



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

MONDAY, MARCH 28, 2022

2:30 P.M.

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Kate Harrison

**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/89884901744>. 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: **898 8490 1744**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

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

AGENDA

Roll Call

Public Comment

Review of Agendas

- 1. Approval of Minutes: March 7, 2022**
- 2. Review and Approve Draft Agenda:**
 - a. 4/12/22 – 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. Discussion Regarding Design and Strengthening of Policy Committee Process and Structure (Including Budget Referrals)**
- 11. 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, April 11, 2022

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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 March 24, 2022.



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, MARCH 7, 2022**

**2:30 P.M.**

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Kate Harrison

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**Roll Call:** 2:35 p.m. Present: Hahn, Wengraf; Absent – Arreguin

Mayor Arreguin present at 3:01 p.m.

**Public Comment** – 4 speakers

## **Review of Agendas**

### **1. Approval of Minutes: February 22, 2022**

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

**Vote:** Ayes – Hahn, Wengraf; Noes – None; Abstain – None; Absent – Arreguin.

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

a. 3/22/22 – 6:00 p.m. Regular City Council Meeting

**Action:** M/S/C (Arreguin/Hahn) to approve the agenda of the 3/22/22 meeting with the changes noted below.

- *Item Added: Report from Sugar Sweetened Beverage Product Panel (City Manager) – Item deferred for up to 120 days to allow time for companion report to be drafted*
- *Item Added: Oppose AB 2808 (Hahn) – Item added to March 22 Consent Calendar*
- *Ceremonial Item: Presentation by the Anti-Eviction Mapping Project*
- *Ceremonial Item: Presentation on Seismic Retrofits for Civic Center Buildings*
- *Item 27 Support AB 2336 (Taplin) – Revised item submitted*
- *Item 28 Support AB 2713 (Taplin) – Councilmember Bartlett added as a co-sponsor*
- *Item 29 West Berkeley Transportation (Taplin) – Revised item submitted*
- *Item 30 Budget Referral: Reparations – Revised item submitted*
- *Item 31 Support AB 1755 (Wengraf) – Councilmembers Harrison and Hahn added as co-sponsors*
- *Item 32 Support AB 1594 (Wengraf) – Councilmember Hahn added as a co-sponsor*
- *Item 33 Holocaust Remembrance (Wengraf) – Councilmember Bartlett and Mayor Arreguin added as co-sponsors; Author to submit revised report to include new co-sponsors in recommendation*
- *Item 37 High Risk Safety Areas (Commission) – Moved to Consent Calendar*
- *Item 38 Capital Improvements (Harrison) – Referred to Budget & Finance Committee*
- *Item 39 Climate Action Goals (Harrison) – Referred to FITES Committee*
- *Item 40 Warrantless Searches (Droste) – Referred to Public Safety Committee*
- *Item 41 Economic Dashboards (City Manager) – Moved to first item on Action Calendar for presentation*

#### Order of Items on Action Calendar

Item 41 Economic Dashboards

Item 35 Public Hearing

Item 36 Surveillance Report

**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** – received and filed
6. **Council Referrals to Agenda Committee for Scheduling** – received and filed
7. **Land Use Calendar** – received and filed

## Referred Items for Review

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

**Action:** 1 speaker. Item continued to next meeting.

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

**Action:** 3 speakers. Staff provided an update on the timeline for transition to in-person meetings and the revised protocols for attendance at in-person meetings. Committee discussion. No action taken.

## Unscheduled Items

10. **Discussion Regarding Design and Strengthening of Policy Committee Process and Structure (Including Budget Referrals)**
11. **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** – None

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 4:27 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on March 7, 2022.

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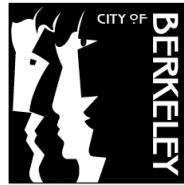
Mark Numainville, City Clerk

## **Communications**

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## DRAFT AGENDA



## BERKELEY CITY COUNCIL MEETING

Tuesday, April 12, 2022  
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

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

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

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*To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and enter Meeting ID: <<INSERT MEETING ID HERE>>. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*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. **Implementation of Redistricting Plan for City Council District Boundaries**

#### **From: Independent Redistricting Commission**

**Recommendation:** Adopt second reading of Ordinance No. 7,803-N.S. implementing the adjusted City Council District Boundaries as approved by the Independent Redistricting Commission.

**First Reading Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

**Financial Implications:** None

Contact: Mark Numainville, Commission Secretary, (510) 981-6900

### 2. **Amending Berkeley Municipal Code (BMC) Chapter 12.70 Sections 12.70.031 and 12.70.050A.1 to align with State and Local Laws**

#### **From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,804-N.S. amending Berkeley Municipal Code (BMC) Chapter 12.70 Smoking Pollution Control to incorporate two changes:

- 1) Amending BMC 12.70.030 to replace the outdated term “Dispensary” with “Cannabis Retailer” in order to align with the State’s Medicinal and Adult-Use of Cannabis Safety and Regulation Act (MAUCSRA); and
- 2) Revise BMC Chapter 12.70.050.A.1 to clarify that smoking tobacco is allowed at a tobacco retailer, and smoking cannabis is allowable at a Cannabis Retailer, subject to Council-approved BMC Sections 23.320.020.F.2, 12.21.020.U, V, and Y, and 12.22.040.F.2 allowing “Cannabis Lounges”.

**First Reading Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

**Financial Implications:** None

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

### 3. **Referral Response: Research and Development (R&D) Definition**

#### **From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,805-N.S. that modifies the land use definition of Research and Development (R&D) [Berkeley Municipal Code (BMC) Division 5: Glossary – Defined Terms 23.502.020].

**First Reading Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Droste.

**Financial Implications:** None

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

## Consent Calendar

**4. Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**

**From: City Manager**

**Recommendation:** Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, and March 22, 2022.

**Financial Implications:** To be determined

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

**5. Collection of Parking Space Rental Tax for City Owned Parking Lots; and Amending BMC Section 6.24.050**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the collection of Parking Space Rental Tax for City of Berkeley owned off street parking lots pursuant to BMC 7.48.070 starting June 1, 2022, and adopt first reading an Ordinance amending BMC 6.24.050 to allow Parking Space Rental Tax to be placed in the general fund instead of a special fund.

**Financial Implications:** See report

Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

**6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 12, 2022**

**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:** Various Funds - \$710,000

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

**7. Purchase Order: Eight (8) Emergency Vehicle Utility Pickup Trucks for the Berkeley Fire Department**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to waive the competitive procurement process for purchase and upfitting of emergency vehicles for the Berkeley Fire Department (Department) for eight (8) utility pickup vehicles in an amount not to exceed \$621,000.

**Financial Implications:** Various Funds - \$621,000

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

## Consent Calendar

**8. Mental Health Services Act Innovations - Encampment-Based Mobile Wellness Center Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to approve the Mental Health Services Act (MHSA) Innovations (INN) Encampment-based Mobile Wellness Center Project Plan and any extensions, for services, activities, and supports for unhoused individuals in Berkeley, in a total amount not to exceed \$2,802,400 over a five-year period beginning in FY2023.

**Financial Implications:** See report

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

**9. Revenue Contract: Mental Health Services Oversight and Accountability Commission for \$2,500,000 for Coordination and Provision of Mental Health Services in Berkeley Unified School District**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to apply for funding provided by the Mental Health Services Oversight and Accountability Commission (MHSOAC) through the Mental Health Student Services Act Request for Applications, accept the funding, and execute any resultant revenue agreements and amendments to coordinate and provide mental health services in the Berkeley Unified School District (BUSD) for \$2,500,000 in FY 2022 through FY 2027.

**Financial Implications:** See report

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

**10. Revenue Grant Agreement: Funding Support from the California Department of Public Health, Oral Health Program to conduct Public Health Promotion, Protection, and Prevention Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to California Department of Public Health, Oral Health Program, to accept the grant, execute any resultant revenue agreement and amendments, and implement the project and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the California Department of Public Health-Oral Health Program, in the projected amount of \$173,408 annually for Fiscal Years 2023, 2024, 2025, 2026, and 2027.

**Financial Implications:** See report

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

## Consent Calendar

- 11. Ratify the execution of the pre-approved PARS Plan document, amended and restated effective January 1, 2022, and related Amendments by Interim Deputy City Manager on December 27, 2021**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution to acknowledge and ratify the execution of the pre-approved PARS Plan document, amended and restated effective January 1, 2022, and related Amendments by Interim Deputy City Manager on December 27, 2021.  
**Financial Implications:** None  
Contact: Donald E. Ellison, Commission Secretary, (510) 981-6800
- 12. Re-establish Senior Engineering Inspector Classification**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 69,996-N.S. Memorandum of Understanding: Public Employees Union – Local 1, Re-establishing the Senior Engineering Inspector classification.  
**Financial Implications:** See report  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800
- 13. Contract: Sysco San Francisco for Food Services for Tuolumne and Echo Lake Resident Camps**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Sysco San Francisco for food services at the City of Berkeley Tuolumne and Echo Lake Resident Camps for a five-year period, beginning May 1, 2022 and ending May 1, 2027, in an amount not to exceed \$4,468,610, subject to the City's annual budget appropriation process.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 14. Donation: Bench and picnic equipment at Codornices Park in memory of Lucinda Sikes**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a donation in the amount of \$16,000 donation from the local friends of Lucinda Sikes for a memorial bench and picnic equipment to be placed at Codornices Park in memory of Lucinda.  
**Financial Implications:** Revenue - \$16,000 (donation)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

## Consent Calendar

**15. Revenue Grant: FEMA Hazard Mitigation Grant Program**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to submit a letter of commitment of matching funds in the amount of \$1.25 million for a Hazard Mitigation Grant application in the amount of \$3.75 million for the Retrofit Grants Program to the Federal Emergency Management Agency (FEMA), and subject to its award, to accept the grant and execute any resultant revenue agreements and amendments including any additional funding allocations from the Hazard Mitigation Grant Program and designating the applicant's authorized agent.

**Financial Implications:** See report

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

**16. Revenue Grant: Fiscal Year 2022-2025 Department of Justice Tobacco Grant**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager, and/or Chief of Police to execute a grant contract and any subsequent amendments with the State of California Department of Justice (DOJ) in the amount of \$191,053 for three fiscal years, 2021-22 through 2024-25.

**Financial Implications:** See report

Contact: Jennifer Louis, Police, (510) 981-5900

**17. Contract: Bay Cities Paving & Grading, Inc. for Street Rehabilitation FY 2022 Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1) approving plans and specifications for the Street Rehabilitation FY 2022 Project, Specification No. 22-11470-C; 2) approving the plans for the Intersection Reconfiguration at Dwight Way and California Street Project, Specification No. 22-11485-C; 3) rejecting the lowest bid from Azul Works, Inc. as non-responsive; 4) accepting the bid of the lowest responsive and responsible bidder, Bay Cities Paving & Grading, Inc.; and 5) authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project, in accordance with the approved plans and specifications in an amount not to exceed \$6,084,809.

**Financial Implications:** See Report

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

## Consent Calendar

18. **Master License Agreement Template for the Non-Exclusive Installation of Small Cell Telecommunications Facilities on City Owned and Maintained Streetlight Poles in the Public Right-of-Way**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution directing staff to 1) prepare a draft Master License Agreement template for the non-exclusive installation of small cell telecommunication facilities on City-owned and maintained streetlight poles in the public right-of-way, and 2) return to City Council for review and consideration of template approval.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300
19. **Referral Response: Community Outreach and Education Events on Proposed Regulations for the Use of Carryout and Pre-checkout Bags**  
**From: Energy Commission**  
**Recommendation:** The Energy Commission recommends that the City Council refer this matter to the forthcoming Commission on Climate and the Environment Commission, once it is established. The Energy Commission also recommends that the City Council first allocate and appropriate funding for City staff and local community partners to conduct due diligence and analysis regarding the proposed ordinance, and consider funding a pilot project with a large grocery venue.  
**Financial Implications:** See report  
Contact: Billi Romain, Commission Secretary, (510) 981-7400

## Council Consent Items

20. **Budget Referral: \$60,000 to the FY 2023-2024 Budget Process for Supply Bank School Supply Distribution**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Refer to the FY 2023-2024 budget process \$60,000 for Supply Bank (\$30k for each fiscal year) to support their services in providing essential school supplies to Berkeley families.  
**Financial Implications:** \$60,000  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
21. **Assembly Bill 1944: Support and Seek Amendments**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution approving a support and seek amendments position on Assembly Bill (AB) 1944 (Lee), which amends the Brown Act to permanently enable meetings of legislative bodies to be conducted through videoconference or teleconference with flexibility on noticing requirements. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Alex Lee.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100



## Council Consent Items

- 22. Support of AB 1947 – Addressing Hate Crimes**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution in support of Assembly Bill (AB) 1947 (Ting), which will require law enforcement agencies to adopt policies around how to identify, respond to, and report hate crimes. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Phil Ting.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 23. Budget Referral: Municipal Electric Vehicle Charging Infrastructure**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** That the City Council refer to the FY2023-24 budget process the funding of electric charging infrastructure for the City’s fleet of electric vehicles.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 24. Budget Referral: West Berkeley Park Ambassadors**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** That the City Council refer to the FY2023-24 budget process the funding for Park Ambassadors at San Pablo Park, Strawberry Creek Park, and Aquatic Park.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 25. Support for AB-1608 (Angelo Quinto Act of 2022)**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Send a letter to the state legislature in Support of Assembly Bill 1608: Independent Coroner’s Offices (Gipson).  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 26. Native and Drought Resistant Plants and Landscaping Policy Update** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Adopt a Resolution amending the Native Species/Bay-Friendly Landscaping Policy to require, when appropriate, the prioritization of native, non-invasive, and pollinator friendly plantings on City property.  
*Policy Committee Recommendation: On March 9, 2022, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a Positive Recommendation to forward the item to the City Council.*  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

## Council Consent Items

27. **Community Policing: Flex Team for Problem-Oriented Policing Under the Scanning, Analysis, Response, and Assessment (SARA) Model and Other Applicable Community Engagement Models** *(Reviewed by the Public Safety Committee)*  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Refer to the City Manager the establishment of a Flexible Team for Problem-Oriented Policing in the Berkeley Police Department, following the SARA model and other applicable community engagement models, including Berkeley Ceasefire.  
*Policy Committee Recommendation: On March 7, 2022, the Public Safety Committee made a Positive Recommendation to the City Council for the item to be considered as part of the reimagining public safety process.*  
**Financial Implications:** Staff time  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
28. **Budget Referral to Fund Mayoral Budgetary Analyses Pursuant to Charter Article VI. Section 24**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Refer to the FY 23 and FY 24 Bi-annual Budget Process \$100,000 to provide the Mayor, on behalf of the Budget Committee and Council, the means to hire a certified public accountant throughout both fiscal years to provide supplemental assistance in fulfilling budgetary obligations pursuant to the Charter.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
29. **Berkeley Public Library Foundation's 19th Annual Authors Dinner Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor), Councilmember Wengraf (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** Adopt a resolution approving the expenditure of an amount not to exceed \$600 per Councilmember, including \$500 from Councilmember Wengraf, \$200 from Mayor Arreguin, and \$200 from Councilmember Hahn, to the Berkeley Public Library Foundation's 19th Annual Authors Dinner event with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmember Hahn, and additional funds from Councilmembers who would like to contribute. The Berkeley Public Library Foundation raises funds to support and enhance facilities, programs, and services of the Berkeley Public Library. Recent gifts to the Foundation helped the library redesign its services during the pandemic, outfit a culinary tool lending library, and complete needed capital improvements to the downtown Central Library.  
**Financial Implications:** See report  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

## Council Consent Items

- 30. Kala Art Institute 2022 Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor), Mayor Arreguin (Co-Sponsor)**  
**Recommendation:** Adopt a resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Taplin, \$250 from Councilmember Hahn and \$250 from Mayor Arreguín, to the Kala Art Institute, a 501(c)(3) non-profit organization, to support Art Kala 2022, an exhibition, auction, and benefit to support Kala’s artistic, cultural, and educational programs, with funds relinquished to the City’s general fund for this purpose from the discretionary Council office budget of Councilmembers Hahn and Taplin, Mayor Arreguín, and any other Councilmembers who would like to contribute.  
**Financial Implications:** See report  
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150
- 31. Proclamation in Honor of Holocaust Remembrance Day**  
**From: Councilmember Wengraf (Author), Councilmember Hahn (Author), Mayor Arreguin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt the Holocaust Remembrance Day Proclamation for the 19th Annual Holocaust Remembrance Day program to be held virtually Thursday, April 28th from 2:00 – 3:00 PM.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 32. Budget Referral: City of Berkeley Annual Holocaust Remembrance Day**  
**From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Refer to the Fiscal Year 2023/2024 budget process a request for \$6,000 annually to fund the City of Berkeley’s Annual Holocaust Remembrance Day Program.  
**Financial Implications:** See report  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 33. Budget Referral: Downtown Berkeley BART Station Modernization Design**  
**From: Councilmember Robinson (Author), Councilmember Harrison (Author)**  
**Recommendation:** Refer \$250,000 to the June 2022 budget process to contribute to funding Bay Area Rapid Transit’s preliminary design engineering work for the Downtown Berkeley BART Station Modernization project.  
**Financial Implications:** General Fund - \$250,000  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

## Council Consent Items

- 34. Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for the Suitcase Clinic**  
**From: Councilmember Robinson (Author)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Robinson, to the Suitcase Clinic to fund homeless outreach supplies and in-clinic expenses.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 35. Support for AB 2050: Ellis Act Reform**  
**From: Councilmember Robinson (Author)**  
**Recommendation:** Send a letter to Assemblymember Alex Lee, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 2050, which would require five years of ownership before a rental property owner can proceed with an eviction pursuant to the Ellis Act, with exemptions for small landlords.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 36. Support for SB 649: Affordable Housing Local Tenant Preference**  
**From: Councilmember Robinson (Author)**  
**Recommendation:** Send a letter to Senator Dave Cortese, Assemblymember Buffy Wicks, and Senator Nancy Skinner in support of Senate Bill 649, which would enable the creation of local tenant preferences policies for affordable housing.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 37. Support for AB 2147: Jaywalking Decriminalization**  
**From: Councilmember Robinson (Author)**  
**Recommendation:** Send a letter to Assemblymember Phil Ting, Assemblymember Friedman, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of AB 2147, related to jaywalking enforcement.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 38. Support for SCA 2: Article 34 Repeal**  
**From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Droste (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution supporting SCA 2 to repeal Article 34 of the California Constitution, eliminating the required city-wide vote for construction of publicly-funded low-income housing projects. Send copies of the Resolution to Senators Ben Allen, Scott Wiener, Nancy Skinner, and Assemblymember Buffy Wicks.  
**Financial Implications:** None  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

## Action Calendar

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

*The Presiding Officer will request that persons wishing to speak use the "raise hand" function to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

*Action items may be reordered at the discretion of the Chair with the consent of Council.*

## Action Calendar – Old Business

- 39. Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities** *(Continued from March 22, 2022. Item contains supplemental material.)*

**From: Auditor**

**Recommendation:** We recommend City Council request that the City Manager report back by September 29, 2022, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Berkeley Police Department (BPD). They have agreed to our findings and recommendations. Please see our report for their complete response.

**Financial Implications:** None

Contact: Jenny Wong, Auditor, (510) 981-6750

## Action Calendar – New Business

- 40a. UC Berkeley Agreement**

**From: Disaster and Fire Safety Commission**

**Recommendation:** The University of California recently agreed to pay the City of Berkeley \$4.3 million a year to cover cost expended by the City due to the University's expansion and cost on the City. The funding is intended to 'support fire and city services.' The DSFC recommends that the City administer the funds separately from the general funds and with public review under the DSFC similar to FF and GG for the duration of the agreement.

**Financial Implications:** None

Contact: Keith May, Commission Secretary, (510) 981-3473

- 40b. Companion Report: UC Berkeley Agreement**

**From: City Manager**

**Recommendation:** Use the General Fund and existing budget process to administer payments received through the University of California settlement.

**Financial Implications:** See Report

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

## Action Calendar – New Business

- 41a. Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110**  
**From: Commission on Labor**  
**Recommendation:** Adopt first reading of the proposed Fair Workweek Ordinance, adding Berkeley Municipal Code Chapter 13.110.  
**Financial Implications:** See report  
Contact: Margot Ernst, Commission Secretary, (510) 981-5400
- 41b. Companion Report: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110**  
**From: City Manager**  
**Recommendation:** Direct this item to the Health, Life Enrichment, Equity, and Community Policy Committee for the following: Review and evaluate the proposed policy; and Evaluate resources needed to conduct the necessary analysis of impacts and costs associated with implementing the proposed policy.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

## Action Calendar – Policy Committee Track Items

- 42. Resolution Reaffirming the City of Berkeley’s Commitment to Transgender Rights**  
**From: Councilmember Kesarwani (Author), Councilmember Droste (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution reaffirming the City of Berkeley’s commitment to Transgender and Gender Expansive Rights  
**Financial Implications:** None  
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
- 43. Crisis Stabilization Center**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Refer to the City Manager to develop a Crisis Stabilization Center based on the Deschutes County Health Services model, and to identify and index potential sites in the City of Berkeley available for Crisis Stabilization Center operations.  
**Financial Implications:** Staff time  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

## 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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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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Energy Commission

CONSENT CALENDAR
April 12, 2022

To: Honorable Mayor and Members of the City Council
 From: Berkeley Energy Commission
 Submitted by: Bentham Paulos, Chairperson, Energy Commission
 Subject: Referral Response: Community Outreach and Education Events on Proposed Regulations for the Use of Carryout and Pre-checkout Bags

RECOMMENDATION

The Energy Commission recommends that the City Council refer this matter to the forthcoming Commission on Climate and the Environment Commission, once it is established. The Energy Commission also recommends that the City Council first allocate and appropriate funding for City staff and local community partners to conduct due diligence and analysis regarding the proposed ordinance, and consider funding a pilot project with a large grocery venue.

SUMMARY

The Energy Commission discussed and considered Council's referral to conduct community outreach and education events regarding the proposed ordinance regulating the use of plastic carryout and pre-checkout bags. We support the City of Berkeley's zero waste and fossil fuel free goals, and recommend that Council consider referring this matter to the forthcoming Commission on Climate and the Environment Commission, once it is established. Due to the imminent disbanding of the Energy Commission, it is not able to administer a robust public consultation process at this time regarding this important proposed ordinance on reducing plastic pollution stemming from single-use plastic bags. The Energy Commission also recommends that Berkeley City Council first allocate and appropriate funding for City staff and local community partners to conduct due diligence and analysis regarding the proposed ordinance, and consider funding a pilot project with a large grocery venue.

FISCAL IMPACTS OF RECOMMENDATION

There are no fiscal impacts to this recommendation. If a robust public consultation process is eventually pursued, there could be costs for the staff time, consultants, stakeholder engagement, and/or public events associated with implementing such a consultation process.

CURRENT SITUATION AND ITS EFFECTS

The Energy Commission recognizes that the negative environmental and health impacts from the extraction of fossil fuels for the production, use, and disposal of plastic bags are substantial. We also applaud the City of Berkeley, its residents and local businesses, and our innovative community organizations, for the collective leadership that has been demonstrated over decades on pioneering zero waste initiatives, from banning Styrofoam to curbside recycling and composting and the 2019 ban on single-use disposable plastic foodware and packaging.¹ We also recognize that there are gaps in existing regulations governing plastic carryout and pre-checkout bags, which the proposed ordinance strives to address.

Our understanding of the current context for achieving waste reduction goals in the City of Berkeley are that the priorities are: (1) implementing and complying with SB 1383, the State of California's law to reduce short-lived climate pollutants that requires substantial reductions and diversions of organic waste going to the landfill with regulations going into effect in January 2022; (2) compliance with existing State diversion laws AB 341 and AB 1826; and (3) implementing and complying with the existing ordinance on single-use foodware and litter reduction.

In addition, the Energy Commission's discussion of this Referral at the October 27, 2021 Commission meeting was in the context of our Commission's proposed consolidation with other City Commissions and a requested completion date of said public process by December 31, 2021. While the deadline was later clarified as a target, not a requirement, the Energy Commission still faced consolidation resulting in uncertainty in our membership, expertise, and timeframe for taking on significant new responsibilities.

At its meeting of February 23, 2022, the Energy Commission voted to send this recommendation to the City Council by a vote of 5-0-1-1 [Moved (Paulos), Second (Guliasi), Ayes (Paulos, Wolf, Moore, Guliasi, Zuckerman), Nays (none), Abstain (Tahara), Recused (de Tournay Birkhahn)].

BACKGROUND

In 2018, the Zero Waste Commission led community outreach, education, and input-gathering events for the proposed single-use disposable foodware ordinance. The ZWC designed a robust public process, holding three extended comment periods at Commission meetings, three public physical informational presentation sessions, and collected comments from over 60 restaurateurs, environmental advocates, members of the people with disabilities communities, and other community members. The process was supported by City staff, outside consultants and The Ecology Center. There was substantial due diligence and a timeline of approximately eight months. The ordinance

1

https://www.cityofberkeley.info/Public_Works/Zero_Waste/Berkeley_Single_Use_Foodware_and_Litter_Reduction_Ordinance.aspx

was complex and touched numerous types of stakeholders, as the process was designed to get input from the full range of affected stakeholders and the general Berkeley public.

On September 14, 2021, City Council approved a referral to the Zero Waste and Energy Commission (or Successor Commission) to Hold Joint Meetings to Conduct Community Outreach and Education Events with Regard to the Proposed Ordinance Regulating the Use of Carryout and Pre-checkout Bags and to Make Recommendations to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Committee. The proposed ordinance to regulate the use of carryout and pre-checkout bags and promote the use of reusable bags is similarly complex. The Energy Commission does not believe that we have the necessary expertise, resources, or initial due diligence and analysis to design a public consultation process as robust as necessary in the time left before the Energy Commission disbands and consolidates into the new Commission on Climate and the Environment.

The Energy Commission recommends that Berkeley City Council allocate and appropriate funding for City staff and local community partners like the Ecology Center to conduct due diligence and analysis regarding the proposed ordinance on issues including: jurisdiction and administration of the ordinance (which City departments have jurisdiction, and how does this relate to Alameda County bag ordinances); the number of type of stakeholders that would be affected by this ordinance and need to be included in the consultation process; City staff enforcement needs for the new ordinance; progress to-date on implementation and compliance with existing laws and ordinances like SB 1383, AB 341, AB 1826 and the SUDS ordinance; and how the new ordinance fits with other Zero Waste goals, priorities, and diversion rates, among other issues. A pilot demonstration project with a large grocery venue is a potential option.

ENVIRONMENTAL SUSTAINABILITY

The Energy Commission recognizes that plastic pollution from plastic bags will definitely need to be addressed for Berkeley to meet its Zero Waste and Fossil Fuel Free city goals.

RATIONALE FOR RECOMMENDATION

At the time the Referral was considered – in the face of the City’s proposal to merge the Zero Waste, Energy, Community Environmental Advisory and Animal Care Commissions – the Energy Commission concluded that our Commission could not responsibly commit to undertaking a robust public outreach process because the Commission did not have the time, the staff or financial resources, the zero waste expertise on the Commission, or the preliminary due diligence and analysis of affected stakeholders and City department jurisdictions.

