee on Commerce and Economic Development to hold hearings regarding public banking; and

WHEREAS, a comprehensive feasibility study completed for the City of Santa Fe found that a public bank is feasible and has the potential to provide enhanced fiscal management, improved net interest rate margins, and a more robust local lending climate; and on April 26 a Resolution passed the Santa Fe City Council to appoint a Public Bank for Santa Fe Task Force that will convene and develop a product that will define the process, resources, information and timelines to be met in order to be prepared to submit an application for a New Mexico Bank Charter for a Public Bank for Santa Fe; and

WHEREAS, the City and County of San Francisco recently approved the establishment of a Task Force to determine the feasibility of a public bank of San Francisco; and

WHEREAS, the City of Oakland has chosen a contractor and is in the process of hiring them to do a Feasibility Study for the Public Bank of Oakland; and

WHEREAS, the City of Berkeley is tasked with holding and protecting the fundamental interest of the public as well as the financial wellbeing of the City;

NOW THEREFORE, BE IT RESOLVED that the City of Berkeley hereby declares that it is the policy of the City of Berkeley to endorse the efforts of the City of Oakland to create a public bank.

BE IT FURTHER RESOLVED that the City Manager, or designee, shall investigate the possibility of forming a mutually beneficial partnership with any future Oakland public bank.

BE IT FURTHER RESOLVED that pending a positive outcome of the feasibility study conducted and funded by Oakland, the City of Berkeley will consider contributing toward the cost of producing a draft business plan for a regional public bank, along with Oakland and other jurisdictions in the area who are interested in partnering in this endeavor.





Office of the Mayor

CONSENT CALENDAR  
September 12, 2017

TO: Members of the City Council

FROM: Mayor Jesse Arreguin and Councilmembers Sophie Hahn, Kate Harrison, and Ben Bartlett

SUBJECT: Support the City of Oakland's Regional Public Bank Feasibility Study

RECOMMENDATION

Authorize \$25,000 from the Finance Department Banking Fees budget to the City of Oakland to support their feasibility study of a regional public bank.

BACKGROUND

The City of Oakland, led by Councilmembers Kaplan and Kalb, is currently investigating the possibility of establishing a Public Bank of Oakland, and has recommended a feasibility and economic impact analysis. This study could include the development of a regional institution that also serves the cities of Berkeley and Richmond.

Oakland has committed to covering \$75,000 of the \$100,000 total cost. Councilmember Kaplan reached out to the City of Berkeley through the Office of the Mayor to formally request a contribution in the amount of \$25,000. The request also included City of Oakland Ordinance No.12731 which provides for the receipt of such funds.

On June 27, 2017, the City Council voted to support Oakland's efforts to create a public bank, and considered funding a multi-jurisdictional publicly owned bank if Berkeley could participate. At a time when the City of Berkeley is actively looking to reinvest its city funds in ethical institutions with socially responsible values, a public bank could represent an alternative that meets City's banking needs.

ENVIRONMENTAL SUSTAINABILITY

Directs Berkeley toward banking in the public interest.

FINANCIAL IMPLICATIONS

\$25,000 from banking fees allocated in the Finance Department Budget.

ATTACHMENTS

1. Resolution
2. City of Oakland Ordinance No. 12731
3. City of Berkeley Resolution

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

CONTRIBUTE TO A FORMAL FEASIBILITY STUDY TO SUPPORT A FUTURE  
PUBLIC BANK OF OAKLAND OR REGIONAL PUBLIC BANK

WHEREAS, there is a desire for local funding solutions that reinvest public funds in the local community; and

WHEREAS, public banking operates in the public interest, through institutions owned by the people through their representative governments; and

WHEREAS, a comprehensive feasibility study completed for the City of Santa Fe found that a public bank is feasible and has the potential to provide enhanced fiscal management, improved net interest rate margins, and a more robust local lending climate; and on April 26 a Resolution passed the Santa Fe City Council to appoint a Public Bank for Santa Fe Task Force that will convene and develop a product that will define the process, resources, information and timelines to be met in order to be prepared to submit an application for a New Mexico Bank Charter for a Public Bank for Santa Fe; and

WHEREAS, the City and County of San Francisco recently approved the establishment of a Task Force to determine the feasibility of a public bank of San Francisco; and

WHEREAS, the City of Oakland has chosen a contractor and is in the process of hiring them to do a Feasibility Study for the Public Bank of Oakland; and

WHEREAS, the City of Berkeley, passed a resolution on June 27, 2017 supporting Oakland's efforts to create a public bank and also considered funding the development of such a bank if Berkeley could be a part of a multi-jurisdictional publicly owned bank; and

WHEREAS, the City of Berkeley has been formally asked to contribute 25% of the overall costs of the Feasibility Study authorized by the City of Oakland.

NOW THEREFORE, BE IT RESOLVED that the City of Berkeley hereby declares that it will contribute \$25,000 toward a Feasibility Study commissioned by the City of Oakland to create a public bank.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage and funds will be distributed from the City of Berkeley Finance Department budget as requested by the City of Oakland.

OFFICE OF THE CITY CLERK  
FILED

2006 JAN 26 PM 5:19

APPROVED AS TO FORM AND LEGALITY

*[Signature]*  
CITY ATTORNEY

**ORDINANCE NO. 12731 C.M.S.**

**ORDINANCE AMENDING OAKLAND MUNICIPAL CODE TITLE 2, CHAPTER 2.04, ARTICLE 2.04.160, EXPENDITURES FROM RESTRICTED GIFT PROCEEDS, TO DELEGATE LIMITED AUTHORITY TO THE CITY ADMINISTRATOR TO, WITHOUT CITY COUNCIL ACTION, ACCEPT GIFTS AND DONATIONS AND TO APPROPRIATE AND EXPEND MONIES DERIVED FROM GIFTS AND DONATIONS, AND REPEALING OAKLAND MUNICIPAL ORDINANCE NO. 8144 C.M.S., ADOPTED JUNE 9, 1970, WHICH CONTAINS CONFLICTING AND OBSOLETE PROVISIONS**

**WHEREAS**, pursuant to Oakland Charter – Article XII, Section 1203, *Gifts and Trusts*, specifies the City Council is authorized to accept gifts and trust on behalf of the City and to control, manage, dispose of and otherwise administer the same in accordance with their terms; and

**WHEREAS**, Oakland Charter – Article VIII, Section 806, *Receipts and Expenditures*, specifies that:

All monies received by the City shall be deposited in the City Treasury, and no monies shall be disbursed from the treasury without the approval of the City Administrator or [his/her delegee]. No expenditure of City funds shall be made except for the purposes and in the manner specified by an appropriation of the Council . . .

**WHEREAS**, Council adopted Ordinance 8144 C.M.S., June 9, 1970, which authorized the City Manager and Directors of Museum, Parks and Recreation and Library to accept unrestricted gifts and donations for use by the respective department, but excluded authority to accept gifts and donations for construction of public improvements; and

**WHEREAS**, the City Council amended Section 2.04.160, *Expenditures from Restricted Gift Proceeds*, of the City's Purchasing Ordinance, Ordinance No. 7937 C.M.S., as amended, on October 4, 1973, authorizing the City Administrator to expend monies derived from gifts and donations to the City in accordance with any special conditions of the donor provided the City Council has accepted the gift/donation by resolution; and

**WHEREAS**, the City Council wishes to improve the City's efficiency in accepting, appropriating and utilizing gifts and donations in order to encourage the offering of such gifts and donations to the City and to facilitate their timely use by the City for the public's benefit; and

**WHEREAS**, to improve the City's efficiency in accepting, appropriating and utilizing gifts and donations, the City Council wishes to delegate authority to the City Administrator, within set dollar limits, to accept, appropriate and expend monies derived from restricted gifts and donations to the City of Oakland; and

**WHEREAS**, the City Administrator will comply with all Charter requirements for fiscal administration of such funds and otherwise apply proper and sufficient procedures and controls necessary to monitor and ensure fiscal and performance accountabilities;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Amendment to Title 2, Chapter 2.04, Section 2.04.160 of the Oakland Municipal Code.** Oakland Municipal Code Title 2, Chapter 2.04, Section 2.04.160 is amended to authorize the City Administrator to accept, appropriate and expend monies derived from restricted gifts and donations as follows:

**2.04.160 Acceptance, appropriation and expenditures from restricted gift proceeds.**

Notwithstanding any other provision of this article, the City Administrator is delegated limited authority to accept restricted gifts and donations to the city up to fifty thousand dollars, including money gifts, and to appropriate and expend monies derived from such gifts/donations, without City Council action, provided that: 1) the gift/donation does not create unbudgeted costs for the City, 2) the gift/donation is for a program or project that has been approved by the Council in the biennial or mid-cycle operating or Capital Improvement Program (CIP) budget, or by City Council legislation during the fiscal year, and 3) the gift/donations or proceeds therefrom are used in accord with restrictions and/or special conditions of the donor.

Notwithstanding the above, the City Administrator is authorized to expend monies derived from restricted gifts/donations that exceed fifty thousand dollars (\$50,000.00) without City Council action when the gift has been approved, accepted and appropriated by City Council resolution provided such expenditure is in accord with any restrictions or special conditions of donor.

All funds accepted hereunder shall be deposited into the City Treasury. The City Administrator will provide an annual report to Council on all gifts and donations accepted hereunder during the previous year.

**Section 2. Remaining Provisions Unchanged.** Except as amended herein, all provisions, articles, sections, subsections, sentences, clauses or phrases of Oakland Municipal Code 2.04, shall remain unchanged and in full force and effect.

**Section 3. Oakland Municipal Ordinance No. 8144 C.M.S. Repealed.** Oakland Municipal Ordinance No. 8144 C.M.S., adopted June 9, 1970, which authorized the City Manager,

Director of Museums, Director of Parks and Recreation, and Director of Library to accept certain unrestricted gifts and donations on behalf of the City of Oakland is hereby repealed.

**Section 4. Severability.** If any article, section, subsection sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

**Section 5. Effective Date.** This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise, it shall become effective upon the seventh day after final adoption.

352274

Introduction Date: FEB 7 2006

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 21 2006, 2006

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID AND  
PRESIDENT DE LA FUENTE — 8

NOES- 0  
ABSENT- 0  
ABSTENTION- 0

ATTEST: Latonda Simmons  
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality

2006 JAN 26 PM 5:19

Oakland City Attorney's Office

# OAKLAND CITY COUNCIL

Resolution No. 79714 C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, ON BEHALF OF THE CITY OF OAKLAND, TO ACCEPT AND APPROPRIATE RESTRICTED GRANTS WITH A MARKET OR MONETARY VALUE OF FIFTY THOUSAND DOLLARS (\$50,000.00) OR LESS, WITHOUT PRIOR CITY COUNCIL ACTION**

**WHEREAS,** Oakland Charter -- Article VIII, Section 806, *Receipts and Expenditures*, specifies that all monies received by the City shall be deposited in the City Treasury, and no monies shall be disbursed from the treasury without the approval of the City Administrator or of another officer duly authorized by him/her; and no expenditure of City funds shall be made except for the purposes and in the manner specified by an appropriation of the Council, or made without proper accounting documentation and sufficient funds in the City Treasury and in proper accounts; and

**WHEREAS,** the City Council wishes to improve the City's efficiency in accepting, appropriating and utilizing grants in order to encourage the solicitation and offering of grants to the City and to facilitate their timely use by the City for the public's benefit; and

**WHEREAS,** to improve the City's efficiency in accepting, appropriating and utilizing grants, the City Council wishes to delegate authority to the City Administrator, within set dollar limits, to accept and appropriate monies derived from restricted grants to the City of Oakland; and

**WHEREAS,** the City Administrator will comply with all Oakland Charter requirements for fiscal administration and expenditure of such funds and otherwise apply proper and sufficient procedures and controls necessary to monitor and ensure fiscal and performance accountabilities; now, therefore, be it

**RESOLVED:** That the City Administrator, on behalf of the City Council, is hereby authorized to accept and appropriate, without prior City Council action, monies derived from any restricted grant with a market or monetary value of fifty thousand dollars (\$50,000.00) or less, provided that: 1) the grant is for programs and projects approved by the City Council in the biennial or mid-cycle operating or Capital Improvement Program (CIP) budget, or by City Council legislation during the fiscal year, 2) the grant does not create unbudgeted costs for the City, and 3) the grant does not require specific approval by the legislative body; and, be it

**FURTHER RESOLVED:** That all funds accepted hereunder shall be deposited into the City Treasury; and, be it

**FURTHER RESOLVED:** That expenditures of grant funds shall be in accordance with the requirements of the City of Oakland purchasing requirements codified in Oakland Municipal Code Title 2, Chapter 2.04; and, be it

**FURTHER RESOLVED:** That the City Administrator shall present a report annually to the City Council listing the grants accepted and appropriated on behalf of the City Council during the prior year.

356528


IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, [REDACTED], QUAN, REID AND PRESIDENT DE LA FUENTE -7

NOES - 0  
ABSENT - NADEL - 1  
ABSTENTION - 0

ATTEST:



LATONIA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California







# INTER OFFICE MEMORANDUM

**TO:** City Administrator and Council Members    **FROM:** Katano Kasaine  
Director of Finance

**SUBJECT:** Public Bank Feasibility Study    **DATE:** August 2, 2017  
Donation Process

This memo outlines the process for accepting donations to apply toward the Public Bank Feasibility Study for Oakland and potential Multi-Jurisdictional publicly owned bank. Listed below is the process for the acceptance of donations:

- Donors should make checks payable to the City of Oakland. Any donations received in an amount greater than \$50,000 must be approved by the City Council.
- The signed Irrevocable Donation Agreement and check should be mailed or delivered in person to the following address:

City of Oakland  
 Finance Department – Treasury Bureau  
 Attention: David Jones, Interim Treasury Manager  
 150 Frank H. Ogawa Plaza #5330  
 Oakland, CA 94612  
 510.238.6508

- All checks must be received by 5:00 p.m. (PST) Friday, September 15, 2017 in order to provide donation results to City Council on Tuesday, September 19, 2107. **However, the City will continue to accept donations after that date.**
- A receipt of the donation will be mailed to the Donor directly.
- For any tax related matters, the Donor should consult with their tax advisor.
- Donations cannot be refunded.

If you have any questions, please contact me at 510.238.2989.

KATANO KASAINÉ  
Director of Finance

CITY OF OAKLAND

IRREVOCABLE DONATION AGREEMENT

This Agreement is made by and between \_\_\_\_\_ (the "Donor") and the City of Oakland, CA (the "City"). The Agreement shall be effective as of the date of execution by the parties hereto.

The Donor hereby voluntarily and irrevocably donates (1) the amount of \$ \_\_\_\_\_ ; and/or (2) the property (description): \_\_\_\_\_ ; and/or (3) the service (description): \_\_\_\_\_ to the City of Oakland for the following purpose:

- Research the legality and feasibility of establishing a multi-jurisdiction publicly owned bank to help finance community projects, reduce risk to public funds in existing financial markets, and provide better financial returns on public investments;
- Research the impacts of the legality and feasibility of providing banking services to the cannabis industry; and
- Contract to complete a feasibility study of a multi- jurisdiction public bank that includes the City of Oakland and at least three other East Bay jurisdictions.

The Donor hereby relinquishes all dominion and control over the donated funds and/or property contributed. Except as otherwise expressly stated herein, the Donor agrees that the City shall, at its sole discretion, have exclusive control over any property, projects, programs or other activities for which donated funds or property are used.

The City accepts the voluntary irrevocable donation from the Donor in accordance with Oakland City Council Ordinance No. 12731 and Resolution No. 79714.

This Agreement represents the full and complete agreement between the parties and supersedes all prior or contemporaneous understandings, communications or representations, whether oral or written, regarding the subject matter of the Agreement.

No amendment or modification to this Agreement shall be effective or binding unless the amendment or modification is in writing and duly executed by each of the parties hereto.

DONOR

CITY OF OAKLAND

By: \_\_\_\_\_

By: \_\_\_\_\_  
Authorized Representative

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

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

IN SUPPORT OF THE EFFORTS OF THE CITY OF OAKLAND TO CREATE A PUBLIC BANK OF OAKLAND AND TO INVESTIGATE THE POSSIBILITY OF FORMING A PARTNERSHIP WITH ANY FUTURE PUBLIC BANK OF OAKLAND OR REGIONAL PUBLIC BANK

WHEREAS, there is a desire for local funding solutions that reinvest public funds in the local community; and

WHEREAS, public banking operates in the public interest, through institutions owned by the people through their representative governments; and

WHEREAS, public banks are able to return revenue to the community and can provide low-cost financing in support of local communities; and

WHEREAS, a public bank can have investment priorities that focus on the creation of jobs that spur local economic growth by providing affordable credit to small and medium-sized businesses that have been historically ignored by the larger, more established banks; and

WHEREAS, a public bank can have investment priorities that center on providing loans for low and moderate income housing to help relieve the current housing crisis facing the Bay Area; and

WHEREAS, Wall Street banks seek short-term profits for their private shareholders by investing in stocks, derivatives, credit default swaps and other speculative financial instruments; and

WHEREAS, some Wall Street banks have broken criminal statutes and violated civil and regulatory rules with impunity; and on March 9th, 2016, the Wall Street Journal reported that Wall Street banks had paid in total more than \$100 billion in fines and penalties for mortgage-related fraud, and said Wall Street banks' criminal conduct and wrongful behavior should not be rewarded with future business dealings with local and state government bodies; and

WHEREAS, the state of North Dakota created a state publicly-owned bank (the Bank of North Dakota) in 1919 for the benefit of the people of North Dakota; and during the recent "Great Recession," escaped the credit crisis and maintained budget surpluses with zero public debt and had the lowest foreclosure rates and unemployment rates in the nation, the lowest credit card defaults, and no bank failures, due in large part to the Bank of North Dakota's willingness to provide loans to keep the state economy functioning while credit had been frozen elsewhere; and

WHEREAS, the Bank of North Dakota's total assets have increased seven-fold over the last two decades; and the Bank of North Dakota has returned \$385 million to the General

Fund of North Dakota over the last 20 years; and Community Banks in North Dakota, in large part due to their partnership with the Bank of North Dakota, averaged about \$12,000 in lending per capita compared to an average of \$3,000 for Community Banks in per capita lending nationwide; and

WHEREAS, the City of Philadelphia, by unanimous City Council Resolution, authorized the Council's Committee on Commerce and Economic Development to hold hearings regarding public banking; and

WHEREAS, a comprehensive feasibility study completed for the City of Santa Fe found that a public bank is feasible and has the potential to provide enhanced fiscal management, improved net interest rate margins, and a more robust local lending climate; and on April 26 a Resolution passed the Santa Fe City Council to appoint a Public Bank for Santa Fe Task Force that will convene and develop a product that will define the process, resources, information and timelines to be met in order to be prepared to submit an application for a New Mexico Bank Charter for a Public Bank for Santa Fe; and

WHEREAS, the City and County of San Francisco recently approved the establishment of a Task Force to determine the feasibility of a public bank of San Francisco; and

WHEREAS, the City of Oakland has chosen a contractor and is in the process of hiring them to do a Feasibility Study for the Public Bank of Oakland; and

WHEREAS, the City of Berkeley is tasked with holding and protecting the fundamental interest of the public as well as the financial wellbeing of the City;

NOW THEREFORE, BE IT RESOLVED that the City of Berkeley hereby declares that it is the policy of the City of Berkeley to endorse the efforts of the City of Oakland to create a public bank.