ALTERNATIVE ACTIONS CONSIDERED

The Energy Commission considered doing a minimal virtual and online public consultation process. We decided it was not feasible to conduct such a process before

the December 2021 winter holidays and get any reasonable level of engagement from affected businesses. In addition, we did not think that a minimal or rushed process was advisable given the complexity of the issues involving a wide range of stakeholders and businesses in Berkeley.

CITY MANAGER

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

CONTACT PERSON

Billi Romain, Manager, Office of Energy & Sustainable Development – Planning Department, 510-981-9732



Office of the Mayor

CONSENT CALENDAR

April 12, 2022

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Budget Referral: \$60,000 to the FY 2023-2024 Budget Process for Supply Bank School Supply Distribution

RECOMMENDATION

Refer to the FY 2023-2024 budget process \$60,000 for Supply Bank (\$30k for each fiscal year) to support their services in providing essential school supplies to Berkeley families.

BACKGROUND

Supply Bank, formerly known as K to College, plays an important role in the community by purchasing and distributing school supplies to low-income students. Founded by a group of UC Berkeley students, a pilot program launched in Berkeley in 2009. Over the past 13 years, Supply Bank has grown to support kids in need in more than 300 school districts in California.

The mission of Supply Bank is to provide homeless and other underserved children with the tangible resources they need to achieve. Supply Bank operates the School Supply and Dental Kit Initiatives, intended for low-income students to help ensure that they are able to start the school year off on equal footing as their counterparts and provides the basic oral healthcare necessities: a toothbrush, toothpaste, and floss to ensure that oral health issues do not stand in the way of student's academic success.

In partnership with the Berkeley Unified School District, the City of Berkeley, and the Berkeley Parks, Recreation & Waterfront Department, SupplyBank.Org has provided 4,000 comprehensive, grade-appropriate school supply kits and dental kits with an instore value of more than \$175,000 for low-income (free/reduced price meal eligible) K-12 Berkeley students over the past 3 years.

The City Council has consistently approved the budget request to Supply Bank. To help support the program and ensure it will be operational in the long term, this budget referral will cover the next two fiscal years, with \$30,000 being allocated in both FY 2023 and FY 2024, for a total of \$60,000.

FINANCIAL IMPLICATIONS

\$60,000

ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts associated with the recommendations in this report.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100



Office of the Mayor

CONSENT CALENDAR

April 12, 2022

To: Members of the City Council

From: Mayor Jesse Arreguín

Subject: Assembly Bill 1944: Support and Seek Amendments

RECOMMENDATION

Adopt a Resolution approving a support and seek amendments position on Assembly Bill (AB) 1944 (Lee), which amends the Brown Act to permanently enable meetings of legislative bodies to be conducted through videoconference or teleconference with flexibility on noticing requirements. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Alex Lee.

BACKGROUND

Under Executive Order N-29-20, signed by Governor Newsom on March 17, 2020, legislative bodies in California were able to hold public meetings via teleconferencing while removing provisions of the Ralph M. Brown Act that required that the agency post each individual address where agency members were teleconferencing from and enable the public to access those locations to observe and participate in the proceedings. Such flexibility is needed to enable social distancing and prevent the spread of COVID-19 and are still needed. Additionally, the need to shift to fully virtual meetings in response to the pandemic has demonstrated the ability of legislative bodies to have open and transparent meetings without the need to make a private address publicly accessible – many which are not able to accommodate people. Virtual meetings have resulted in greater attendance of elected officials and the public and more robust public participation all while protecting public health and safety.

Executive Order N-29-20 expired on September 30, 2021 and was replaced by AB 361 (Rivas). The bill amended the Brown Act to continue the flexibility afforded by EO N-29-20 during a state declared emergency. The bill also required that every 30 days the legislative body must vote to reauthorize based on findings around public health need. The authority granted under AB 361 for local government agencies expires on January 1, 2024. Therefore, there is a need for a permanent law to enable teleconference participation in government meetings.

The Berkeley City Council is currently piloting hybrid (in-person/virtual) meetings and will move to meeting in a full hybrid format soon. But to allow this flexibility permanently, further changes to state law are needed. AB 1944, introduced by Assembly member Alex Lee, would make further amendments to the Brown Act to allow teleconferencing

while suspending the noticing requirements for individual locations. Specifically, it will allow teleconferencing as an option for public participation in public meetings. The bill also allows for a member of the legislative body to teleconference from a private location without needing to notice the address or make it publicly available.

There are a couple of amendments that will help maximize the benefits of the bill. Under the current draft, legislative bodies would have to renew these changes every 30 days. This would require the Council (or any public agency) to call a special meeting, including during a recess period, just to be able to continue conducting meetings virtually under the streamlined authority in the Brown Act. One of the proposed amendments would be to strike the requirement that a vote must take place every 30 days to allow teleconferencing to continue under AB 1944. This would prevent the need to call special meetings to make findings every 30 days and ensure that there is no interruption in being able to hold virtual or hybrid meetings.

One other amendment proposes to change the bill to an “urgency” statute, which would take effect immediately upon passage, prior to the bill’s current effective date of January 1, 2023. While this would require a two-thirds vote to pass, it is important that local governments can take advantage of the authority provided under AB 1944 immediately upon passage.

Overall, enabling teleconferencing capabilities for both the members of the legislative body and members of the public is beneficial in expanding accessibility and transparency.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts associated with the recommendations in this report.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

- 1: Resolution
- 2: Text of AB 1944

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

ASSEMBLY BILL 1944: SUPPORT AND SEEK AMENDMENTS

WHEREAS, the ability to attend and participate in public meetings is a vital part of our democratic process; and

WHEREAS, under the Ralph M. Brown Act, teleconferencing options are very limited, with only members of the legislative body able to participate remotely, along with the requirement that their location, often a private address, be publicly noticed and made publicly accessible; and

WHEREAS, during the start of the COVID-19 pandemic, Governor Newsom signed Executive Order N-29-20, which allowed legislative bodies to hold public meetings through teleconference and videoconference while suspending the requirement to post the teleconference locations of members of the legislative body; and

WHEREAS, the Executive Order expired in September 2021, but was replaced by AB 361 which allows a legislative body during the state of emergency to continue to meet via teleconferencing, if they vote to approve this policy every 30 days; and

WHEREAS, Assembly Bill (AB) 1944, introduced by Assemblymember Alex Lee, would make further amendments to the Brown Act making it easier for elected officials and the public to participate in meetings by allowing members of a legislative body to teleconference without needing to reveal a private address and make it accessible to the public, and require the livestreaming of such meetings and give the public the ability to participate by calling into the meeting; and

WHEREAS, enabling teleconferencing capabilities for both the members of the legislative body and members of the public is beneficial in expanding accessibility, and should be allowed under normal conditions, instead of only during a state of emergency.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby adopts a support and seek amendments position on Assembly Bill (AB) 1944, and proposes the following amendments to the bill author, Assemblymember Alex Lee:

- 1) Strike the requirement that a vote must take place every 30 days to allow teleconferencing to continue; and
- 2) Change the nature of the bill to an “urgency” measure so that the provisions of the bill take place immediately without the need for a state of emergency to be in effect, instead of waiting until January 1, 2024.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Alex Lee.

ASSEMBLY BILL

No. 1944

Introduced by Assembly Members Lee and Cristina Garcia

February 10, 2022

An act to amend Section 54953 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 1944, as introduced, Lee. Local government: open and public meetings.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a

declared state of emergency is in effect, or in other situations related to public health.

This bill would specify that if a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public when the legislative body has elected to allow members to participate via teleconferencing.

This bill would require all open and public meetings of a legislative body that elects to use teleconferencing to provide a video stream accessible to members of the public and an option for members of the public to address the body remotely during the public comment period through an audio-visual or call-in option.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 54953 of the Government Code, as
- 2 amended by Section 3 of Chapter 165 of the Statutes of 2021, is
- 3 amended to read:
- 4 54953. (a) All meetings of the legislative body of a local
- 5 agency shall be open and public, and all persons shall be permitted
- 6 to attend any meeting of the legislative body of a local agency,
- 7 except as otherwise provided in this chapter.
- 8 (b) (1) Notwithstanding any other provision of law, the
- 9 legislative body of a local agency may use teleconferencing for
- 10 the benefit of the public and the legislative body of a local agency

1 in connection with any meeting or proceeding authorized by law.
2 The teleconferenced meeting or proceeding shall comply with all
3 otherwise applicable requirements of this chapter and all otherwise
4 applicable provisions of law relating to a specific type of meeting
5 or proceeding.

6 (2) Teleconferencing, as authorized by this section, may be used
7 for all purposes in connection with any meeting within the subject
8 matter jurisdiction of the legislative body. All votes taken during
9 a teleconferenced meeting shall be by rollcall.

10 (3) If the legislative body of a local agency elects to use
11 teleconferencing, it shall post agendas at all teleconference
12 locations and conduct teleconference meetings in a manner that
13 protects the statutory and constitutional rights of the parties or the
14 public appearing before the legislative body of a local agency.
15 Each teleconference location shall be identified in the notice and
16 agenda of the meeting or proceeding, and each teleconference
17 location shall be accessible to the ~~public~~. *public, except as provided*
18 *in subparagraph (A)*. During the teleconference, at least a quorum
19 of the members of the legislative body shall participate from
20 locations within the boundaries of the territory over which the
21 local agency exercises jurisdiction, except as provided in
22 subdivisions (d) and (e). The agenda shall provide an opportunity
23 for members of the public to address the legislative body directly
24 pursuant to Section 54954.3 at each teleconference ~~location~~.
25 *location, except as provided in subparagraph (A)*.

26 (A) *If a member of a legislative body elects to teleconference*
27 *from a location that is not public, the address does not need to be*
28 *identified in the notice and agenda or be accessible to the public*
29 *when the legislative body has elected to allow members to*
30 *participate via teleconferencing.*

31 (B) *If a legislative body elects to use teleconferencing, they shall*
32 *provide both of the following:*

33 (i) *A video stream accessible to members of the public.*

34 (ii) *An option for members of the public to address the body*
35 *remotely during the public comment period through an audio-visual*
36 *or call-in option.*

37 (4) For the purposes of this section, “teleconference” means a
38 meeting of a legislative body, the members of which are in different
39 locations, connected by electronic means, through either audio or

1 video, or both. Nothing in this section shall prohibit a local agency
2 from providing the public with additional teleconference locations.

3 (5) *For the purposes of this section, “video streaming” means*
4 *media in which the data from a live filming or a video file is*
5 *continuously delivered via the internet to a remote user, allowing*
6 *a video to be viewed online by the public without being downloaded*
7 *on a host computer or device.*

8 (c) (1) No legislative body shall take action by secret ballot,
9 whether preliminary or final.

10 (2) The legislative body of a local agency shall publicly report
11 any action taken and the vote or abstention on that action of each
12 member present for the action.

13 (3) Prior to taking final action, the legislative body shall orally
14 report a summary of a recommendation for a final action on the
15 salaries, salary schedules, or compensation paid in the form of
16 fringe benefits of a local agency executive, as defined in
17 subdivision (d) of Section 3511.1, during the open meeting in
18 which the final action is to be taken. This paragraph shall not affect
19 the public’s right under the California Public Records Act (Chapter
20 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
21 inspect or copy records created or received in the process of
22 developing the recommendation.

23 (d) (1) Notwithstanding the provisions relating to a quorum in
24 paragraph (3) of subdivision (b), if a health authority conducts a
25 teleconference meeting, members who are outside the jurisdiction
26 of the authority may be counted toward the establishment of a
27 quorum when participating in the teleconference if at least 50
28 percent of the number of members that would establish a quorum
29 are present within the boundaries of the territory over which the
30 authority exercises jurisdiction, and the health authority provides
31 a teleconference number, and associated access codes, if any, that
32 allows any person to call in to participate in the meeting and the
33 number and access codes are identified in the notice and agenda
34 of the meeting.

35 (2) Nothing in this subdivision shall be construed as
36 discouraging health authority members from regularly meeting at
37 a common physical site within the jurisdiction of the authority or
38 from using teleconference locations within or near the jurisdiction
39 of the authority. A teleconference meeting for which a quorum is

1 established pursuant to this subdivision shall be subject to all other
2 requirements of this section.

3 (3) For purposes of this subdivision, a health authority means
4 any entity created pursuant to Sections 14018.7, 14087.31,
5 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
6 and Institutions Code, any joint powers authority created pursuant
7 to Article 1 (commencing with Section 6500) of Chapter 5 of
8 Division 7 for the purpose of contracting pursuant to Section
9 14087.3 of the Welfare and Institutions Code, and any advisory
10 committee to a county-sponsored health plan licensed pursuant to
11 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
12 Health and Safety Code if the advisory committee has 12 or more
13 members.

14 (e) (1) A local agency may use teleconferencing without
15 complying with the requirements of paragraph (3) of subdivision
16 (b) if the legislative body complies with the requirements of
17 paragraph (2) of this subdivision in any of the following
18 circumstances:

19 (A) The legislative body holds a meeting during a proclaimed
20 state of emergency, and state or local officials have imposed or
21 recommended measures to promote social distancing.

22 (B) The legislative body holds a meeting during a proclaimed
23 state of emergency for the purpose of determining, by majority
24 vote, whether as a result of the emergency, meeting in person
25 would present imminent risks to the health or safety of attendees.

26 (C) The legislative body holds a meeting during a proclaimed
27 state of emergency and has determined, by majority vote, pursuant
28 to subparagraph (B), that, as a result of the emergency, meeting
29 in person would present imminent risks to the health or safety of
30 attendees.

31 (2) A legislative body that holds a meeting pursuant to this
32 subdivision shall do all of the following:

33 (A) The legislative body shall give notice of the meeting and
34 post agendas as otherwise required by this chapter.

35 (B) The legislative body shall allow members of the public to
36 access the meeting and the agenda shall provide an opportunity
37 for members of the public to address the legislative body directly
38 pursuant to Section 54954.3. In each instance in which notice of
39 the time of the teleconferenced meeting is otherwise given or the
40 agenda for the meeting is otherwise posted, the legislative body

1 shall also give notice of the means by which members of the public
2 may access the meeting and offer public comment. The agenda
3 shall identify and include an opportunity for all persons to attend
4 via a call-in option or an internet-based service option. This
5 subparagraph shall not be construed to require the legislative body
6 to provide a physical location from which the public may attend
7 or comment.

8 (C) The legislative body shall conduct teleconference meetings
9 in a manner that protects the statutory and constitutional rights of
10 the parties and the public appearing before the legislative body of
11 a local agency.

12 (D) In the event of a disruption which prevents the public agency
13 from broadcasting the meeting to members of the public using the
14 call-in option or internet-based service option, or in the event of
15 a disruption within the local agency's control which prevents
16 members of the public from offering public comments using the
17 call-in option or internet-based service option, the body shall take
18 no further action on items appearing on the meeting agenda until
19 public access to the meeting via the call-in option or internet-based
20 service option is restored. Actions taken on agenda items during
21 a disruption which prevents the public agency from broadcasting
22 the meeting may be challenged pursuant to Section 54960.1.

23 (E) The legislative body shall not require public comments to
24 be submitted in advance of the meeting and must provide an
25 opportunity for the public to address the legislative body and offer
26 comment in real time. This subparagraph shall not be construed
27 to require the legislative body to provide a physical location from
28 which the public may attend or comment.

29 (F) Notwithstanding Section 54953.3, an individual desiring to
30 provide public comment through the use of an internet website, or
31 other online platform, not under the control of the local legislative
32 body, that requires registration to log in to a teleconference may
33 be required to register as required by the third-party internet
34 website or online platform to participate.

35 (G) (i) A legislative body that provides a timed public comment
36 period for each agenda item shall not close the public comment
37 period for the agenda item, or the opportunity to register, pursuant
38 to subparagraph (F), to provide public comment until that timed
39 public comment period has elapsed.

1 (ii) A legislative body that does not provide a timed public
 2 comment period, but takes public comment separately on each
 3 agenda item, shall allow a reasonable amount of time per agenda
 4 item to allow public members the opportunity to provide public
 5 comment, including time for members of the public to register
 6 pursuant to subparagraph (F), or otherwise be recognized for the
 7 purpose of providing public comment.

8 (iii) A legislative body that provides a timed general public
 9 comment period that does not correspond to a specific agenda item
 10 shall not close the public comment period or the opportunity to
 11 register, pursuant to subparagraph (F), until the timed general
 12 public comment period has elapsed.

13 (3) If a state of emergency remains active, or state or local
 14 officials have imposed or recommended measures to promote
 15 social distancing, in order to continue to teleconference without
 16 compliance with paragraph (3) of subdivision (b), the legislative
 17 body shall, not later than 30 days after teleconferencing for the
 18 first time pursuant to subparagraph (A), (B), or (C) of paragraph
 19 (1), and every 30 days thereafter, make the following findings by
 20 majority vote:

21 (A) The legislative body has reconsidered the circumstances of
 22 the state of emergency.

23 (B) Any of the following circumstances exist:

24 (i) The state of emergency continues to directly impact the
 25 ability of the members to meet safely in person.

26 (ii) State or local officials continue to impose or recommend
 27 measures to promote social distancing.

28 (4) For the purposes of this subdivision, “state of emergency”
 29 means a state of emergency proclaimed pursuant to Section 8625
 30 of the California Emergency Services Act (Article 1 (commencing
 31 with Section 8550) of Chapter 7 of Division 1 of Title 2).

32 (f) This section shall remain in effect only until January 1, 2024,
 33 and as of that date is repealed.

34 SEC. 2. Section 54953 of the Government Code, as added by
 35 Section 4 of Chapter 165 of the Statutes of 2021, is amended to
 36 read:

37 54953. (a) All meetings of the legislative body of a local
 38 agency shall be open and public, and all persons shall be permitted
 39 to attend any meeting of the legislative body of a local agency,
 40 except as otherwise provided in this chapter.

1 (b) (1) Notwithstanding any other provision of law, the
2 legislative body of a local agency may use teleconferencing for
3 the benefit of the public and the legislative body of a local agency
4 in connection with any meeting or proceeding authorized by law.
5 The teleconferenced meeting or proceeding shall comply with all
6 requirements of this chapter and all otherwise applicable provisions
7 of law relating to a specific type of meeting or proceeding.

8 (2) Teleconferencing, as authorized by this section, may be used
9 for all purposes in connection with any meeting within the subject
10 matter jurisdiction of the legislative body. All votes taken during
11 a teleconferenced meeting shall be by rollcall.

12 (3) If the legislative body of a local agency elects to use
13 teleconferencing, it shall post agendas at all teleconference
14 locations and conduct teleconference meetings in a manner that
15 protects the statutory and constitutional rights of the parties or the
16 public appearing before the legislative body of a local agency.
17 Each teleconference location shall be identified in the notice and
18 agenda of the meeting or proceeding, and each teleconference
19 location shall be accessible to the ~~public~~ *public, except as provided*
20 *in subparagraph (A)*. During the teleconference, at least a quorum
21 of the members of the legislative body shall participate from
22 locations within the boundaries of the territory over which the
23 local agency exercises jurisdiction, except as provided in
24 subdivision (d). The agenda shall provide an opportunity for
25 members of the public to address the legislative body directly
26 pursuant to Section 54954.3 at each teleconference ~~location~~
27 *location, except as provided in subparagraph (A)*.

28 (A) *If a member of a legislative body elects to teleconference*
29 *from a location that is not public, the address does not need to be*
30 *identified in the notice and agenda, or be accessible to the public*
31 *when the legislative body has elected to allow members to*
32 *participate via teleconferencing.*

33 (B) *If a legislative body elects to use teleconferencing, they shall*
34 *provide both of the following:*

35 (i) *A video stream accessible to members of the public.*

36 (ii) *An option for members of the public to address the body*
37 *remotely during the public comment period through an audio-visual*
38 *or call-in option.*

39 (4) For the purposes of this section, “teleconference” means a
40 meeting of a legislative body, the members of which are in different

1 locations, connected by electronic means, through either audio or
2 video, or both. Nothing in this section shall prohibit a local agency
3 from providing the public with additional teleconference locations

4 (5) *For the purposes of this section, “video streaming” means*
5 *media in which the data from a live filming or a video file is*
6 *continuously delivered via the internet to a remote user, allowing*
7 *a video to be viewed online by the public without being downloaded*
8 *on a host computer or device.*

9 (c) (1) No legislative body shall take action by secret ballot,
10 whether preliminary or final.

11 (2) The legislative body of a local agency shall publicly report
12 any action taken and the vote or abstention on that action of each
13 member present for the action.

14 (3) Prior to taking final action, the legislative body shall orally
15 report a summary of a recommendation for a final action on the
16 salaries, salary schedules, or compensation paid in the form of
17 fringe benefits of a local agency executive, as defined in
18 subdivision (d) of Section 3511.1, during the open meeting in
19 which the final action is to be taken. This paragraph shall not affect
20 the public’s right under the California Public Records Act (Chapter
21 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
22 inspect or copy records created or received in the process of
23 developing the recommendation.

24 (d) (1) Notwithstanding the provisions relating to a quorum in
25 paragraph (3) of subdivision (b), if a health authority conducts a
26 teleconference meeting, members who are outside the jurisdiction
27 of the authority may be counted toward the establishment of a
28 quorum when participating in the teleconference if at least 50
29 percent of the number of members that would establish a quorum
30 are present within the boundaries of the territory over which the
31 authority exercises jurisdiction, and the health authority provides
32 a teleconference number, and associated access codes, if any, that
33 allows any person to call in to participate in the meeting and the
34 number and access codes are identified in the notice and agenda
35 of the meeting.

36 (2) Nothing in this subdivision shall be construed as
37 discouraging health authority members from regularly meeting at
38 a common physical site within the jurisdiction of the authority or
39 from using teleconference locations within or near the jurisdiction
40 of the authority. A teleconference meeting for which a quorum is

1 established pursuant to this subdivision shall be subject to all other
2 requirements of this section.

3 (3) For purposes of this subdivision, a health authority means
4 any entity created pursuant to Sections 14018.7, 14087.31,
5 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
6 and Institutions Code, any joint powers authority created pursuant
7 to Article 1 (commencing with Section 6500) of Chapter 5 of
8 Division 7 for the purpose of contracting pursuant to Section
9 14087.3 of the Welfare and Institutions Code, and any advisory
10 committee to a county-sponsored health plan licensed pursuant to
11 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
12 Health and Safety Code if the advisory committee has 12 or more
13 members.

14 (e) This section shall become operative January 1, 2024.

15 SEC. 3. The Legislature finds and declares that Sections 1 and
16 2 of this act, which amends Section 54953 of the Government
17 Code, further, within the meaning of paragraph (7) of subdivision
18 (b) of Section 3 of Article I of the California Constitution, the
19 purposes of that constitutional section as it relates to the right of
20 public access to the meetings of local public bodies or the writings
21 of local public officials and local agencies. Pursuant to paragraph
22 (7) of subdivision (b) of Section 3 of Article I of the California
23 Constitution, the Legislature makes the following findings:

24 This act is necessary to ensure minimum standards for public
25 participation allowing for greater public participation in
26 teleconference meetings.

27 SEC. 4. (a) The Legislature finds and declares that during the
28 COVID-19 public health emergency, certain requirements of the
29 Ralph M. Brown Act (Chapter 9 (commencing with Section 54950)
30 of Part 1 of Division 2 of Title 5 of the Government Code) and the
31 Bagley-Keene Open Meeting Act (Article 9 (commencing with
32 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
33 the Government Code) were suspended by Executive Order No.
34 N-29-20. Audio and video teleconference were widely used to
35 conduct public meetings in lieu of physical location meetings, and
36 public meetings conducted by teleconference during the COVID-19
37 public health emergency have been productive, have increased
38 public participation by all members of the public regardless of
39 their location in the state and ability to travel to physical meeting
40 locations, have protected the health and safety of civil servants

1 and the public, and have reduced travel costs incurred by members
2 of state bodies and reduced work hours spent traveling to and from
3 meetings.

4 (b) The Legislature finds and declares that Sections 1 and 2 of
5 this act, which amend Section 54953 of the Government Code,
6 imposes a potential limitation on the public's right of access to the
7 meetings of public bodies or the writings of public officials and
8 agencies within the meaning of Section 3 of Article I of the
9 California Constitution. Pursuant to that constitutional provision,
10 the Legislature makes the following findings to demonstrate the
11 interest protected by this potential limitation and the need for
12 protecting that interest:

13 By removing the requirement for each teleconference location
14 to be identified in the notice and agenda, including the member's
15 private home address, this act protects the personal, private
16 information of public officials and their families while preserving
17 the public's right to access information concerning the conduct of
18 the people's business.

O



Office of the Mayor

CONSENT CALENDAR

April 12, 2022

To: Members of the City Council

From: Mayor Jesse Arreguín

Subject: Support of AB 1947 – Addressing Hate Crimes

RECOMMENDATION

Adopt a Resolution in support of Assembly Bill (AB) 1947 (Ting), which will require law enforcement agencies to adopt policies around how to identify, respond to, and report hate crimes. Send a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Phil Ting.

BACKGROUND

According to statistics from the FBI, the year 2020 saw 7,759 hate crimes committed across the entire country. This data was collected by the FBI from over 15,000 law enforcement agencies. However, this is a voluntary process, so it does not portray a complete picture. In fact, according to the US Department of Justice, between 2005-2019, there were an average of 246,900 hate crimes per year. The most common types of hate crimes are based on race, ethnicity, or nationality, followed by sexual orientation and then religion. In recent years, hate crime trends have gone up, especially among the Asian American community during the COVID-19 pandemic. Yet clearly there is a disparity between such crimes being committed and being reported. As a result, less resources are made available to address hate crimes as the official statistics suggest it is not as widespread as it is in reality.

Addressing hate crime has been a priority of the Mayor and City Council. In 2020, Council approved a referral to implement new systems for reporting and response to hate incidents and crimes. This includes creating a hate crime reporting hotline, launching a public information campaign, and improving reporting on hate crimes by our Police Department. Implementation of these policies is currently underway.

AB 1947, introduced by Assemblymember Phil Ting, would require law enforcement agencies to adopt a policy on how officers identify, respond to, and report hate crimes. These policies would be submitted to the Department of Justice to ensure compliance. By having better protocols to address and report hate crimes, we will be in a better position to end hate crimes.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts associated with the recommendations in this report.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

- 1: Resolution
- 2: Text of AB 1947
- 3: AB 1947 Factsheet

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

IN SUPPORT OF AB 1947

WHEREAS, hate crimes are on the rise across the country over the last few years, with a significant increase in hate crimes against Asian Americans since the start of the COVID-19 pandemic; and

WHEREAS, while data from the FBI shows that in calendar year 2020, 7,759 hate crimes were reported across over 15,000 law enforcement agencies, according to the US Department of Justice, between 2015-2019 an average of 246,900 hate crimes took place each year; and

WHEREAS, with a large disparity between such crimes being committed and being reported, less resources are made available to address hate crimes as the official statistics suggest it is not as widespread as it is in reality; and

WHEREAS, Berkeley is currently taking action to improve reporting of hate crimes; in 2020 the City Council passed a referral to implement new systems for reporting and response to hate incidents and crimes, including creating a hate crimes reporting hotline, launching a public information campaign, and improving reporting on hate crimes by our Police Department; and

WHEREAS, AB 1947, introduced by Assemblymember Phil Ting, would require law enforcement agencies to adopt a policy on how officers identify, respond to, and report hate crimes;

WHEREAS, by having better protocols to address and report hate crimes, we will be in a better position to end hate crimes.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports AB 1947.

BE IT FURTHER RESOLVED that copies of the Resolution be sent to Governor Gavin Newsom, State Senator Nancy Skinner, and Assemblymembers Buffy Wicks and Phil Ting.

AMENDED IN ASSEMBLY MARCH 16, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1947

Introduced by Assembly Members Ting and Bloom

February 10, 2022

An act to amend Sections 422.55, 422.87, 422.9, 13023, and 13519.6 of the Penal Code, and to amend Section 1 of Chapter 691 of the Statutes of 2021, relating to hate crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1947, as amended, Ting. Hate crimes: law enforcement policies.

Existing law defines a “hate crime” as a criminal act committed, in whole or in part, because of actual or perceived characteristics of the victim, including, among other things, race, religion, disability, and sexual orientation. Existing law requires the Commission on Peace Officer Standards and Training (POST) to develop guidelines and a course of instruction and training for law enforcement officers addressing hate crimes. Existing law requires state law enforcement agencies to adopt a framework or other formal policy created by POST regarding hate crimes. Existing law requires any local law enforcement agency that adopts or updates a hate crime policy to include specified information in that policy, including information on bias motivation. Existing law requires the Department of Justice to collect specified information relative to hate crimes and to post that information on its internet website.

This bill would require each local law enforcement agency to adopt a hate crimes policy. The bill would require those policies to, among other things, include instructions on considering the relevance of specific dates and phrases when recognizing whether an incident is a hate crime,

to include a supplemental suspected hate crime form, and to include a requirement that, absent a more pressing violent crime emergency, officers respond immediately to a report of a hate crime in progress, as specified. *form*. The bill would require every state and local agency to use specified definitions for the terms “hate crime incident” and term “protected characteristics.” The bill would require each law enforcement agency to report their hate crime policy to the Department of Justice, as specified. The bill would require the department to post information regarding the compliance and noncompliance of agencies that are required to provide information relative to hate crimes to the department. The bill would require POST to develop a model hate crime policy, as specified. The bill would additionally make specified findings regarding state-mandated local programs in its provisions. By imposing additional duties on local law enforcement agencies, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Freedom from Hate Crimes Act.
- 3 SEC. 2. Section 422.55 of the Penal Code is amended to read:
- 4 422.55. For purposes of this title, and for purposes of all other
- 5 state law unless an explicit provision of law or the context clearly
- 6 requires a different meaning, the following shall apply:
- 7 (a) “Hate crime” means a criminal act committed, in whole or
- 8 in part, because of one or more of the following actual or perceived
- 9 characteristics of the victim:
- 10 (1) Disability.
- 11 (2) Gender.
- 12 (3) Nationality.
- 13 (4) Race or ethnicity.

- 1 (5) Religion.
- 2 (6) Sexual orientation.
- 3 (7) Association with a person or group with one or more of these
- 4 actual or perceived characteristics.
- 5 (b) “Hate crime” includes, but is not limited to, a violation of
- 6 Section 422.6.
- 7 ~~(c) “Hate crime incident” means an incident of a hate crime.~~
- 8 ~~(d) “Multimission criminal extremism” means the nexus of two~~
- 9 ~~or more of the following:~~
- 10 ~~(1) Hate crimes.~~
- 11 ~~(2) Antigovernment extremist crimes.~~
- 12 ~~(3) Anti-reproductive rights crimes, as defined in Section 13776.~~
- 13 ~~(4) Crimes committed in whole or in part because of the victims’~~
- 14 ~~actual or perceived homelessness.~~
- 15 ~~(5) Crimes committed in whole or in part because of the victims’~~
- 16 ~~actual or perceived status as journalists.~~
- 17 ~~(e) “Noncriminal hate incident” means an incident that is not a~~
- 18 ~~crime and that is motivated by hate or other bias against one or~~
- 19 ~~more of the protected characteristics listed in subdivision (a).~~
- 20 ~~(f)~~
- 21 (c) “Subject matter experts” includes, but is not limited to,
- 22 representatives of communities most victimized by hate crimes,
- 23 academic experts, and law enforcement agencies.
- 24 ~~(g) “Suspected hate crime” means a crime that a law~~
- 25 ~~enforcement agency is to investigate or is investigating as~~
- 26 ~~potentially being a hate crime.~~
- 27 SEC. 3. Section 422.87 of the Penal Code is amended to read:
- 28 422.87. (a) Each state and local law enforcement agency shall
- 29 adopt a hate crimes policy that shall include, but not be limited to,
- 30 all of the following:
- 31 (1) The definitions in Sections 422.55 and 422.56.
- 32 (2) The content of the framework and model policy that the
- 33 Commission on Peace Officer Standards and Training developed
- 34 in 2019 pursuant to Section 13519.6, and any content that the
- 35 commission has revised or added or may revise or add in the future,
- 36 including, but not limited to, any policy, definitions, response and
- 37 reporting responsibilities, training resources, and planning and
- 38 prevention methods.
- 39 (3) (A) Information regarding bias motivation.

AB 1947

— 4 —

1 (B) For the purposes of this paragraph, “bias motivation” is a
2 preexisting negative attitude toward actual or perceived
3 characteristics referenced in Section 422.55. Depending on the
4 circumstances of each case, bias motivation may include, but is
5 not limited to, hatred, animosity, discriminatory selection of
6 victims, resentment, revulsion, contempt, unreasonable fear,
7 paranoia, callousness, thrill-seeking, ~~youthful pranks~~, desire for
8 social dominance, desire for social bonding with those of one’s
9 “own kind,” or a perception of the vulnerability of the victim due
10 to the victim being perceived as being weak, worthless, or fair
11 game because of a protected characteristic, including, but not
12 limited to, disability or gender.

13 (C) (i) In recognizing suspected disability-bias hate crimes, the
14 policy shall instruct officers to consider whether there is any
15 indication that the perpetrator was motivated by hostility or other
16 bias, occasioned by factors such as, but not limited to, dislike of
17 persons who arouse fear or guilt, a perception that persons with
18 disabilities are inferior and therefore “deserving victims,” a fear
19 of persons whose visible traits are perceived as being disturbing
20 to others, or resentment of those who need, demand, or receive
21 alternative educational, physical, or social accommodations.

22 (ii) In recognizing suspected disability-bias hate crimes, the
23 policy also shall instruct officers to consider whether there is any
24 indication that the perpetrator perceived the victim to be vulnerable
25 and, if so, if this perception is grounded, in whole or in part, in
26 antidisability bias. This includes, but is not limited to, if a
27 perpetrator targets a person with a particular perceived disability
28 while avoiding other vulnerable-appearing persons such as
29 inebriated persons or persons with perceived disabilities different
30 than those of the victim, those circumstances could be evidence
31 that the perpetrator’s motivations included bias against persons
32 with the perceived disability of the victim.

33 (D) In recognizing suspected religion-bias hate crimes, the
34 policy shall instruct officers to consider whether there were targeted
35 attacks on, or biased references to, symbols of importance to a
36 particular religion or articles considered of spiritual significance
37 in a particular religion. Examples of religions and such symbols
38 and articles include, but are not limited to:

39 (i) In Buddhism, statues of the Buddha.

40 (ii) In Christianity, crosses.

1 (iii) In Hinduism, forehead markings, known as bindis and tilaks,
2 Aum/Om symbols, and images of deities known as murtis.

3 (iv) In Islam, hijabs.

4 (v) In Judaism, Stars of David, menorahs, and yarmulke.

5 (vi) In Sikhism, turbans, head coverings, and unshorn hair,
6 including beards.

7 (E) In recognizing suspected hate crimes committed against a
8 victim or victims with a particular known, evident, or perceived
9 protected characteristic, the policy shall instruct officers to consider
10 whether the crimes occurred on a day of actual or perceived
11 significance to, or concerning, the victim or victims or to persons
12 of the same actual or perceived protected characteristic as the
13 victim or victims. Examples of such days may include, but are not
14 limited to, ~~Chinese Lunar New Year, Cinco de Mayo, Easter,~~
15 ~~Hitler's birthday (April 20), Martin Luther King Day, September~~
16 ~~11,~~ and Yom Kippur.

17 (F) In recognizing any multiple suspected hate crimes, the policy
18 shall instruct officers to consider whether the victim or victims of
19 the crimes were one or more persons or properties with a particular
20 actual or perceived protected characteristic when other, at least
21 equally available and vulnerable potential victims were not
22 targeted. Examples of such discriminatory selection may include,
23 but are not limited to, the following:

24 (i) A series of sexual assaults of women and girls.

25 (ii) A series of crimes against actual or perceived transgender
26 women, against actual or perceived noncitizens of the United
27 States, or against persons demonstrating on behalf of a particular
28 race or ethnicity and any observers or bystanders.

29 (iii) A series of attacks on one or more places of worship of a
30 particular religion.

31 (iv) A series of attacks on one or more businesses, community
32 centers, or other gathering places operated, staffed, or frequented
33 by a person or persons with a particular known, evident, or
34 perceived protected characteristic.

35 (G) In recognizing any suspected hate crime, the policy shall
36 instruct officers to consider whether the victim is either of the
37 following:

38 (i) A person with an actual or perceived disability that is known
39 or evident to the perpetrator.

1 (ii) A person with any other actual or perceived protected
 2 characteristic that is known or evident to the perpetrator and that,
 3 under the existing facts and circumstances, is likely to make the
 4 victim the target of a hate crime. ~~Examples of such facts and~~
 5 ~~circumstances include, but are not limited to, the nationwide surge~~
 6 ~~of anti-Asian American and Pacific Islander hate crimes and~~
 7 ~~noncriminal hate incidents beginning in 2020 and resulting from~~
 8 ~~rhetoric blaming China for COVID-19.~~

9 (H) In recognizing a suspected anti-immigrant or antirace hate
 10 crime, the policy shall instruct officers to consider whether persons
 11 who are part of the victim’s community in the victim’s actual or
 12 perceived country of origin are commonly subject to hate or other
 13 bias there because of one or more of the protected characteristics
 14 and whether the perpetrator may have been motivated by such
 15 bias. ~~Examples include, but are not limited to, an~~
 16 ~~indigenous-language-speaking Mexican immigrant who is assaulted~~
 17 ~~by a perpetrator who uses racial slurs such as “Indio” or~~
 18 ~~“Oaxaquito.”~~

19 ~~(I) In recognizing a suspected anti-immigrant hate crime, the~~
 20 ~~policy shall instruct officers to consider whether the perpetrator~~
 21 ~~used terms such as “go back to your country” or “build the wall.”~~

22 ~~(J)~~
 23 (I) In any case described in subparagraphs (C) through ~~(I)~~ (H)
 24 or a similar case, and in every case in which a crime victim or
 25 witness believes that the crime was a hate crime or motivated by
 26 bias against an actual or perceived protected characteristic, the
 27 policy shall instruct officers to *include such statements in any*
 28 ~~report the crime as a suspected hate crime and not a mere crime~~
 29 ~~of opportunity, and generated as a result of the incident. The policy~~
 30 ~~shall instruct officers to not argue with a victim or witness who~~
 31 ~~believes it was a hate crime, regardless of the initial opinion of the~~
 32 ~~officer prior to, during, or after completion of the supplemental~~
 33 ~~report form required by paragraph (10). officer. The policy shall~~
 34 ~~instruct supervising officers who review reports of incidents in~~
 35 ~~which the victim believed the crime was a hate crime to carefully~~
 36 ~~consider whether additional investigation is necessary, consistent~~
 37 ~~with this section.~~

38 (4) Information regarding the general underreporting of hate
 39 crimes to, and by, law enforcement and the more extreme

1 underreporting of antidisability, antigender, and ~~anti-Sikh hate~~
2 ~~crimes~~ and a plan for the agency to remedy this underreporting.

3 (5) A protocol for reporting suspected hate crimes to the
4 Department of Justice pursuant to Section 13023.

5 (6) A checklist of first responder responsibilities, including, but
6 not limited to, being sensitive to effects of the crime on the victim,
7 determining whether any additional resources are needed on the
8 scene to assist the victim or whether to refer the victim to
9 appropriate community and legal services, and giving the victims
10 and any interested persons the agency’s hate crimes brochure, as
11 required by Section 422.92.

12 (7) A specific procedure for transmitting and periodically
13 retransmitting the policy and any related orders to all officers,
14 including a simple and immediate way for officers to access the
15 policy in the field when needed.

16 (8) The title or titles of the officer or officers responsible for
17 ensuring that the department has a hate crime brochure as required
18 by Section 422.92 and ensuring that all officers are trained to
19 distribute the brochure to all suspected hate crime ~~victims and all~~
20 ~~other interested persons~~; *victims*, regardless of whether they
21 specifically request ~~it~~, *it, and to all other interested persons upon*
22 *request*.

23 (9) A requirement that all officers be familiar with the policy
24 and carry out the policy at all times unless directed by the chief,
25 sheriff, director, or other chief executive of the law enforcement
26 agency or other command-level officer to whom the chief executive
27 officer formally delegates this responsibility.

28 (10) A supplemental suspected hate crime report form providing
29 the information necessary for the law enforcement agency or the
30 prosecution agency to determine whether a hate crime has occurred
31 or whether to conduct a further investigation to make that
32 determination, and an instruction that responding officers complete
33 the form when ~~either of the following apply~~: *the officers have a*
34 *reasonable belief based upon the available evidence and*
35 *information, including the circumstances in subparagraphs (C)*
36 *through (H) of paragraph (3), that a hate crime may have been*
37 *committed*.

38 ~~(A) The officers have a reasonable suspicion that a hate crime~~
39 ~~occurred.~~

1 ~~(B) When the circumstances in subparagraphs (C) through (I)~~
2 ~~of paragraph (3) indicate it may be a hate crime.~~

3 (11) A schedule for providing the hate crime training, including,
4 but not limited to, that required by Section 13519.6 and any other
5 hate crime training certified by the Commission on Peace Officer
6 Standards and Training that the law enforcement agency selects.

7 ~~(12) A procedure for officers to document noncriminal hate~~
8 ~~incidents for crime prevention, law enforcement planning, and~~
9 ~~potential evidentiary purposes.~~

10 ~~(13) A requirement that, absent a more pressing violent crime~~
11 ~~emergency, officers respond immediately to a report of a hate~~
12 ~~crime in progress or in which the perpetrator may escape without~~
13 ~~a rapid response, regardless of whether the report comes from a~~
14 ~~victim, witness, or other person.~~

15 ~~(14)~~

16 (12) A requirement that, when an officer has reported a
17 suspected hate crime and has identified a suspect, the person or
18 unit of the agency responsible for determining whether the crime
19 was a hate crime shall contact the Federal Bureau of Investigation
20 and ask the bureau's assistance in searching publicly available
21 records concerning the suspect for any relevant evidence.

22 ~~(15)~~

23 (13) A requirement that, when an officer suspects multimitigation
24 criminal extremism, they report it to their agency's terrorism liaison
25 officers.

26 (14) *In adopting a hate crimes policy, each state and local law*
27 *enforcement agency shall seek to incorporate examples of*
28 *terminology that is specific to the communities they serve. For*
29 *example, given the nationwide surge of anti-Asian American and*
30 *Pacific Islander hate crimes beginning in 2020 and resulting from*
31 *rhetoric blaming China for COVID-19, agencies that serve Asian*
32 *American and Pacific Islander communities may include*
33 *terminology and slurs relating to the coronavirus as part of a hate*
34 *crime investigation.*

35 (b) (1) A law enforcement agency shall be deemed in
36 compliance with subdivision (a) if it adopts a policy including, but
37 not limited to, all the provisions of the Commission on Peace
38 Officer Standards and Training framework and model hate crime
39 policy, including the supplemental suspected hate crime report
40 form, called the "hate crime checklist" in the 2019 update, by April

1 1, 2023, and updates the agency’s policy within six months of each
2 time the commission updates the framework and model policy.

3 (2) Any law enforcement agency that updates an existing hate
4 crimes policy or adopts a new hate crimes policy may include any
5 of the provisions of a model hate crime policy and other relevant
6 documents developed by the International Association of Chiefs
7 of Police that are relevant to California and consistent with state
8 law.

9 (c) *This section is intended to establish statewide minimum
10 practices, and shall not be construed to restrict a law enforcement
11 agency from implementing more precise or more stringent policies.*

12 SEC. 4. Section 422.9 of the Penal Code is amended to read:

13 422.9. Except as other provisions of state or federal law require:

14 (a) Every law enforcement agency and each state and local
15 agency shall use the definition of “hate crime” set forth in
16 subdivision (a) of Section 422.55 exclusively.

17 ~~(b) Every law enforcement agency and each state and local
18 agencies shall use the terms “hate crime incident” and “noncriminal
19 hate incident” as defined in Section 422.55 exclusively and shall
20 not use inexact terms such as “hate incident.”~~

21 (e)

22 (b) Every law enforcement agency and each state and local
23 agency shall use the terms “characteristics” or “protected
24 characteristics” as defined in Section 422.55 exclusively and shall
25 not use misleading terms such as “protected classes” or “protected
26 groups.”

27 SEC. 5. Section 13023 of the Penal Code is amended to read:

28 13023. (a) Subject to the availability of adequate funding, the
29 Attorney General, in consultation with subject matter experts, as
30 defined in Section 422.55, shall direct law enforcement agencies
31 to report to the Department of Justice, in a manner to be prescribed
32 by the Attorney General, any information that may be required
33 relative to hate crimes.

34 (b) In 2023, and whenever changes in law or in the Commission
35 on Peace Officer Standards and Training framework and model
36 policy require it, or whenever the Attorney General in consultation
37 of *with* subject matter experts deems it prudent, the information
38 required by subdivision (a) shall include the agency’s hate crime
39 policy and the hate crime pamphlet required pursuant to Section
40 422.92.

1 (c) In every year, information required by subdivision (a) shall
2 also include any of the following that the agency failed to submit
3 in the previous year:

4 (1) Hate crime policies.

5 (2) Hate crime pamphlets.

6 (3) Any other information required by the Attorney General in
7 the previous year.

8 (d) On or before July 1 of each year, the Department of Justice
9 shall update the OpenJustice Web portal with the information
10 obtained from law enforcement agencies pursuant to this section.
11 The information shall include the names of agencies that have
12 complied with subdivision (a) and other relevant laws in the report
13 year and the names of any agencies that have failed to comply with
14 those laws. The information also shall include the names of any
15 agencies that failed to comply in the both the report year and the
16 previous year, regardless of whether any information is required
17 of compliant agencies in the report year. The department shall
18 submit its analysis of this information to the Legislature in the
19 manner described in subdivision (g) of Section 13010.

20 (e) For purposes of this section, “hate crime” has the same
21 meaning as in Section 422.55.

22 SEC. 6. Section 13519.6 of the Penal Code is amended to read:

23 13519.6. (a) The commission, in consultation with subject
24 matter experts, as defined in Section 422.55, shall develop
25 guidelines and a course of instruction and training for law
26 enforcement officers who are employed as peace officers, or who
27 are not yet employed as a peace officer but are enrolled in a training
28 academy for law enforcement officers, addressing hate crimes.
29 “Hate crimes,” for purposes of this section, has the same meaning
30 as in Section 422.55.

31 (b) The course shall make maximum use of audio and video
32 communication and other simulation methods and shall include
33 instruction in each of the following:

34 (1) Indicators of hate crimes.

35 (2) The impact of these crimes on the victim, the victim’s family,
36 and the community, and the assistance and compensation available
37 to victims.

38 (3) Knowledge of the laws dealing with hate crimes and the
39 legal rights of, and the remedies available to, victims of hate
40 crimes.

1 (4) Law enforcement procedures, reporting, and documentation
2 of hate crimes.

3 (5) Techniques and methods to handle incidents of hate crimes
4 in a professional manner.

5 (6) ~~Multimission criminal extremism, as defined in Section~~
6 ~~422.55. which means the nexus of certain hate crimes,~~
7 ~~antigovernment extremist crimes, anti-reproductive-rights crimes,~~
8 ~~and crimes committed in whole or in part because of the victim's~~
9 ~~actual or perceived homelessness, or status as a journalist.~~

10 (7) The special problems inherent in some categories of hate
11 crimes, including gender-bias crimes, disability-bias crimes,
12 including those committed against homeless persons with
13 disabilities, anti-immigrant crimes, anti-Sikh crimes, and anti-Arab
14 and anti-Islamic crimes, and techniques and methods to handle
15 these special problems.

16 (8) Preparation for, and response to, possible future anti-Asian,
17 anti-Hindu, anti-Sikh, anti-Arab/Middle Eastern, and anti-Islamic
18 hate crimewaves, and any other future hate crime waves that the
19 Attorney General, in consultation with subject matter experts,
20 determines are likely, and for which the Attorney General has
21 notified law enforcement agencies.

22 (c) The guidelines developed by the commission shall
23 incorporate the procedures and techniques specified in subdivision
24 (b), and shall include a framework and model hate crime policy.
25 The elements of the framework and model policy shall include,
26 but not be limited to, the following:

27 (1) A message from the law enforcement agency's chief
28 executive officer to the agency's officers and staff concerning the
29 importance of hate crime laws and the agency's commitment to
30 enforcement.

31 (2) The definition of "hate crime" in Section 422.55.

32 (3) References to hate crime statutes including Section 422.6.

33 (4) A title-by-title specific protocol that agency personnel are
34 required to follow, including, but not limited to, the following:

35 (A) Preventing and preparing for likely hate crimes by, among
36 other things, establishing contact with persons and communities
37 who are likely targets, and forming and cooperating with
38 community hate crime prevention and response networks.

39 (B) Responding to reports of hate crimes, including reports of
40 hate crimes committed under the color of authority.

1 (C) Accessing assistance, by, among other things, activating
2 the Department of Justice hate crime rapid response protocol when
3 necessary.

4 (D) Providing victim assistance and followup, including
5 community followup.

6 (E) Reporting.

7 (F) Each of the items Section 422.87 requires law enforcement
8 agencies to include in their hate crime policies.

9 (d) (1) The commission shall adopt revisions of, or additions
10 to, the framework and model policy only by a vote of the
11 commission following consultation with subject matter experts
12 and a public hearing before the commission.

13 (2) The framework and model policy are not regulations as
14 defined in Section 11342.600 of the Government Code.

15 (e) (1) The course of training leading to the basic certificate
16 issued by the commission shall include the course of instruction
17 described in subdivision (a).

18 (2) Every state law enforcement and correctional agency, and
19 every local law enforcement and correctional agency to the extent
20 that this requirement does not create a state-mandated local
21 program cost, shall provide its peace officers with the basic course
22 of instruction as revised pursuant to the act that amends this section
23 in the 2003–04 session of the Legislature, beginning with officers
24 who have not previously received the training. Correctional
25 agencies shall adapt the course as necessary.

26 (f) (1) The commission shall, subject to an appropriation of
27 funds for this purpose in the annual Budget Act or other statute,
28 for any basic course, incorporate the November 2017 video course
29 developed by the commission entitled “Hate Crimes: Identification
30 and Investigation,” as updated in August of 2020, and as updated
31 thereafter, or any successor video, into the basic course curriculum.

32 (2) The commission shall make the video course described in
33 paragraph (1) available to stream via the learning portal.

34 (3) Each peace officer shall, within one year of the commission
35 making the course available to stream via the learning portal, be
36 required to complete the November 2017 video facilitated course
37 developed by the commission entitled “Hate Crimes: Identification
38 and Investigation,” the course identified in paragraph (4), or any
39 other POST-certified hate crimes course via the learning portal or
40 in-person instruction.

1 (4) The commission, in consultation with subject matter experts
 2 as defined in Section 422.55, shall develop and periodically update
 3 an interactive course of instruction and training for in-service peace
 4 officers on the topic of hate crimes and make the course available
 5 via the learning portal. The course shall cover the fundamentals
 6 of hate crime law and preliminary investigation of hate crime
 7 incidents, and shall include updates on recent changes in the law,
 8 hate crime trends, and best enforcement practices.

9 (5) The commission shall require the course described in
 10 paragraph (3) to be taken by in-service peace officers every six
 11 years.

12 (g) As used in this section, “peace officer” means any person
 13 designated as a peace officer by Section 830.1 or 830.2.

14 ~~SEC. 7. Section 1 of Chapter 691 of the Statutes of 2021 is~~
 15 ~~amended to read:~~

16 ~~SECTION 1. The Legislature finds and declares all the~~
 17 ~~following:~~

18 ~~(a) (1) In 2018, the California State Auditor released a report~~
 19 ~~entitled “Hate Crimes in California: Law Enforcement Has Not~~
 20 ~~Adequately Identified, Reported, or Responded to Hate Crimes.”~~

21 ~~(2) The California State Auditor found that despite an increase~~
 22 ~~in hate crimes in California since 2014, law enforcement has not~~
 23 ~~been doing enough to identify, report, and respond to these crimes.~~

24 ~~(3) According to the Department of Justice’s annual report~~
 25 ~~entitled “Hate Crime in California,” hate crime events increased~~
 26 ~~31 percent from 1,015 in 2019 to 1,330 in 2020.~~

27 ~~(4) In 2021, the Southern Poverty Law Center tracked 838 active~~
 28 ~~hate groups and found increased hate activity by individuals~~
 29 ~~unaffiliated with any groups, increased spread of hate ideology,~~
 30 ~~and, in some cases, affinity for violence in a growing number of~~
 31 ~~persons with antigovernment extremist views and more~~
 32 ~~traditionally mainstream populations.~~

33 ~~(5) Hate crimes and incidents against Asian Americans and~~
 34 ~~Pacific Islanders (“APIs”) have surged in response to increased~~
 35 ~~xenophobia and bigotry amidst the COVID-19 pandemic. The Stop~~
 36 ~~AAPI Hate coalition has reported receiving 3,795 incidents~~
 37 ~~nationwide of hate, violence, harassment, and discrimination~~
 38 ~~against APIs, most of which targeted women, from March 19,~~
 39 ~~2020, to February 28, 2021. Similarly, the Center for the Study of~~
 40 ~~Hate and Extremism released data in early March 2021 that showed~~

1 the number of anti-Asian hate crimes reported to police in
2 America's largest cities spiked 145 percent between 2019 and
3 2020. California in particular has seen a rise in hate-fueled violence
4 against Asian Americans, including recent brutal attacks against
5 elderly Asian Americans. The Department of Justice figures
6 showed that anti-Asian hate crime events more than doubled in
7 2020, rising from 43 in 2019 to 89 in 2020. The numbers that are
8 being reported and the incidents that are being publicized reflect
9 only a fraction of the number of hate crimes and incidents that
10 actually occur because of insufficient data collection and
11 underreporting. AAPI immigrant communities face particular
12 barriers to reporting due to insufficient language access.