BE IT FURTHER RESOLVED that the City Manager, or designee, shall investigate the possibility of forming a mutually beneficial partnership with any future Oakland public bank.

BE IT FURTHER RESOLVED that pending a positive outcome of the feasibility study conducted and funded by Oakland, the City of Berkeley will consider contributing toward the cost of producing a draft business plan for a regional public bank, along with Oakland and other jurisdictions in the area who are interested in partnering in this endeavor.



Jesse Arreguín  
Office of the Mayor

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

**Meeting Date:** [April 23, 2019]

**Item Number:** 23

**Item Description:** Resolution in Support of a Public Bank

**Submitted by:** Mayor Arreguín

Minor edits were added to specify that the resolution is in support of AB 857, state legislation that enables public entities to apply for a public bank charter from the California Department of Business Oversight.

A letter from Mayor Arreguín to Assemblymember Wicks asking for her support of AB 857 is included as an additional attachment.



Kate Harrison  
Councilmember District 4

CONSENT CALENDAR  
April 23<sup>rd</sup>, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmember Kate Harrison, [Rigel Robinson](#), [Cheryl Davila](#) and [Mayor Arreguin](#)

Subject: Resolution in Support of [the Public Banking Act AB 857](#)

RECOMMENDATION

Adopt a resolution affirming Berkeley's support for [public banking the Public Banking Act AB 857](#) and send that resolution to Governor Newsom, Senator Skinner, and Assemblymember Wicks urging state legislation to enable local agencies to create public banks.

BACKGROUND

Public banks offer a way for governmental agencies such as cities, counties and states, as well as some organizations such as pension funds, to invest their funds in an institution that allows the investing organizations to avoid the high financial costs of dealing with private sector for-profit banks. Because public banks are created in the public interest rather than to maximize profit, public banks also generate income from their investments that can be re-invested in public benefit projects such as affordable housing, public transportation, and social programs. A public bank could decide to have no investment in fossil fuels, weapons, or tobacco in line with the priorities set by the Peace and Justice Commission. It could adhere to principles of economic, racial and environmental justice.

Public banks are run by qualified bankers serving a public mission and these banks partner with and support rather than compete with local banks. The Bank of North Dakota, a public bank which was founded in 1919, successfully weathered the last recession without the bailouts that went to Wall Street banks, and has provided hundreds of millions of dollars to North Dakota's treasury over the years.

Public Bank of the East Bay (PBEB) is an organization founded in August 2016 to advocate for a public bank for Alameda and West Contra Costa Counties. In 2018, the City of Oakland spearheaded a study on the feasibility of an East Bay public bank, using contributions from the City of Berkeley and from Alameda County. The study deemed a public bank feasible, though still not legal under state law. [AB 857 will enable cities, counties or regions to apply for a bank license under a "public bank charter" clearing a regulatory hurdle in our efforts. This application would be evaluated and regulated by the Department of Business Oversight with the same, if not more, scrutiny as any other new](#)



[bank.](#) We urge our representatives and governor to support legislation to allow local jurisdictions to create public banks through charter processes.

FISCAL IMPACTS OF RECOMMENDATION

Because public banks invest according to common need, rather than private profit, the dividends from a public bank may reduce pressure on the General Fund.

ENVIRONMENTAL SUSTAINABILITY

Private banks often invest in fossil fuel capital projects such as the Dakota Access Pipeline. Public banking, through fossil fuel divestment, promote environmental sustainability.

CONTACT PERSON

Kate Harrison, Berkeley City Councilmember, (510) 981-7140

ATTACHMENTS

1: Resolution

2: [Letter from Mayor Arreguín](#)

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

RESOLUTION IN SUPPORT OF A PUBLIC BANK AB 857, THE PUBLIC BANKING ACT

WHEREAS, a public bank is defined as a financial institution owned by one or more public entities such as a state, city, or county; and

WHEREAS, public banks are created in the public interest rather than to maximize profit, and income from their investments can be re-invested in public benefit programs; and

WHEREAS, a public bank can decide to have no investments in industries that run contrary to Berkeley's values, such as fossil fuels, weapons, or tobacco; and

WHEREAS, a bank owned by the Cities of Oakland, Richmond, and Berkeley and the County of Alameda will allow those jurisdictions to have more local control, transparency, and self-determination, and allow us to invest in public goods such as affordable housing, loans to low-income households, public transit, infrastructure, and renewable energy; and

WHEREAS, public banks are run by qualified bankers serving a public mission and these banks partner with and support local banks and credit unions; and

WHEREAS, the Bank of North Dakota, a public bank founded in 1919, is extremely successful and avoided a foreclosure crisis in 2008 because it did not issue risky mortgages; and

WHEREAS, in September 2018, the Oakland City Council accepted the East Bay Public Bank's Feasibility Study; and

WHEREAS, the State of California's lack of a public-banking charter option imposes an obstacle to efforts to explore a public bank and prevents public banks from becoming operational; and

WHEREAS, Assemblymembers Chiu and Santiago, with the support of the California Public Banking Alliance, have introduced AB 857 in the state legislature creating a uniform regulatory framework for municipal and regional public banks, which would allow for public banking charters under the regulatory oversight of the California Department of Business Oversight;

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley supports the continued efforts to create and operationalize the East Bay Public Bank; and

BE IT FURTHER RESOLVED that the Council of the City of Berkeley urges the California state legislature to enact legislation amending the Government Code to enable local agencies to create public banks regulated by the Department of Business Oversight; and

BE IT FURTHER RESOLVED that the Council of the City of Berkeley hereby supports

| [AB 857](#)

BE IT FURTHER RESOLVED that copies of this Resolution will be sent to Governor Gavin Newsom, Senator Nancy Skinner, and Assemblymember Buffy Wicks.



Office of the Mayor

Jesse Arreguín  
Mayor

April 9, 2019

Assemblymember Buffy Wicks  
State Capitol, Room 5160  
Sacramento, CA 95814

Dear Assemblymember Wicks,

I have been informed that on April 22<sup>nd</sup>, AB857 will be considered at the Banking Committee that you serve on. AB857 proposes to allow local governments to apply for a banking license from the state so that cities, counties or regions could establish their own public bank. I am writing to express my support for AB857 and share why I believe public banking could have great potential for the East Bay.

In 2017 I convened a City of Berkeley Task Force on Socially Responsible Banking, which has made me keenly aware of the challenges of the municipal banking industry. Competition is limited and municipal financial needs are quite complex. In May 2018, the Berkeley City Council opted in to the last two years of our contract with Wells Fargo because of these challenges, despite previously declaring our intention to sever ties within a year. Still, we are working diligently to find creative solutions that allow public funds to be banked with a socially responsible institution that is invested in the needs of our city and community.

A critical part of this work is the exploration of a multi-jurisdictional public bank. In September 2017, the Berkeley City Council contributed to the public bank feasibility study initiated by the City of Oakland. The report was imperfect, but taken with ongoing research through San Francisco's municipal bank task force, a path forward is more than possible. Since the potential of an East Bay Regional Public Bank is transformative our local leadership has committed to a prudent approach to exploring this mechanism to keep public money working for our local economy. While there are critical questions around capitalization, insurance, governance and possible lines of business, AB 857 simply clears a legal and regulatory hurdle. With this legislation in place our coalition could apply for a charter and be evaluated with the same, if not more scrutiny as any new bank would be.

While a regional public bank is certainly a novel concept, my own work with East Bay Community Energy Authority clearly demonstrates that this community is capable of leading in powerful and innovative ways. Ten years after Wall Street banks brought the global economy to its knees, our local economy is still dominated by these very same institutions. A public bank would not only allow us to sever ties with Wall Street, but also provide an important new tool for publicly financing the critical needs of our region such as affordable housing, small business and sustainable infrastructure. Furthermore, based on the success of the Bank of North Dakota, AB857 requires partnerships between public banks and local banking institutions, serving as a bankers' bank to amplify the important services they already provide.

Given the inordinate power of Wall Street and big banks, the importance of maintaining momentum and multi-jurisdictional buy-in cannot be understated. By supporting AB857 you would be building upon the important momentum and potential that has already been demonstrated by our county, cities and communities.

Opportunities to work on a project of this scale and significance as a regional public bank are rare, and I would be grateful for your support on this effort.

Sincerely,

Mayor Jesse Arreguín





CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

CONSENT CALENDAR  
 October 26, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Robinson  
 Subject: Budget Referral: Durant Parklet and Telegraph Plaza Improvements

RECOMMENDATION

Refer \$60,000 to the November 2021 AAO process for placemaking improvements in the Telegraph District, consisting of the installation of a public parklet on Durant Avenue and the closure of the right-turn slip lane at the Dwight Triangle to create a public plaza.

BACKGROUND

***Durant Parklet***

Durant Avenue on Southside is a hotspot for UC Berkeley students, home to many restaurants, take-out spots, and bars, including those in Durant Food Court. On weekend nights, students can be seen eating while standing on the sidewalk, as there is not enough seating in the food court or the parklet in front of Artichoke's to accommodate demand. This budget referral proposes the installation of a second public parklet in front of Durant Food Court, which would not only be highly utilized, but also revitalize the business district and assist in traffic calming. The parklet could house additional lighting and be designed to facilitate activities such as live music and small retail opportunities.

Durant is a one-way street with two travel lanes and two lanes of street parking. With the current street configuration, gig drivers working for Doordash or UberEats often decide to park in a travel lane to run inside and pick up orders. The congestion has been exacerbated by the pandemic because of the increase in take-out orders. Durant is a major bus corridor servicing many lines including the 51B, 79, 36, and 6, and the car traffic and illegal parking can cause serious delays in bus service.

In May 2021, AC Transit accepted an ACTC grant to install a quick-build bus lane on Durant Avenue and address the above concerns.<sup>1</sup> As that project begins to take shape, the timing is right for the City to consider revitalization projects such as a public parklet, so that the AC Transit planning process can take the improvements into consideration.

<sup>1</sup> <https://actransit.legistar.com/View.ashx?M=F&ID=9380793&GUID=0D09DB3F-6B48-427D-9627-E5F2460FC7A8>



### ***Dwight Triangle/Telegraph Plaza***

The traffic median on the intersection of Telegraph and Dwight, known as the Dwight Triangle, has long been a target for much-needed improvements. The 2016 Telegraph Public Realm Plan<sup>2</sup> lays out a vision for the Triangle that includes landscaping, improved lighting, and public art. In the November 2020 AAO, the City allocated \$100,000 to begin rehabilitating the Triangle, adding planter areas in partnership with the Telegraph Business Improvement District.

Currently, the pedestrian crossing is unsafe as the slip lane creates opportunities for conflict with drivers turning right onto Telegraph without slowing down. Slip lanes exist to allow drivers to take faster turns, often at the expense of pedestrian safety. In recognition of the impact of street design on road safety and collision rates, cities across the country are moving to replace dangerous slip lanes with pedestrian and bike infrastructure.<sup>3</sup>

The crosswalks around the Triangle can also be uninviting and confusing, which contributes to a tangible disconnect between the first four blocks of Telegraph and the southern part of the district. This proposal, supported by the TBID, would reactivate the space by using planters or bollards to close off the slip lane, creating a public plaza with seating and other amenities where people can eat, interact, and enjoy a day on Telegraph. Furthermore, the TBID and City staff can implement best practices, including those learned from the newly-renovated BART plaza in Downtown Berkeley, to create an inviting space with new programming and entertainment options for visitors of the Telegraph area and members of the Telegraph community.

<sup>2</sup> <https://www.berkeleyside.org/wp-content/uploads/2016/09/Telegraph-Public-Realm-Plan-Final-Low-Res.pdf> (page 26)

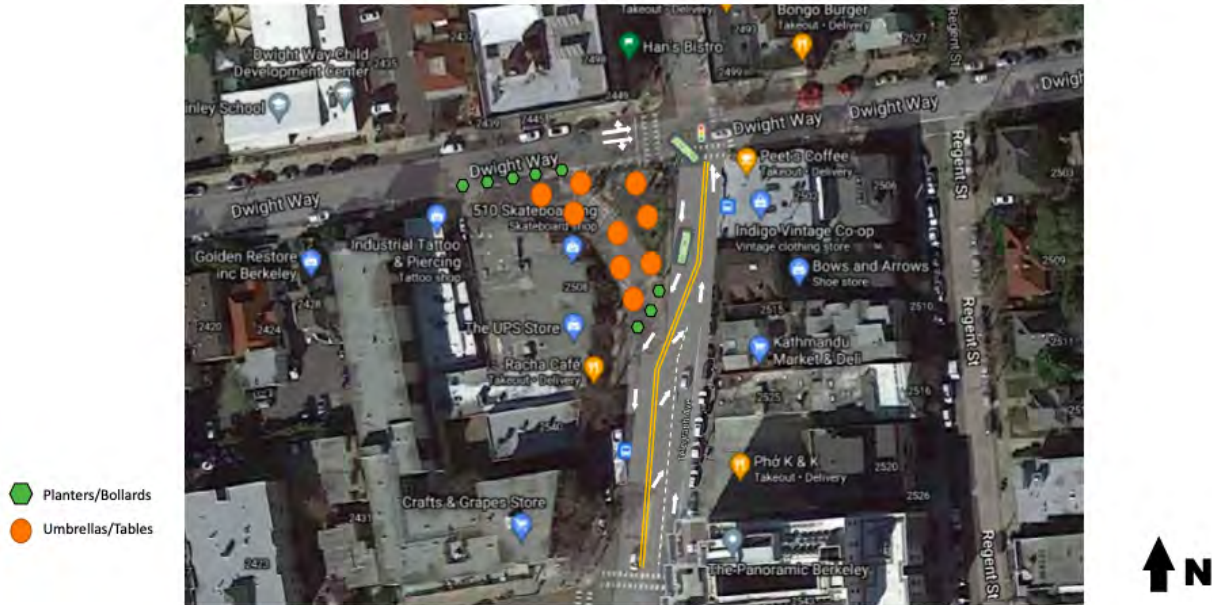
<sup>3</sup> <https://usa.streetsblog.org/2018/07/13/cities-are-replacing-dangerous-slip-lanes-with-space-for-people/>

As this demonstration project moves forward, collaboration will continue between the TBID, the City of Berkeley, and AC Transit to determine the best way to accommodate the 6 bus route, which uses the slip lane to turn right from Durant onto Telegraph. One potential solution being explored is to restripe a portion of Telegraph south of Dwight to allow larger vehicles, such as fire trucks and buses, to make sufficiently wide turns.

“Telegraph Plaza” at Dwight Triangle concept

“Telegraph Plaza” concept v2

at the Dwight Triangle



FINANCIAL IMPLICATIONS

Approximately \$40,000 for a parklet and \$20,000 for enlarging and paint stripes around the Triangle, for a total of \$60,000.

ENVIRONMENTAL SUSTAINABILITY

None.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Angie Chen, Legislative Aide

Attachments:

- 1: TBID Support Letter





**Telegraph Business Improvement District**

2437 Durant Avenue #206, Berkeley, CA 94704

510-486-2366

[alex@telegraphberkeley.org](mailto:alex@telegraphberkeley.org)

July 23, 2021  
Farid Javandel  
Public Works Department  
City of Berkeley

**Re: Requested review of the “Telegraph Plaza” proposal**

Mr. Javandel,

I am writing to present you with a proposed vision for the area known as the Dwight Triangle and to request your department’s partnership in reviewing the proposal’s feasibility. As you will see from the description below, a key factor in determining the feasibility involves testing a reconfiguration of the intersection to redirect the path of travel for vehicles while maintaining the existing circulation plan.

At their May 11, 2021 meeting the Telegraph Business Improvement District Board of Directors voted unanimously to move forward with exploring a new, safer vision for the Dwight Triangle median at Telegraph Ave. and Dwight Way. The “Telegraph Plaza” vision aims to establish a vibrant and inviting public space that enhances pedestrian safety and supports a variety of beneficial uses. Achieving the vision necessitates the complete closure of the existing right turn slip-lane to essentially conjoin the sidewalk with the Triangle. (see attachment)

We recognize that the slip-lane is an important path of travel for vehicles including busses, emergency vehicles, and other commercial traffic. There are also numerous examples from around the country where similar modifications to traffic patterns have improved both safety and economic development. With that in mind we feel that a variety of options should be explored to achieve this vision.

The TBID is specifically requesting that the City conduct an actual turn-radius test to determine how an alternative right-turn would be configured. This test would include different north bound travel lane configurations including using the existing bus stop lane (which is slated for removal) as a north bound travel lane. This would allow more space for a large vehicle to make the right turn from Dwight Way on to Telegraph Ave. The TBID is eager to help facilitate the test with the participation of the various public agency partners that need to be involved.