13 (6) Many of the estimated 9,000,000 Californians with
14 disabilities, including disabilities caused by aging, are always at
15 high risk of becoming victims of hate crimes, often including
16 extraordinary sadism, and antidisability hate crimes in California
17 and nationally are justifiably called the invisible hate crimes. A
18 2017 United States Bureau of Justice Statistics survey of hate crime
19 victims estimated 40,000 antidisability hate crimes per year. This
20 figure is certainly an underestimation because antidisability hate
21 crime victims often do not recognize that the crimes they suffered
22 were hate crimes, those with serious disabilities often find it
23 difficult or impossible to report the crimes, and the estimate omits
24 crimes in hospices, nursing homes, group homes, prisons, jails,
25 and other institutions. Yet in 2019, law enforcement agencies
26 reported just 177 antidisability hate crimes to the Federal Bureau
27 of Investigation (FBI), less than 0.5 percent of the earlier estimate.
28 In California in 2020, law enforcement agencies reported just five
29 antidisability hate crimes.

30 (7) According to the FBI's annual hate crime statistics, in 2019,
31 California law enforcement agencies reported more hate crimes
32 nationwide than any other state, accounting for almost 14 percent
33 of all reported hate crimes nationwide, despite comprising only
34 12 percent of the population, and almost 40 percent more than the
35 second highest reporting state, New York.

36 (8) Hate crimes are notoriously underreported, both by victims
37 to law enforcement and by law enforcement to state departments
38 of justice and the FBI, so the actual number of victims and cases
39 is generally unknown.

1 (9) According to the FBI's 2019 statistics, 11 California cities
2 with populations of at least 100,000 affirmatively reported zero
3 hate crimes in their jurisdictions.

4 (10) Also according to the FBI's 2019 statistics, only 195
5 California law enforcement agencies reported at least one hate
6 crime, out of the 692 law enforcement agencies listed on the
7 Commission on Peace Officer Standards and Training's internet
8 website.

9 (11) The California State Auditor's report found that out of the
10 four law enforcement agencies reviewed, three failed to properly
11 identify some hate crimes. For example, for the years 2014 to 2016,
12 inclusive, the Los Angeles Police Department and the San
13 Francisco State University Police Department failed to correctly
14 identify 11 of the 30 cases the California State Auditor reviewed
15 as hate crimes.

16 (12) The four law enforcement agencies the California State
17 Auditor reviewed failed to report to the Department of Justice a
18 total of 97 hate crimes—about 14 percent of hate crimes identified.

19 (13) The California State Auditor's report noted that better
20 proactive guidance and oversight by the Department of Justice
21 will result in improved reporting of hate crime information.

22 (14) The Department of Justice's current reporting process does
23 not capture the geographic location where each hate crime
24 occurred, but only reports the agency that reported the crime.

25 (15) Of the 245 law enforcement agencies the California State
26 Auditor surveyed, more than 30 percent stated they do not use any
27 methods to encourage the public to report hate crimes.

28 (16) The California State Auditor noted that the Department of
29 Justice is "uniquely positioned to provide leadership for law
30 enforcement agencies' response to hate crimes" because of its
31 statutory responsibilities to collect, analyze, and report on hate
32 crimes.

33 (17) The California State Auditor recommended better law
34 enforcement policies to guide officers. Section 422.87 of the Penal
35 Code, effective January 1, 2019, requires many local law
36 enforcement agencies to adopt hate crime policies with specified
37 content, and Section 422.92 of the Penal Code requires all state
38 law enforcement agencies to adopt such policies. Yet as of January
39 1, 2022, some agencies had no such policies, while some others
40 had policies that fell far short of the statutory guidelines.

1 ~~(b) (1) Section 422.92 of the Penal Code requires every law~~
2 ~~enforcement agency to have a hate crimes brochure and to provide~~
3 ~~it to hate crime victims and witnesses. As of January 1, 2022, it~~
4 ~~was unknown whether all agencies did so and there was no~~
5 ~~statutory accountability mechanism to ensure that agencies comply~~
6 ~~with this law.~~

7 ~~(2) Section 13519.6 of the Penal Code, contingent on future~~
8 ~~funding, requires all law enforcement agencies to conduct specific~~
9 ~~hate crime training. As of January 1, 2022, there was no statutory~~
10 ~~accountability mechanism to ensure that agencies comply with~~
11 ~~this law.~~

12 ~~(3) Section 422.9 of the Penal Code, enacted in 2004, requires~~
13 ~~all agencies to use the statutory definition of “hate crime”~~
14 ~~exclusively. Yet, as of January 1, 2022, some law enforcement~~
15 ~~agencies still used narrower, noncompliant decisions, and there~~
16 ~~was no statutory accountability mechanism to ensure that agencies~~
17 ~~comply with this law.~~

18 ~~(e) (1) Section 422.87 of the Penal Code, effective January 1,~~
19 ~~2019, requires that any local law enforcement agency that updates~~
20 ~~an existing hate crimes policy or adopts a new hate crimes policy~~
21 ~~shall include, but not be limited to, the content of the model policy~~
22 ~~framework that the Commission on Peace Officer Standards and~~
23 ~~Training developed pursuant to Section 13519.6 of the Penal Code,~~
24 ~~and any content that the commission may revise or add in the~~
25 ~~future, including any response and reporting responsibilities.~~

26 ~~(2) The California State Auditor in 2018 recommended that law~~
27 ~~enforcement agencies use supplemental hate crime report forms~~
28 ~~so that responding officers can conduct initial investigations on~~
29 ~~the scene.~~

30 ~~(3) The Commission on Peace Officer Standards and Training’s~~
31 ~~model policy framework, effective in May 2019, includes such a~~
32 ~~supplemental report form, which it calls a “hate crime checklist.”~~

33 ~~(4) The Los Angeles Police Department in 2021 reported that~~
34 ~~use of the form had “saved many officer/detective work hours,”~~
35 ~~in addition to improving public safety.~~

36 ~~(5) Many agencies, as of January 1, 2022, had updated or~~
37 ~~adopted hate crime policies in the three years since adoption of~~
38 ~~paragraph (2) of subdivision (a) of Section 422.87 of the Penal~~
39 ~~Code. Yet some had not included the form in their policies, and~~
40 ~~there was no statutory accountability mechanism to ensure that~~

1 agencies comply with this law. For such agencies, the requirement
 2 of the act that amended that section in 2020 that their policies
 3 include the form created no state-mandated local cost.

4 (d) It is the intent of the Legislature in enacting this act to do
 5 all of the following:

6 (1) ~~Enact clear, specific language to apply the provisions of~~
 7 ~~existing law and the highest priority recommendations of the audit~~
 8 ~~to all law enforcement agencies throughout the state as quickly as~~
 9 ~~feasible.~~

10 (2) ~~Establish an effective accountability mechanism.~~

11 (3) ~~Minimize costs to law enforcement agencies by allowing~~
 12 ~~them to meet all of the requirements of this act by utilizing~~
 13 ~~materials that the Commission on Peace Officer Standards and~~
 14 ~~Training has produced and will update in the future.~~

15 ~~SEC. 8.~~

16 *SEC. 7.* (a) The Legislature finds and declares all of the
 17 following:

18 (1) Section 422.87 of the Penal Code, as amended by this act,
 19 creates no costs to state law enforcement agencies because it is
 20 declaratory of existing law in subdivision (c) of Section 13519.6
 21 of the Penal Code.

22 (2) Section 422.87 of the Penal Code, as amended by this act,
 23 minimizes state-mandated local costs to local law enforcement
 24 agencies by allowing them to meet the requirements of that section
 25 by adopting the Commission on Peace Officer Standards and
 26 Training model hate crime policy and any updates of that policy
 27 that the commission develops in the future.

28 (3) Section 13023 of the Penal Code, as amended by this act,
 29 creates no state-mandated local costs to local law enforcement
 30 agencies because all of the requirements of the amendments to
 31 that section were within the authority of the Attorney General to
 32 require prior to enactment of those amendments.

33 (4) As concerning the supplemental report form requirements,
 34 this act creates no state-mandated local cost to any local law
 35 enforcement agency that has adopted or revised a hate crime policy
 36 on or after January 1, 2019, ~~for reasons including, but not limited~~
 37 ~~to, those stated in subdivision (e) of Section 7 of this act. 2019.~~

38 (b) If the Commission on State Mandates determines that this
 39 act contains costs mandated by the state, reimbursement to local
 40 agencies and school districts for those costs shall be made pursuant

AB 1947

— 18 —

- 1 to Part 7 (commencing with Section 17500) of Division 4 of Title
- 2 2 of the Government Code.

O

AB 1947

Freedom from Hate Crimes

Assemblymember
Phil Ting
 19TH DISTRICT



SUMMARY

In 2018, the State Auditor found that “law enforcement has not adequately identified, reported, or responded to hate crimes.” AB 1947 follows the auditor’s recommendations by requiring each law enforcement agency to adopt a hate crimes policy, including specific guidelines for recognizing, reporting, and responding to these crimes.

BACKGROUND

Hate crimes have surged in California and nationally since 2015, escalating more since the start of the COVID-19 pandemic and still further in 2021.

The most commonly reported types of hate crimes are those committed with a racial, ethnic, or nationality bias, followed by sexual orientation and religious biases.

The Asian American Pacific Islander (AAPI) community has been largely targeted amidst the pandemic. California in particular has seen a rise in hate-fueled violence against Asian Americans, including recent brutal attacks against elderly Asian Americans.

The Center for the Study of Hate and Extremism’s preliminary 2021 data shows large increases in anti-AAPI hate crimes in major cities nationally, including 173% in LA and an astonishing 567% in San Francisco. Overall nationally, hate crimes were reported up another 11%, with African Americans remaining the most targeted community and a resurgence in anti-Semitic hate crimes

The national coalition Stop AAPI Hate noted at least 931 hate incidents in the Bay Area alone in 2021, and nearly 11,000 incidents nationwide.

Despite the spike in reported cases, hate crimes are still notoriously underreported. For instance, 11 California cities with populations of at least 100,000 reported zero hate crimes in 2019. Anti-female and anti-disability hate crimes remain the most underreported in California.

The numbers reported and the incidents publicized reflect only a fraction of the actual numbers because of insufficient data collection and underreporting. This results in a significant lack of support and services needed within our communities, and instills fear among Californians.

THIS BILL

AB 1947 requires every law enforcement agency to adopt a detailed, specific policy instructing officers on how to identify, respond to, and report hate crimes.

It also requires agencies to submit their hate crime policies, brochures, and training schedules to the Department of Justice to ensure compliance.

This bill does not create or expand the definition of any crime, increase penalties for any crime, or preclude restorative justice sentencing for any crime.

SUPPORT

- The Arc & United Cerebral Palsy California Collaboration (sponsor)
- Asian Law Alliance (sponsor)
- California Asian Pacific American Bar Association (sponsor)
- California Alliance for Retired Americans (sponsor)
- California Association of Human Relations Organizations (sponsor)
- California Council of Churches IMPACT (sponsor)

AB 1947

Freedom from Hate Crimes

Assemblymember
Phil Ting
 19TH DISTRICT



- California Hawaii State Conference of the NAACP (sponsor)
- California League of United Latin American Citizens (LULAC) (sponsor)
- California Women's Law Center (sponsor)
- Center for the Study of Hate and Extremism, CSU San Bernardino (sponsor)
- Feminist Majority Foundation (sponsor)
- Hindu American Foundation (sponsor)
- National Japanese American Citizens League (sponsor)
- Sikh Coalition (sponsor)
- Alpha Resource Center
- The Arc San Francisco
- Asian Pacific Islander Legal Outreach
- BeChinatown
- California Catholic Conference
- California Community Living Network
- California Council of Behavioral Health Agencies
- California Democratic Party Senior Caucus
- California Foundation for Independent Living Centers
- California In-Home Supportive Services Consumer Alliance
- California La Raza Lawyers Association
- California Nurses Association
- California Rural Legal Assistance Foundation
- California Women's Law Center
- Coalition for Humane Immigrant Rights (CHIRLA)
- Council on American-Islamic Relations, California Chapter
- Compassion in Oakland
- Consumer Federation of California
- Dolores Huerta Foundation
- Easterseals Southern California
- Gray Panthers of San Francisco
- Islamic Networks Group (ING)
- Japanese American Citizens League, NCWNP
- Japanese Cultural and Community Center of Northern California
- Korean American Community Services in San Jose
- LEAD Filipino
- National Asian Pacific American Bar Association
- National Japanese American Historical Society
- Not in Our Town
- PathPoint
- Sacramento LGBT Community Center
- Salvador E. Alvarez Institute for Non-Violence
- Services Immigrant Rights and Education Network
- Sikh American Legal Defense and Education Fund (SALDEF)
- Stand with Asian Americans
- UDW/AFSCME Local 3930

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CONSENT CALENDAR

April 12, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral: Municipal Electric Vehicle Charging Infrastructure

RECOMMENDATION

That the City Council refer to the FY2023-24 budget process the funding of electric charging infrastructure for the City's fleet of electric vehicles.

FISCAL IMPACTS

An estimated \$1,150,000 for the implementation of electric charging infrastructure at the Corporation Yard and other City properties.

CURRENT SITUATION AND ITS EFFECTS

In July of 2020, the Department of Public Works presented its 2020 Municipal Fleet Electrification Assessment to the City Council. This assessment, developed in response to a 2019 referral from Council requesting it, details the department's action plan for the pursuit of the full electrification of Berkeley's municipal vehicle fleet by the year 2030. Public Works' report, and this recommendation, are primarily focused on the electrification of the 40% of Berkeley's fleet that are light-duty vehicles. This is due to the fact that there are few existing medium and heavy-duty electric vehicles and none of them are suitable for the City's desired uses.¹

While the pursuit of the full electrification of Berkeley's light, medium, and heavy-duty vehicles remains limited by existing technologies, the City Council can and must prioritize the electrification of that portion of the fleet that is ready to be electrified. In order to meet its 2030 electrification goal and its broader climate goal to reach greenhouse gas emissions 80% below 2000 levels by 2050, the City of Berkeley has to make steady investments into the work of electrification.

Public Works is on track to complete conversion of the light duty fleet to EVs by 2028, two years ahead of the assessment's schedule. However, failure to fund and/or install the Corporation Yard charging stations may delay this schedule and/or compromise the City achieving the goal of an all EV light duty fleet. The FY 2022 budget did not include the \$850,000 necessary to construct the charging infrastructure for the Corporation

¹ [2020 Municipal Fleet Electrification Assessment](#)

Yard, and the total gap in funding needed to get this infrastructure to the Corp Yard and other sites is now \$1,150,000. The Corporation Yard is an especially important location because much of the City's light duty fleet resides there, and without this charging infrastructure, EV conversion will slow dramatically.

ALTERNATIVES CONSIDERED

Public Works and the Office of Energy and Sustainable Development may continue discussions with East Bay Community Energy for their potential financing and management of this important capital project.

ENVIRONMENTAL IMPACTS

The use of electric vehicles for Berkeley's municipal fleet stands to significantly reduce the City's greenhouse gas emissions. While the production of electric vehicles still results in some emissions, shifting away from fossil fuel-powered vehicles will nonetheless drastically advance the City's climate goals.

CONTACT

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

ATTACHMENTS

1. 2020 Municipal Fleet Electrification Assessment



Office of the City Manager

CONSENT CALENDAR
July 28, 2020

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Liam Garland, Director, Department of Public Works
 Subject: Referral Response: An Action Plan for Greening the City of Berkeley Fleet of Vehicles

RECOMMENDATION

Receive the City of Berkeley Municipal Fleet Electrification Assessment, a plan to accelerate Berkeley's municipal fleet electrification by 2030, and refer to the City Manager to pursue grant and rebate opportunities through East Bay Community Energy and other entities to support its recommendations for transitioning fleet vehicles away from fossil fuels to electric vehicles, including charging infrastructure and associated distributed energy resource options.

FISCAL IMPACTS OF RECOMMENDATION

This recommendation has no direct fiscal impacts. The City of Berkeley Municipal Fleet Electrification Assessment Plan (Fleet EV Plan), however, estimates that transitioning light-duty fleet vehicles to electric vehicles (EVs) over the next ten years will have significant costs, due primarily to expenses associated with needed charging infrastructure. Light-duty EV fleet replacement is estimated at \$9.76 million over the next ten years, compared with \$8.34 million for gasoline/hybrid vehicles. The differential is primarily due to the high costs associated with charging infrastructure including procurement, installation at the multiple locations where Berkeley fleet vehicles are domiciled, and electrical upgrades required to support charging. Further, if recommended solar photovoltaic (PV) and battery energy storage systems are included, an additional \$1.58 million will be required, totaling an estimated \$11.34 million over ten years. Light-duty vehicles are approximately 40% of the total Berkeley Municipal Fleet; costs associated with transitioning medium-duty, heavy-duty, and emergency vehicles to EVs have not been estimated in the Fleet EV Plan because very few options are available. Implementation of an electric fleet will require additional funding through future City Budget adoptions.

CURRENT SITUATION AND ITS EFFECTS

This Fleet EV Plan responds to Item 36, "An Action Plan for Greening the City of Berkeley Fleet of Vehicles," which originally appeared on the agenda of the June 25, 2019 Council meeting and was sponsored by Councilmembers Wengraf, Harrison, Robinson, and Mayor Arreguin. This Council item called for the City Manager and

Department of Public Works to create a plan to aggressively accelerate implementation of the electrification of the City's municipal fleet and phase out fossil fuel use in municipal vehicles by 2030. The Fleet EV Plan complements the drafting of Berkeley's first Electric Mobility Roadmap, by the Planning Department, and embodies the Roadmap goal of Demonstrating City Leadership, specifically the strategy to develop and implement a City fleet electrification plan.

This Fleet EV Plan completes the Strategic Plan Priority project "City Vehicle Fleet Assessment" and supports the Strategic Plan Goals of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities and being a global leader in addressing climate change and protecting the environment.

As directed by Council, the Fleet EV Plan includes an evaluation of the City's current fleet, and an analysis of opportunities for transitioning to a fleet of fossil fuel free vehicles, as soon as the technology can safely and reliably meet operational needs. Based on this analysis, the Fleet EV Plan focuses on light-duty vehicles (approximately 40% of the total fleet) because few medium- and heavy-duty EVs exist, and of those that do, performance is not appropriate for Berkeley's fleet. The Fleet EV Plan addresses 2021-2025 procurement cycles in detail, and 2026-2030 procurement cycles more generally, to ensure fiscally responsible procurement and deployment of EVs. It also proposes associated distributed energy resource (DER) options, including charging infrastructure and onsite solar PV and/or battery energy storage (BES) systems. Specifically, the plan includes an initial screening to identify sites at which solar PV and/or BES may be favorable to offset electricity consumption of the City's EV fleet. BES systems allow for operational flexibility, resilience, and energy demand management. The plan has details on vehicle and DER technology, and financial model recommendations for each fleet facility (domicile). It recommends a scenario to meet fleet electrification requirements with the greatest ease of implementation and integration.

As of February 2020, the City fleet, excluding emergency response vehicles, consisted of 99 passenger sedans and SUVs, 30 parking enforcement scooters, 88 medium-duty pick-up trucks and vans, and 98 heavy-duty vehicles, all domiciled in 15 dispersed locations. It was determined the light-duty fleet could be transitioned to battery electric vehicles (BEVs, such as Chevy Bolts), with some plug-in hybrid electric vehicles (PHEVs, such as Prius Primes) that travel primarily using electricity, but which also have gasoline engines for flexibility and resilience needed for emergency response and disaster preparedness. Emergency vehicles for police patrol and pursuit, firefighting, and emergency medical services are not currently available as BEVs or PHEVs. The plan recommends that medium-duty and heavy-duty gasoline engine/hybrid vehicles continue to be evaluated during the 2020-2030 timeframe via pilot programs, until EVs in these classes are available, cost-effective, and able to meet the same duty cycle of existing vehicles. For example, some of the fleet's 72 medium-duty pickup trucks may

be able to be replaced by the all-electric Ford F-150, a light-duty truck currently expected to arrive in the U.S. market by the end of 2021.

Table 1 summarizes Fleet EV Plan recommendations for adding charging stations, solar PV, BES systems, and backup generators to support the transition of the light-duty fleet to an EV fleet. Solar PV and BES recommendations are based on the energy load of the fleet, and some locations are being evaluated through East Bay Community Energy (EBCE)'s separate *Solar + Storage at Critical Municipal Facilities Assessment*, which is expected to be completed by the end of 2020. Backup generators are included in the Fleet EV Plan to provide resilience, but these needs may be met at some locations with solar PV and BES.

Table 1: Summary of Fleet EV Plan Recommendations for Charging Infrastructure and Associated Distributed Energy Resource Options to Support Light-duty Fleet Electrification Transition

Facility Name	Facility Location	Light-Duty EVs	Chargers	Solar PV (kW DC)	BES	Backup Generator
Corp Yard	1326 Allston Way	16	4 dual-head L2 and 1 DCFC	52.7	33 kW / 130 kWh	Yes
Berkeley Transfer Station (prior to rebuild)	1201 Second Street	5	2 dual-head L2 w/ load management			
Berkeley Marina	125/127 University Avenue	33 (includes scooters)	4 dual-head L2	70.5	75 kW / 300 kWh	Yes
Adult Mental Health Clinic	1521 University Avenue	13	3 dual-head L2	--	--	
Mental Health Clinic	1890 Alcatraz Avenue/ 3282 Adeline Street	6	1 dual-head L2	--	--	Yes
Center Street Garage	2025 Center Street	36 (some will relocate to Civic Center)	28 dual-head, 1 single L2 (existing)	168.9	63 kW / 250 kWh	
Central Library Parking Lot	2031 Bancroft Way	1	1 dual-head L2	18.8	--	Yes
Public Safety Building	2100 Martin Luther King Jr Way	2	1 dual-head L2	10.8	--	
Civic Center	2180 Milvia Street	1	2 dual-head L2	--	--	
Mental Health Clinic	2636/2640 Martin Luther King Jr Way	8	2 dual-head L2	60.1		
South Berkeley Senior Center	2939 Ellis Street	2	1 dual-head L2	7.8		Yes
North Berkeley Senior Center	1901 Hearst Avenue	2	1 dual-head L2	29.6		

The City fleet includes three take-home vehicles that are assumed to be charged at staffs' homes.

Table 2 summarizes the estimated annual costs for transitioning the City's light-duty fleet to EVs. Estimates are based on April 2020 data for initial procurement, installation, and annual operation and maintenance costs. Factors that impact these estimates include change in costs of equipment, insurance, sales tax, and utility rates; change in the numbers of vehicles procured each year; implementation of solar PV and/or BES systems, and the availability of incentives and grants.

Table 2: Summary of Estimated Procurement and Operating and Maintenance Costs by Year

	2021	2022	2023	2024	2025	2026-30
Light-duty vehicle procurement	\$1,156,200	\$678,043	\$151,379	\$191,797	\$151,736	\$2,528,658
Charger procurement and installation*	\$675,500	\$675,500				
Annual charger maintenance fee*	\$12,400	\$22,300	\$22,300	\$22,300	\$22,300	\$111,500
Solar PV procurement and installation*	\$534,650	\$534,650				
BES procurement and installation	\$1,020,000					\$1,020,000
Back-up generator procurement	\$827,000					
Minimum reserved funds for heavy-duty EV evaluation	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	
Total	\$4,475,750	\$2,160,493	\$423,679	\$464,097	\$424,036	\$3,660,158

*Does not include charging stations and solar PV already installed or planned for 2020 or any charging stations that will be incorporated into the new Transfer Station rebuild project

As shown in Table 2, complete implementation of the EV Fleet Plan requires significant resources, particularly in the first two years of implementation, 2021 and 2022. Costs associated with building adequate charging infrastructure are unavoidable, but the plan attempts to minimize those costs via charger sharing, load management, and potentially providing mobile charging in some locations. EVs require charging stations for refueling, and the City's vehicles are domiciled in dispersed locations (see Table 1), most of which currently have limited electrical capacity, as well as physical constraints related to adding EV charging infrastructure. Although elements such as solar PV and BES are not essential for EV adoption, if incorporated, they will reduce utility costs associated with vehicle charging and provide greater resilience during power losses.

BACKGROUND

As staff sought resources to complete the Action Plan for Greening the City of Berkeley Fleet of Vehicles in July 2019, EBCE offered to perform rapid fleet electrification assessments for member cities to help update EBCE's electricity load growth curve forecast and plan for infrastructure build out. Member cities including Berkeley, Albany, Dublin, and Oakland expressed interest in participating in the assessments, and EBCE issued an RFP for consultant services in September 2019. City of Berkeley staff participated in review of the proposals, and final selection of the consultant team of Frontier Energy, DKS Associates, and Gladstein, Neandross & Associates. The project kicked off in November 2019 with Berkeley in first position for the comprehensive fleet electrification assessment. The consultant team, working closely with EBCE and Berkeley staff, completed the assessment in May 2020.

Transportation is the largest source of greenhouse gas (GHG) emissions in Berkeley, accounting for 60% of the community's total emissions in 2016.¹ In keeping with Berkeley Climate Action Plan goals, and consistent with Council's 2018 Climate Emergency Declaration and resolution to become a Fossil Fuel Free City, staff began incorporating EVs into the municipal fleet in 2016. The fleet currently includes 2 electric scooters (GO-4 EVs) for parking enforcement and 15 Toyota Prius Primes used in multiple departments including Health, Housing & Community Services, Planning, and Public Works.

At the end of 2019, 37 additional charging ports were added to the newly rebuilt Center Street Garage, for a total 57 ports available for public and fleet charging, at this facility which also hosts a 168.9 kW solar PV rooftop canopy. The Center Street Garage rebuild and charging expansion utilized a portion of the \$600,000 allocated in the FY2020 budget for EVs and charging infrastructure, with funding also going towards incorporating EV charging stations into current capital projects at the Mental Health Clinic and North Berkeley Senior Center; and charging design work at the Corp Yard and the Berkeley Marina. In addition, staff was recently informed Berkeley's application for the West Oakland Zero Emission Grant Program to fund fleet EVs and charging infrastructure has been recommended for a \$100,914 award for approval by the Bay Area Air Quality Management District Board in June 2020.

Further expansion of fleet EVs is dependent on providing appropriate charging infrastructure. This Fleet EV Plan provides the City of Berkeley with a plan and recommendations for the accelerated transition to fleet electrification, including associated DER options. EBCE graciously funded this plan, and will continue to offer assistance for the installation of EV charging infrastructure and DER. EBCE has applied to the California Energy Commission for CALeVIP funding that would provide \$14.5 million to our region over 4 years beginning in 2021, for Level 2 and DC Fast Charge stations. This could potentially be combined with other funding opportunities including

¹ Climate Action Plan Update, December 6, 2018, available at <https://www.cityofberkeley.info/climate/>.

Pacific Gas & Electric's EV Fleet program, but significant City investment will be required for plan implementation.

ENVIRONMENTAL SUSTAINABILITY

Driving an EV instead of a conventional gasoline or diesel-fueled combustion engine vehicle eliminates tailpipe emissions. The associated GHG emissions, when charging is powered by onsite solar PV or by EBCE's 100% carbon-free product (Brilliant 100, which is currently used by municipal accounts), are also completely eliminated.

Widespread electric mobility is an essential component of reaching the State's carbon neutrality (zero net carbon) by 2045, and becoming a Fossil Fuel Free City as soon as possible. This Fleet EV Plan estimates the annual lifecycle GHG emissions associated with the light-duty fleet would drop 96% between 2020 and 2030 from 56.6 metric tons to only 2.1 metric tons per year.

RATIONALE FOR RECOMMENDATION

The City of Berkeley Municipal Fleet Electrification Assessment presents an ambitious plan for transitioning fleet vehicles away from fossil fuels to electric vehicles, including developing charging infrastructure and associated distributed energy resource options, such as solar photovoltaics and battery energy storage. The Fleet EV Plan is thorough and was developed in close collaboration with City staff and EBCE to meet Council's referral request and to demonstrate City leadership in addressing climate change and protecting the environment. Given the budgetary impacts of COVID-19 on the City, no specific budget allocation to support Fleet EV Plan implementation is being requested at this time.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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Sarah Moore, Sustainability Program Manager, Planning, 510-981-7494

Attachments:

1: City of Berkeley Municipal Fleet Electrification Assessment Plan

2: Original Referral Report from June 25, 2019 (Item 36, An Action Plan for Greening the City of Berkeley Fleet of Vehicles)

City of Berkeley Municipal Fleet Electrification Assessment



Prepared for: East Bay Community Energy on behalf of the City of Berkeley

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East Bay Community Energy Fleet Electrification

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Glossary

4WD/4x4	Four-wheel drive
A	Amperes
BAAQMD	Bay Area Air Quality Management District
BES	Battery energy storage
BEV	Battery electric vehicle
CALeVIP	California Electric Vehicle Incentive Program
CapEx	Capital expense
CARB	California Air Resources Board
CORE	California Off-Road Equipment
CVRP	Clean Vehicle Rebate Project
DCFC	DC Fast Charging
DER	Distributed energy resource
EBCE	East Bay Community Energy
EV	Electric vehicle
EVSE	Electric vehicle service equipment
GHG	Greenhouse gas
HVIP	Hybrid Voucher Incentive Program
ICE	Internal combustion engine
kW	Kilowatt
kWh	Kilowatt hour
LCFS	Low Carbon Fuel Standard
Level 2/L2	240-volt charging equipment
O&M/OpEx	Operation and maintenance (expense)
OEM	Original Equipment Manufacturer
PHEV	Plug-in hybrid electric vehicle
PV	Photovoltaic
RA	Resource adequacy
SF	Square feet
SUV	Sport utility vehicle
TCO	Total cost of ownership
V	Volt
W	Watt
ZEV	Zero emission vehicle

City of Berkeley Fleet Transition Plan

Introduction

Fleet electrification offers local governments economic benefits that include lower lifecycle costs and reduced risk of fuel price volatility when compared to internal combustion engine (ICE) vehicles. Deployment of electric vehicles (EV) in municipal fleets also benefits the local population through the use of clean electricity as fuel, which helps reduce criteria air pollutants and greenhouse gas emissions.

To assist local government partners in overcoming perceived barriers to municipal fleet electrification, East Bay Community Energy (EBCE) commissioned a consultant team to develop a plan on behalf of the City of Berkeley (City) that evaluates the short- and long-term cost savings associated with the transition to EVs, determines impacts and benefits to the City, and outlines steps to efficiently integrate EVs and charging infrastructure at municipal facilities in a fiscally responsible manner.

In June 2019 City Council requested the City Manager and Department of Public Works collaborate to create an Action Plan by June 2020 that would outline how the City would accelerate the implementation of municipal fleet electrification by 2030. The purpose of this report is to understand the current municipal fleet composition and make recommendations about transitioning from light-, medium-, and heavy-duty ICE vehicles to EVs by 2030, to the extent feasible. Commitment to fleet electrification will help move the City closer to achieving Council-adopted climate policies while leading by example in the community.

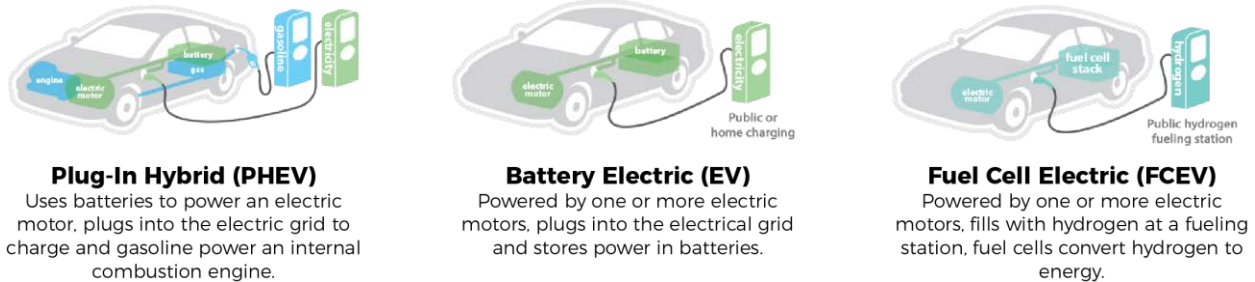
Development of this report was supported by data provided by the City and supplemental information gathered during meetings and interviews.

The purpose of this report is to present a formalized EV deployment plan for the City's municipal fleet in line with the City's commitments and goals. This plan addresses 2021-2025 procurement cycles in detail and 2026-2030 procurement cycles more generally to ensure fiscally responsible procurement and deployment of EVs and proposed associated distributed energy resource (DER) options, including charging infrastructure and onsite solar photovoltaic (PV) and/or battery energy storage (BES) systems. It includes reporting about vehicle and DER technology and financial model recommendations for each fleet facility (domicile), and it ultimately recommends a scenario to meet fleet electrification requirements with the greatest ease of implementation and integration.

Vehicle Technology

Zero-emission vehicles (ZEV) are those that have electric drivetrains to provide all or some of the vehicle's power. California regulations recognize three types of ZEVs as shown in Figure 1.

Figure 1: Types of Zero-Emission Vehicles



Source: Center for Sustainable Energy

- Plug-in Hybrid Electric Vehicles (PHEV): PHEVs are powered by electric charging and gasoline fueling. Most have an all-electric driving range of 10-50 miles. PHEVs can often be fully charged overnight from a standard electrical socket (Level 1) and accept Level 2 charging. PHEVs are more efficient than hybrids and, if driven on primarily on electric power, can achieve up to 133 miles per gallon gasoline equivalent.¹
- Battery Electric Vehicles (BEV): BEVs are powered by electric batteries only and have a range of between 70-315 miles. BEVs are very efficient and can achieve up to 120 miles per gallon gasoline equivalent.¹ Most BEVs can be charged at Level 1, which is ideal for vehicles with a long dwell time, and Level 2 and DC Fast Charging. Figure 2 illustrates the difference in time to charge at the three charging levels.
- Fuel Cell Electric Vehicles (FCEV): FCEVs are powered by a fuel cell that converts hydrogen into electric energy within the vehicle. Current FCEV models have a range of 312-380 miles. FCEVs are fueled at public hydrogen stations in about five minutes. One hydrogen station located at 1250 University Avenue in Berkeley is currently in development. FCEVs are efficient in power conversion and can achieve up to 68 miles per gallon gasoline equivalent.¹ Longer term, FCEVs may be considered for medium and heavy-duty fleet applications.

Charging Technology




Chargers are identified by their input voltage and are designed and sold by many manufacturers with different prices, applications and functionality. Figure 2 illustrates the difference in charging speeds (miles of range added per hour) from the three charging levels.

- Level 1 charging uses a common wall outlet. Some vehicles can use a standard 120-volt outlet on a dedicated circuit for a “trickle” charge. Most EVs include a cord that can plug into a Level 1 outlet and, therefore, this level of charging does not require installation of charging equipment. Depending on the battery capacity of the EV, Level 1 charging can take 7 to 24 hours for a full charge.

¹ <https://fueleconomy.gov>

- Level 2 equipment offers charging through a 240V, AC plug and requires electric vehicle service equipment (EVSE) with a dedicated 40-amp circuit. All BEVs and PHEVs can use Level 2 charging by using the cord that is attached to the EVSE and plugging it into the vehicle. Level 2 EVSEs come in many configurations: wall mounted, free standing, curbside, and ceiling mounted, and can be networked (smart) to accept payment and communicate charging status or not networked (dumb). Depending on the battery capacity of the EV vehicle, Level 2 charging generally takes 4 to 6 hours to completely charge a depleted battery, however, charging duration can increase in extreme cold and hot temperatures.
- DC Fast Charging (DCFC) is the fastest way to charge an EV and requires a specialized charger on a dedicated circuit that matches the amperage of the EVSE—between 50 and 150 amps. Most BEVs can utilize a DCFC by using the cord attached to the EVSE. Most DCFCs are networked to charge customers for use and help with power management to avoid peaks in demand. Mobile and portable DCFCs are just entering the market. DCFC charging generally takes fewer than 60 minutes to completely charge a depleted battery, however, charging duration can increase in extreme cold and hot temperatures.

Figure 2: Levels of EV Charging

LEVEL 1	LEVEL 2	DC FAST CHARGE
 <p>3 to 5 miles of range per hour 7 to 24 hours for a full charge</p>	 <p>~3-19kw and 16-40 amps 10 to 20 miles of range per hour 4 to 6 hours for a full charge</p>	 <p>50-60kw and 100+ amps 80% charge in 20 to 40 minutes 60 minutes for a full charge</p>

Source: Frontier Energy

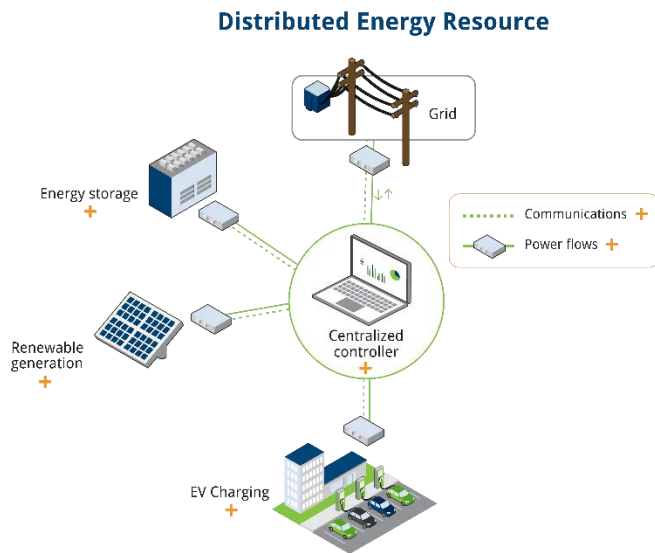
Solar Photovoltaic + Battery Energy Storage Systems

With the threat of a major earthquake predicted to impact the greater San Francisco Bay Area in the next 30 years, cities like Berkeley have extensive experience preparing for natural disasters that can interrupt the utility grid. In recent years, however, increased frequency of climate-related wildfires created a new impact on the City's operations and those of its businesses and residents. As a last-resort measure to prevent grid-initiated fires, the investor owned utility PG&E implemented processes to de-energize targeted regions known as Public Safety Power Shutoff (PSPS) events. It is crucial that the City's EV fleet has reliable fueling options when electric service is interrupted due to a natural disaster or PSPS to ensure staff can provide continuity of service to the community.

Onsite solar photovoltaic (PV) arrays paired battery energy storage (BES) systems can provide that resilience. And, on a day-to-day basis, these systems can also reduce costs associated with PG&E demand charges further helping the City's fleet save on operational expenses.

With the help of a central controller, power generated from onsite solar PV is directed to the BES system. If a City facility is not suitable for onsite PV, electricity will be directed from the grid to the BES system by the controller. In either case, the controller monitors onsite electricity production, electricity flowing from the grid to the battery, and consumption by loads like building energy use and EV charging infrastructure. Figure 3 provides a simplified schematic of a solar PV and BES system.

Figure 3: Schematic of a DER system



Source: Frontier Energy

Summarized Recommendations

In late-February 2020, the City fleet, excluding emergency response vehicles, consisted of 99 passenger sedans and SUVs, 30 parking enforcement scooters, 88 medium-duty pick-up trucks and vans, and 98 heavy-duty vehicles. The City's fleet domiciles in 15 locations. With input from City staff, it was determined that the light-duty fleet could be transitioned to EVs and, in fact, that transition had already begun with the acquisition of 15 Prius Prime PHEVs. The detailed recommendations summarized in this report focus on the light-duty fleet. Medium- and heavy-duty vehicles should be evaluated during the 2020-2030 timeframe via pilot programs until EVs in these classes are cost effective and can meet the same duty cycle of the existing vehicles.

Table 1 summarizes the recommendations throughout this report for adding charging stations, solar PV, and BES systems to support the transition of the light-duty fleet to EVs. Solar PV and BES recommendations are based on the energy load of the fleet, and some locations are being evaluated through EBCE's separate *Solar + Storage at Critical Municipal Facilities Assessment*. Backup generators are included to provide resiliency, but these needs may be met at some locations with solar PV and BES.

Table 1: Summary of Light-duty Fleet Electrification Transition

Facility Name	Facility Location	Light-Duty EVs	Chargers	Solar PV (kW DC)	BES	Backup Generator
Corp Yard	1326 Allston Way	16	4 dual-head L2 and 1 DCFC	52.7	33 kW / 130 kWh	Yes
Berkeley Transfer Station (prior to rebuild)	1201 Second Street	5	2 dual-head L2 w/ load management			
Berkeley Marina	125/127 University Avenue	33 (includes scooters)	4 dual-head L2	70.5	75 kW / 300 kWh	Yes
Adult Mental Health Clinic	1521 University Avenue	13	3 dual-head L2	--	--	
Mental Health Clinic	1890 Alcatraz Avenue/ 3282 Adeline Street	6	1 dual-head L2	--	--	Yes
Center Street Garage	2025 Center Street	36 (some will relocate to Civic Center)	28 dual-head, 1 single L2 (existing)	168.9	63 kW / 250 kWh	
Central Library Parking Lot	2031 Bancroft Way	1	1 dual-head L2	18.8	--	Yes
Public Safety Building	2100 Martin Luther King Jr Way	2	1 dual-head L2	10.8	--	

Facility Name	Facility Location	Light-Duty EVs	Chargers	Solar PV (kW DC)	BES	Backup Generator
Civic Center	2180 Milvia Street	1	2 dual-head L2	--	--	
Mental Health Clinic	2636/2640 Martin Luther King Jr Way	8	2 dual-head L2	60.1		
South Berkeley Senior Center	2939 Ellis Street	2	1 dual-head L2	7.8		Yes
North Berkeley Senior Center	1901 Hearst Avenue	2	1 dual-head L2	29.6		

The City fleet includes three take-home vehicles that are assumed to be charged at staffs' homes.

Summary of Estimated Costs

Table 2 summarizes the estimated annual costs for transitioning the City's light-duty fleet to EVs. Estimates are based on data available in April 2020 for initial procurement, installation, and annual operation and maintenance costs. Factors that impact these estimates include change in cost of equipment, insurance, sales tax, and utility rates; change in the numbers of vehicles procured each year; implementation of solar PV and/or BES systems, and the availability of incentives and grants.

Table 2: Summary of Estimated Procurement and Operating and Maintenance Costs by Year

	2021	2022	2023	2024	2025	2026-30
Light-duty vehicle procurement	\$1,156,200	\$678,043	\$151,379	\$191,797	\$151,736	\$2,528,658
Charger procurement and installation*	\$675,500	\$675,500				
Annual charger maintenance fee*	\$12,400	\$22,300	\$22,300	\$22,300	\$22,300	\$111,500
Solar PV procurement and installation*	\$534,650	\$534,650				
BES procurement and installation	\$1,020,000					\$1,020,000
Back-up generator procurement	\$827,000					
Reserved funds for procurement of heavy-duty EVs for evaluation	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	
Total	\$4,475,750	\$2,160,493	\$423,679	\$464,097	\$424,036	\$3,660,158

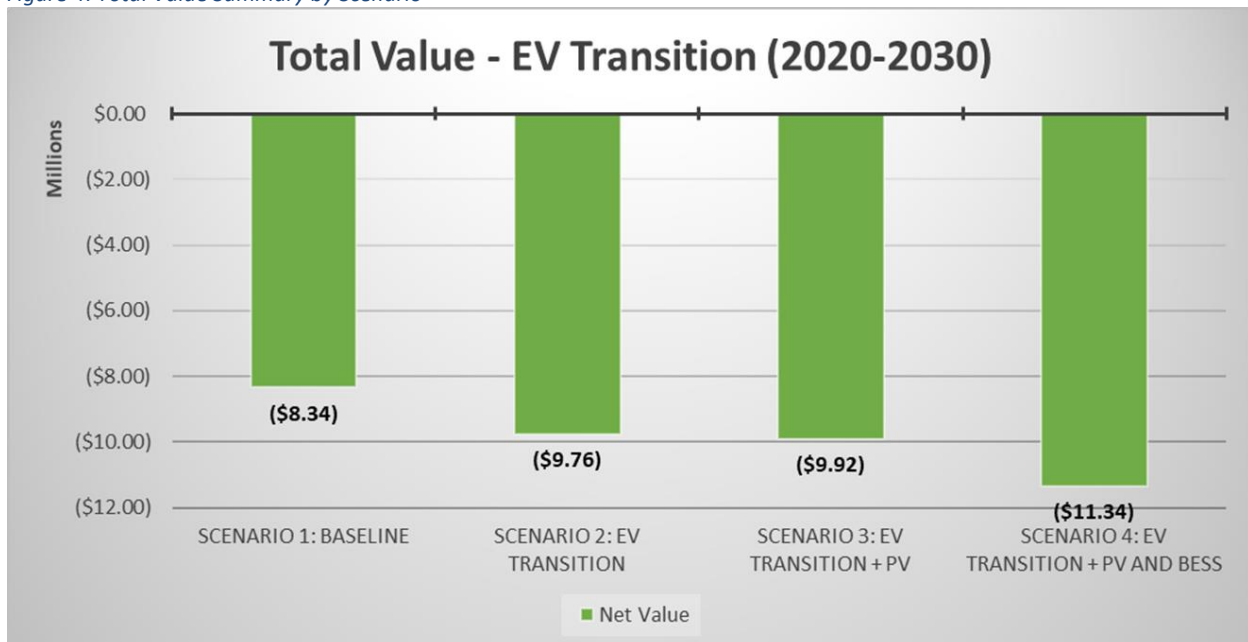
**Does not include charging stations and solar PV already installed or planned for 2020 or any charging stations that will be incorporated into the new Transfer Station rebuild project*

To understand the total cost of ownership, four scenarios were created:

1. Baseline—assume that existing gasoline and hybrid ICE vehicles are replaced with similar vehicles
2. EV Transition—assumes that existing gasoline and hybrid ICE vehicles are replaced with EVs
3. EV Transition + PV—adds solar to the EV Transition
4. EV Transition + PV and BES—adds battery storage

Due to the high costs associated with charging infrastructure, including procurement, installation, and electrical upgrades, the EV transition scenario is more expensive over 10 years than the Baseline scenario. Adding solar PV is a slight increase further and the addition of both solar PV and BES systems further increases the total cost of ownership, as shown in Figure 4. EBCE plans to aggregate cities' solar PV and BES needs into a competitive solicitation in 2020 to reduce the cost and complexity of deploying these systems in the near term for its local government partners.

Figure 4: Total Value Summary by Scenario



Additional charging may need to be added to support medium-, heavy-duty, and emergency response EVs as they become more readily available and economically feasible. Additionally, grant programs, rebates, and incentives may further offset costs of procuring and operating the proposed supporting DER technologies. It is recommended that the City closely track such funding opportunities and coordinate with partners, such as EBCE, accordingly.

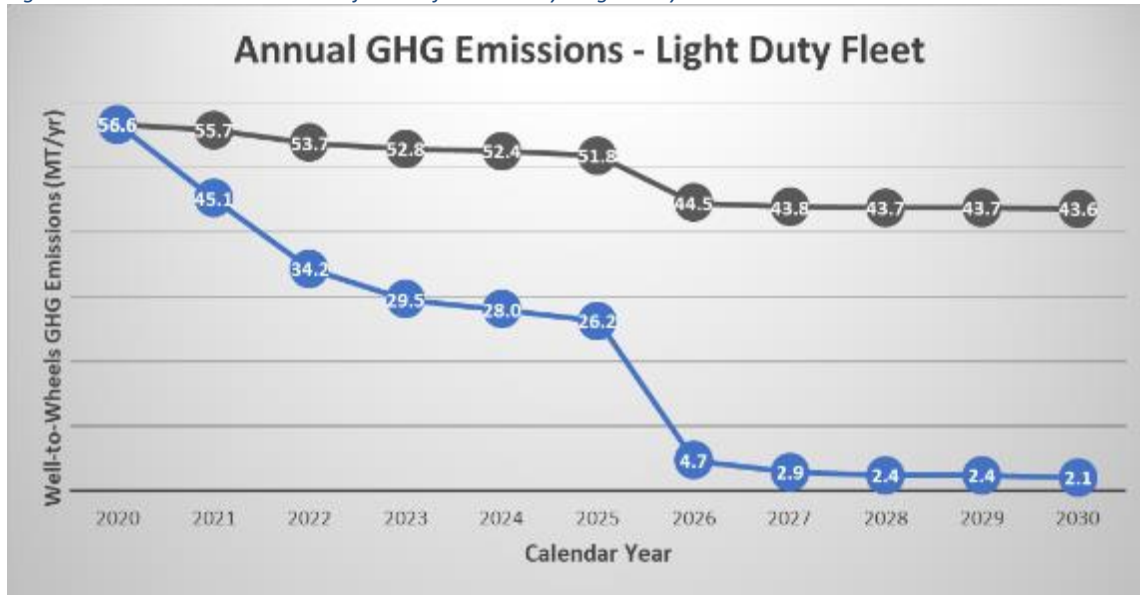
Summary of Emissions Reduction

Transportation contributes 60% of Berkeley's greenhouse gas (GHG) emissions.² Transitioning to EVs charged with 100% renewable or carbon-free electricity that EBCE provides dramatically reduces GHGs from the City's fleet. Figure 5 compares GHG emissions under the Baseline scenario and the EV

² <https://www.cityofberkeley.info/climate/>

transition scenario. Precipitous drops in the EV transition scenario in 2021, 2022, and 2025 are associated with the substantial number of vehicles slated for replacement in each of those years.

Figure 5: Annual GHG Emissions Projections from the City's Light-duty Fleet



In 2030, GHGs would be reduced 96% relative to the Baseline scenario. The few remaining GHG emissions are associated with seven PHEV SUVs that have a portion of their daily mileage powered by gasoline. By 2030, it is likely that SUV BEVs that meet the City's duty cycles will be available, effectively allowing the City to achieve a 100% reduction in the GHG emissions for the light-duty fleet considered in this analysis.

Fleet Electrification Transition

Light-duty Vehicles

As of February 2020, the City's light-duty fleet passenger sedans (or cars), SUVs, and parking enforcement scooters (excluding vehicles used for emergency services and response) consisted of 75 passenger sedans, 24 SUVs, and 30 parking enforcement scooters

The City schedules vehicle replacement 7, 10, or 15 years from the purchase date, although some vehicles are kept longer than planned. All the GO-4 scooters are scheduled to be replaced in 2026. Based on the current vehicle replacement schedule, Table 3 summarizes year-by-year transition to EVs.

The consultant team recommends replacing existing passenger sedans with BEVs, transitioning some existing SUVs to BEV sedans and replacing other SUVs with PHEV SUVs. PHEV SUVs will primarily travel on the electricity available from the vehicles' batteries and the gasoline engine provides flexibility and resiliency needed by these vehicles for emergency response and disaster preparedness. By 2026, the BEV parking enforcement scooters will likely meet the City's needs for range and reliability. If BEV scooters are not viable or cost effective by 2026, the City may consider replacing the scooters with BEV sedans.

Table 3: Procurement Schedule for Passenger Sedans and SUVs

Year	Number of BEV Passenger Sedans/Wagons	Number of PHEV SUVs	Number of BEV Scooters
2020*	1	0	
2021**	29	3	
2022	10	8	
2023	3	1	
2024	4	1	
2025	4	0	
2026	11	0	30
2027	6	0	
2028	3	0	
2029	0	0	
2030	1	0	

*Vehicles the City procured in January and February 2020 or are scheduled to be procured in 2031 do not appear in this table.

**Six vehicles may be replaced with EVs in 2020 (instead of 2021), pending approval of a Bay Area Air Quality Management District (BAAQMD) grant application.

2020-2025 Budgeting Considerations for Light-Duty EVs

Based on the negotiated contract rates from National Auto Fleet Group, Table 4 lists the estimated price for EVs, including 9.25% sales tax, additional keys, and other fees. The prices are rounded to the nearest dollar, based on the City's stated preference to standardize on the Nissan Leaf Plus and Chevy Bolt. The City doesn't have a stated preference for an SUV replacement and three PHEV options are listed.

Table 4: Average Contract Rates for EVs

Technology Type	Body Type	Make and Model	NAFG Est. Price	EPA Rated All-electric Range	Battery Size (kWh)
BEV	Sedan	Nissan Leaf Plus	\$37,934	226	62
BEV	Small Wagon	Chevy Bolt	\$37,577	259	60
BEV	Scooter	GO-4 EV	\$47,666	100*	20
PHEV	SUV	Kia Niro LX PHEV	\$31,505	26	9
PHEV	SUV	Mitsubishi Outlander 4WD	\$40,061	22	12
PHEV	Minivan	Chrysler Pacifica	\$43,578	32	16

*Manufacturer estimate

Currently, the City is eligible to claim a Clean Vehicle Rebate Program (CVRP) rebate from the State of California for up to 30 EVs per year.³ In 2020, BEVs are eligible for a \$2,000 per vehicle rebate and some PHEVs are eligible for a \$1,000 rebate. The Mitsubishi Outlander, the only four-wheel-drive (4WD) PHEV, is not eligible for the rebate because it does not meet the minimum requirement for all-electric range.⁴ The Kia Niro crossover PHEV and the Chrysler Pacifica minivan are eligible for CVRP.

Table 5 estimates the cost for replacement EVs in 2020 through 2025 (from Table 3) for each budget year with the current contracted prices (from Table 4). The estimated budget will vary based on the contract price, vehicle selected, and changes in sales tax rates. Although more EV makes and models will become available, EV costs will likely remain in the same price range through 2025. Because the CVRP rebate program may not be continued beyond the planned end in 2022,⁵ the consultant team took a conservative approach and did not include the rebates starting in 2023.

Table 5: Year-by-Year Budget Estimates to Replace Existing ICE Vehicles with EVs

Year	Nissan Leaf Plus @ \$37,934	Chevy Bolt @ \$37,577	Mitsubishi Outlander PHEV @ \$40,061	Potential CVRP Rebate	Total Estimated Vehicle Cost
2020	\$37,934 (1)			(\$2,000)	\$35,934
2021*	\$455,208 (12)	\$638,809 (17)	\$120,183 (3)	(\$58,000)	\$1,156,200
2022	\$189,670 (5)	\$187,855 (5)	\$320,488 (8)	(\$20,000)	\$678,043
2023	\$113,802 (3)	\$37,577 (1)			\$151,379
2024	\$151,736 (4)		\$40,061 (1)		\$191,797
2025	\$151,736 (4)				\$151,736

*The City applied for a grant from Bay Area Air Quality Management District. If awarded, six vehicles scheduled to be replaced in 2021 will be replaced in 2020 and will not need to be included in the 2021 budget.