Our goal with conducting a turn-radius test is to determine the viability of closing the slip-turn and reconfiguring the Dwight/Telegraph intersection. If the outcome of the test supports this proposal, we would then take steps to implement a short-term trial of the “Telegraph Plaza” vision as a demonstration project. As part of your review of this proposal we respectfully request consideration of any other alternatives that would facilitate the closure of the slip-turn lane.



**Telegraph Business Improvement District**

2437 Durant Avenue #206, Berkeley, CA 94704

510-486-2366

[alex@telegraphberkeley.org](mailto:alex@telegraphberkeley.org)

This request is also being made with consideration of the current transportation planning initiatives that are underway including the Southside Complete Streets and AC Transit Rapid Corridors projects. We understand that the north bound bus stop at Dwight & Telegraph is proposed to be moved and there are other plans in motion which present a timely opportunity to consider a new vision for this important public space.

The TBID has identified the Dwight Triangle as a top public realm investment priority with exceptional potential to advance our economic development and place-making goals for the District. The TBID feels strongly that the “Telegraph Plaza” vision should be given serious consideration as part of the City’s transportation planning and capital improvement projects. We are pleased to have Councilmember Robinson’s support for the vision, which is also part of implementing the Telegraph Public Realm Plan and advances the Vision Zero traffic safety policy. Overall, the vision seeks to achieve the highest and best use of what is arguably our district’s most under-utilized public infrastructure resource.

I am prepared to assist as needed with conducting the review and test including coordination with district stakeholders and any additional support our organization can provide. We sincerely appreciate your attention to this matter and are excited to work with the City on advancing important public realm improvements.

In partnership,

Alex Knox  
Executive Director  
Telegraph Business Improvement District

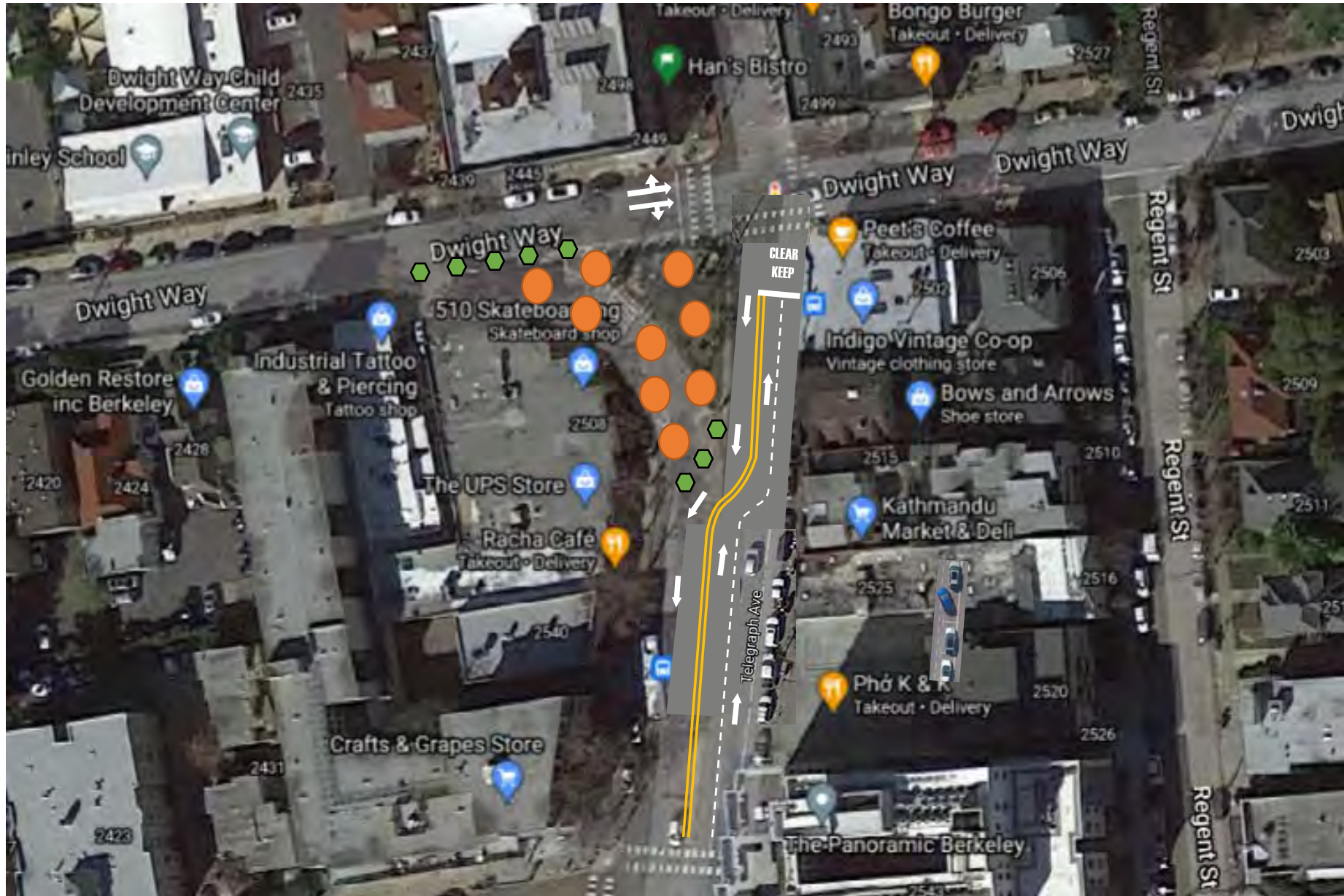
CC:

Councilmember Rigel Robinson, David White – Deputy City Manager, Liam Garland – Public Works Director, Ryan Lau – AC Transit External Affairs, Shallon Allen – Special Events Coordinator, Office of Economic Development

Attachment: “Telegraph Plaza” conceptual design

Page 6 of 6  
"Telegraph Plaza" concept

at the Dwight Triangle



- Planters/Bollards
- Umbrellas/Tables







# CITY COUNCILMEMBER RIGEL ROBINSON DISTRICT 7

CONSENT CALENDAR  
October 26, 2021

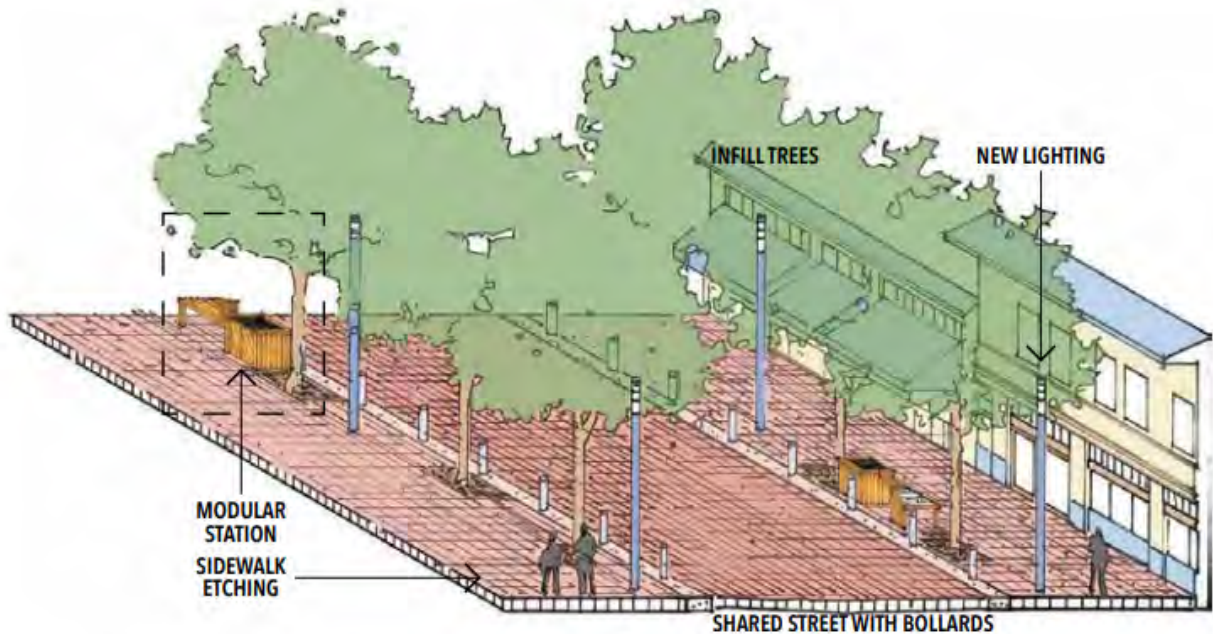
To: Honorable Mayor and Members of the City Council  
From: Councilmember Robinson  
Subject: Budget Referral: Telegraph Shared Streets Feasibility Study

### RECOMMENDATION

Refer \$500,000 to the November 2021 AAO process for conducting a feasibility study of the Telegraph Shared Streets project.

### BACKGROUND

The Telegraph Public Realm Plan (TPRP), approved by Council in 2016 after extensive input from community members including vendors, merchants, property owners, and representatives from UC Berkeley and AC Transit, establishes a vision and provides guidance for a shared street on the first four blocks of Telegraph Avenue.



*Ultimate Condition.* TPRP proposes a plaza-like shared street and new lighting as a final phase. Sidewalk etching may remain or, if necessary, sidewalks can be replaced.

In 2019, Council referred to staff to develop a plan to implement the shared streets proposal outlined in the Telegraph Public Realm Plan, including identification of potential funding sources for the project. In order to begin this process and open up opportunities for the City to apply for state and regional grants, it is critical for Council to approve funds for an initial feasibility study.

The \$82.6 million settlement agreement between UC Berkeley and the City of Berkeley, finalized in July of 2021, includes an annual payment of “\$1.3 million (increased by three percent per year) for capital projects and other services benefiting residents living within one-half mile of the University’s main campus boundaries and the Clark Kerr Campus.”<sup>1</sup> There is a potential opportunity to allocate a portion of these funds towards Telegraph Shared Streets. However, given the many pressing infrastructure investments and services that are needed near campus, it is important that Council also consider making a general fund investment through the AAO process to keep the project moving forward, even if settlement funds are allocated towards other purposes or to supplement a partial allocation from the settlement.

#### FINANCIAL IMPLICATIONS

\$500,000 to fund a feasibility study of Telegraph Shared Streets.

#### ENVIRONMENTAL SUSTAINABILITY

Implementing a shared street on Telegraph Avenue would be with the goal of increasing the number of people walking, biking, and using public transit to access and move through the Telegraph area. This is directly in line with the City’s environmental goals, and a main objective of this project.

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Angie Chen, Legislative Aide

#### Attachments:

1: Telegraph Public Realm Plan

<https://www.berkeleyside.com/wpcontent/uploads/2016/09/Telegraph-Public-Realm-Plan-Final-Low-Res.pdf>

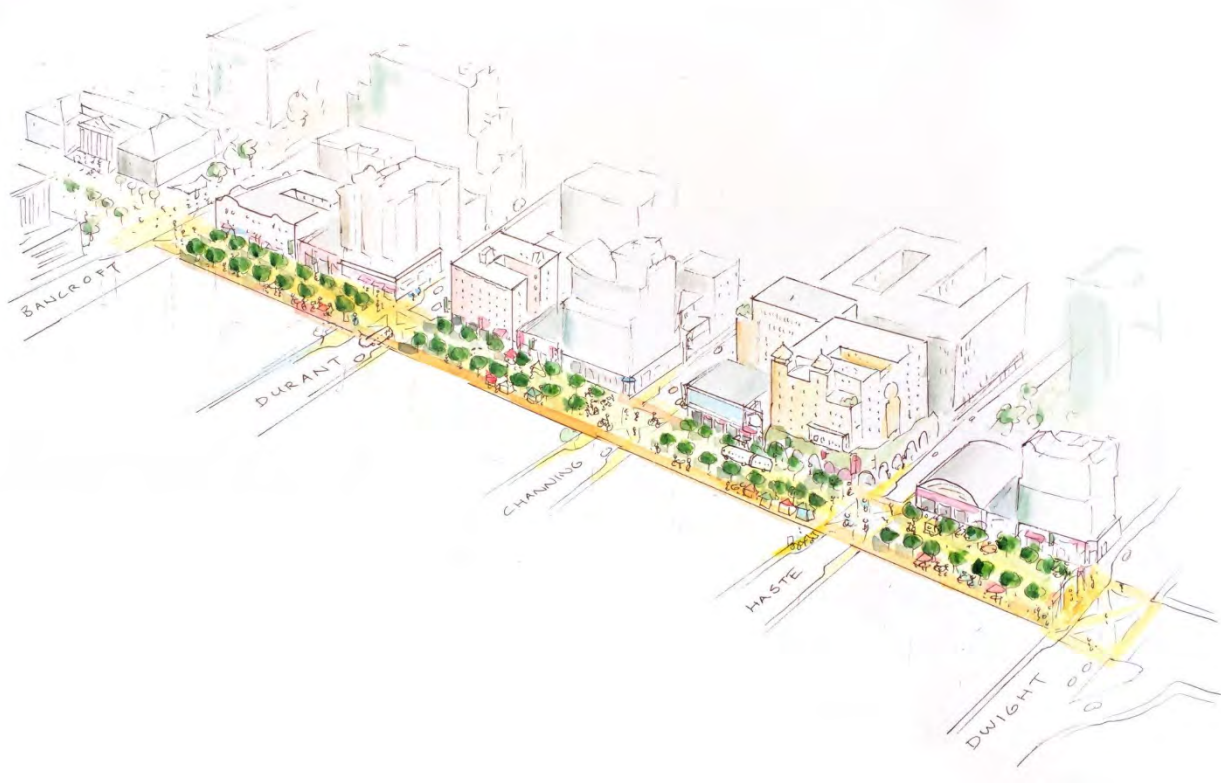
2: Referral: Telegraph Shared Streets

[https://www.cityofberkeley.info/Clerk/City\\_Council/2019/10\\_Oct/Documents/2019-10-29\\_Item\\_30\\_Referral\\_Telegraph\\_Shared\\_Streets\\_-\\_Rev.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2019/10_Oct/Documents/2019-10-29_Item_30_Referral_Telegraph_Shared_Streets_-_Rev.aspx)

3: Artist’s rendition of Telegraph as a shared street, by Alfred Twu

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<sup>1</sup> <https://www.berkeleyside.org/wp-content/uploads/2021/07/SETTLEMENT-AGREEMENT-UCBBerkeley.pdf>









Parks and Waterfront Commission

ACTION CALENDAR

October 26, 2021

To: Honorable Mayor and Members of the City Council

From: Parks and Waterfront Commission

Submitted by: Gordon Wozniak, Chairperson

Subject: Proposal to allocate revenues generated by the Transient Occupancy Tax in the Waterfront Area to the Marina Fund to avoid insolvency, rebuild its fund balance and to stabilize its finances

RECOMMENDATION

That Council adopt a resolution adopting a policy that all Transient Occupancy Taxes (TOT hotel tax) generated at the Berkeley Waterfront be allocated to the City's Marina Enterprise Fund. All other property, sales, utility users, and parking taxes, as well as business license and franchise fees, would continue to be allocated to the City's General Fund.

POLICY COMMITTEE RECOMMENDATION

On September 23, 2021, the Budget & Finance Policy Committee took the following action: M/S/C (Harrison/Arreguin) to send the item to Council with a negative recommendation. Additionally, the committee would like to request a referral to the Budget & Finance Policy Committee to discuss and develop alternative revenue streams for the Marina Fund including a dedicated reserve.

Vote: All Ayes.

FINANCIAL IMPLICATIONS

Allocating funding from the Transient Occupancy Tax annually, generated at the Waterfront, will create a healthy Marina Fund that is able to operate, maintain, and keep safe the existing assets. The sizeable past and ongoing contributions from Waterfront-generated revenues to the City's General Fund should be taken into consideration when assessing the financial implications.

CURRENT SITUATION AND ITS EFFECTS

The area now comprising the Berkeley Waterfront was granted to the City by the State of California in 1913, as a grant of state tidelands. In 1962, the City obtained a state loan to develop the current marina with 1,000 slips, parking lots, launch ramps, restrooms, parks, and several commercial plots for lease.

- By 1966, 15 boat dock systems were constructed.
- By 1970, two restaurants, a hotel, and an office building were developed.

- By 1980, the two sailing clubs and sailing docks, the boat yard, and a third restaurant were developed.
- By 1991, the City landfill at the marina was capped and graded to become North Waterfront Park. In 1996, it was renamed Cesar Chavez Park.

The total area under City management includes the entrance to the Marina (University Avenue and the Bay Trail, from Frontage Road to Marina Blvd) and all the infrastructure and Marina waters west of Marina Blvd. In all, there are:

- 100 acres of open space and parks,
- over 1,000 berths in the Berkeley Marina,
- a large hotel, 4 restaurants,
- the Adventure Playground,
- Shorebird Nature Center,
- the Berkeley Marine Center boat yard,
- a two-story office building,
- a 4-lane public launch ramp,
- 9 restroom buildings, and
- 11 parking lots.

The Waterfront requires the daily administration of what essentially is a “small city”.

#### Marina Fund

***A requirement of the State Tidelands Grant is that revenue generated at the Waterfront be spent at the Waterfront.*** The Marina Enterprise Fund was set up to comply with this requirement for managing revenue and expenditures at the Berkeley Waterfront. Marina Revenues come primarily from boat slip rental fees and business leases, and a number of smaller sources. Community users of the open space and amenities at the Berkeley Waterfront such as independent fishermen, windsurfers, small boat users, tourists, walkers, runners, dogwalkers, and other park users do not provide direct income to the Marina Fund.

By FY2019, one-third of the total revenue generated annually at the Waterfront was being transferred to the General fund as follows:

- \$10.9 Million in Total Waterfront Revenue
- \$6.9 Million allocated to the Marina Fund
- \$4 Million allocated to the General Fund

In addition, \$0.59 Million was being transferred annually from the Marina Fund to the City’s internal service funds.