³ <https://cleanvehiclerebate.org/eng/fleet>. Rebates are on a first-come, first-served basis.

⁴ <https://cleanvehiclerebate.org/eng/faqs/why-don%E2%80%99t-i-see-my-vehicle-eligibility-list-0>

⁵ <https://ww3.arb.ca.gov/msprog/eqip/fundplan/fy1920fundingplan-appc-rev.pdf>

Availability of Medium- and Heavy-Duty EVs

The City fleet includes 72 medium-duty pickup trucks, some of which may be able to be replaced with an upcoming all-electric Ford F-150, which Ford announced will arrive in the U.S. market by the end of 2021. Ford also announced it will have an F-150 PHEV by late-2020; however, the battery is intended to be used for accessories and not motive power.⁶ It is unknown if the F-150s will have a utility body application, but companies like Motiv Power Systems produce an EV chassis that can be upfitted with a utility body. Motiv's EV-450 is larger than the F-250 and Rangers the City operates today.

The City also operates 16 cargo vans, primarily Ford E-250/350 and Connect Transit vans, two of which include a genset for camera operation. Electric vans (passenger and cargo) start at about \$100,000, but production has not kept pace with orders and supplies are very limited. Some cargo vans may be able to be replaced with PHEV SUVs or pick-ups.

The City operates three Ford E450 20-passenger buses for the South Berkeley Senior Center, two of which are scheduled for replacement in 2020 and 2022. Several manufacturers offer EV shuttle buses that cost \$270,000 and up, depending on configuration and accessories (e.g., wheelchair lift).

The fleet inventory list shows 16 refuse and dump trucks that are scheduled to be replaced in 2020 and 2021. Electric models of these vehicles are currently available in limited supply and cost about \$320,000 each. Fleet staff have feedback from other agencies that the limited range and long charging time of current BEV refuse trucks is not practical for City operations, which includes multiple 88-mile round trips to the Livermore landfill every day. The City's intention is to electrify refuse vehicles and add charging infrastructure, including solar PV and BES, during the rebuild of the Transfer Station.

From a budgeting perspective, the consultant team recommends allocating up to \$250,000 per year to procure medium- and heavy-duty EVs as pilot projects so that City staff can evaluate their suitability to duty cycle and task. As grants and incentives become available, this amount should be reconsidered annually.

Availability of Emergency EVs

Emergency vehicles for police patrol and pursuit, firefighting, and emergency medical services are not currently available in plug-in models. None of the automakers that build police-specific vehicles have announced a plug-in version.⁷

Rosenbauer, an Austrian company, has a concept BEV fire vehicle called the CFT that is smaller than a traditional U.S. firetruck.⁸ The City of Los Angeles recently ordered a CFT, which will be the first in North America. Electric "ambulances" are BEV sedans that have been retrofitted to provide aid at an incident;

⁶ Other companies have announced BEV pickups with starting prices in the \$70,000 range and are aimed at a luxury market. The consultant team did not consider these trucks for fleet use.

⁷ Ford announced a PHEV patrol sedan but released the car as "special services" sedan not rated for patrol or pursuit.

⁸ <https://innovation.rosenbauer.com/en/concept-fire-truck/>

they are not capable of transporting patients as a traditional ambulance does. None of the manufacturers that make firetrucks and ambulances have announced plans to electrify these vehicles.

2026-2030 Budgeting Considerations for Light-Duty EVs

The year-by-year replacement schedule calls for replacing a total of 21 passenger sedans and 30 parking enforcement scooters between 2026 and 2030, with most replacements occurring in 2026.

In its *Annual Energy Outlook*, the Energy Information Agency projects that 300-mile-range BEVs will be upper-tier of the EV market by 2025.⁹ Bloomberg New Energy Finance's Electric Vehicle Outlook¹⁰ report published in late-2019 stated, "we expect price parity between EVs and internal combustion engines by the mid-2020s in most segments..."

By 2024, the City will have been acquiring data from the telematics system (scheduled to be installed in 2020) for four years. Data collected on vehicle use patterns and parking behavior will inform and support the City's decision to either procure lower-cost BEVs with 100-to-150-mile range or higher-cost BEVs with 300-miles or more range. Although budgeting the cost of vehicles in future years is imprecise, Table 6 and Table 7 estimate costs for light-duty EVs for both scenarios. Should the City replace the GO-4 scooters with BEV sedans for parking enforcement, upfits to the sedans (e.g., lightbars, license plate readers) will result in approximately the same cost per vehicle as per scooter. Note that the current replacement schedule calls for no vehicles to be replaced in 2029.

Table 6: Higher-cost, Longer-range BEVs

Year	Sedan @ \$37,934	Scooter @ \$53,906	Total Estimated Vehicle Cost
2026	\$796,614 (21)	\$1,617,180 (30)	\$2,413,794
2027	\$227,604 (6)		\$227,604
2028	\$113,802 (3)		\$113,802
2030	\$37,934 (1)		\$37,934

Table 7: Lower-cost, Shorter-range BEVs

Year	Sedan @ \$32,273	Scooter @ \$53,906	Total Estimated Vehicle Cost
2026	\$677,733 (21)	\$1,617,180 (30)	\$2,294,913
2027	\$193,638 (6)		\$193,638
2028	\$96,837 (3)		\$96,837
2030	\$32,273 (1)		\$32,273

Medium- and heavy-duty EVs may be competitive in performance, range, and reliability by the latter half of the decade. Additionally, the range of light-duty vehicles may have increased enough that BEVs could be used for some emergency response vehicles (e.g. police patrol and pursuit, some fire applications). It is recommended that the City reevaluate the vehicle budget in early 2025.

⁹ <https://www.eia.gov/outlooks/aeo/>

¹⁰ <https://about.bnef.com/electric-vehicle-outlook/#toc-download>

Appendix A includes detailed information about fleet replacement analysis, including an itemized list of the passenger sedans and SUVs in the current fleet and recommended replacement types.

Charging Strategy Options

Analysis of the City's existing fleet found that most light-duty vehicles drive between 3 and 63 miles per day with an average usage of 27.1 miles. Considering the relative efficiency difference between gasoline-powered ICE vehicles and BEVs, this translates into approximately 80 kWh of electricity per day on average. In addition, most vehicles are driven during the day and parked overnight at City facilities, which provides ample dwell time for battery charging. The City stated intention to standardize on the Chevy Bolt and Nissan Leaf Plus, which have a 60 and 62 kilowatt/hour (kWh) battery, respectively, and well over 200 miles of range. Due to these minimal power requirements coupled with long dwell times for most vehicles domiciled at the City facilities, light-duty BEVs could share chargers and, at some facilities, share power loads by using a power load management strategy.

Table 8 lists the recommended charging infrastructure for transitioning the light-duty fleet to EVs, including charging stations that are already available to fleet vehicles. Cost estimates include electrical upgrades needed at City facilities (e.g., adding electrical capacity at the panel). To provide back-up power for resiliency, the consultant team included cost estimates for diesel generators at crucial sites, which would be powered by the City's supply of renewable diesel. On-site solar PV and BES may fulfill this requirement. It is assumed that the City will install all charging by 2022 to support rapid transition to electrification and take advantage of anticipated incentive programs.

Table 8: Near-term Recommendations for Charging

Facility Name	Facility Location	Chargers	New Service	Estimated Build-out Costs	Option	Backup Generator
Corp Yard	1326 Allston Way	4 dual-head L2 and 1 DCFC	Yes	\$354,000		\$487,000
Berkeley Transfer Station	1201 Second Street	2 dual-head L2	No	\$87,000		\$34,000
Berkeley Marina	125/127 University Avenue	4 dual-head L2	Yes	\$290,000		\$204,000
Adult Mental Health Clinic	1521 University Avenue	3 dual-head L2	Yes	\$135,000		
Mental Health Clinic	1890 Alcatraz Avenue/ 3282 Adeline Street	1 dual-head L2	Yes	\$147,000	\$45,000 for mobile charger	\$34,000

Facility Name	Facility Location	Chargers	New Service	Estimated Build-out Costs	Option	Backup Generator
Center Street Garage	2025 Center St	28 dual-head, 1 single L2	NA	Currently installed/Public access		
Central Library Parking Lot	2031 Bancroft Way	1 dual-head L2	Yes	\$149,000		\$34,000
Public Safety Building	2100 Martin Luther King Jr Way	1 dual-head L2	No	\$42,000		
Civic Center	2180 Milvia Street	2 dual-head L2	No	\$65,000		
Mental Health Clinic	2636/2640 Martin Luther King Jr Way	2 dual-head L2	NA	\$40,000*		
South Berkeley Senior Center	2939 Ellis Street	1 dual-head L2	Yes	\$82,000		\$34,000
North Berkeley Senior Center	1901 Hearst Avenue	1 dual-head L2	NA	\$45,000 In Progress		

*One L2 charging is being installed; cost is for adding one additional charger

Smart chargers also have an annual fee for networking, which can be negotiated as a multi-year contract. The City currently has a contract with ABM Industries through 2023 for EV network operations and maintenance, plus extended warranty for 57 Level 2 chargers at a cost that equals about \$1,100 per charger.¹¹ DCFC contracts range from \$2,500 to \$15,000 annually. For purposes of analysis, it was assumed that the Corp Yard DCFC will have a \$2,500 annual fee.

The California Electric Vehicle Infrastructure Project (CALeVIP),¹² an incentive program from the California Energy Commission, offers incentives to purchase and install Level 2 and DC fast chargers, available on a first-come, first-served basis. EBCE has applied as a co-funding partner for the 2021 funding round and, if selected, the City of Berkeley may be eligible for up to \$4,500 per Level 2 charging connector. Additionally, mobile charging units currently qualify for a 50% rebate under CARB's CORE¹³ program.

¹¹ https://www.cityofberkeley.info/Clerk/City_Council/2018/12_Dec/Documents/2018-12-11_Item_12_Contract_No__9893B_Amendment.aspx

¹² <https://calevip.org/about-calevip>

¹³ <http://californiacore.org/>

In projecting energy demand for charging, the consultant team took a conservative approach and assumed that all light-duty vehicles will be BEVs, although some will be PHEV SUVs. Estimated costs are for dual-head, pedestal mounted chargers (each charger has two connectors) and include equipment and installation. At some facilities, the estimated cost includes upgrades to the electrical service on the City's side of the meter. For example, charging infrastructure at the Public Safety Building will require new electrical service with a 200 amperes (A) main breaker. Some facilities require one or more new breakers in an existing panel and other locations require a new subpanel.

Estimates do not include upgrades that may be required on the utility side of the meter. For example, the utility may need increase a transformer's capacity to handle the additional load from charging. EBCE will work with the City to identify utility upgrades that may be necessary. To provide back-up power for resiliency, the consultant team included cost estimates for diesel generators at crucial sites, although BES systems may fulfill this need.

Appendix B provides detailed information about how charging needs were determined and considerations for charging strategies to minimize staff time and PG&E demand charges.

Distributed Energy Resources

The consultant team evaluated potential areas for DER—onsite solar PV, BES and EV charging infrastructure—at each of the vehicle domicile locations. The analyses represented an initial screening to identify sites at which solar PV and/or BES may be favorable and reasonably sized to offset electricity consumption of the City’s EV fleet.

The current fleet assessment identifies the need to support 1,009 kWh/day of EV charging, indicating that solar PV arrays deployed at some sites could also serve onsite building loads and/or future fleet charging needs.

Five domicile locations are also being evaluated through EBCE’s *Solar + Storage at Critical Municipal Facilities Assessment*, which is funded by a Bay Area Air Quality Management District (BAAQMD) grant. The goal of this project is to identify critical facilities designated to serve the community in time of emergency throughout Alameda County and size solar PV and BES systems to meet critical loads at those sites. EBCE plans to aggregate the site portfolio into a competitive solicitation Summer 2020 to reduce the cost and complexity of deploying these systems near term for its local government partners.

Fleet modeling was performed using charging profiles beginning at 6:00 PM each day to provide a conservative baseline for EV charging costs.

As a result of modeling all domicile locations with the upcoming PG&E tariff schedule²² and assessing the physical space available for solar PV and/or BES systems, the consultant team recommends installing solar PV at eight locations (some of which are already planned or in construction) and augment three of these locations with BES systems for operational flexibility, resilience and demand management. BES at these locations will time-shift excess generation from solar PV or from EBCE-provided electricity during the day to use during the new evening peak period hours.

BES can provide resiliency at these three crucial locations, which could eliminate the need for diesel generators. Load management software for charging stations can effectively avoid PG&E’s electricity demand charges more cost effectively than BES.

Table 9 lists the domiciles and the recommendation for solar PV and BES to offset energy use by fleet charging.

Table 9: Recommended Solar PV and BES

Location	Existing and Planned Charging Stations	Total Solar PV Capacity (kW DC)	BES Recommendation	Potential Cost for Solar PV + BES
Corp Yard	4 Dual-head Level 2 and 1 DCFC	52.7*	33 kW / 130 kWh	\$423,800
Berkeley Marina	4 Dual-head Level 2	70.5*	75 kW / 300 kWh	\$54,000

East Bay Community Energy Fleet Electrification

Location	Existing and Planned Charging Stations	Total Solar PV Capacity (kW DC)	BES Recommendation	Potential Cost for Solar PV + BES
Center Street Garage	28 Dual-head Level 2 and 1 Single-head Level 2	168.9*	63 kW / 250 kWh	\$782,100
Central Library Parking Lot	1 Dual-head Level 2	18.8		\$75,200
Public Safety Building	1 Dual-head Level 2	10.8		\$43,200
Mental Health Clinic	1 Dual-head Level 2	60.1*		\$240,400
South Berkeley Senior Center	1 Dual-head Level 2	7.8		\$31,200
North Berkeley Senior Center	1 Dual-head Level 2	29.6*		\$118,400

*Already installed or considered for development via EBCE's Solar + Storage at Critical Municipal Facilities initiative

Appendix C provides details about solar PV and/or BES systems at Berkeley facilities and recommendations specific to EV charging needs.

Total Cost of Ownership

To determine the total cost of ownership (TCO) for the transition of the light-duty fleet to EVs, four scenarios were created and modeled over an analysis period from 2020 to 2030:

- Scenario 1. Baseline: This scenario assumes that the City's future fleet purchases maintain their existing light-duty vehicle technology composition, replacing each vehicle with a similar new vehicle at the end of the current vehicle's useful life. Traditional ICE vehicles powered by gasoline are replaced with new ICE vehicles, standard ICE hybrid vehicles powered by gasoline are replaced with new ICE hybrids, PHEVs are replaced with new PHEVs, etc. Under this scenario, no new DER options are deployed at any fleet location.
- Scenario 2. EV Transition: This scenario considers the transition of the light-duty fleet to both BEVs and PHEVs. Infrastructure costs for EV charging are included in this scenario, and electricity costs are based on costs of grid electricity supplied by EBCE.
- Scenario 3. EV Transition with Solar PV: Building on Scenario 2, this scenario includes the deployment of solar PV systems at eight City facilities where fleet vehicles are domiciled. Under this scenario, electricity costs for EV charging are largely eliminated through the onsite solar PV generation.
- Scenario 4. EV Transition with Solar PV and BES: This scenario further extends Scenario 3 to include the deployment of BES systems at two City facilities.

Each scenario also assumed vehicle capital and operational costs which were developed from historical operational and cost data provided by the City for each vehicle in the fleet. Replaced vehicles are assumed to maintain the same activity level of the existing vehicle.

The various electrification scenarios assumed the budgeted amounts for purchase and installation of charging infrastructure (in Table 8) and \$1,100 per Level 2 charger and \$2,500 for the DCFC in annual costs for network services and maintenance. Costs are based on current City contracts for existing Level 2 chargers at Center Street Garage, though it should be noted that the City is not bound to contracting with this provider for future charger deployment, and maintenance and service costs vary significantly depending on the provider.¹⁴ DCFC maintenance costs are estimated to be 2% of the cost of capital costs per year.

Solar PV and BES costs were estimated using the capital costs in Table 9 plus straight-line depreciation for the solar PV. It is assumed that BES will need to be replaced before 2030, effectively doubling the capital costs.¹⁵

¹⁴ Based on Contract 9893B Amendment (Dec 2018) for EVSP services. Average of Y3-Y5 maintenance/network costs. Y1-Y2 include installation costs for new chargers and were therefore excluded.

¹⁵ Studies indicate 5-to-7-year useful life for current lithium battery technologies at 50% or greater depth of discharge. Casals et al, "Second life batteries lifespan: Rest of useful life and environmental analysis", Journal of Environmental Analysis, Vol 232, February 2019, pgs 354-363. Smith et al, "Life Prediction Model for Grid-Connected Li-ion Battery Energy Storage System" National Renewable Energy Laboratory, presented at 2017 American Control Conference, Seattle, WA, May 24-26, 2017.

Fleet EVs can generate revenue credits earned through the California Low Carbon Fuel Standard (LCFS) program.¹⁶ LCFS credit prices vary and the average credit price in 2019 was \$196.¹⁷ This analysis took a conservative approach and escalated in future years' credits using the average consumer price index increase of 2.2% per year.

Table 10 shows that transitioning to EVs increases the LCFS credits the City can generate over the baseline of the current fleet. Because all City fleet facilities currently receive 100% zero-carbon electricity from EBCE, adding solar PV and/or BES does not increase the LCFS credits that the City may earn.

Table 10: Value of LCFS Credits 2021-2029

	Scenario 1 Baseline	Scenario 2 EV Transition	Scenario 3 EV Transition + Solar PV	Scenario 4 EV Transition + Solar PV + BES
LCFS Credits	\$59,692	\$388,924	\$388,924	\$388,924

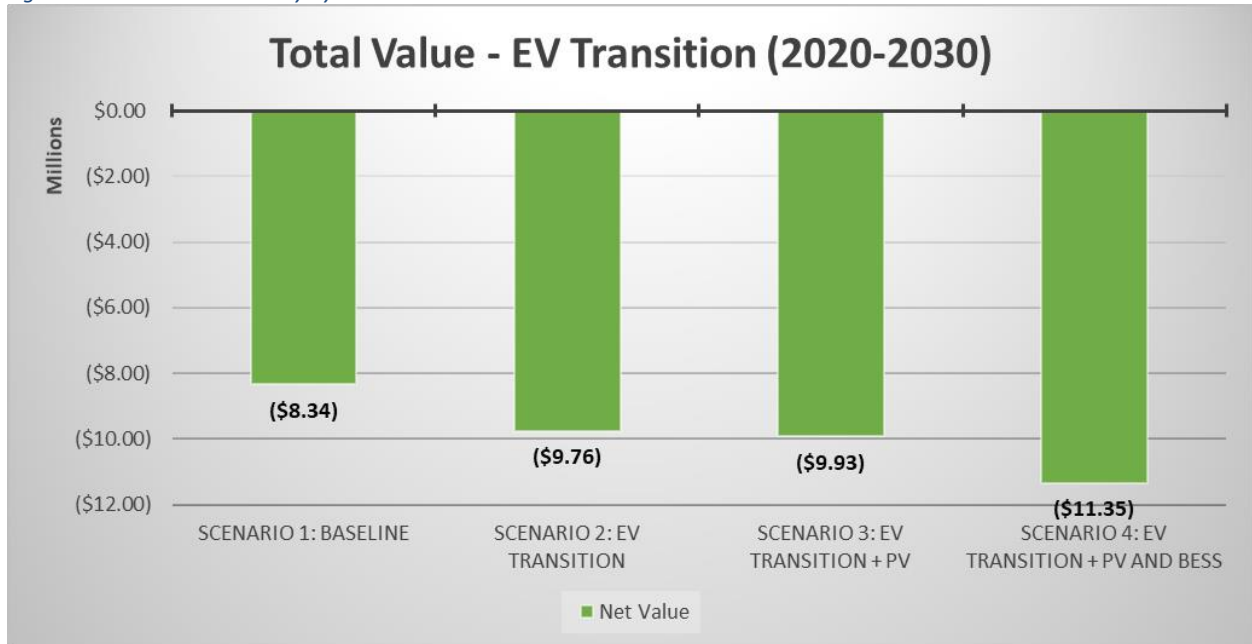
TCO Model Results

The TCO model estimates the cost of the Scenario 1 (Baseline), or business as usual, at \$8.34 million over the 2020-2030 analysis period, as shown in Total Value Summary by Scenario. Scenario 2 (EV Transition) cost is estimated at \$9.76 million over the same analysis period. The incremental cost of the charging infrastructure (including backup generation) are the primary contributors to the increased cost in this scenario. These costs are partially offset by lower vehicle maintenance costs, incentives, and LCFS program revenues. Additional details are provided in the figures and table below. Scenario 3 adds solar PV systems to Scenario 2 and increases cost by \$170,000. This is due to the offset of most of the additional infrastructure expense through reduced grid electricity costs. Scenario 4 adds BES, resulting in a total cost that is approximately \$3.0 million greater than Scenario 1 (Baseline). This increased cost assumes BES will need to be replaced before 2030. BES systems do not necessarily reduce operational cost to offset the incremental costs of BES deployment, but may provide resiliency to the City's fleet instead of requiring diesel generators.

¹⁶ <https://ww2.arb.ca.gov/our-work/programs/low-carbon-fuel-standard>

¹⁷ California Air Resources Board, Credit Activity Reports.

Figure 6: Total Value Summary by Scenario



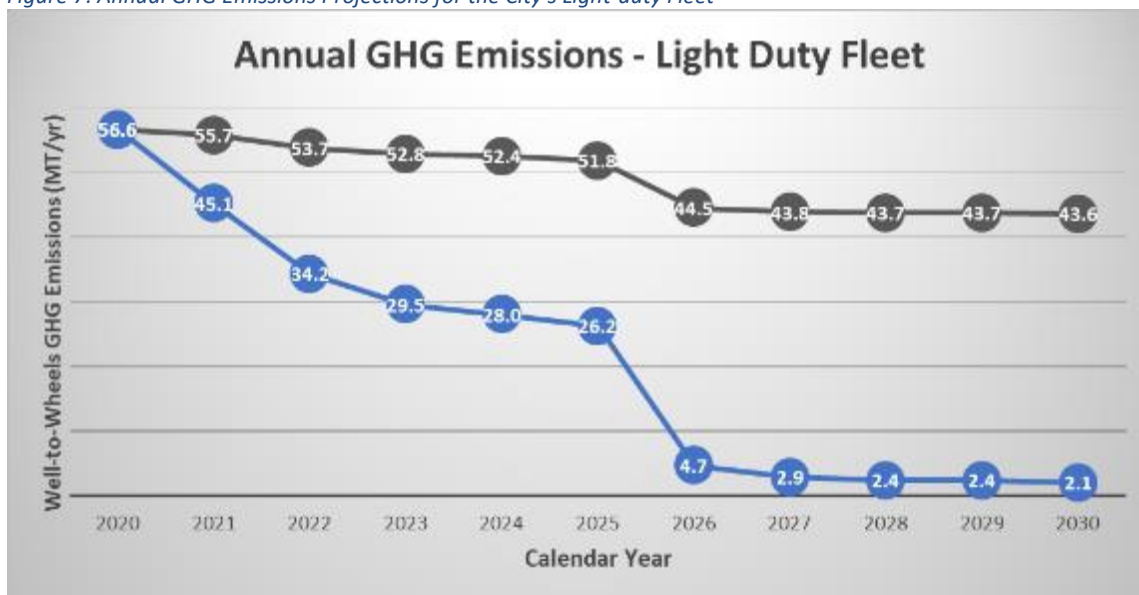
Appendix D provides a detailed analysis of total cost of ownership and the benefits to the City of Berkeley for the transition to EVs and DER.

Greenhouse Gas Emissions Reduction

Annual emissions from each vehicle were estimated using the using emissions factors from the California Air Resources Board’s LCFS program “lookup table” and aggregated to estimate annual GHG emissions for the light-duty fleet considered for EV transition. Because the City uses EBCE’s carbon-free electricity, GHG emissions from BEVs are estimated as zero.

Figure 7 shows that the emissions under Scenario 1 (Baseline) decline from 56.6 to 43.6 metric tons of CO₂ equivalent per year (MT CO₂e/year) by 2030. The 23% decrease in emissions largely comes from increasing fuel efficiency of gasoline and hybrid ICE vehicles. Under Scenario 2 (EV transition), emissions decline from 56.6 to 2.1 MT CO₂e/year, **or 95% by 2030**. The significant reduction in annual emissions between 2025 and 2026 are associated with a substantial number of vehicles slated for replacement in 2026, including all the parking enforcement scooters. The few remaining GHG emissions are associated with seven PHEV SUVs that have a portion of their daily mileage powered by gasoline. By 2030, it is likely that SUV BEVs that meet the City’s duty cycles will be available, effectively allowing the City to achieve a 100% reduction in the GHG emissions for the light-duty fleet considered in this analysis.

Figure 7: Annual GHG Emissions Projections for the City's Light-duty Fleet



Conclusion

This analysis assumes that the City of Berkeley will quickly transition to an all-electric fleet powered by EBCE's 100% carbon free electricity. EBCE, City staff, and the consultant team collaborated on an implementation plan that enables a fast transition to EVs in the light-duty fleet, calls for prudent evaluation of medium- and heavy-duty electrification options, and increases resiliency. The team also took a fiscally conservative approach to capital and operating costs, especially regarding potential incentives and funding sources, given the uncertainties of these programs.

In addition to reduced GHG emissions, residents and businesses benefit from the fleet EV transition via reduced air pollution and noise, particularly in the instance of medium- and heavy-duty vehicle electrification. The City benefits from a more-predictable fuel cost when using electricity, rather than the more volatile price swings of conventional fuels. Additionally, the City will provide an example of how procuring and operating EVs and charging stations at scale can help reduce overall costs, which may encourage private fleet electrification and charging station deployment at workplaces.

Awareness will grow as more EVs perform essential City services in the public eye. Businesses and residents may be encouraged to choose zero-emission transportation options. As the City becomes a leading example in EV and DER deployment, it will encourage additional sustainable operations to be adopted within Berkeley's private sector and may attract even more sustainability-focused businesses to the city.

While recognizing Berkeley's reputation as a leader in local climate action and sustainability, EBCE looks forward to collaborating with the City on building and vehicle electrification efforts. The City can leverage EBCE's carbon-free electricity and ability to aggregate procurement of DER to reduce emissions and improve air quality, and to lower the upfront costs associated with these technologies. By acting on the recommendations laid out in this report, the City of Berkeley can further build its already well-recognized status as a city leading the way toward a future with improved quality of life for all its residents, businesses, and visitors.

Appendix A: Municipal Fleet Assessment

The units that can be transitioned to battery electric vehicles (BEV) and plug-in hybrid vehicles (PHEV) were identified by assessing the current fleet composition, identifying applicable electric vehicle models available today and expected to be introduced in the near term, and by using the City Fleet Services' existing vehicle replacement plan. Development of this report was supported by data provided by the City and supplemental information gathered during meetings and interviews. Table 1 summarizes the City's municipal fleet as it existed on February 21, 2020. The fleet includes 346 vehicles (excluding vehicles used for emergency services and response and off-road maintenance), of which only about 25% are capable of electrification today.

Table 11: Summary of the City of Berkeley's Fleet by Vehicle Type and Configuration

Vehicle Type	Fuel	Configuration	Number of Vehicles
Cargo Van	Gasoline	Cargo Van	18
Chassis Cab - Aerial Lift	Diesel	Aerial Lift	4
Chassis Cab - Box Truck	Gasoline	Box Truck	1
Chassis Cab - Pickup	Diesel	Pickup	1
Chassis Cab - Pickup	Gasoline	Pickup	1
Chassis Cab - Specialized Body	CNG	Sweeper	2
Chassis Cab - Specialized Body	Diesel	Chipper	2
Chassis Cab - Specialized Body	Diesel	Crane Truck	1
Chassis Cab - Specialized Body	Diesel	Dump	5
Chassis Cab - Specialized Body	Diesel	Dump/OVHD Loader	1
Chassis Cab - Specialized Body	Diesel	Road Patching Truck	2
Chassis Cab - Specialized Body	Diesel	Sweeper	4
Chassis Cab - Specialized Body	Diesel	Vactor Truck	3
Chassis Cab - Specialized Body	Gasoline	Container Handler	2
Chassis Cab - Specialized Body	Gasoline	Dump	5
Chassis Cab - Specialized Body	Gasoline	Sign Truck	1
Chassis Cab - Stake bed	Diesel	Stake bed	2
Chassis Cab - Utility Truck	Diesel	Utility Truck	3
Chassis Cab - Utility Truck	Gasoline	Utility Truck	22
Cutaway - Box Van	Gasoline	Box Van	1
Cutaway - Pass Van	Gasoline	Passenger Van	1
Cutaway - Shuttle Bus	Gasoline	Shuttle Bus	5
Cutaway - Step Van	Gasoline	Step Van	1
Cutaway - Van	Gasoline	Van	2
Passenger Car	CNG	Passenger Car	1
Passenger Car	Gasoline	Passenger Car	72
Passenger Van	Gasoline	Passenger Van	3
Pickup	Diesel	Pickup	2
Pickup	Gasoline	Pickup	69
Pickup	Gasoline	4x4	1

Vehicle Type	Fuel	Configuration	Number of Vehicles
Scooter	EV	Scooter (Go 4)	2
Scooter	Gasoline	Scooter (Go 4)	28
Semi-tractor	Diesel	Semi-tractor	8
SUV	Gasoline	SUV	26
Refuse Collection Vehicle	CNG	Front Loader	4
Refuse Collection Vehicle	Diesel	Front Loader	6
Refuse Collection Vehicle	CNG	Rear Loader	7
Refuse Collection Vehicle	Diesel	Rear Loader	7
Refuse Collection Vehicle	CNG	Roll-on/Roll-off	2
Refuse Collection Vehicle	CNG	Side Loader	5
Refuse Collection Vehicle	Diesel	Side Loader	6
Van	Gasoline	Van	7

Availability of Electric Vehicles

The City of Berkeley procures vehicles through several negotiated contracts including those from Sourcewell, Climate Mayors EV Fleet Purchasing Collaborative, and Houston-Galveston Area Council (HGAC). Contracts enable public and private fleets across the country to negotiate discounted rates based upon buying large numbers of vehicles. Table 2 lists the base cost (excluding tax, extra keys, and other fees) of light-duty BEVs and PHEVs available from National Fleet Auto Group, the company that manages many individual negotiated contracts.¹⁸

Table 12: EVs and PHEVs at National Fleet Auto Group

Make/Model	Body Type	Technology Type	EV Range	Total Range	Contract Unit Price
Mitsubishi Outlander	PHEV	SUV	22	310	\$31,219
Chrysler Pacifica	PHEV	Minivan	32	520	\$39,514
Toyota Prius Prime	PHEV	Mid-size Sedan	25	640	\$26,096
Ford Fusion Energi	PHEV	Mid-size Sedan	26	610	\$27,968
Kia Niro LX*	PHEV	Small Station Wagon	26	560	\$25,706
Kia Optima	PHEV	Mid-size Sedan	29	610	\$29,450
Hyundai Ioniq	PHEV	Mid-size Sedan	29	601	\$22,950
Honda Clarity	PHEV	Mid-size Sedan	47	293	\$34,219
Chevrolet Bolt	BEV	Small Station Wagon	259	259	\$33,987 ¹⁹
Nissan Leaf Plus	BEV	Mid-size Sedan	226	226	\$34,256 ³
Kia Soul	BEV	Small Station Wagon	111	111	\$27,762

¹⁸ <https://www.nationalautofleetgroup.com/>

¹⁹ Provided by Greg Ellington

Make/Model	Body Type	Technology Type	EV Range	Total Range	Contract Unit Price
Hyundai Ioniq	BEV	Mid-size Sedan	124	124	\$26,939
VW e-Golf	BEV	Compact Sedan	125	125	\$32,285

**The Kia Niro is also available as a BEV but is not listed on the National Auto Fleet Group contract.*

As a point of comparison, the City purchased 15 Toyota Prius Prime PHEVs between October 2019 and January 2020 at a cost of \$28,147 each using Climate Mayors EV Fleet Purchasing Collaborative.

Electric medium and heavy-duty trucks for municipal fleet applications, which include pickup trucks and cargo vans, are in earlier stages of commercialization than electric sedans and small wagons. Cities across the U.S. have deployed pilot projects to understand operational requirements of medium and heavy-duty vehicles for fleet use cases that include transit and shuttle buses, cargo vans, refuse trucks, and other types of work trucks, but limited data is yet available on their performance, reliability, and cost of ownership.

Emergency vehicles for police patrol and pursuit, firefighting, and emergency medical services are not available in plug-in models. The Fremont California Police Department is testing a Tesla Model S as a patrol vehicle and reports that it behaved favorably with considerably less downtime than the Ford Explorer Utility Interceptors that are most of the Fremont’s patrol vehicle fleet. The Department reports that it typically purchases Explorers (Utility Interceptors) for \$48,114 and expects to purchase the \$47,960 Ford Hybrid Explorer Hybrid police purpose-built in the future. However, the base price doesn’t include upfits that can double the cost of a police vehicle.²⁰

Although upcoming EVs like the Ford Mustang Mach E and Tesla Model Y will likely have sufficient interior capacity, battery range, and performance to the Ford police cars currently purchased, these EVs are not pursuit rated and do not have the suspension and security features that are standard on a patrol vehicle, nor are they pre-drilled for mounting lightbars, sirens, and safety equipment. None of the automakers that build police-specific vehicles have announced a plug-in version.²¹

Rosenbauer, an Austrian company, has a concept EV fire vehicle called the CFT that is smaller than a traditional U.S. firetruck.²² The City of Los Angeles recently ordered a CFT, which will be the first in the U.S. Electric “ambulances” in service and planned are sedans that have been retrofitted to provide aid at an incident; they are not capable of transporting patients in the same way an ambulance transport patients. None of the manufacturers that make firetrucks and ambulances have announced plans to electrify these vehicles.

²⁰ Upfits include lightbars, sirens, computer equipment, ballistic doors, molded rear seats, and a more than a dozen other police-specific features.

²¹ Ford announced a PHEV patrol sedan but released the car as “special services” sedan not rated for patrol or pursuit.

²² <https://innovation.rosenbauer.com/en/concept-fire-truck/>

Fleet Electrification Transition

Passenger Sedans and SUVs

As of February 2020, the City's light-duty fleet of passenger sedans (or cars) and SUVs (excluding vehicles used for emergency services and response) consisted of:

- 75 passenger sedans
 - 54 gasoline-powered hybrid internal combustion engine vehicles (ICEs) purchased between 2002 and 2017
 - 15 PHEVs purchased in late-2019 and early-2020
 - 5 gasoline-powered ICEs purchased 1999-2008
 - 1 natural gas-powered car purchased in 2003
- 24 Ford Escape SUVs purchased 2009-2015
 - 7 gasoline-powered hybrid ICEs
 - 17 gasoline-powered ICEs
 - 5 of these have four-wheel drive (4WD)

In February, the City did not use fleet management software or track data about individual vehicle use. The City's Equipment Maintenance Division of the Public Works Department planned to implement GPS tracking (telematics) on some vehicles in mid-2020. With this implementation, real-time service alerts and diagnostic information will be available so that departments can understand each vehicle's daily use, including origin/destination, number of miles traveled, the time parked between uses, and driver behavior that can impact fuel efficiency, including average vehicle speed and amount of idling time.

To identify an EV replacement schedule, the consultant team used data received from the City on the non-emergency passenger sedans and SUVs that shows all except two fleet vehicles have an average daily fuel use of less than one gallon of gasoline, which indicates that vehicles are driven less than 30 miles per day. The two exceptions are Ford Escape SUVs, one from Engineering and one from Meter Repair, that show an average daily fuel use of about 2.5 gallons of gasoline. Of the 97 passenger sedans and SUVs, 75 have a dwell time of 12 hours or longer. Telematics data will help determine if the vehicles are parked overnight or are parked for a few hours between use. In addition, a new Fuel Management System is expected to be installed in all City vehicles beginning in Spring or Summer 2020. It is a passive system that is not dependent on user input and will improve the accuracy of each vehicle's fuel use data.

The City schedules vehicle replacement 7, 10, or 15 years from the purchase date, although some vehicles are kept longer than planned. Based on the current vehicle replacement schedule, the year-by-year summary transition to EVs is listed in Table 4. It is recommended that each passenger sedan be replaced with a BEV and each SUV be replaced with a PHEV SUV. It is assumed that vehicles purchased in 2020 will be replaced in 2031.

Table 13: Procurement Schedule for Passenger Sedans and SUVs

Year	Number of BEV Passenger Sedans/Wagons	Number of PHEV SUVs
2020*	1	0
2021	29	3
2022	10	8
2023	3	1
2024	4	1
2025	4	0
2026	11	0
2027	6	0
2028	3	0
2029	0	0
2030	1	0

*Vehicles the City procured in January and February 2020 or are scheduled to be procured in 2031 do not appear in this table.

Since November 2019, the City added 12 passenger vehicles to its fleet to accommodate growing service needs. Fleet requested that this report assume that the City will use data from the new telematics platform to help each department determine if vehicles could be shared among staff and/or departments without impacting City services and, therefore, guide vehicle procurement and retirement practices that may not result in one-for-one replacements. The goal is to be able to expand City services without adding more vehicles to the fleet.

Based on the limited data available about vehicle use patterns, the consultant team identified the following potential right-sizing opportunities that the City can validate with telematics data and in consultation with interdepartmental leadership:

- Seven pool vehicles are scheduled to be replaced in 2021. All use less than 0.75 gallons of gasoline daily, on average, and could be replaced with a small BEV wagon like the Chevrolet Bolt, which the U.S. Environmental Protection Agency classifies as a small wagon and can meet the use case of these fleet vehicles. Replacing all seven vehicles with a Bolt would give each vehicle the same cargo capacity.
- The Equipment Maintenance Corp Yard division has two Ford Escape Hybrids scheduled to be replaced in 2021. Both use less than 0.15 gallons of gasoline daily, on average, and are listed as Special Purpose. The City can consider, based on telematics data, whether reducing the number of vehicles to one, or replacing one or both SUVs with a small BEV wagon (Chevrolet Bolt) or BEV sedan (Nissan Leaf) will enable Berkeley to retain the functionality of these vehicle use cases.
- In 2021 and 2022, four of the SUVs scheduled to be replaced use less than 0.25 gallons of gasoline daily, on average. These vehicles are used (one each) by the Office of Transportation, Library Services, Parks Facilities, and Engineering. The City can consider, based on telematics data, if replacing the SUVs with a small BEV wagon (Chevrolet Bolt) or BEV sedan (Nissan Leaf) will enable Berkeley to retain the functionality of these vehicle use cases.
- Five of the Ford Escape SUVs scheduled to be replaced in 2022 are 4WD. The Mitsubishi Outlander is currently the only 4WD PHEV available in the market. If 4WD is not essential for these vehicles, consider replacing with a Chevy Bolt or Nissan Leaf.

- Building and Safety currently operates 10 gasoline-powered hybrid ICE cars that are not dedicated to a special use and each use less than 0.5 gallons of gasoline daily on average. Five of these hybrids are scheduled to be replaced in 2021 and 2022, and the other five between 2024 and 2026. Optimizing vehicle use within the department could allow for the creation of a smaller pool of shared vehicles by 2024, when they are scheduled for replacement.

Table 14 is an itemized list of the passenger sedans and SUVs in the fleet in February 2020 sorted by replacement year and a recommended replacement type. This list does not include the 15 PHEVs already purchased in 2020 and are unlikely to be replaced before 2030. Additionally, six vehicles that are scheduled to be replaced in 2021 (unit numbers 8457, 9103, 9104, 9116, 4110, 9017) will be replaced with Chevy Bolts in 2020, pending approval of a Bay Area Air Quality Management District (BAAQMD) grant application.

East Bay Community Energy Fleet Electrification

Table 14: Itemized Vehicle Replacement List

Chassis	Unit #	Mk	Model	Type	Year	Dedicated Use	Division	Fuel Use	EV Fraction	Replace In	Replace with
Sedan	9102	Hon	Civic	Hybrid	2003	New Employees	Engineering	0.27	100%	2020	BEV sedan
Sedan	478	Frd	Taurus	Wagon	1999	Pool Vehicle	Equip Maint Pool	0.37	100%	2021	BEV small wagon
Sedan	489	Frd	Taurus	Wagon	1999	Pool Vehicle	Equip Maint Pool	0.67	100%	2021	BEV small wagon
Sedan	4011	Toy	Prius	Hybrid	2011	Special Purpose	Bldg & Safety	0.11	100%	2021	BEV sedan
Sedan	4108	Toy	Prius	Hybrid	2009		DHS Admin	0.15	100%	2021	BEV sedan
Sedan	6404	Frd	Fusion		2011		Comm Collection	0.13	100%	2021	BEV sedan
Sedan	6900	Hon	Civic	CNG	2003		Marina Operations	0.60	100%	2021	BEV sedan
Sedan	8192	Hon	Fit		2008	Special Purpose	Portable Meals	0.24	100%	2021	BEV sedan
Sedan	8457	Hon	Civic	Hybrid	2003	Special Purpose	FYC PROGAM	0.11	100%	2021	BEV small wagon
Sedan	8518	Frd	Focus		2001		South Berkeley Senior	0.51	100%	2021	BEV sedan
Sedan	9011	Toy	Prius	Hybrid	2002		Equip Maint Pool	0.52	87%	2021	BEV small wagon
Sedan	9013	Hon	Civic	Hybrid	2003		Equip Maint Pool	0.81	55%	2021	BEV small wagon
Sedan	9103	Hon	Civic	Hybrid	2003	Pool Vehicle	Equip Maint Pool	0.37	100%	2021	BEV small wagon
Sedan	9104	Hon	Civic	Hybrid	2003	Special Purpose	Housing Code Enforcement	0.18	100%	2021	BEV small wagon
Sedan	9106	Toy	Prius	Hybrid	2006	Code Enforcement	Housing Code Enforcement	0.16	100%	2021	BEV sedan
Sedan	9107	Toy	Prius	Hybrid	2006		Comm/ Radio's	0.50	90%	2021	BEV sedan
Sedan	9108	Toy	Prius	Hybrid	2006		Equip Maint Corpyrd	0.30	100%	2021	BEV sedan
Sedan	9109	Toy	Prius	Hybrid	2006		Equip Maint Pool	0.42	100%	2021	BEV small wagon
Sedan	9110	Toy	Prius	Hybrid	2006		Equip Maint Pool	0.26	100%	2021	BEV small wagon
Sedan	9111	Toy	Prius	Hybrid	2006		Parking Enforcement	0.31	100%	2021	BEV sedan
Sedan	9112	Toy	Prius	Hybrid	2006	Inspector	Building & Safety	0.16	100%	2021	BEV sedan
Sedan	9116	Toy	Prius	Hybrid	2010		Neighborhood Svc's	0.20	100%	2021	BEV small wagon
Sedan	9117	Toy	Prius	Hybrid	2011		DHS Admin	0.27	100%	2021	BEV sedan

East Bay Community Energy Fleet Electrification

Chassis	Unit #	Mk	Model	Type	Year	Dedicated Use	Division	Fuel Use	EV Fraction	Replace In	Replace with
SUV	1966	Frd	Escape	Hybrid	2009		Fire Training	0.87	55%	2021	PHEV SUV
SUV	2906	Frd	Escape	Hybrid	2009	Special Purpose	Equip Maint Corpyrd	0.13	100%	2021	BEV small wagon
SUV	4110	Frd	Escape	Hybrid	2008		Equip Maint Pool	0.62	79%	2021	BEV small wagon
SUV	6889	Frd	Escape		2008		Street Light Maint	1.34	72%	2021	PHEV SUV
SUV	6890	Frd	Escape	Hybrid	2009	Special Purpose	Equip Maint Corp Yard	0.06	100%	2021	BEV small wagon
SUV	9017	Frd	Escape		2009		Engineering	2.50	39%	2021	BEV small wagon
SUV	9115	Frd	Escape	Hybrid	2009	Assigned	Engineering	0.21	100%	2021	BEV small wagon
SUV	9604	Frd	Escape		2013		Trans/Disp Svc's	1.02	95%	2021	BEV small wagon
SUV	9605	Frd	Escape		2014	Special Purpose	Office of Trans.	0.16	100%	2021	BEV small wagon
Sedan	4805	Toy	Prius	Hybrid	2012		Comm/ Radio's	0.32	100%	2022	BEV sedan
Sedan	8506	Toy	Prius	Hybrid	2012		Building & Safety	0.32	100%	2022	BEV sedan
Sedan	8507	Toy	Prius	Hybrid	2012		Building & Safety	0.46	99%	2022	BEV sedan
Sedan	8508	Toy	Prius	Hybrid	2012		Building & Safety	0.30	100%	2022	BEV sedan
Sedan	8509	Toy	Prius	Hybrid	2012		Building & Safety	0.54	84%	2022	BEV sedan
SUV	1973	Frd	Escape		2013	Fire	Fire Prev/Insp/ Invest	0.50	100%	2022	PHEV SUV
SUV	1974	Frd	Escape	4WD	2013		Fire Operations	0.59	100%	2022	PHEV SUV
SUV	1975	Frd	Escape		2013		Fire/Supp/Rescue /Haz	1.10	88%	2022	PHEV SUV
SUV	1976	Frd	Escape	4WD	2013		Fire Operations	1.88	51%	2022	PHEV SUV
SUV	1977	Frd	Escape	4WD	2013		Fire Operations	1.69	57%	2022	PHEV SUV
SUV	2909	Frd	Escape		2013		Meter Repair Admin	2.55	38%	2022	PHEV SUV
SUV	8519	Frd	Escape	4WD	2013		Building & Safety	0.71	100%	2022	PHEV SUV
SUV	8520	Frd	Escape	4WD	2013	Inspector	Building & Safety	0.48	100%	2022	PHEV SUV
SUV	9004	Frd	Escape	Hybrid	2012		Corp Yard Mgmt. Office	1.35	36%	2022	BEV small wagon
SUV	9019	Frd	Escape	Hybrid	2012		Parks Facilities	0.27	100%	2022	BEV small wagon

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Chassis	Unit #	Mk	Model	Type	Year	Dedicated Use	Division	Fuel Use	EV Fraction	Replace In	Replace with
SUV	9021	Frd	Escape		2013		Library Services	0.34	100%	2022	BEV small wagon
SUV	9119	Frd	Escape		2013		Engineering	0.99	98%	2022	BEV small wagon
SUV	9120	Frd	Escape		2013	New Employees	Engineering	0.41	100%	2022	BEV small wagon
Sedan	8006	Toy	Prius	Hybrid	2008		ASP	0.64	71%	2023	BEV sedan
Sedan	8007	Toy	Prius	Hybrid	2008		ASP/Crisis	0.63	72%	2023	BEV sedan
Sedan	9123	Toy	Prius	Hybrid	2013	Special Purpose	Vector Control II	0.11	100%	2023	BEV sedan
Sedan	2381	Frd	Escape		2014	Special Purpose	Sewer Maint	0.36	100%	2023	BEV small wagon
Sedan	8510	Toy	Prius	Hybrid	2014		Building & Safety	0.43	100%	2024	BEV sedan
Sedan	8511	Toy	Prius	Hybrid	2014		Building & Safety	0.39	100%	2024	BEV sedan
Sedan	9113	Toy	Prius	Hybrid	2009	Special Purpose	IT ADMIN	0.10	100%	2024	BEV sedan
Sedan	9126	Toy	Prius	Hybrid	2015		Meter Repair	0.20	100%	2024	BEV sedan
SUV	4114	Frd	Escape		2015		Bldg Maint	0.66	100%	2024	PHEV SUV
Sedan	1595	Frd	Fusion	Hybrid	2016		Parking Enforcement	0.24	100%	2025	BEV sedan
Sedan	8009	Toy	Prius V	Hybrid	2015		ASP/FSP	0.80	56%	2025	BEV sedan
Sedan	8010	Toy	Prius V	Hybrid	2015		ASP/FSP	0.71	64%	2025	BEV sedan
Sedan	8521	Toy	Prius V	Hybrid	2015		Building & Safety	0.36	100%	2025	BEV sedan
Sedan	8011	Toy	Prius V	Hybrid	2016		ASP	0.59	76%	2026	BEV sedan
Sedan	8012	Toy	Prius	Hybrid	2016		ASP/Crisis	0.32	100%	2026	BEV sedan
Sedan	8013	Toy	Prius V	Hybrid	2016		ASP/FSP	0.70	64%	2026	BEV sedan
Sedan	8014	Toy	Prius V	Hybrid	2016		Mental Health	0.73	62%	2026	BEV sedan
Sedan	8015	Toy	Prius V	Hybrid	2016	Special Purpose	FYC PROGAM	0.19	100%	2026	BEV sedan
Sedan	8016	Toy	Prius	Hybrid	2016		Mental Health	0.40	100%	2026	BEV sedan
Sedan	8232	Toy	Prius	Hybrid	2016		Tuolumne Camp Trk.	0.48	93%	2026	BEV sedan
Sedan	8512	Toy	Prius V	Hybrid	2016		Building & Safety	0.31	100%	2026	BEV sedan
Sedan	8522	Toy	Prius V	Hybrid	2016		Building & Safety	0.51	88%	2026	BEV sedan
Sedan	9024	Toy	Prius V	Hybrid	2016		Building & Safety	0.25	100%	2026	BEV sedan

East Bay Community Energy Fleet Electrification

Chassis	Unit #	Mk	Model	Type	Year	Dedicated Use	Division	Fuel Use	EV Fraction	Replace In	Replace with
Sedan	9025	Toy	Prius	Hybrid	2016	Special Purpose	Neighborhood Services	0.07	100%	2026	BEV sedan
Sedan	6406	Toy	Prius	Hybrid	2016		ZW Admin	0.17	100%	2027	BEV sedan
Sedan	8017	Toy	Prius V	Hybrid	2017		ASP/Crisis	0.66	68%	2027	BEV sedan
Sedan	9026	Toy	Prius V	Hybrid	2017	Special Purpose	Toxics Management	0.13	100%	2027	BEV sedan
Sedan	9118	Toy	Prius	Hybrid	2012	Special Purpose	FYC Program	0.13	100%	2027	BEV sedan
Sedan	9121	Toy	Prius	Hybrid	2012		ASP/Crisis	0.21	100%	2027	BEV sedan
Sedan	9122	Toy	Prius	Hybrid	2012		ASP/FSP	0.78	58%	2027	BEV sedan
Sedan	9022	Toy	Prius V	Hybrid	2014	Inspector	Health Inspections	0.20	100%	2028	BEV sedan
Sedan	9023	Toy	Prius V	Hybrid	2014	Special Purpose	Toxics Management	0.11	100%	2028	BEV sedan
Sedan	9125	Toy	Prius V	Hybrid	2014		Vector Control	0.24	100%	2028	BEV sedan
Sedan	8008	Toy	Prius	Hybrid	2015		ASP/Crisis	0.37	100%	2030	BEV sedan

Budgeting Considerations for Light-Duty Passenger Vehicles

Based on the negotiated contract rates from National Auto Fleet Group, Table 15 lists the estimated price for EVs, including 9.25% sales tax, additional keys, and other fees and rounded to the nearest dollar, based on the City's stated preference to standardize on the Nissan Leaf Plus and Chevy Bolt, and includes three options for a PHEV SUV replacement.

Table 15: Average Contract Rates for EVs

Technology Type	Body Type	Make and Model	NAFG Est. Price	EPA Rated All-electric Range	Battery Size (kWh)
BEV	Sedan	Nissan Leaf Plus	\$37,934	226	62
BEV	Small Wagon	Chevy Bolt	\$37,577	259	60
PHEV	SUV	Kia Niro LX PHEV	\$31,505	26	9
PHEV	SUV	Mitsubishi Outlander 4WD	\$40,061	22	12
PHEV	Minivan	Chrysler Pacifica	\$43,578	32	16

Currently, the City is eligible to claim a Clean Vehicle Rebate Program (CVRP) rebate from the State of California for up to 30 EVs per year.²³ It is important to note that CVRP rebates are first-come, first-served and the program's rebate funding amount must be reauthorized by the state legislature every year. Historically, legislature has annually authorized funding and the California Air Resources Board (CARB) has allocated money to rebate applications that were waitlisted in the previous fiscal year, which reduces the amount of funding for new applications. It is important to note that in the coming years the legislature may allocate less or no funding for CVRP, or only enough funding for the waitlist.

In 2020, BEVs are eligible for a \$2,000 per vehicle rebate and some PHEVs are eligible for a \$1,000 rebate. The Mitsubishi Outlander is not eligible for the rebate because it does not meet the minimum requirement for electric range,²⁴ however the Kia Niro crossover PHEV and the Chrysler Pacifica minivan are eligible for CVPR. The three vehicles are shown in Figure 8.

Figure 8: Kia Niro, Chrysler Pacifica, Mitsubishi Outlander



²³ <https://cleanvehiclerebate.org/eng/fleet>

²⁴ <https://cleanvehiclerebate.org/eng/faqs/why-don%E2%80%99t-i-see-my-vehicle-eligibility-list-0>

East Bay Community Energy Fleet Electrification

Table 16 estimates the cost for replacement vehicles in 2020 through 2025 as recommended in Table 14 for each budget year with the current estimated contracted prices as shown in Table 15. Note that the actual budget will vary based on the contract used, vehicle price, additional options, and changes in sales tax rates.

Between 2023 and 2025 a total of 13 City vehicles are expected to be replaced and it is likely that negotiated contracts will include more EV makes and models at that time. Vehicle costs will continue to be approximately \$30,000-\$35,000 because OEMs are focused on extending battery range rather than incrementally reducing vehicle cost. The consultant team recommends BEVs to replace existing passenger sedans due to the small price difference between PHEV and BEV sedans.

The consultant team recommends PHEVs to replace most ICE SUVs. Gasoline use indicates that most SUVs drive fewer than 30 miles a day, which will be confirmed by telematics data. SUVs will primarily travel on the electricity available from the PHEVs' batteries, however, the gasoline engine provides flexibility and resiliency needed by these vehicles for emergency response and disaster preparedness.