In FY2020, the Covid Pandemic decimated the hospitality industry and the lease portion of the Marina revenue. While revenues have plummeted during the pandemic, community use of recreation and open space at the Waterfront has soared.

Marina Fund Financial Sustainability

From FY18-20, the Marina Fund contributed ~\$11 Million to the General Fund. Now, the Marina Fund needs help from the General Fund to survive this pandemic-induced fiscal crisis.

**To immediately avoid the eminent insolvency of the Marina Fund, the TOT tax generated in the Waterfront should be allocated to the Marina Fund.**

Waterfront Capital Fund

The estimated \$87.5 M - \$131 M in future infrastructure costs are too large to be solved by stabilizing the Marina operations budget. To fund such large capital costs, a Reserve Fund needs to be created with new revenues developed as a result of the BMASP process that is underway.

Commission

At a regular meeting on March 10, 2021, the Parks and Waterfront Commission M/S/C to send this action to Council for consideration: (McGrath/Kamen/U). Ayes: Cox; Diehm; Kamen; Kawczynska; Landoni; McGrath; Skjerping; Srioudom; Wozniak; Noes: None; Absent: None; Leave of Absence: None.

ENVIRONMENTAL SUSTAINABILITY

No environmental impacts or opportunities were identified as a result of this recommendation.

RATIONALE FOR RECOMMENDATION

See body of report

ALTERNATIVE ACTIONS CONSIDERED

None

CITY MANAGER

The City Manager recommends referring the contents of this commission report to the budget process because this action will potentially impact revenue available to the General Fund. The Marina Fund revenue losses associated with Covid-19 are projected to exceed \$3.6M from FY20-23 in comparison to FY 19 and a potential funding source to offset actual and projected revenue losses is the American Rescue Plan. Additionally, City Council may want to explore other long-term revenue sources to stabilize the Marina Fund, as discussed during February 16, 2021 work session presentation on the Berkeley Marina Area Specific Plan.

CONTACT PERSON

Roger Miller, Secretary, Parks and Waterfront Commission, (510) 981-6704  
Gordon Wozniak, Chairperson, (510) 654-4103

Allocate Transient Occupancy Tax (TOT) generated at the Waterfront  
back to the Marina Fund

ACTION CALENDAR  
October 26, 2021

Attachments  
1: Resolution

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

ALLOCATE REVENUES GENERATED BY THE TRANSIENT OCCUPANCY TAX IN THE WATERFRONT AREA TO THE MARINA FUND TO AVOID INSOLVENCY, REBUILD ITS FUND BALANCE, AND STABILIZE ITS FINANCES

WHEREAS, the Parks and Waterfront Commission reviews the policies, projects, programs, planning efforts, activities, funding and the physical condition of parks, pools, camps, recreation centers, the Marina, and public greenery, and advises the City Council on these matters; and

WHEREAS, a requirement of the State Tidelands Grant is that revenue generated in the Waterfront be spent at the Waterfront; and

WHEREAS, in FY2019, one-third of the total revenue (\$10.9 million) generated annually at the Waterfront was transferred to the General Fund (GF) and an additional \$0.58 million was transferred to the City's Internal Service Funds; and

WHEREAS, in FY2020, Waterfront revenues have plummeted due the shutdown of the hospitality industry by the Covid Pandemic; and

WHEREAS, the Marina Fund is projected to be insolvent in FY2022 and beyond; and

WHEREAS, over the last three years, the revenues generated in the Waterfront Area contributed ~\$11 million to the City's General Fund; and

WHEREAS, Transient Occupancy Tax (TOT) was generated annually at the Waterfront during pre-pandemic times, and

WHEREAS, by allocating the TOT revenue generated at the Waterfront to the Marina fund, it could be made solvent; and

WHEREAS the Marina Fund is facing an unprecedented financial crisis, with more than \$100M of unfunded capital need and an annual structural deficit of \$1 million.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley hereby adopts a policy that all Transient Occupancy Taxes (TOT hotel tax) generated at the Berkeley Waterfront be allocated to the City's Marina Enterprise Fund. All other property, sales, utility users, and parking taxes, as well as business license and franchise fees, would continue to be allocated to the City's General Fund.

NOW THEREFORE, BE IT FURTHER RESOLVED that all other property, sales, utility users, and parking taxes, as well as business license and franchise fees, would continue to be allocated to the General Fund.





CONSENT CALENDAR  
Oct. 26, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: CalVIP Grant Application Authorization

RECOMMENDATION

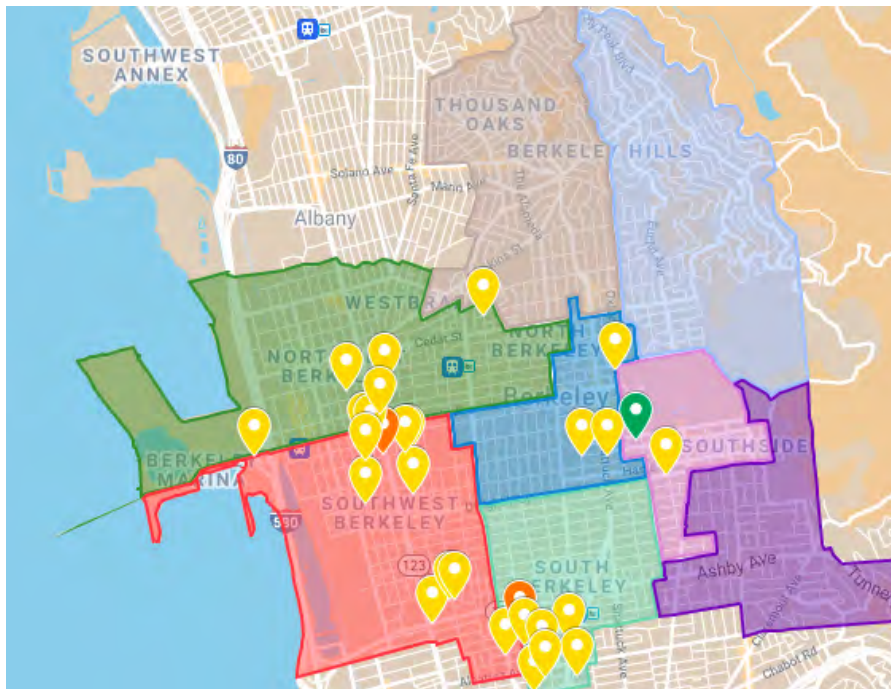
Authorize the City Manager to respond to Requests For Proposals (RFPs) and submit applications to the California Violence Intervention and Prevention (CalVIP) Grant Program in future funding cycles in order to provide resources for community safety initiatives.

FINANCIAL IMPLICATIONS

None.

CURRENT SITUATION AND ITS EFFECTS

According to the Berkeley Police Department, there were 29 shootings in 2021 as of September 6, compared to 22 shootings by the same date in 2020.



2021 Berkeley Gunfire Map<sup>1</sup>

<sup>1</sup> Raguso, E. (2021). The 2021 Berkeley Gunfire Map. *Berkeleyside*. Retrieved Sept. 13, 2021 from <https://www.berkeleyside.org/2021/05/22/2021-berkeley-gunfire-map>



On July 14, 2020, the Berkeley City Council passed an omnibus resolution to Reimagine Public Safety, which included a referral to the City Manager to “identify the expertise needed for non-police responses to calls, taking into account comparable approaches including CAHOOTS and other existing programs that might be expanded...” On October 27, 2020, the Berkeley City Council referred the creation of an Interjurisdictional Group Violence Intervention (GVI) Program a.k.a. “Operation Ceasefire” to the Community Engagement Process for Reimagining Public Safety. On December 15, 2020, the City Council authorized the City Manager to enter into a contract with the National Institute of Criminal Justice Reform (NICJR) to conduct research, analysis, and use its expertise to develop reports and recommendations for community safety and police reform.

The City Manager’s office lacks sufficient staffing and resources to scale up its response to the ongoing increase in gun violence while implementing the community engagement process that the City Council has set forth in its omnibus Reimagining package. The City Manager has informed this office that there are insufficient resources to create an Operation Ceasefire program, a gun buyback program, or any other robust and community-based gun violence prevention program that has been recommended in the past. Even policies already under consideration will need additional funding to be implemented.

Funding community safety programs through CalVIP grants is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city.

## BACKGROUND

The State Legislature established the California Violence Intervention and Prevention (CalVIP) Grant Program in Fiscal Year 2017-18 to replace the California Gang Reduction, Intervention and Prevention (CalGRIP) CalGRIP grant program. CalVIP provides funding for cities to reduce violence in the city and adjacent areas through community interventions.

In 2019, Governor Newsom signed Assembly Bill 1603 by Asm. Buffy Wicks (D-Oakland), which adds Section 14130 to the California Penal Code, codifying the establishment of the CalVIP Grant and the scope of administrative responsibilities for the California Board of State and Community Corrections (BSCC).

Pursuant to AB-1603, the purpose of CalVIP is to “improve public health and safety by supporting effective violence reduction initiatives in communities that are disproportionately impacted by violence, particularly group-member involved homicides, shootings, and aggravated assaults.” According to the BSCC, CalVIP grants shall be used to support, expand and replicate evidence-based violence reduction initiatives,

including but not limited to hospital-based violence intervention programs, evidence-based street outreach programs, and focused deterrence strategies.

Cities with populations of similar sizes to Berkeley, such as the City of Vallejo, have successfully applied for grants to fund violence prevention programs. The City of Vallejo received a \$1.5 million grant in Fiscal Year 2020 for Operation PEACE, in partnership with the local nonprofit Advance Peace for focused deterrence and street outreach “with the goal of reducing overall violent crime without relying on heavy handed policing tactics and mass incarceration.”

The City of Richmond received a \$1.5 million grant in the same year for its Office of Neighborhood Safety, which oversaw a 61% reduction in gun violence in the five years following its inception in 2007.<sup>2</sup> The City of Oakland also received a grant of approximately \$1.5 million in 2020 for its Department of Violence Prevention, in partnership with several community and faith groups, to implement Oakland Ceasefire, with \$1.74 million in matching funds from the City. Ceasefire is credited with the major drop in homicides Oakland saw over the previous decade.<sup>3</sup>

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

#### CONTACT PERSON

Councilmember Terry Taplin      Council District 2      510-981-7120

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<sup>2</sup> [http://ci.richmond.ca.us/DocumentCenter/View/27569/Innovative-Government-Solution\\_ONS2013?bidId=](http://ci.richmond.ca.us/DocumentCenter/View/27569/Innovative-Government-Solution_ONS2013?bidId=)

<sup>3</sup> Harris, H. (2013, Dec. 31). Oakland sees biggest drop in homicides since 2004. *Mercury News*. Retrieved from <https://www.mercurynews.com/2013/12/31/oakland-sees-biggest-drop-in-homicides-since-2004/>



CONSENT CALENDAR

October 26, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author) and Councilmember Hahn (Co-Sponsor)

Subject: Amending BMC Section 6.52.010 to Add Punitive Fees for the Unauthorized Removal of Coastal Live Oak and Authorize Tree Replacement Requirements for the Granting of Tree Removal Permits

RECOMMENDATION

Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 6.52.010 to (1) add fees of seven hundred thousand dollars (\$700,000) for the removal of Coast Live Oak in violation of the moratorium of removal and (2) grant the City Manager the authority to require the planting of two new Coast Live Oaks when approving permits for removal of Coast Live Oak that meet the criteria for exceptions from the moratorium.

BACKGROUND

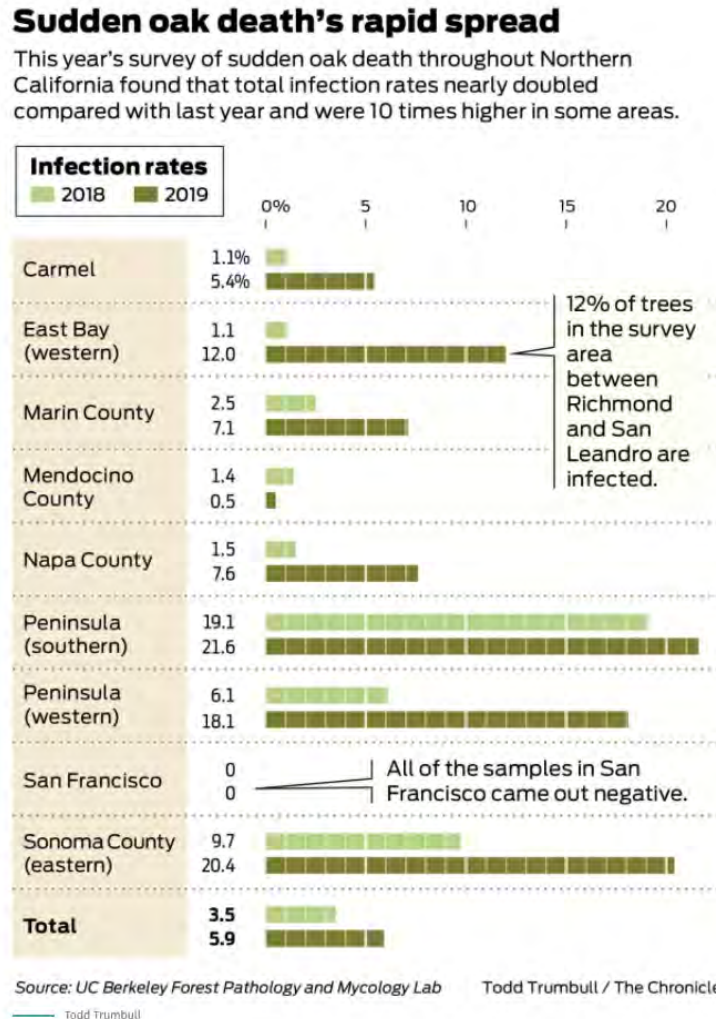
Coast Live Oaks, *Quercus agrifolia*, are a tree species local to Berkeley and the coastal regions of California that are of immense environmental and cultural importance to all who have called the East Bay their home. This importance cannot be understated for this region's indigenous Ohlone people, who relied on the acorns from oak trees for food and medicines for thousands of years.<sup>1</sup> While the Coast Live Oaks were vast in number in the precolonial era, the violent settlement of the Bay Area in the 18th and 19th centuries led to the removal of the area's Coast Live Oak forests to make room for livestock ranching. Today, Coast Live Oaks are still with us, but in small numbers relative to their previous dominance in the region. Since May 1996, the City of Berkeley has had in place a moratorium on the removal or excessive pruning of any single stem Coast Live Oak tree of 18-inches or more and of any multi-stemmed Coast Live Oak tree with an aggregate circumference of 26 inches or more.<sup>2</sup> The moratorium provides exceptions where trees present a safety threat or interfere with the development of affordable housing.

Driven by extreme fluxes in wet seasons and heavy drought years, a resurgence of the pathogen known as "sudden oak death" has brought on a wave of deaths in the Coast

<sup>1</sup> <http://www.ourcityforest.org/blog/2020/7/a-brief-history-and-guide-to-californias-native-oaks>

<sup>2</sup> [https://www.cityofberkeley.info/coast\\_live\\_oak/](https://www.cityofberkeley.info/coast_live_oak/)

Live Oak population.<sup>3</sup> While the disease has been present in the East Bay since the mid-1990's, an intensification of the disease brought the infection rate among the East Bay's Coast Live Oak population from 1.1% to 12% between 2018 and 2019:



As these weather conditions persist under ever-intensifying climate change, it will become increasingly important for Berkeley to take serious measures to preserve and grow the East Bay's Coast Live Oak population. Under the current moratorium on their removal, property owners are still granted permits for removal where the trees need to be removed over safety concerns or where they impede the construction of affordable housing. Following their removal, however, Coast Live Oaks are often replaced with non-native trees less suited for the East Bay's climate. Residents and property owners must be further financially discouraged from removing this important tree while requiring the planting of new Coast Live Oaks when removal is the only option. Fees for unlawful removal as well as the requirement for replacement with new Coast Live Oaks, where

<sup>3</sup> <https://ebcnps.org/news/drought-or-sudden-oak-death-threaten-east-bay-coast-live-oaks-2021-07/>

<sup>4</sup> <https://www.sfchronicle.com/environment/article/Sudden-oak-death-spreading-fast-California-s-14815683.php>

applicable, are a necessary enhancement of the City's existing Coast Live Oak removal moratorium.

FISCAL IMPACTS

Staff time for the imposition of Administration Citations. Revenues from the issuance of any citations for unlawful removal of Coast Live Oak trees will be deposited into the Marina Fund.

ENVIRONMENTAL IMPACTS

Further restricting the removal of Coast Live Oaks will encourage the preservation of this drought resistant tree that is better suited for Berkeley climate.

CONTACT

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

ATTACHMENTS

1. Ordinance
2. City of Los Angeles Ordinance 177404

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

AMENDING BERKELEY MUNICIPAL CODE SECTION 6.52.010 TO ADD PUNITIVE FEES FOR THE UNAUTHORIZED REMOVAL OF COASTAL LIVE OAK AND AUTHORIZE TREE REPLACEMENT REQUIREMENTS FOR THE GRANTING OF TREE REMOVAL PERMITS

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

Section 1. That Section 6.52.010 of the Berkeley Municipal Code is amended to read as follows:

**6.52.010 Moratorium Declared**

- A. A Moratorium is declared on the removal of any single stem Coast Live Oak tree of a circumference of 18 inches or more and any multi-stemmed Coast Live Oak with an aggregate circumference of 26 inches or more at a distance of four feet up from the ground within the City of Berkeley.
- B. Any pruning of a Coast Live Oak that is excessive and injurious to the tree is prohibited. Excessive and injurious pruning is defined as the removal of more than one-fourth of the functioning leaf, stem or root system of a tree in any 24-month period.
- C. An exception may be made to this Section if the City Manager, or their designee, finds that any tree described in the Ordinance codified in this section is a potential danger to life or limb due to the condition of the tree, or is a danger to property, and that the only reasonable mitigation would be removal of the tree.
- D. An exception may be made to this Section if the City Manager, or her designee, finds that any tree described in the Ordinance codified in this section would substantially interfere with a development project that includes 50% or more units affordable to Extremely Low-, Very Low- or Low-income households, as defined in Berkeley's Affordable Housing Trust Fund Guidelines, so long as any tree removed is replaced by the developer with another Coast Live Oak either on the development site or at another location within the City of Berkeley. Location for replacement trees shall be at the City Manager's discretion.
- E. The City Manager may require, as a condition of a grant of permit for the relocation or removal of a protected tree, that the permittee replace the tree within the same property boundaries by at least two Coast Live Oak trees. In size, each replacement tree shall be at least a 15-gallon, or larger, specimen, measuring one inch or more in diameter one foot above the base, and be not less than seven feet in height measured from the base.
- F. This Section will not prevent the one-time removal, to be determined by the Director of Parks and Waterfront in consultation with the Parks and Recreation Commission, of up to four young Coast Live Oaks, 14 inches or less in diameter (DBH), from the area



adjacent to the Berkeley Rose Garden deer fence at the Euclid Avenue Overlook, for the purposes of restoring or maintaining public view corridors at the Berkeley Rose Garden.

G. This Section will not prevent the one-time relocation on site of one Coast Live Oak tree at 3000 Shasta Road, on the site of the proposed Hills Fire Station, consistent with condition 16 of Use Permit 01-10000057 as approved by the Zoning Adjustments Board, or removal of said tree if the City Council so determines on appeal of said Use Permit. This subsection shall be ineffective if the Hills Fire Station is not built. (Ord. 7615-NS § 1, 2018: Ord. 6905-NS § 1, 2006: Ord. 6796-NS § 1, 2004: Ord. 6550-NS § 1, 2000: Ord. 6484-NS § 1, 1999: Ord. 6462-NS § 1, 1998: Ord. 6321-NS § 1, 1996)

H. Pursuant to Chapter 1.28 of the Berkeley Municipal Code, The City may issue an Administrative Citation in the amount of seven hundred thousand dollars (\$700,000) to anyone found violating or failing to comply with any requirement in this chapter. Revenues accrued from the issuance of citations in accordance with this chapter shall be deposited in the Marina Fund.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 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.

ORDINANCE NO. 177404

An ordinance amending various provisions of Articles 2 and 7 of Chapter I and Article 6 of Chapter IV and Section 96.303.5 of the Los Angeles Municipal Code to assure the protection of, and to further regulate the removal of, protected trees

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. Subdivision 12 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

**12. Protected Tree Relocation and Replacement.** All existing protected trees and relocation and replacement trees specified by the Advisory Agency in accordance with Sections 17.02, 17.05, 17.06, 17.51 and 17.52 of this Code shall be indicated on a plot plan attached to the building permit issued pursuant to this Code. In addition, the trees shall be identified and described by map and documentation as required by the Advisory Agency. A Certificate of Occupancy may be issued by the Department of Building and Safety, provided the owner of the property or authorized person representing the owner of the property (licensed contractor) obtains from the Advisory Agency in consultation with the City's Chief Forester, prior to the final inspection for the construction, a written or electronic document certifying that all the conditions set forth by the Advisory Agency relative to protected trees have been met.

Sec. 2. Section 17.02 of the Los Angeles Municipal Code is amended by deleting the paragraph defining "Oak Tree" in Section 17.02 and adding the following paragraph to read:

**Protected Tree** - Any of the following Southern California native tree species, which measures four inches or more in cumulative diameter, four and one-half feet above the ground level at the base of the tree:

(a) Oak tree including Valley Oak (*Quercus lobata*) and California Live Oak (*Quercus agrifolia*), or any other tree of the oak genus indigenous to California but excluding the Scrub Oak (*Quercus dumosa*).

(b) Southern California Black Walnut (*Juglans californica* var. *californica*)

(c) Western Sycamore (*Platanus racemosa*)

(d) California Bay (*Umbellularia californica*)

This definition shall not include any tree grown or held for sale by a licensed nursery, or trees planted or grown as a part of a tree planting program.

Sec. 3. The term "Tree Expert" set forth in Section 17.02 of the Los Angeles Municipal Code is amended to read:

**Tree Expert** - A person with at least four years of experience in the business of transplanting, moving, caring for and maintaining trees and who is (a) a certified arborist with the International Society of Arboriculture and who holds a valid California license as an agricultural pest control advisor or (b) a landscape architect or (c) a registered consulting arborist with the American Society of Consulting Arborists.

Sec. 4. Subdivision 7 of Subsection H of Section 17.05 of the Los Angeles Municipal Code is amended to read:

7. Where the Advisory Agency finds the project is consistent with the dwelling unit density permitted by the General Plan, and that the public health, safety or welfare and good subdivision design will be promoted by the preservation of protected trees, the Advisory Agency may permit the required area of one or more of the lots in a subdivision in an "RA," "RE," "RS" or "R1" Zone to be reduced by an amount sufficient to provide for protected tree preservation in accordance with Section 17.05 R of this Code. Provided, however, that in no event shall the reduction exceed 50 percent of the required lot area; no "RA" or "RE" lot shall be reduced below 50 feet in width; no "RS" or "R1" lot shall be reduced below 40 feet in width; and no lot in a designated "K" Horsekeeping District shall be reduced below 17,500 square feet.

Sec. 5. Subsection R of Section 17.05 of the Los Angeles Municipal Code is amended to read:

**R. Protected Tree Regulations.** No protected tree may be relocated or removed except as provided in this article or Article 6 of Chapter IV of this Code. The term "removed" or "removal" shall include any act that will cause a protected tree to die, including but not limited to acts that inflict damage upon the root system or other parts of the tree by fire, application of toxic substances, operation of equipment or machinery, or by changing the natural grade of land by excavation or filling the drip line area around the trunk.

**1. Required Determinations.** Subject to historical preservation requirements set forth in Subdivision 3 of this subsection, when a protected tree exists within a proposed subdivision, the tree may be relocated or removed if the Advisory Agency, in consultation with the City's Chief Forester, determines the existence of either (a) or (b) below:

(a) There has been prior applicable government action in which:

(i) The removal of the tree had been approved by the Advisory Agency; or

(ii) The property upon which the protected tree is located has been the subject of a determination by the City Planning Commission, the City Council, a Zoning Administrator, or an Area Planning Commission, the appeal period established by this Code with respect to the determination has expired, the determination is still in effect, and pursuant to the

determination, the protected tree's removal would be permissible; or

(iii) A building permit has been issued for the property upon which the protected tree is located, the permit is still in effect, and the removal or relocation is not prohibited by the permit.

(b) The removal of the protected tree would not result in an undesirable, irreversible soil erosion through diversion or increased flow of surface waters that cannot be mitigated to the satisfaction of the City's Chief Forester, and the physical condition or location of the tree is such that:

(i) Its continued presence in its existing location prevents the reasonable development of the property; or

(ii) According to a report required pursuant to Section 17.06 C, acceptable to the Advisory Agency and prepared by a tree expert, there is a substantial decline from a condition of normal health and vigor of the tree, and its restoration through appropriate and economically reasonable preservation procedures and practices is not advisable; or

(iii) It is in danger of falling due to an existing and irreversible condition.

(iv) Its continued presence at its existing location interferes with proposed utility services or roadways within or without the subject property, and the only reasonable alternative to the interference is the removal of the tree; or

(v) It has no apparent aesthetic value, which will contribute to the appearance and design of the proposed subdivision; or it is not located with reference to other trees or monuments in such a way as to acquire a distinctive significance at the location.

**2. Supplemental Authority.** In the event the Advisory Agency, in consultation with the City's Chief Forester, determines pursuant to Subdivision 1(b) above, that a protected tree may be removed or relocated, the Advisory Agency may:

(a) Require relocation elsewhere on the same property where a protected tree has been approved for removal, and where the relocation is economically reasonable and favorable to the survival of the tree. Relocation to a site other than upon the same property may be permitted where there is no available or appropriate location on the property and the owner of the proposed off-site relocation site consents to the placement of a tree. In the event of relocation, the Advisory Agency may designate measures to be taken to mitigate adverse effects on the tree.

(b) Permit protected trees of a lesser size, or trees of a different species, to be planted as replacement trees for protected trees permitted by this Code to be removed or relocated, if replacement trees required pursuant to this Code are not available. In that event, the Advisory Agency may require a greater number of replacement trees.

**3. Historical Monuments.** The Advisory Agency, except as to Subdivision 1(b)(iii) above, shall require retention of a protected tree at its existing location, if the tree is officially designated as an Historical Monument or as part of an Historic Preservation Overlay Zone.

**4. Requirements.** In the event the Advisory Agency, in consultation with the City's Chief Forester, determines pursuant to Subdivision 1(b) above that a protected tree may be removed or relocated, the Advisory Agency shall require that:

(a) The protected tree be replaced within the property by at least two trees of a protected variety included within the definition set forth in Section 17.02 of this article, except where the protected tree is relocated pursuant to Subdivision 2(a) above. The size of each replacement tree shall be a 15-gallon, or larger, specimen, measuring one inch or more in diameter at a point one foot above the base, and not less than seven feet in height, measured from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced.

(b) The subdivider record those covenants and agreements approved by the Advisory Agency necessary to assure compliance with conditions imposed by the Advisory Agency and to assure protected tree preservation.

(c) The subdivider provide protected tree maintenance information to purchasers of lots within the proposed subdivision.

(d) The subdivider post a bond or other assurance acceptable to the City Engineer to guarantee the survival of trees required to be replaced or permitted or required to be relocated, in a manner to assure the existence of continuously living trees at the approved replacement or relocation site for three years from the date that the trees are replaced or relocated. The City Engineer shall use the provisions of Section 17.08 G as its procedural guide in satisfaction of the bond requirements and processing. Any bond required shall be in a sum estimated by the City Engineer to be equal to the dollar value of the replacement tree or of the tree that is to be relocated. In determining value for these purposes, the City Engineer shall consult with the Advisory Agency, the City's Chief Forester, the evaluation of trees guidelines approved and adopted for professional plantsmen by the International Society of Arboriculture, the American Society of Consulting Arborists, the National Arborists Association and the American Association of Nurserymen, and other available, local information or guidelines.

**5. Grading.** The Advisory Agency is authorized to prohibit grading or other construction activity within the drip line of a protected tree.

Sec. 6. Subdivision 13 of Subsection B of Section 17.06 of the Los Angeles Municipal Code is amended to read:

**13.** The approximate location and general description of any large or historically significant trees and of any protected trees and an indication as to the proposed retention or destruction of the trees.

Sec. 7. Subsection C of Section 17.06 of the Los Angeles Municipal Code is amended to read:

**C. Protected Tree Reports for Tentative Tract Maps.** No application for a tentative tract map approval for a subdivision where a protected tree is located shall be considered complete unless it includes a report, in a form acceptable to the Advisory Agency and the City's Chief Forester, which pertains to preserving the tree and evaluates the subdivider's proposals for the preservation, removal, replacement or relocation of the tree. The report shall be prepared by a tree expert and shall include all protected trees identified pursuant to Section 17.06 B 13 of this Code.

In the event the subdivider proposes any grading, land movement, or other activity within the drip line of a protected tree referred to in the report, or proposes to relocate or remove any protected tree, the report shall also evaluate any mitigation measures proposed by the subdivider and their anticipated effectiveness in preserving the tree.

Sec. 8. Subsection D of Section 17.51 of the Los Angeles Municipal Code is amended to read:

**D. Protected Tree Reports for Parcel Maps.** No application for a preliminary parcel map approval for a parcel where a protected tree is located shall be considered complete unless it includes a report pertaining to preserving the tree. The report shall be prepared by a tree expert and shall evaluate the subdivider's proposals for protected tree preservation, removal, replacement and/or relocation. In the event the subdivider proposes any grading, land movement, or other activity within the drip line of any protected tree referred to in the report, or proposes to relocate or remove any tree, the report shall also evaluate any mitigation measures proposed by the subdivider and the anticipated effectiveness in preserving the tree.

Sec. 9. Subsection I of Section 17.52 of the Los Angeles Municipal Code is amended to read:

**I.** When a protected tree exists on a proposed parcel, the preservation of the tree at its existing location, its relocation for preservation purposes, or the removal of the tree shall be regulated in the same manner as that provided under subdivision

regulations set forth in this chapter.

Sec. 10. Article 6 of Chapter IV of the Los Angeles Municipal Code is amended by amending the title and Section 46.00 to read:

## ARTICLE 6

### PRESERVATION OF PROTECTED TREES

#### SEC. 46.00. PROTECTED TREE REGULATIONS.

No protected tree may be relocated or removed except as provided in Article 7 of Chapter 1 or this article. The term "removed" or "removal" shall include any act that will cause a protected tree to die, including but not limited to acts that inflict damage upon the root system or other part of the tree by fire, application of toxic substances, operation of equipment or machinery, or by changing the natural grade of land by excavation or filling the drip line area around the trunk.

Sec. 11. Section 46.01 of the Los Angeles Municipal Code is amended to read:

#### SEC. 46.01. DEFINITION.

"**PROTECTED TREE**" means any of the following Southern California native tree species which measures four inches or more in cumulative diameter, four and one-half feet above the ground level at the base of the tree:

- (a) Oak tree including Valley Oak (*Quercus lobata*) and California Live Oak (*Quercus agrifolia*), or any other tree of the oak genus indigenous to California but excluding the Scrub Oak (*Quercus dumosa*).
- (b) Southern California Black Walnut (*Juglans californica* var. *californica*)
- (c) Western Sycamore (*Platanus racemosa*)
- (d) California Bay (*Umbellularia californica*)

This definition shall not include any tree grown or held for sale by a licensed nursery, or trees planted or grown as a part of a tree planting program.

Sec. 12. Section 46.02 of the Los Angeles Municipal Code is amended to read:

#### SEC. 46.02. REQUIREMENTS FOR PUBLIC WORKS PERMITS TO RELOCATE OR REMOVE PROTECTED TREES.

No person shall relocate or remove any protected tree, as that term is defined in Section 46.01, where the protected tree is not regulated pursuant to Article 7 of Chapter I of this Code, without first having applied for and obtained a permit from the Board of



Public Works or its designated officer or employee, except as otherwise provided in this section.

An application for a permit shall indicate, in a manner acceptable to the Board of Public Works, by number on a plot plan, the location of each protected tree, and shall identify each protected tree proposed to be retained, relocated or removed. If any grading is proposed that may affect the protected tree, a copy of the grading permit plan in compliance with Division 70 of Article 1 of Chapter IX of this Code shall be submitted with the application.

**(a) Exemptions.** The Board of Public Works shall exempt from and not require issuance of a permit for the relocation or removal of a protected tree where the Board is satisfied that:

1. The proposed relocation or removal of the protected tree has been approved by the Advisory Agency pursuant to Article 7 of Chapter I of this Code; or

2. The land upon which the protected tree is located has been the subject of a determination by the City Planning Commission, the City Council, a Zoning Administrator or an Area Planning Commission, the appeal period established by this Code with respect to the determination has expired, the determination is still in effect, and pursuant to the determination the protected tree's removal would be permissible; or

3. A building permit has been issued for any property and is still in effect with respect to the property under consideration and its implementation would necessitate the removal or relocation.

**(b) Board Authority.** The Board of Public Works may grant a permit for the relocation or removal of a protected tree, unless otherwise provided in this section or unless the tree is officially designated as an Historical Monument or as part of an Historic Preservation Overlay Zone, if the Board determines that the removal of the protected tree will not result in an undesirable, irreversible soil erosion through diversion or increased flow of surface waters, which cannot be mitigated to the satisfaction of the City; and

1. It is necessary to remove the protected tree because its continued existence at the location prevents the reasonable development of the subject property; or

2. The protected tree shows a substantial decline from a condition of normal health and vigor, and restoration, through appropriate and economically reasonable preservation procedures and practices, is not advisable; or

3. Because of an existing and irreversible adverse condition of the

protected tree, the tree is in danger of falling, notwithstanding the tree having been designated an Historical Monument or as part of an Historic Preservation Overlay Zone.

**(c) Additional Authority.** The Board of Public Works or its authorized officer or employee may:

1. Require as a condition of a grant of permit for the relocation or removal of a protected tree, that the permittee replace the tree within the same property boundaries by at least two trees of a protected variety included within the definition set forth in Section 46.01 of this Code, in a manner acceptable to the Board. In size, each replacement tree shall be at least a 15-gallon, or larger, specimen, measuring one inch or more in diameter one foot above the base, and be not less than seven feet in height measured from the base. The size and number of replacement trees shall approximate the value of the tree to be replaced.
2. Permit protected trees of a lesser size or trees of a different species to be planted as replacement trees, if replacement trees of the size and species otherwise required pursuant to this Code are not available. In that event, a greater number of replacement trees may be required.
3. Permit a protected tree to be moved to another location on the property, provided that the environmental conditions of the new location are favorable to the survival of the tree and there is a reasonable probability that the tree will survive.

Sec. 13. Section 46.04 of the Los Angeles Municipal Code is amended to read:

**SEC. 46.04. FEES.**

A fee shall be charged for issuance of any permit pursuant to this article, which permits the removal of one or more protected trees. The fee shall be determined and adopted in the same manner as provided in Section 12.37 I 1 of the Los Angeles Municipal Code for establishing fees.

Sec. 14. A new Section 46.06 is added to the Los Angeles Municipal Code to read:

**SEC. 46.06. WITHHOLDING OR REVOCATION OF BUILDING PERMITS FOR ILLEGAL REMOVAL OR RELOCATION OF PROTECTED TREES.**

**(a)** The Bureau of Street Services, after notice and hearing pursuant to Subsections (b) and (c) of this section, shall have the authority to request the Superintendent of Building to withhold issuance of building permits, except for permits that are necessary to comply with a Department of Building and Safety order, for a period of time up to a maximum of ten years as requested by the Bureau and to revoke

any building permit issued for which construction has not commenced with respect to any property on which any protected tree has been removed or relocated in violation of Section 46.00 of this Code.

The request shall be made in writing by the Director of the Bureau of Street Services or his/her designee and shall specifically state the start date and end date of the period of time the Bureau, or the Board of Public Works on appeal, have deemed necessary pursuant to Subsection (c) of this section. The period shall commence on the date the Bureau first becomes aware of the removal of the tree. Provided, however, the authority of the Bureau to act shall not apply to a purchaser, or to his or her agent, who in good faith and for valuable consideration has acquired title to the property subsequent to the illegal removal or relocation of any protected trees and prior to the recordation of the notice of intent as provided for in Subsection (b) of this section.

**(b)** The Bureau shall notify the applicant or permittee in writing of its intent to act pursuant to this section. The notice shall state that the applicant or permittee may submit any evidence it deems relevant on this matter, the hearing to be held on a date specified in the notice. A copy of the notice shall also be mailed to the owner of the property, if different from the applicant or permittee, as shown on the last equalized assessment roll, and to any person holding a deed of trust, mortgage or other security interest in the property as revealed by a title search with respect to the property. A copy of the notice shall also be recorded by the Bureau with the County Recorder.

**(c)** The Bureau hearing shall be set on a date no earlier than 20 days after the date of the mailing of the notice provided for in Subsection (b) above. At the hearing, if the facts indicate, the Bureau shall make a finding that the applicant or permittee is not a purchaser in good faith and for valuable consideration who acquired title to the property subsequent to the illegal removal or relocation of the protected tree and prior to the recordation of the notice of intent as provided for in Subsection (b) above. In the event the Bureau finds that a protected tree was removed or relocated in violation of Section 46.00 of this Code, it shall specify to the Superintendent of Building the length of time the issuance of building permits shall be withheld and whether building permits for which construction has not commenced shall be revoked. In making its determination, the Bureau shall consider the following factors: the number of trees removed or relocated, the size and age of the trees removed or relocated, the knowledge and intent of the owners of the property with respect to the removal or relocation and prior violations of law with respect to removal or relocation of protected trees. The applicant or permittee shall be notified in writing of the Bureau's determination within 30 days of the hearing.

**(d)** The applicant or permittee may appeal to the Board of Public Works any determination by the Bureau to request the Superintendent of Building to revoke or withhold issuance of building permits, including the length of time imposed. The appeal must be filed with the Board of Public Works within 30 days of the date of mailing of the notice of determination as provided for in Subsection (c) above. Further, any action by the Department of Building and Safety resulting from any of the provisions of this section, including building permit revocation, shall not be appealable to the Board of

Building and Safety Commissioners.

(e) Any final determination of the Bureau or the Board of Public Works on appeal, to request the Superintendent of Building to withhold issuance of building permits or to revoke a building permit, shall be forwarded to the Superintendent within ten days of the Bureau or Board's determination and shall also be set forth in an affidavit, which shall be recorded by the Bureau with the County Recorder within ten days of the Bureau or Board's determination.

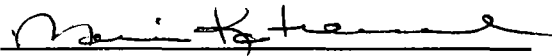
Sec. 15. Subsection 5. of Section 96.303 of the Los Angeles Municipal Code is amended to read:

5. The owner must also provide a declaration under penalty of perjury that he or she has inspected the property for the existence of protected trees and the number of protected trees, if any, located on the subject property. For the purposes of this section, the definition of "protected tree" set forth in Section 46.01 this Code shall apply. The declaration shall also authorize the Bureau of Street Services within the Department of Public Works to verify this information by entry upon the subject property. A fee may be collected for any inspection required to verify the declaration. The fee shall be determined and adopted in the same manner as provided in Section 12.37 I 1 of this Code for establishing fees.

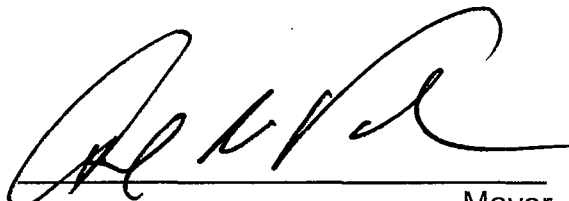
Sec. 16. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of FEB 28 2006.

FRANK T. MARTINEZ, City Clerk

By   
Deputy

Approved MAR 13 2006

  
Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

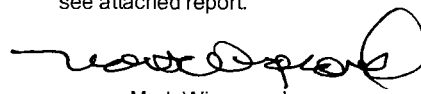
By   
KEITH W. PRITSKER  
Deputy City Attorney

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend it be adopted . . . . .

EB-8, 2006

see attached report.

Date: Feb. 8, 2006

  
Mark Winogrand  
Interim Director of Planning

File Nos. 03-1459 and 03-1459-S1

#116278

**DECLARATION OF POSTING ORDINANCE**

I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 177404 - Amending various provisions of Articles 2 and 7 of Chapter 1 and Article 6 of Chapter IV and Section 96.303.5 of the Los Angeles Municipal Code to assure the protection of, and to further regulate the removal of, protected trees - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on February 28, 2006, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on March 14, 2006, I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Hall of Records of the County of Los Angeles.

Copies of said ordinance were posted conspicuously beginning on March 14, 2006 and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 14th day of March 2006 at Los Angeles, California.

  
\_\_\_\_\_  
Maria C. Rico, Deputy City Clerk

**Ordinance Effective Date:** April 23, 2006 **Council File No.** 03-1459 & S1







Consent Calendar  
October 26, 2021

PUBLIC SAFETY COMMITTEE

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Restoration of Red Light Camera Program

#### RECOMMENDATION

Refer the City Manager to pursue the reestablishment of the City's Red Light Camera Program and enter into any third party contracts necessary to reinstall red light cameras at the following locations:

- University Avenue and Shattuck Avenue
- University Avenue and Sixth Street
- Martin Luther King Jr. Way and Adeline Street
- San Pablo Avenue and Ashby Avenue
- San Pablo Avenue and University Avenue
- San Pablo Avenue and Dwight Avenue
- Sacramento Street and Ashby Avenue
- Sacramento Street and University Avenue
- Sacramento Street and Dwight Avenue
- Sacramento Street and Alcatraz Avenue
- Additional intersections to be determined by the Transportation Division of the Public Works Department and the Berkeley Police Department

#### BACKGROUND

From 2004 to 2008, the City of Berkeley operated a Red Light Camera Program at three intersections: University and Shattuck, University and Sixth, and MLK Jr. and Adeline. The cameras, which were operated through a contract with the third party vendor Transol USA, captured pictures of vehicles running red lights and referred the images and license plate details to the Berkeley Police Department for the issuance of citations. In December 2008, the City's contract with Transol USA expired and the Red Light Camera Program ended its operations.

Since the end of the program, drivers running red lights have continued to be a serious safety threat for Berkeley's pedestrians, cyclists, and drivers. Nationally, red light

violations are responsible for an estimated 165,00 injuries per year<sup>1</sup>, including injuries at Sacramento & Cedar this past June.<sup>2</sup> Studies have shown that cities that implement red light cameras see a definitive decline in injuries and fatalities caused by red light camera violations.<sup>3</sup> Furthermore, studies have shown that high-injury intersections with red light cameras have shown a decline in total citations issued over time, offering promising evidence of the ability of red light cameras to discourage violations rather than simply punish them.<sup>4</sup> Berkeley's own Vision Zero Action Plan identifies red light cameras as a possible tool for eliminating all traffic injuries.<sup>5</sup> The reestablishment of a Red Light Camera Program would also further Berkeley's own Strategic Plan goals for creating "a resilient, safe, connected, and prepared City" and providing "state-of-the-art, well-maintained infrastructure, amenities, and facilities."<sup>6</sup> It is time that red light cameras return to use in making our streets safer for all.

#### FISCAL IMPACTS

Staff time and costs related to contracting with a third-party red light camera vendor.

#### ENVIRONMENTAL IMPACTS

None.

#### CONTACT

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

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<sup>1</sup><https://krasneylaw.net/red-light-accidents-in-california/#:~:text=An%20estimated%20165%2C000%20motorists%2C%20cyclists,in%20the%20past%2030%20days.>

<sup>2</sup> <https://www.berkeleyside.org/2021/06/23/berkeley-collisions-cedar-sacramento-traffic-safety>

<sup>3</sup> <https://www.cdc.gov/motorvehiclesafety/calculator/factsheet/redlight.html>

<sup>4</sup> <https://www.cdc.gov/motorvehiclesafety/calculator/factsheet/redlight.html>

<sup>5</sup>[https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Vision\\_Zero\\_Annual\\_Report\\_April\\_2021%20-%20REVISED.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Vision_Zero_Annual_Report_April_2021%20-%20REVISED.pdf)

<sup>6</sup> <https://www.cityofberkeley.info/strategic-plan/>



Sophie Hahn  
Councilmember  
District 5

ACTION CALENDAR  
October 26, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmember Sophie Hahn (Author), Councilmember Kate Harrison (Co-Sponsor)  
Subject: Bright Streets to Schools

RECOMMENDATION

1. Within an approximately two-block radius of all Berkeley public to improve safety for youth, families, teachers, and staff and to support the City of Berkeley's Vision Zero goals, refer to the City Manager to review and, as needed, repaint, repair, replace or otherwise improve the condition of crosswalks, midlines, bike lanes, parking and handicapped parking spaces, curbs, and other street markings; bike racks, benches, trash cans, and other street/sidewalk furnishings; and traffic and other signage, to ensure all features are in very good condition, prior to August 15, 2022.
2. Refer to the City Manager to integrate into workplans yearly revision of all of the above-referenced features and repainting, repairs, replacement and other measures to achieve very good condition prior to August 15 each year.
3. Refer to the City Manager to use existing funds for street painting, signage, and rehabilitation of other features on a priority basis for areas around schools, and to identify additional costs, if any, to refer to the budget process such that funds are made available to assess, undertake and complete the first round of upgrades and repairs prior to August 15, 2022.

BACKGROUND

In November 2011, the City Auditor provided an analysis of the conditions of Berkeley's 216 miles of streets that showed widespread disrepair resulting from years of underfunding. Subsequent staff reports over the past 10 years have confirmed this analysis. The impact of many years of underfunding is compounded by the exponential increase in cost to refurbish streets that have reached "at risk" or "failed" status. Although funds available for paving and street rehabilitation have increased since 2011,

thanks in large part to voter-approved measures, they remain inadequate to maintain very good conditions citywide.

In light of the City's limited paving budget and the urgent need to move forward on the Berkeley Vision Zero Program's strategy to eliminate traffic fatalities and injuries while increasing safe, healthy, and equitable mobility for all, this item provides a targeted, less expensive measure to improve street markings, signage, and other features within approximately two blocks of all BUSD schools.

In Fall of 2019, responding to community concerns about safe routes to schools and challenges in other areas with a high concentration of pedestrian activity, Councilmembers Hahn and Harrison introduced the Bright Streets Initiative, which sought to establish uniform standards to ensure striping, sidewalks, signage, and other road conditions in key areas through the city, particularly around schools, commercial districts and other high-traffic pedestrian areas, were regularly maintained to a high standard.

A number of meetings took place between Councilmember Hahn and city staff to consider the feasibility, funding, and implementation of these goals. Due to costs associated with citywide implementation the item was withdrawn, with assurances that Public Works would undertake yearly assessments and improvements around schools.

Though some progress has been achieved in the schools setting, implementation has not been comprehensive.

The revised "Bright Streets to Schools Initiative" is a more targeted referral, seeking to ensure that an approximately 2-block radius around each of our public schools is brought up to the highest standards for pedestrian and vehicle safety to protect our students, teachers, school staff, and families and to help reach our Vision Zero goals. The 2-block radius is approximate, as different schools are subject to varied surrounding topography and conditions. All areas directly adjacent to and across the street from schools should be addressed, as well as paths of regular travel and crossing that may extend a few blocks further, including paths to and from public transit and paths that involve crossing major streets.

To achieve the best possible results for school communities, it is recommended that staff consult with BUSD as appropriate.

ENVIRONMENTAL SUSTAINABILITY

Improved street markings, signage, bike parking facilities and other features to support biking and walking to and from Berkeley's schools encourages students, teachers, staff, and others going to and from schools to walk or ride a bicycle rather than drive, supporting reduction of greenhouse gas emissions associated with vehicles.

FISCAL IMPACTS

Funding for painting of crosswalks and curbs, maintaining bike racks and street furnishings, and posting of signage, already exists and should be allocated on a priority basis to these areas. In addition, a small amount of funding may be required to support the initial assessment of school surroundings.

CONTACT INFORMATION

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





CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

CONSENT CALENDAR  
 October 26, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmembers Rigel Robinson  
 Subject: Amend City Council Rules of Procedure and Order to Allow Extension of Items in Committee in Writing

#### RECOMMENDATION

Adopt a Resolution revising the City Council Rules of Procedure and Order to amend Chapter III, Section G, Subsection 4 to allow the Chair of a Committee to accept a Primary Author's written request that their item remain in Committee past the 120 day deadline rather than requiring that extensions be approved by a full vote of the committee.

#### BACKGROUND

Under the Council Rules of Procedure and Order, when the Primary Author of an item wishes to extend the 120 day deadline for a Committee to send an item back to the Agenda Committee for scheduling, their request must be approved by the Committee. Because the end of the 120 day deadline often falls between Committee meetings, Committees have on more than one occasion scheduled meetings specifically to extend an item's time in committee. The attached resolution would amend the Rules of Procedure and Order to allow a Committee Chair to accept a request to extend in writing. The resolution would amend Chapter III, Section G, Subsection 4 as follows:

Within 120 days of the referral date, ~~the committee must vote to~~ either (1) the committee Chair may accept the Primary Author's request, either in writing, or in person at a meeting of the committee, that the item remain in committee until a date certain (more than one extension may be requested by the Primary Author); or (2) the committee may vote to send the item to the Agenda & Rules Committee to be placed on a Council Agenda with a Committee recommendation consisting of one of the four options listed below.

#### FINANCIAL IMPLICATIONS

Reduction in staff time to schedule and attend committee meetings solely for the purpose of extending item deadlines.

#### ENVIRONMENTAL SUSTAINABILITY

No identifiable environmental effects or opportunities associated with this report.

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

#### Attachments:

1: Resolution

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

RE-ADOPTING THE CITY COUNCIL RULES OF PROCEDURE AND ORDER

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council Rules of Procedure and Order incorporated by reference shall govern all proceedings of the City Council therein described, subject to the exception and deviations provided for in such rules.

BE IT FURTHER RESOLVED that violation of these rules shall not be construed as a penal offense, except as provided for by the adopted Rules of Procedure.

BE IT FURTHER RESOLVED that Chapter III, Section G, Subsection 4 is amended to include the language below.

Within 120 days of the referral date, either (1) the committee Chair may accept the Primary Author's request, either in writing or in person at a meeting of the committee, that the item remain in committee until a date certain (more than one extension may be requested by the Primary Author); or (2) the committee may vote to send the item to the Agenda & Rules Committee to be placed on a Council Agenda with a Committee recommendation consisting of one of the four options listed below.

BE IT FURTHER RESOLVED that all preceding amendatory resolutions are hereby rescinded.

EXHIBITS

A: Chapter III, Section G Subsection 4 as Revised



#### 4. Functions of the Committees

Committees shall have the following qualities/components:

- a. All committees are Brown Act bodies with noticed public meetings and public comment. Regular meeting agendas will be posted at least 72 hours in advance of the meeting.
- b. Minutes shall be available online.
- c. Committees shall adopt regular meeting schedules, generally meeting once or twice per month; special meetings may be called when necessary, in accordance with the Brown Act.
- d. Generally, meetings will be held at 2180 Milvia Street in publicly accessible meeting rooms that can accommodate the committee members, public attendees, and staff.
- e. Members are recommended by the Mayor and approved by the full Council no later than January 31 of each year. Members continue to serve until successors are appointed and approved.
- f. Chairs are elected by the Committee at the first regular meeting of the Committee after the annual approval of Committee members by the City Council. In the absence of the Chair, the committee member with the longest tenure on the Council will preside.
- g. The Chair, or a quorum of the Committee may call a meeting or cancel a meeting of the Policy Committee.
- h. Committees will review items for completeness in accordance with Section III.B.2 of the City Council Rules of Procedure and Order and alignment with Strategic Plan goals.
- i. Reports leaving a Policy Committee must adequately include budget implications, administrative feasibility, basic legal concerns, and staff resource demands in order to allow for informed consideration by the full Council.
- j. Per Brown Act regulations, any revised or supplemental materials must be direct revisions or supplements to the item that was published in the agenda packet.

Items referred to a Policy Committee from the Agenda & Rules Committee or from the City Council must be agendized for a committee meeting within 60 days of the referral date.

Within 120 days of the referral date, ~~the committee must vote to~~ either (1) the committee Chair may accept the Primary Author's request, either in writing, or in person at a meeting of the committee, that the item remain in committee until a date certain (more than one extension may be requested by the Primary Author); or (2) the committee may vote to send the item to the Agenda & Rules Committee to be placed on a Council Agenda with a Committee recommendation consisting of one of the four options listed below.

1. Positive Recommendation (recommending Council pass the item as proposed),

2. Qualified Positive Recommendation (recommending Council pass the item with some changes),
3. Qualified Negative Recommendation (recommending Council reject the item unless certain changes are made) or
4. Negative Recommendation (recommending the item not be approved).

The Policy Committee's recommendation will be included in a separate section of the report template for that purpose.

A Policy Committee may not refer an item under its consideration to a city board or commission.

The Primary Author of an item referred to a Policy Committee is responsible for revisions and resubmission of the item back to the full Council. Items originating from the City Manager are revised and submitted by the appropriate city staff. Items from Commissions are revised and resubmitted by the members of the Policy Committee. Items and recommendations originating from the Policy Committee are submitted to the City Clerk by the members of the committee.

If a Policy Committee does not take final action by the 120-day deadline, the item is returned to the Agenda & Rules Committee and appears on the next available Council agenda. The Agenda & Rules Committee may leave the item on the agenda under consideration or place it on the next Council agenda. Items appearing on a City Council agenda due to lack of action by a Policy Committee may not be referred to a Policy Committee and must remain on the full Council agenda for consideration.

Policy Committees may add discussion topics that are within their purview to their agenda with the concurrence of a majority of the Committee. These items are not subject to the 120-day deadline for action.

Once the item is voted out of a Policy Committee, the final item will be resubmitted to the agenda process by the Primary Author, and it will return to the Agenda & Rules Committee on the next available agenda. The Agenda & Rules Committee may leave the item on the agenda under consideration or place it on the following Council agenda. Only items that receive a Positive Recommendation can be placed on the Consent Calendar.

The Primary Author may request expedited committee review for items referred to a committee. Criteria for expedited review is generally to meet a deadline for action (e.g. grant deadline, specific event date, etc.). If the committee agrees to the request, the deadline for final committee action is 45 days from the date the committee approves expedited review.



Parks and Waterfront  
Commission

## INFORMATION CALENDAR

October 26, 2021

To: Honorable Mayor and Members of the City Council  
 From: Parks and Waterfront Commission  
 Submitted by: Gordon Wozniak, Chair, Parks & Waterfront Commission  
 Subject: Parks and Waterfront Commission Work Plan for 2021-2022

### INTRODUCTION

The Parks and Waterfront (P&W) Commission is responsible for reviewing and advising the City Council on the policies, projects, planning efforts, activities, funding, and the physical condition of parks, pools, camps, recreation centers, the Marina, and public greenery.

### CURRENT SITUATION AND ITS EFFECTS

During the past year, the major task of the Parks and Waterfront Commission was to work with staff and the Public Works Commission to develop recommendations for Phase 2 Measure T1 project funding. These recommendations were completed in December 2020 and submitted to the City Council.

The attached work plan outlines the specific activities and deliverables the Parks and Waterfront Commission will work on over the next year. The members of the Commission developed this work plan in consultation with City staff.

At its meeting on September 8, 2021 the Parks and Waterfront Commission voted to approve the attached workplan and send it to the City Council as follows: M/S/C: McGrath/Kamen/U) Ayes: Cox; Diehm; Kamen; Kawczynska; Landoni; McGrath; Srioudom; Wozniak; Noes: None; Abstain: None; Absent: None.

### BACKGROUND

In 2016, the City Council directed all commissions to submit annual work plans to the City Council at the beginning of each fiscal year.

### ENVIRONMENTAL SUSTAINABILITY

Recently, the Parks Department replaced its manually operated irrigations system in City Parks with a computer-controlled system, which reduced water usage by 40%. Recent renovations of park buildings have incorporated energy efficiency improvements and where feasible solar panels.

### POSSIBLE FUTURE ACTION

The projects contemplated in the attached work plan could result in recommended actions which, if subsequently adopted by the City Council, would entail a variety of costs and benefits.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

To be determined.

CONTACT PERSON

Roger Miller, Commission Secretary, (510) 981-6704

Attachments:

1: Parks and Waterfront Commission's 2021-22 Work Plan

## Parks and Waterfront Commission 2021-2022 Work Plan

### MISSION

The Parks and Waterfront Commission advises the City Council on the policies, projects, planning efforts, activities, and funding that impact the physical condition of parks, pools, camps, recreation centers, the Marina, and public greenery. A major goal is to ensure that marginalized and underrepresented communities have equitable access to Parks, Camps, and Recreational facilities

### STRATEGIC OBJECTIVES

The Parks and Waterfront Commission will work on the following Objectives over the next year:

- I. Create a vision and explore funding options for park and waterfront improvements that could not be funded under T1: such as a more vibrant park and habitat at Aquatic Park, restoration or replacement of the fishing pier, improvements at San Pablo Park, and a more resilient shoreline.
- II. Maintain and improve parks, recreation, and camp facilities, and associated programming, so that they can be enjoyed by all residents. Phase 2 of Measure T1 funded projects are crucial to this effort.
- III. Refresh the Berkeley Waterfront by addressing its unfunded capital and operating needs. Increase recreational opportunities and improve ADA accessibility at all parks.
- IV. Develop a resilient vision that protects our waterfront parks from sea level rise.

### ACTIVITIES

To advance each of these objectives, the Commission will focus on the following specific activities.

#### Objective A. To maintain and improve park, recreation, and camp facilities.

##### 1. Monitor the design and construction of Phase 2 Measure T1 Projects

- *Deliverables:*
  - Review designs and monitor construction progress
  - Participate in public outreach

##### 2. Monitor the progress in rebuilding and reopening Tuolumne Camp

- *Deliverables:*
  - Regularly review progress at Commission meetings

##### 3. Civic Center Park Group

- *Deliverables:*
  - *Appoint a liaison from Commission*
  - *Participate in discussions and report back to Commission*
- Lead Commissioner: Diehm

##### 4. Promote Greening Berkeley

- *Deliverables:*
  - Develop ideas for softening the city's hardscape
- *Lead Commissioners:* Landon and Diehm

5. Adopt a Spot

- Deliverable:
  - Advocate for creating and financing an Adopt a Spot program in parks
- *Lead Commissioners:* Diehm and Srioudon

**Objective B. To refresh the Berkeley Waterfront by addressing its unfunded capital and operating needs, to increase recreational opportunities, to achieve financial sustainability for the Marina Fund.**

1. BMASP Process

- *Deliverables:*
  - Develop a vision for the Waterfront that preserves open space, recreational, and waterfront activities. Continue to support nonprofits that provide low-cost access to waterfront recreation.
  - Evaluate proposed developments for impact on existing programs and progress towards the goal of achieving a sustainable Marina Fund.
- *Lead Commissioners:* McGrath, Brennan, Kamen, and Landoni

2. Pier/Ferry Process

- *Deliverables:*
  - Evaluate siting options and the impacts on traffic, parking, recreation, and revenues.
  - Evaluate the impact of new uses at the Waterfront and the potential to create new recreational opportunities, while protecting existing access and uses.
- *Lead Commissioners:* Kamen, McGrath, and Wozniak

3. Cesar Chavez Park

- *Deliverables*
  - Establish land uses and accessible trails for the undeveloped portion of the Cesar Chavez Park.
- *Lead Commissioners:* Kawczynska, Diehm, and Srioudon.

**Objective C. Develop a resilient vision that protects our waterfront parks from sea level rise.**

1. Develop a regional vision for resilience from the Albany Bulb to the Bay Bridge in cooperation with Albany, Emeryville, East Bay Regional Park District, and Caltrans.

- *Deliverables:*
  - One or more meetings and a graphic for a resilient shoreline
- *Lead Commissioners:* McGrath, Landoni, and Kawczynska

2. Develop a Plan for further restoration of Aquatic Park that takes advantage of the closure of the Potter Street on-ramp and includes a hydraulic analysis that balances flood control, habitat enhancement, and recreation.

- *Deliverables*
  - Grant application for funding by the San Francisco Bay Restoration Authority
- *Lead Commissioners:* McGrath, Diehm, and Kawczynska

3. Identify areas along the Berkeley Waterfront, where swimming can safely be encouraged, and enhanced by measures such as restoration of sandy beaches.

- *Deliverables*
  - Mapping of beach enhancement opportunities in the update to the Marina Plan and in any updates to the East Shore State Park Plan.
- *Lead Commissioners:* Landoni and Srioudon

Upcoming Worksessions – <i>start time is 6:00 p.m. unless otherwise noted</i>	
Scheduled Dates	
Oct. 19	<ol style="list-style-type: none"> <li>1. Berkeley Police Department Hiring Practices</li> <li>2. Crime Report</li> </ol>
Dec. 7	<ol style="list-style-type: none"> <li>1. WETA / Ferry Service at the Marina</li> <li>2. Presentation by Bay Restoration Authority</li> <li>3. Update: Zero Waste Rates &amp; Priorities</li> </ol>
January 20 (Thurs.)	
February 15	
March 15	

Unscheduled Workshops
<ol style="list-style-type: none"> <li>1. Cannabis Health Considerations</li> <li>2. Alameda County LAFCO Presentation</li> <li>3. Homeless Services and Mental Health Services</li> </ol>

Unscheduled Presentations (City Manager)
<ol style="list-style-type: none"> <li>1. Civic Arts Grantmaking Process &amp; Capital Grant Program</li> <li>2. Review and Update on City’s COVID-19 Response (January 20, 2022)</li> <li>3. Civic Center – Old City Hall and Veterans Memorial Building</li> <li>4. Housing Element (December 9)</li> <li>5. Priority Setting Follow Up Discussion (December Special Meeting)</li> </ol>

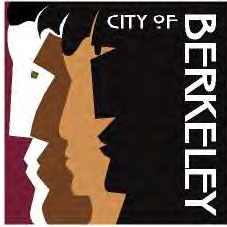




	<b>City Council Referrals to the Agenda &amp; Rules Committee and Unfinished Business for Scheduling</b>
1.	<p><b>47. Amending Chapter 19.32 of the Berkeley Municipal Code to Require Kitchen Exhaust Hood Ventilation in Residential and Condominium Units Prior to Execution of a Contract for Sale or Close of Escrow</b> <i>(Reviewed by Facilities, Infrastructure, Transportation, Environment, and Sustainability Committee) (Referred from the January 21, 2020 agenda)</i>  <b>From: Councilmember Harrison</b>  <b>Recommendation:</b>  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.  2. Refer to the City Manager to develop a process for informing owners and tenants of the proper use of exhaust hoods.  <b>Financial Implications:</b> See report  Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  <b>Note:</b> <i>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>  <b>From: City Manager</b>  <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.  <b>Financial Implications:</b> None  Contact: Andrew Greenwood, Police, (510) 981-5900; Dave White, City Manager's Office, (510) 981-7000  <b>Note:</b> <i>Referred to Agenda &amp; Rules for future scheduling.</i></p>
3.	<p><b>Adopt a Resolution Updating City of Berkeley Street Maintenance and Rehabilitation Policy</b> <i>(Reviewed by the Facilities, Infrastructure, Transportation, Environment &amp; Sustainability Committee) (Continued from the June 1, 2021 meeting) (Referred from the July 13, 2021 meeting)</i>  <b>From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Taplin (Co-Sponsor)</b>  <b>Recommendation:</b>  1. Adopt a Resolution updating the City's Street Maintenance and Rehabilitation Policy dated June 1, 2021.  2. Refer the exploration of potential bonding and funding opportunities for improving the Paving Condition Index (PCI) of streets and creating a Paving Master Plan back to the Facilities, Infrastructure, Transportation, Environment &amp; Sustainability (FITES) Committee for further review.  <i>Policy Committee Recommendation: To move the Public Works supplemental item "City of Berkeley Street Maintenance and Rehabilitation Policy to Council" with a positive recommendation including amendments made during the meeting today, and ask Council to refer the exploration of potential bonding and funding opportunities for improving the PCI of streets and creating a Paving Master Plan back to the FITES Committee for further review.</i>  <b>Financial Implications:</b> Staff time  Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  <b>Note:</b> <i>Item referred to the Agenda &amp; Rules Committee for future scheduling with the Five-Year Paving Plan.</i></p>

CITY CLERK DEPARTMENT			
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL			
Address	Board/ Commission	Appeal Period Ends	Public Hearing
<b>NOD – Notices of Decision</b>			
<b>Public Hearings Scheduled</b>			
1205 Peralta Avenue (conversion of an existing garage)	ZAB		10/12/2021
2956 Hillegass Ave (addition to lawful non-conforming structure)	ZAB		TBD
<b>Remanded to ZAB or LPC</b>			
<b>Notes</b>			

10/5/2021



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

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.

<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

<u>Boards and Commissions</u>	<u>Meetings Held Under COVID March - Oct</u>	<u>Regular Mtg. Date</u>	<u>Secretary</u>	<u>Dept.</u>	<u>Resume Regular Schedule in January 2021?</u>	<u>Note</u>
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.

Page 2  
October 22, 2020  
Re: Commission Meetings During COVID-19 Emergency

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  
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





# URGENT ITEM AGENDA MATERIAL

Government Code Section 54954.2(b)  
Rules of Procedure Chapter III.C.5

**THIS ITEM IS NOT YET AGENDIZED AND MAY OR MAY NOT BE  
ACCEPTED FOR THE AGENDA AS A LATE ITEM, SUBJECT TO THE  
CITY COUNCIL'S DISCRETION ACCORDING TO BROWN ACT RULES**

**Meeting Date: September 28, 2021**

**Item Description: Resolution Making Required Findings Pursuant to the  
Government Code and Directing City Legislative Bodies to  
Continue to Meet Via Videoconference and Teleconference**

This item is submitted pursuant to the provision checked below:

- Emergency Situation (54954.2(b)(1) - majority vote required)  
*Determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.*
- Immediate Action Required (54954.2(b)(2) - two-thirds vote required)  
*There is a need to take immediate action and the need for action came to the attention of the local agency subsequent to the agenda for this meeting being posted.*

Once the item is added to the agenda (Consent or Action) it must be passed by the standard required vote threshold (majority, two-thirds, or 7/9).

### **Facts supporting the addition of the item to the agenda under Section 54954.2(b) and Chapter III.C.5 of the Rules of Procedure:**

Assembly Bill 361 (Rivas) was signed by the Governor on September 16, 2021. This bill allows local legislative bodies to meet using videoconference technology while maintaining the Brown Act exemptions in Executive Order N-29-20 for noticing and access to the locations from which local officials participate in the meeting. Local agencies may only meet with the exemption if there is a state declared emergency.

The bill also requires that local legislative bodies meeting only via videoconference under a state declared emergency to make certain findings every 30-days regarding the need to meet in a virtual-only setting.

The agenda for the September 28, 2021 was finalized and published prior to the Governor signing AB 361 in to law. Thus, the need to take action came to the attention of the local agency after the agenda was distributed. This item qualifies for addition to the agenda with a two-thirds vote of the Council under Government Code Section 54954.2(b)(2).



Office of the City Attorney

CONSENT CALENDAR  
September 28, 2021

To: Honorable Mayor and Members of the City Council  
Madame City Manager

From: Farimah Faiz Brown, City Attorney

Subject: Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference

RECOMMENDATION

Adopt a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference.

FISCAL IMPACT OF RECOMMENDATION

To be determined.

CURRENT SITUATION AND ITS EFFECTS

Pursuant to California Government Code section 8630 and Berkeley Municipal Code Chapter 2.88.040, on March 3, 2020, the City Manager, in her capacity as Director of Emergency Services, proclaimed a local emergency due to conditions of extreme peril to the safety of persons and property within the City as a consequence of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19), including a confirmed case in the City of Berkeley. As a result of multiple confirmed and presumed cases in Alameda County, the County has declared a local health emergency. On March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency due to the spread of COVID-19. On March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312.

On March 17, 2020, Governor Newsom signed Executive Order N-29-20, which suspended certain portions of the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) related to the holding of teleconferenced meetings by City legislative bodies. Among other things, Executive Order N-29-20 suspended requirements that each location from which an official accesses a teleconferenced meeting be accessible to the public.

These changes were necessary to allow teleconferencing to be used as a tool for ensuring social distancing. City legislative bodies have held public meetings via videoconference and teleconference pursuant to these provisions since March 2020. These provisions of Executive Order N-29-20 will expire on September 30, 2021.

COVID-19 continues to pose a serious threat to public health and safety. There are now over 4,700 confirmed cases of COVID-19 and at least 55 deaths in the City of Berkeley. Additionally, the SARS-CoV-2 B.1.617.2 (“Delta”) variant of COVID-19 that is currently circulating nationally and within the City is contributing to a substantial increase in transmissibility and more severe disease.

As a result of the continued threat to public health posed by the spread of COVID-19, state and local officials continue to impose or recommend measures to promote social distancing, mask wearing and vaccination. Holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies, and therefore public meetings cannot safely be held in person at this time

Assembly Bill 361 (Rivas), signed into law by Governor Newsom on September 16, 2021, amended a portion of the Brown Act (Government Code Section 54953) to authorize the City Council, during the state of emergency, to determine that, due to the spread of COVID-19, holding in-person public meetings would present an imminent risk to the health or safety of attendees, and therefore City legislative bodies must continue to meet via videoconference and teleconference. Assembly Bill 361 requires that the City Council must review and ratify such a determination every thirty (30) days. Therefore, if the Council passes this resolution on September 28, 2021, the Council will need to review and ratify the resolution by October 28, 2021.

This item requests that the Council review the circumstances of the continued state of emergency posed by the spread of COVID-19, and find that the state of emergency continues to directly impact the ability of the public and members of City legislative bodies to meet safely in person, that holding public meetings of City legislative bodies in person would present imminent risks to the health and safety of attendees, and that state and local officials continue to promote social distancing, mask wearing and vaccination. This item further requests that the Council determine that City legislative bodies, including but not limited to the City Council and its committees, and all commissions and boards, shall continue to hold public meetings via videoconference and teleconference, and that City legislative bodies shall continue to comply with all provisions of the Brown Act, as amended by SB 361.

#### BACKGROUND

On March 1, 2020, Alameda County Public Health Department and Solano County Public Health Department reported two presumptive cases of COVID-19, pending confirmatory testing by the Centers for Disease Control (CDC), prompting Alameda County to declare a local health emergency.

On March 3, 2020, the City's Director of Emergency Services proclaimed a local emergency due to the spread of COVID-19, including a confirmed case in the City of Berkeley and multiple confirmed and presumed cases in Alameda County.

On March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency due to the spread of COVID-19.

On March 10, 2020, the City Council ratified the Proclamation of Local Emergency. Since that date, there have been over 4,700 confirmed cases of COVID-19 and at least 57 deaths in the City of Berkeley.

On March 17, 2020, Governor Newsom signed Executive Order N-29-20 which suspended certain portions of the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) to allow teleconferencing of public meetings to be used as a tool for ensuring social distancing. As a result, City legislative bodies have held public meetings via teleconference throughout the pandemic. The provisions of Executive Order N-29-20 allowing teleconferencing to be used as a tool for social distancing will expire on September 30, 2021.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Not applicable.

#### RATIONALE FOR RECOMMENDATION

The Resolution would enable the City Council and its committees, and City boards and commissions to continue to hold public meetings via videoconference and teleconference in order to continue to socially distance and limit the spread of COVID-19.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Farimah Brown, City Attorney, City Attorney's Office (510) 981-6998  
Mark Numainville, City Clerk, (510) 981-6908

#### Attachments:

1: Resolution Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference

RESOLUTION NO. –N.S.

RESOLUTION MAKING THE REQUIRED FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 54953(E)(3) AND DIRECTING CITY LEGISLATIVE BODIES TO CONTINUE TO MEET VIA VIDEOCONFERENCE AND TELECONFERENCE

WHEREAS, in accordance with Berkeley Municipal Code section 2.88.040 and sections 8558(c) and 8630 of the Government Code, which authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a City exist, the City Manager, serving as the Director of Emergency Services, beginning on March 3, 2020, did proclaim the existence of a local emergency caused by epidemic 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, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency pursuant to the California Emergency Services Act, in particular, Government Code section 8625; and

WHEREAS, the Proclamation of a State of Emergency issued by Governor Newsom on March 4, 2020 continues to be in effect; and

WHEREAS, on September 16, 2021, Governor Newsom signed into law AB 361, which authorizes the City Council to determine that, due to the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference; and

WHEREAS, the City Council does find that the aforesaid conditions of extreme peril continue to exist, and now include over 4,700 confirmed cases of COVID-19 and at least 55 deaths in the City of Berkeley; and

WHEREAS, the City Council recognizes that the SARS-CoV-2 B.1.617.2 (“Delta”) variant of COVID-19 that is currently circulating nationally and within the City is contributing to a substantial increase in transmissibility and more severe disease; and

WHEREAS, as a result of the continued threat to public health posed by the spread of COVID-19, state and local officials continue to impose or recommend measures to promote social distancing, mask wearing and vaccination; and

WHEREAS, holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies, and therefore public meetings cannot safely be held in person at this time; and

WHEREAS, the City Council will need to again review the need for the continuing necessity of holding City legislative body meetings via videoconference and teleconference by October 28, 2021.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that, pursuant to Government Code section 54953, the City Council has reviewed the circumstances of the continued state of emergency posed by the spread of COVID-19, and finds that the state of emergency continues to directly impact the ability of the public and members of City legislative bodies to meet safely in person, that holding public meetings of City legislative bodies in person would present imminent risks to the health and safety of attendees, and that state and local officials continue to promote social distancing, mask wearing and vaccination; and

BE IT FURTHER RESOLVED that City legislative bodies, including but not limited to the City Council and its committees, and all commissions and boards, shall continue to hold public meetings via videoconference and teleconference; and

BE IT FURTHER RESOLVED that all City legislative bodies shall comply with the requirements of Government Code section 54953(e)(2) and all applicable laws, regulations and rules when conducting public meetings pursuant to this resolution.





OFFICE OF THE GOVERNOR

June 2, 2021

**VIA EMAIL**

Graham Knaus, Executive Director  
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RE: Transition Period Prior to Repeal of COVID-related Executive Orders

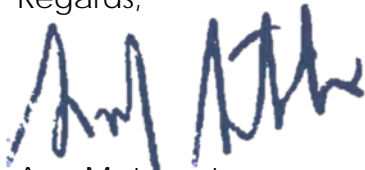
Dear Mr. Knaus, Ms. Miller, Ms. Hurst, Ms. Preston, Ms. Heaton, Ms. King, Ms. Coleman, Ms. Blacet-Hyden, Mr. McCormick, Mr. Anderson, and colleagues,

Thank you for your correspondence of May 18, 2021, inquiring what impact the anticipated June 15 termination of the Blueprint for a Safer Economy will have on Executive Order N-29-20, which provided flexibility to state and local agencies and boards to conduct their business through virtual public meetings during the COVID-19 pandemic.

Please be assured that this Executive Order Provision will not terminate on June 15 when the Blueprint is scheduled to terminate. While the Governor intends to terminate COVID-19 executive orders at the earliest possible date at which conditions warrant, consistent with the Emergency Services Act, the Governor recognizes the importance of an orderly return to the ordinary conduct of public meetings of state and local agencies and boards. To this end, the Governor's office will work to provide notice to affected stakeholders in advance of rescission of this provision to provide state and local agencies and boards time necessary to meet statutory and logistical requirements. Until a further order issues, all entities may continue to rely on N-29-20.

We appreciate your partnership throughout the pandemic.

Regards,

A handwritten signature in blue ink, appearing to read 'Ana Matosantos', written in a cursive style.

Ana Matosantos  
Cabinet Secretary



## NEWS RELEASE

Release  
Number: 2021-58

June 4, 2021

### Standards Board Readopts Revised Cal/OSHA COVID-19 Prevention Emergency Temporary Standards

**The revised Cal/OSHA standards are expected to go into effect no later than June 15**

**Sacramento** — The Occupational Safety and Health Standards Board on June 3 readopted Cal/OSHA's revised COVID-19 prevention emergency temporary standards.

Last year, the Board adopted health and safety standards to protect workers from COVID-19. The standards did not consider vaccinations and required testing, quarantining, masking and more to protect workers from COVID-19.

The changes adopted by the Board phase out physical distancing and make other adjustments to better align with the state's June 15 goal to retire the Blueprint. Without these changes, the original standards, would be in place until at least October 2. These restrictions are no longer required given today's record low case rates and the fact that we've administered 37 million vaccines.

The revised emergency standards are expected to go into effect no later than June 15 if approved by the Office of Administrative Law in the next 10 calendar days. Some provisions go into effect starting on July 31, 2021.

The [revised standards](#) are the first update to Cal/OSHA's temporary COVID-19 prevention requirements adopted in November 2020.

**The Board may further refine the regulations in the coming weeks** to take into account changes in circumstances, especially as related to the availability of vaccines and low case rates across the state.

The standards apply to most workers in California not covered by Cal/OSHA's Aerosol Transmissible Diseases [standard](#). Notable revisions include:

- **Face Coverings:**
  - Indoors, fully vaccinated workers without COVID-19 symptoms do not need to wear face coverings in a room where everyone else is fully vaccinated and not showing symptoms. However, where there is a mixture of vaccinated and unvaccinated persons in a room, all workers will continue to be required to wear a face covering.
  - Outdoors, fully vaccinated workers without symptoms do not need to wear face coverings. However, outdoor workers who are not fully vaccinated must continue to wear a face covering when they are less than six feet away from another person.
- **Physical Distancing:** When the revised standards take effect, employers can eliminate physical distancing and partitions/barriers for employees working indoors and at outdoor mega events if they provide respirators, such as N95s, to unvaccinated employees for voluntary use. After July 31, physical distancing

and barriers are no longer required (except during outbreaks), but employers must provide all unvaccinated employees with N95s for voluntary use.

- **Prevention Program:** Employers are still required to maintain a written COVID-19 Prevention Program but there are some key changes to requirements:
  - Employers must review the California Department of Public Health's [Interim guidance for Ventilation, Filtration, and Air Quality in Indoor Environments](#).
  - COVID-19 prevention training must now include information on how the vaccine is effective at preventing COVID-19 and protecting against both transmission and serious illness or death.
- **Exclusion from the Workplace:** Fully vaccinated workers who do not have COVID-19 symptoms no longer need to be excluded from the workplace after a close contact.
- **Special Protections for Housing and Transportation:** Special COVID-19 prevention measures that apply to employer-provided housing and transportation no longer apply if all occupants are fully vaccinated.

The Standards Board will file the readoption rulemaking package with the Office of Administrative Law, which has 10 calendar days to review and approve the temporary workplace safety standards enforced by Cal/OSHA. Once approved and published, the full text of the revised emergency standards will appear in the Title 8 sections [3205](#) (COVID-19 Prevention), [3205.1](#) (Multiple COVID-19 Infections and COVID-19 Outbreaks), [3205.2](#) (Major COVID-19 Outbreaks) [3205.3](#) (COVID-19 Prevention in Employer-Provided Housing) and [3205.4](#) (COVID-19 Prevention in Employer-Provided Transportation) of the [California Code of Regulations](#). Pursuant to the state's [emergency rulemaking process](#), this is the first of two opportunities to readopt the temporary standards after the initial effective period.

The Standards Board also convened a representative subcommittee to work with Cal/OSHA on a proposal for further updates to the standard, as part of the emergency rulemaking process. It is anticipated this newest proposal, once developed, will be heard at an upcoming Board meeting. The subcommittee will provide regular updates at the Standards Board monthly meetings.

The [Occupational Safety and Health Standards Board](#), a seven-member body appointed by the Governor, is the standards-setting agency within the Cal/OSHA program. The Standards Board's objective is to adopt reasonable and enforceable standards at least as effective as federal standards. The Standards Board also has the responsibility to grant or deny applications for permanent variances from adopted standards and respond to petitions for new or revised standards.

The California Division of Occupational Safety and Health, or [Cal/OSHA](#), is the division within the Department of Industrial Relations that helps protect California's workers from health and safety hazards on the job in almost every workplace. [Cal/OSHA's Consultation Services Branch](#) provides free and voluntary assistance to employers to improve their health and safety programs. Employers should call (800) 963-9424 for assistance from Cal/OSHA Consultation Services.

**Contact:** Erika Monterroza / Frank Polizzi, [Communications@dir.ca.gov](mailto:Communications@dir.ca.gov), (510) 286-1161.

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The [California Department of Industrial Relations](#), established in 1927, protects and improves the health, safety, and economic well-being of over 18 million wage earners, and helps their employers comply with state labor laws. DIR is housed within the [Labor & Workforce Development Agency](#)



Office of the City Manager

June 1, 2021

To: Agenda & Rules Committee

From: Dee Williams-Ridley, City Manager

Subject: Preliminary Analysis of Return to In-Person Meetings of City Legislative Bodies

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### Introduction

This memo responds to the request from the Agenda & Rules Committee on May 17, 2021 for information from the City Manager on the options and timing for a return to in-person meetings for City legislative bodies. The analysis below is a preliminary summary of the considerations and options for returning to in-person meetings.

With the onset of the COVID-19 pandemic, the shelter-in-place order, and the issuance of Executive Order N-29-20 (“Executive Order”) in the spring of 2020, the City quickly adjusted to a virtual meeting model. Now, almost 15 months later, with the Blueprint for a Safer Economy scheduled to sunset on June 15, 2021, the City is faced with a new set of conditions that will impact how public meetings may be held in Berkeley. While the June 15, 2021 date appears to be certain, there is still a great deal of uncertainty about the fate of the Executive Order. In addition, the City is still awaiting concrete, specific guidance from the State with regards to regulations that govern public meetings and public health recommendations that will be in place after June 15, 2021.

For background, Executive Order N-29-20 allows legislative bodies to meet in a virtual setting and suspends the following Brown Act requirements:

- Printing the location of members of the legislative body on the agenda;
- Posting the agenda at the location of members of the legislative body that are remote; and
- Making publicly available remote locations from which members of the legislative body participate.

Meeting Options

There are three groups of City Legislative bodies that are considered in this memo

- City Council;
- City Council Policy Committees; and
- Boards and Commissions.

The three meeting models available are:

- In-person only;
- Virtual only; or
- Hybrid (in-person and virtual).

The scenarios below show the options available for each given set of facts.

Summary Recommendations of Meeting Options	Physical Distancing			No Physical Distancing		
	In-Person	Hybrid	Virtual*	In-Person	Hybrid	Virtual*
	City Council	X	X	X	X	X
Policy Committees			X	X		X
Board and Commissions			X	X		X

\* The ability to hold virtual-only meetings is dependent on the status of Executive Order N-29-20

Currently, the Centers for Disease Control recommends physical distancing for unvaccinated persons. While the City and the community have made tremendous progress with regards to vaccination, the City would use the guidelines for unvaccinated persons when making determinations regarding public meetings.

Meeting Type Considerations

Our previous experience pre-pandemic and our experience over the past 15 months demonstrates that the City can conduct all in-person and all virtual meetings. However, the possibility of hybrid meetings presents new questions to consider. The primary concern for a return to in-person meetings using a hybrid model is the impact on the public experience and the legislative process.

*Will the legislative body be able to provide a transparent, coherent, stable, informative, and meaningful experience for the both the public in attendance and virtually?*

*Will the legislative body be able to conduct the legislative process in an efficient, coherent, and meaningful manner with the members split between in-person and virtual, and considering the additional delays and logistical challenges of allowing for public participation in a hybrid model?*

For the City Council, testing has shown that the larger space and technology infrastructure at the Boardroom will allow the Council to conduct all three types of meetings (in-person, hybrid, virtual).

For Policy Committees and Commissions, only the “all virtual” or “all in-person” meetings are recommended. Preliminary testing has shown that the audio/visual limitations of the meeting rooms available for these bodies would result in inefficient and cumbersome management of the proceedings in a hybrid model. In addition, there are considerations to analyze regarding the available bandwidth in city facilities and all members having access to adequate devices. Continuing the all virtual model for as long as possible, then switching to an all in-person model when conditions permit provides the best access, participation, and legislative experience for the public and the legislative body.

#### Other Considerations

Some additional factors to consider in the evaluation of returning to in-person or hybrid meetings are:

- How to address vaccination status for in-person attendees.
- Will symptom checks and/or temperature checks at entry points be required?
- Who is responsible for providing PPE for attendees?
- How are protocols for in-person attendees to be enforced?
- Physical distancing measures for the Mayor and City Councilmembers on the dais.
- Installation of physical barriers and other temporary measures.
- Will the podium and microphone need to be sanitized after every speaker?
- High number of touch points in meeting rooms.
- Will chairs for the public and staff need to be sanitized if there is turnover during the meeting?
- Determining the appropriate capacity for meeting locations.
- The condition and capacity of meeting room ventilation system and air cycling abilities.
- How to receive and share Supplemental Items, Revisions, Urgent Items, and submissions by the public both in-person and virtually.
- Budget including costs for equipment, physical improvements, A/V, PPE, and sanitization.

Conclusion

As stated above, conditions are changing daily, and there is a high degree of uncertainty surrounding the future guidance, regulations, and actions at the state level. Planning, testing and analysis are already underway to prepare for an eventual return to in-person meetings. Staff will continue to monitor the evolving legislative and public health circumstances and advise the committee at future meetings.

Attachment:

1. Executive Order N-29-20



EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

EXECUTIVE ORDER N-29-20

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** despite sustained efforts, the virus continues to spread and is impacting nearly all sectors of California; and

**WHEREAS** the threat of COVID-19 has resulted in serious and ongoing economic harms, in particular to some of the most vulnerable Californians; and

**WHEREAS** time bound eligibility redeterminations are required for Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries to continue their benefits, in accordance with processes established by the Department of Social Services, the Department of Health Care Services, and the Federal Government; and

**WHEREAS** social distancing recommendations or Orders as well as a statewide imperative for critical employees to focus on health needs may prevent Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries from obtaining in-person eligibility redeterminations; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

1. As to individuals currently eligible for benefits under Medi-Cal, CalFresh, CalWORKs, the Cash Assistance Program for Immigrants, the California Food Assistance Program, or In Home Supportive Services benefits, and to the extent necessary to allow such individuals to maintain eligibility for such benefits, any state law, including but not limited to California Code of Regulations, Title 22, section 50189(a) and Welfare and Institutions Code sections 18940 and 11265, that would require redetermination of such benefits is suspended for a period of 90 days from the date of this Order. This Order shall be construed to be consistent with applicable federal laws, including but not limited to Code of Federal Regulations, Title 42, section 435.912, subdivision (e), as interpreted by the Centers for Medicare and Medicaid Services (in guidance issued on January 30, 2018) to permit the extension of



otherwise-applicable Medicaid time limits in emergency situations.

2. Through June 17, 2020, any month or partial month in which California Work Opportunity and Responsibility to Kids (CalWORKs) aid or services are received pursuant to Welfare and Institutions Code Section 11200 et seq. shall not be counted for purposes of the 48-month time limit set forth in Welfare and Institutions Code Section 11454. Any waiver of this time limit shall not be applied if it will exceed the federal time limits set forth in Code of Federal Regulations, Title 45, section 264.1.
3. Paragraph 11 of Executive Order N-25-20 (March 12, 2020) is withdrawn and superseded by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended.

A local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth below, shall have satisfied any requirement that the body allow



members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's Internet website.

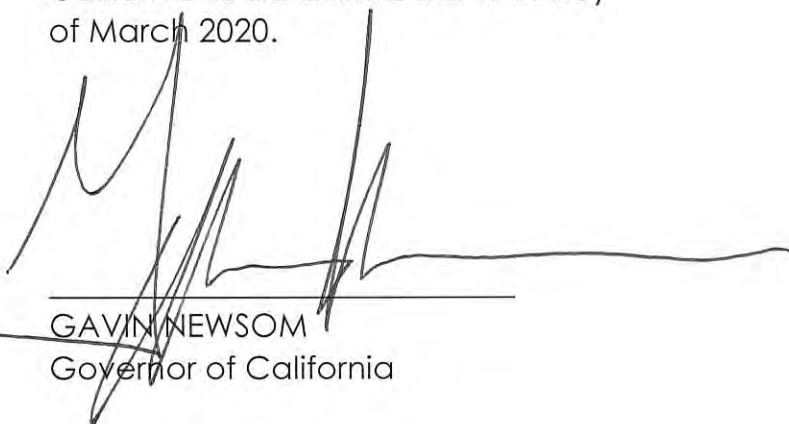
All of the foregoing provisions concerning the conduct of public meetings shall apply only during the period in which state or local public health officials have imposed or recommended social distancing measures.

All state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 17th day of March 2020.



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GAVIN NEWSOM  
Governor of California

**ATTEST:**

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ALEX PADILLA  
Secretary of State