CARB's most-recent *Three-Year Plan for CVRP*²⁵ indicates that the existing rebate program may end by 2022 as CARB shifts funding to new, more-targeted equity programs that include Clean Cars 4 All, Financing Assistance for Lower-Income Consumers, and Clean Mobility Voucher Program. Although CVRP rebates may be renewed when CARB updates the *Three-Year Plan for CVRP* in 2021, the consultant team took a conservative approach and did not include the rebates starting in 2023 in Table 7. With that in mind, the City should track the status of CVRP and consider purchasing the four 2023 replacement EVs in 2022, if it appears CVRP rebates will be reduced or concluded in 2022.

As previously noted, the City can currently obtain a maximum of 30 rebates annually through CVRP. The City's vehicle replacement schedule calls for replacing 32 vehicles in 2021, three of which are potentially Mitsubishi Outlander PHEVs that are not eligible for the rebate but are the only currently available 4WD PHEV SUV.

Table 16: Year-by-Year Budget Estimates to Replace Existing ICE vehicles with EVs

Year	Nissan Leaf Plus @ \$37,934	Chevy Bolt @ \$37,577	Mitsubishi Outlander PHEV @ \$40,061	Potential CVRP rebate	Total Estimated Vehicle Cost
2020	\$37,934 (1)			(\$2,000)	\$35,934
2021*	\$455,208 (12)	\$638,809 (17)	\$120,183 (3)	(\$58,000)	\$1,156,200
2022	\$189,670 (5)	\$187,855 (5)	\$320,488 (8)	(\$20,000)	\$678,043
2023	\$113,802 (3)	\$37,577 (1)			\$151,379
2024	\$151,736 (4)		\$40,061 (1)		\$191,797
2025	\$151,736 (4)				\$151,736

*if awarded the BAAQMD grant, six vehicles schedule to be replaced in 2021 will be replaced in 2020 and will not need to be included in the 2021 budget.

²⁵ <https://ww3.arb.ca.gov/msprog/aqip/fundplan/fy1920fundingplan-appc-rev.pdf>

In its *Annual Energy Outlook*, the Energy Information Agency projects that 300-mile-range BEVs will be upper-tier of the EV market by 2025.²⁶ By 2024, the City will have been acquiring data from the telematics system installed in March 2020 for four years. Data collected on vehicle use patterns and parking behavior will inform and support City and Fleet Services' EV decisions to procure lower-cost BEVs with 100-to-150-mile range for certain use cases or BEVs with 300-miles or more range at a higher price point for other uses cases. Longer-range BEVs may be applicable for municipal sites where deployment of charging infrastructure could be difficult due to space constraints (e.g., BEVs could share charging stations).

Parking Enforcement Scooters

The City operates 30 Westward Industries' gasoline powered GO-4 scooters for parking enforcement activities. During development of this assessment, City staff indicated that the scooters, which have a seven-year lifespan, are easy to maneuver and safely operate. Few companies make vehicles for parking enforcement, and Westward Industries is the only OEM working on an all-electric model. In 2017, the City took delivery of two all-electric GO-4 models. However, after using them in the field, staff found them unsuitable, as reported to City Council on May 14, 2019.²⁷ Therefore, the City recently purchased and put into service 15 gasoline-powered GO-4 scooters to replace older models that were scheduled for retirement.

The two electric GO-4 scooters were reconditioned by the manufacturer, and the City is testing the scooters to gauge their suitability. Scooters will not need to be replaced until 2026, and by then, it is anticipated the all-electric GO-4 will be further in its market development and other electric scooters may be available for this application.

City staff requested a summary of other local government experiences with all-electric vehicles for parking enforcement and security. Two EVs that cities tested, the FireFly scooter and the Mercedes Smart EV, are no longer available. Polaris offers a public safety package for its GEM neighborhood EV that includes an overhead beacon light and lockable trunk storage on the two and four-seat models. City staff previously researched this option and found it unsuitable for City needs.

Cities are also evaluating BEVs in their police fleets primarily for non-pursuit purposes. The City of Los Angeles uses BMW i3 hatchbacks for sworn officers on routine assignments, the City of Huntsville (MD) has two Chevy Bolts for traffic control officers, and the Cities of Pasadena and San Jose leased Chevy Bolts for civilian and sworn officers to use for safety meetings and injury investigations. None of the cities the consultant team spoke with indicated that they purchased or leased EVs specifically for parking enforcement.

²⁶ <https://www.eia.gov/outlooks/aeo/>

²⁷ https://www.cityofberkeley.info/Clerk/City_Council/2019/05_May/City_Council_05-14-2019_-_Regular_Meeting_Agenda.aspx

Medium-duty Vehicles

The City fleet includes 72 medium-duty pickup trucks, mostly Ford F-150, F-250, and Rangers. Of the 72 trucks, 60 pickups may be able to be replaced with an upcoming all-electric Ford F-150 EV. In mid-March 2020, Ford announced will arrive in the U.S. market late-2021 to early-2022. Ford also announced it will have an F-150 PHEV by late-2020, however, the battery is intended to be used for accessories and not motive power.²⁸ It's unknown if the F-150s will have a utility body application, but companies like Motiv Power Systems produce an EV chassis that can be upfitted with a utility body. Motiv's EV-450 is larger than the F-250 and Rangers the City operates today.

In 2019, the City purchased an F-150 for \$39,000. It is likely that the F-150 EV will have a higher price point than its gasoline counterpart, but Ford has not announced pricing. Other pickup trucks are also in development and expected to arrive in 2021-2022, but those are aimed at the luxury market and have MSRPs starting at \$70,000 or re being developed by start-up companies.

As the F-150 EV becomes available, and if incentives bring the cost of the BEV pickups in line with gasoline-powered ICE trucks, the consultant team recommends that the City evaluate up to three BEV pickups on different duty cycles to determine performance, suitability to task, and total cost of ownership.

The City also operates 16 cargo vans, primarily Ford E-250/350 and Connect Transit vans, two of which include a genset for camera operation. Ford, Mercedes, Nissan, and Volkswagen all introduced electric cargo and passenger vans in Europe in 2020 and intend to launch U.S. versions in 2023. Table 17 shows electric vans (passenger and cargo) that are currently available. Production, however, has not kept pace with orders and supplies are very limited.

Lightening Systems vans start at about \$100,000, although incentives can cut the price by half. The Hybrid Voucher Incentive Program (HVIP),²⁹ which provides incentives for medium- and heavy-duty EVs, has incentives up to \$50,000 for zero emission vans, however, the HVIP funds for 2019-2020 have been depleted and new voucher requests are not currently being accepted.³⁰

²⁸ Other companies have announced BEV pickups with starting prices in the \$70,000 range and are aimed at a luxury market. The consultant team did not consider these trucks for fleet use.

²⁹ <https://www.californiahvip.org/how-to-participate/#Eligible-Vehicle-Catalog>

³⁰ <https://content.govdelivery.com/accounts/CARB/bulletins/2699f43>

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Table 17: HVIP Incentives for Panel Vans

Model	Make	HVIP Eligible Funds	GVWR	Type	Body Type	Battery Size	Chassis Type
C-Series Logistics	Envirotech	N/A	Class 3 (10,001-14,000 lb)	BEV	Logistics, Standard and Low Roof	106 kWh	Van
Ford Transit LEV60/120 Passenger Van	Lightning Systems	\$50,000	Class 3 (10,001-14,000 lb)	BEV	Ford Transit 350HD Passenger Wagon, 148"	43 kWh	Van
Ford Transit LEV60/120 Passenger Van	Lightning Systems	\$50,000	Class 3 (10,001-14,000 lb)	BEV	Ford Transit 350HD Passenger Wagon, 148"	86 kWh	Van
Ford Transit LEV Cargo	Lightning Systems	\$50,000	Class 3 (10,001-14,000 lb)	BEV	Ford Transit 350HD Cargo Van, 148"	43 kWh	Van
Ford Transit LEV Cargo	Lightning Systems	\$50,000	Class 3 (10,001-14,000 lb)	BEV	Ford Transit 350HD Cargo Van, 148"	86 kWh	Van
eSprinter	Mercedes Benz	N/A	Class 2 (6,001-10,000 lb)	BEV	Delivery	35, 55 kWh	Van
Ford Transit	SEA Electric	N/A	Class 3 (10,001-14,000 lb)	BEV	SEA-DRIVE 70a powertrain	88 kWh	Van
Electric Shuttle Van	Zenith Motors	Delisted 1/30/2020	Class 3 (10,001-14,000 lb)	BEV	Passenger van	51.8 kWh	Van
Electric Shuttle Van	Zenith Motors	Delisted 1/30/2020	Class 3 (10,001-14,000 lb)	BEV	Passenger van	62.1 kWh	Van
Electric Shuttle Van	Zenith Motors	Delisted 1/30/2020	Class 3 (10,001-14,000 lb)	BEV	Passenger van	69 kWh	Van

Model	Make	HVIP Eligible Funds	GVWR	Type	Body Type	Battery Size	Chassis Type
Electric Cargo Van	Zenith Motors	Delisted 1/30/2020	Class 3 (10,001-14,000 lb)	BEV	Cargo Van	51.8 kWh	Van
Electric Cargo Van	Zenith Motors	Delisted 1/30/2020	Class 3 (10,001-14,000 lb)	BEV	Cargo Van	62.1 kWh	Van
Electric Cargo Van	Zenith Motors	Delisted 1/30/2020	Class 3 (10,001-14,000 lb)	BEV	Cargo Van	69 kWh	Van

The consultant team recommends that the City use findings from telematics data to identify cargo vans that might be transitioned to PHEV SUVs, and possibly the Ford F-150 PHEV that may be able to provide power for camera operation without requiring a genset. The team also recommends the City consider evaluating the suitability of an electric cargo van when one becomes available at a price (with HVIP or a similar incentive program) that is cost-competitive with a comparable gasoline-powered ICE vehicle.

Heavy-duty Vehicles

The City fleet has 98 heavy-duty vehicles (Class 3 or higher) that range from special-purpose vehicles like street sweepers and refuse trucks to a variety of utility vehicles and flatbed trucks. Fleet is already implementing electrification for vehicles as it is available, including liftgates, dump beds, and electric power take off systems (ePTOs) that use an electric motor and battery to power onboard equipment like aerial lifts and booms.

The City operates three Ford E450 20-passenger buses for the South Berkeley Senior Center. Several OEMs offer EV shuttle buses that are equipped for paratransit and have up to 120 miles of range, although range is dependent upon several factors including accessories (e.g., wheelchair lifts), operating terrain (e.g., up and down hills), and climate (running the heat or air conditioning.) Lion, an electric school bus OEM, also has an “urban midi bus” in development. The fleet inventory list supplied by the City shows that one shuttle will be replaced in 2020 and two in 2026.

Sacramento Regional Transit purchased nine GreenPower shuttles in partnership with Electrify America at a cost of \$270,000 to \$320,000 each depending on wheelchair lift configuration.³¹ The consultant team recommends that the City replace existing ICE shuttles with EVs. As previously noted, the HVIP program³² provides incentives for medium and heavy-duty EVs. These include up to \$90,000 in incentives for zero emission shuttles, as shown in Table 18. HVIP funds for 2019-2020 have been depleted and new voucher requests are not being accepted.³³ Alternatively, the City may consider a

³¹ March 1 interview with Will Berry from Electrify America

³² <https://www.californiahvip.org/how-to-participate/#Eligible-Vehicle-Catalog>

³³ <https://content.govdelivery.com/accounts/CARB/bulletins/2699f43>

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grant program like the upcoming Clean Mobility Voucher Program with CALSTART and GRID Alternatives.³⁴

Table 18: HVIP Incentives for Shuttle Buses

Model	OEM	Vehicle Incentives	Battery	Model Years	GVWR
Gillig 29' ePlus Battery Electric Low Floor Bus	Gillig	\$90,000	296 kWh	2018	Bus < 30'
GreenPower EV Star All-Electric Min-eBus	GreenPower Motor Company	\$90,000	95 kWh	2018-19	Bus < 30'
Lightning Systems Ford Transit 350HD Passenger Bus - 120 Mile Range	Lightning Systems	\$80,000	86 kWh	2018-2019	Bus 20' - 24'
Lightning Systems Ford Transit 350HD Passenger Bus - 60 Mile Range	Lightning Systems	\$80,000	43 kWh	2018-2019	Bus 20' - 24'
Micro Bird D-Series Electric Shuttle Bus	Micro Bird	\$80,000	88 kWh	2019	< 14,000, Bus < 30'
Phoenix Motor Cars ZEUS 300 Passenger Shuttle	Phoenix	\$80,000	105 kWh	2018-2019	14,000 - 26,000, Bus < 30'
Phoenix Motor Cars ZEUS 400 Passenger Shuttle	Phoenix	\$80,000	105 kWh	2019	14,000 - 26,000, Bus < 30'
SEA E-450 EV*	SEA Electric	\$80,000	100 kWh	2020	14,000 - 26,000
SEA F-450 EV*	SEA Electric	\$80,000	136 kWh	2020	14,000 - 26,000
SEA F-550 EV*	SEA Electric	\$80,000	136 kWh	2020	14,000 - 26,000
SEA F-650 EV*	SEA Electric	\$90,000	160 kWh	2020	14,000 - 26,000

³⁴ <https://ww3.arb.ca.gov/msprog/lct/pdfs/cmo-voucher.pdf>

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**SEA vehicles can also be configured as a large cargo van or delivery truck.*

The fleet inventory list supplied by the City's Fleet shows 16 refuse and dump trucks that are scheduled to be replaced in 2020 and 2021. Electric models of these vehicles are currently available in limited supply. For an estimate of the cost, the City of Seattle procured two BYD refuse trucks at \$320,000 each. Furthermore, Fleet staff have feedback from other agencies that the limited range of and long charging time of current EV refuse trucks will not be practical or acceptable for City operations, which includes multiple 88-mile round trips to the Livermore landfill every day.

Table 19 lists the HVIP incentives available for this category of vehicle. As noted above, HVIP funds for 2019-2020 have been depleted and new voucher requests are not being accepted.³⁵ The consultant team recommends that the City prepare to evaluate one refuse truck and/or one dump truck when the Transfer Station is complete and when HVIP funding is replenished or a similar incentive is available.

Table 19: HVIP Incentives for Refuse and Dump Trucks

Model	OEM	Vehicle Incentives	Battery	Model Years	GVWR
BYD 8R Class 8 Refuse Truck	BYD Motors	\$150,000	295 kWh	2018-2019	> 26,000
Phoenix Motor Cars ZEUS 500 Flat Bed Truck	Phoenix	\$80,000	105 kWh	2018-2019	14,000 - 26,000
SEA NPR EV*	SEA Electric	\$80,000	136 kWh	2020	14,000 - 26,000
SEA 195 EV*	SEA Electric	\$80,000	136 kWh	2020	14,000 - 26,000
SEA ACMD 8 EV*	SEA Electric	\$150,000	216 kWh	2020	> 26,000
SEA EXPEDITOR EV*	SEA Electric	\$150,000	216 kWh	2020	> 26,000

**Several of the SEA models can be configured for different uses.*

Other HVIP-eligible vehicles include transit and school buses, delivery and drayage trucks, and food trucks that do not match the needs of the City's fleet.

For the City's heavy-duty municipal fleet vehicle use cases, cost-effective EVs are eight-to-ten years in the future, even when accounting for incentives. The consultant team recommends that the City continue to fuel medium- and heavy-duty diesel engine vehicles with renewable diesel. Renewable diesel is produced from plant, animal or other waste products and according to CARB, the full lifecycle emissions of carbon from renewable diesel produced from sustainable sources, which the City is procuring, are more than 60 percent lower than either petroleum diesel or B20 biodiesel. The City's fleet of on and off-road vehicles and equipment consumes about 265,000 gallons of renewable diesel fuel a year, which has enabled the City to reduce its GHG footprint from petroleum diesel by approximately 74% percent.³⁶

³⁵ <https://content.govdelivery.com/accounts/CARB/bulletins/2699f43>

³⁶ Calculated from U.S. EPA Lifecycle GHG Emissions By Feedstock <https://www.epa.gov/fuels-registration-reporting-and-compliance-help/lifecycle-greenhouse-gas-results>

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In addition, the City operates 17 vehicles (15 refuse trucks and two street sweepers) that run on natural gas. Clean Energy, a distributor of natural gas and operator of natural gas fueling stations, is distributing its Redeem renewable natural gas (RNG) to cities that include Santa Monica, Santa Clarita, Midway City, Redondo Beach, Sacramento, Ontario and San Jose. RNG is derived from capturing biogenic methane that is produced from the decomposition of organic waste from dairies, landfills, and wastewater treatment plants. Until the refuse trucks can be replaced, the City might consider procuring RNG.

The consultant team also recommends the City continue to procure vehicles with electric power take off systems (ePTOs) that use an electric motor and battery to power onboard equipment like aerial lifts and booms until low and zero-emission vehicle technologies for this segment are more mature and prices are more competitive.

Appendix B: Electrical Needs and Charging Infrastructure Summary

This report documents existing parking and electrical service conditions at 15 facilities at which the City of Berkeley's fleet vehicles are domiciled (parked overnight) and recommends charging equipment and cost estimates to be implemented in the near term (two-to-five years). Eventual electrification of medium-duty, heavy-duty, emergency response vehicles, and other specialized equipment is treated in more general terms.

Similarly, for facilities that are planned for reconstruction in the medium-to-long-term, such as the Transfer Station, this report provides near-term recommendations for light-duty vehicle charging infrastructure and assumes that medium- and heavy-duty vehicle charging will be accommodated when the facilities are rebuilt or relocated.

For each domicile, the consultant team assessed that parking capacity and layout, the location and capacity of existing electrical service, and any anticipated site-specific constraints to future charging infrastructure installation. Table 20 summarizes near-term recommendations for each site evaluated. To provide back-up power for resiliency, the consultant team included cost estimates for diesel generators at crucial sites, which would be powered by the City's supply of renewable diesel. However, resiliency could be met with on-site solar energy production and storage batteries.

East Bay Community Energy Fleet Electrification

Table 20: Near-term Recommendations for Charging

Facility Name	Facility Location	Energy Needs (kWh/day)	Light-duty Vehicles		Chargers L2 (Dual Head)/DCFC	New Service Req'd	Preliminary Build-Out Costs		
			LDV	C1			Option 1 Level 2 Only	Option 2 Mobile Only*	Backup Generator
Corp Yard	1326 Allston Way	112.74	7	9	4 and 1 DCFC	Yes	\$354,000 (includes 1 DCFC)	-	\$487,000
Berkeley Transfer Station (prior to rebuild)	1201 Second St	49.64	2	3	2	No	\$87,000	-	\$34,000
Berkeley Marina	125/127 University Ave	296.07	33		4	Yes	\$290,000	-	\$204,000
Adult Mental Health Clinic	1521 University Ave	156.74	13		3	Yes	\$135,000		-
Mental Health Clinic	1890 Alcatraz Ave/ 3282 Adeline St	33.29	6		1 or 1 Mobile	Yes	\$147,000	\$45,000	\$34,000
Center Street Garage	2025 Center St	247.81	27	9	28 Dual, 1 Single	NA	Currently installed/Public access	-	-

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Facility Name	Facility Location	Energy Needs (kWh/day)	Light-duty Vehicles		Chargers	New Service Req'd	Preliminary Build-Out Costs		
			LDV	C1			L2 (Dual Head)/DCFC	Option 1 Level 2 Only	Option 2 Mobile Only*
Central Library Parking Lot	2031 Bancroft Way	3.38	1		1	Yes	\$149,000	-	\$34,000
Public Safety Building	2100 MLK Jr Way	16.54		2	1	No	\$42,000	-	-
Civic Center	2180 Milvia St	7.19	1		2	No	\$65,000	-	-
Mental Health Clinic	2636/2640 MLK Jr Way	55.66	8		1	NA	\$40,000 1 In Progress/1 Future	-	-
S. Berkeley Senior Center	2939 Ellis St	7.33	2		1	Yes	\$82,000	-	\$34,000
N. Berkeley Senior Center	1901 Hearst Ave	11.84	2		1	NA	\$45,000 In Progress	-	-
Total cost							\$1,216,000	\$180,000	\$827,000

*Note: LDV=Light Duty Vehicle (passenger sedans). Class 1 (C1) includes any vehicle on a truck-style frame with a GVWR of 6,000 lbs or less including SUVs.

Charging Strategy Options

Analysis of the City's existing fleet found that most light-duty vehicles drive between 3 and 63 miles per day with an average usage of 27.1 miles. Considering the relative efficiency difference between gasoline-powered ICE vehicles and BEVs, this translates into approximately 80-kWh of electricity per day on average. In addition, most vehicles are driven during the day and parked overnight at City facilities, which provides ample dwell time for battery charging. The City's stated intention is to standardize its fleet on the Chevy Bolt and Nissan Leaf Plus, which have a 60- and 62-kWh battery, respectively, and well over 200 miles of range. Due to these minimal power requirements coupled with long dwell times for most vehicles domiciled at the City facilities, light-duty BEVs could share chargers or share power loads via a power load management strategy.

Current Charging Options

Currently available charging technologies appropriate to the City of Berkeley's light-duty vehicle fleet needs include the strategies discussed below and summarized in Table 21. The recommended strategies for each site are listed in Table 22.

Dedicated Chargers

The basic way to charge a fleet is with individual chargers dedicated to each vehicle in the fleet. This approach to charging typically requires each fleet vehicle be assigned a parking stall and that each parking stall be equipped with its own charger. Fleets typically use Level 2 chargers to provide greater range and deploy smart chargers to track electrical use by vehicle or department, similar to tracking gasoline consumption. In cases where vehicle use is minimal, BEVs have long-range batteries, and/or long dwell times, Level 1 charging may be an option.

Vehicle operators pick up the vehicle at the assigned stall, manually disconnect the charger before using the vehicle, and later return the vehicle to the assigned stall and reconnect the charging cord. For fleet facilities with on-site staff or an automated parking management system, vehicles could be rotated between stalls because all stalls would be comparably equipped with chargers. For example, the City could potentially implement this approach at the Center Street Garage, which is currently equipped with more chargers than planned fleet EVs; however, the chargers assigned to City vehicles would not be available for public use under this scenario.

Benefits: The primary benefit of this approach is its simplicity and predictability for fleet operators and drivers. It also provides flexibility due to the relative abundance of chargers, allowing for future expansion via implementation of load management systems or other options.

Disadvantages: A ratio of one charger per parking stall or per EV requires numerous charger installations, which is generally inefficient and can potentially be a more-costly approach due to the expense of procuring and installing³⁷ each charger. In addition to the cost, the parking facility is more heavily impacted during the charging infrastructure construction period.

³⁷ Installation costs typically include design, permitting, and electrical service upgrades.

With a one-EV-to-one-charger ratio, the capacity to charge other vehicles is wasted for two reasons: 1) the charger sits idle while the dedicated vehicle is in use, and 2) a fully charged EV in the assigned parking space blocks other vehicles from using the charger.

Operational costs of dedicated chargers can be higher as well. Simultaneously charging multiple EVs at fleet facilities, without managed charging or energy storage incorporated into the system, could result in costly demand charges. This expense is included in PG&E's electricity delivery fees component of customer bills. This cost is different from EBCE's electric generation charge, which helps save the City money on its operating costs while maximizing the utilization of renewable energy.

Network and data costs can also add up over time when smart chargers or third-party load management systems are deployed, and ongoing charger maintenance costs are usually proportionate to the quantity of chargers installed.

General Recommendations: Dedicated chargers generally make the most sense in the following circumstances:

- Locations, such as the Center Street Garage, that are currently equipped with significant quantities of chargers that could be dedicated to a unique parking space/fleet EV. These chargers, however, would not be available to the public when in use by the City's fleet.
- Facilities at which a limited number of EVs are domiciled and ample electrical capacity is available, such as the Central Library parking lot.
- When funds are not constrained.

Dedicated Chargers with Load Management

Load splitting, balancing, or management systems can reduce the maximum power load to avoid or reduce needed electrical service upgrades or utility demand charges. These systems enable fleet operators to control when and how each fleet EV charges.

For example, the company Cyber Switching has a control unit called the EVMC that switches power to multiple chargers in a "round-robin" scenario. A single electrical line can feed multiple chargers and incrementally rotate the current to each charger on a programmable timed basis. The EVMC first polls an individual EV to check its battery status, and if charged, moves on to the next EV in line. Another example, Powerflex, includes sophisticated Adaptive Load Management that incorporates driver inputs and real-time electrical load monitoring to determine which EV will receive a determined amount of electricity and when.

These systems can be paired with Level 2 chargers that are not networked ("dumb" chargers) to upgrade their functionality. Cyber Switching's EVMC spreads the power typically allocated to a single charger to up to four chargers. Powerflex can manage a series of up to 100 chargers while monitoring building loads by reading the power currently in use by all the building's electrical circuits. If additional electric capacity is available, Powerflex will redirect excess electrical capacity to the chargers. Additionally, some charging networks like ChargePoint and Greenlots have dedicated software with customizable algorithms to intelligently share power among networked ("smart") chargers so every EV charges as fast as possible without exceeding the site's rated electrical capacity.

Benefits: The primary benefit of load management is reduction of peak electrical load to reduce or avoid costly electrical service upgrades and PG&E's demand charges.

Disadvantages: Load management requires networked smart chargers, which may have higher capital and/or operating costs and depends on the individual system and quantity of chargers. Third-party load splitting or management systems can operate with non-networked dumb chargers, but the equipment and service require additional capital and data costs.

General Recommendations: Adding load management to dedicated chargers generally makes the most sense in parking facilities with limited power supply where large numbers of heavily utilized EVs with long dwell times are domiciled. This does not apply to most of the City's domicile locations; however, as the City adds more EVs to the fleet, the circumstance could change.

Shared Chargers

At facilities with shared chargers, a minimum number of Level 2 chargers are installed to serve all the fleet EVs domiciled by rotating charger use. This is generally feasible for the City because most fleet vehicles travel relatively few miles per day and are parked and available for charging for at least 14 hours. Not needing to charge their batteries every night means the City's fleet EVs could share chargers by taking turns based on a schedule or depending on a vehicle's state of charge. Additionally, a shared DCFC could supplement shared Level 2 chargers at large City facilities with multiple light, medium and heavy-duty vehicles such as the Corp Yard. In cases where dwell times are limited to only four hours, the anticipated duration of charging would still be sufficient to charge the relatively small number of EVs.

Benefits: The primary benefit of sharing EV chargers is cost reduction. The City can purchase and install a minimum number of chargers and avoid the need to increase facility electrical capacity. An additional benefit is reduced construction related disruption at facilities during charger installation.

Disadvantages: Sharing chargers requires careful management of fleet EVs to ensure that all vehicles maintain a sufficient state of charge for their intended daily use. As more EVs are added to the fleet, it is likely that the City will need to procure and install additional chargers.

General Recommendations: Sharing chargers makes the most sense under the following circumstances:

- Facilities that serve fleet EVs that typically drive less than 40 miles a day and have dwell times longer than eight hours, such as the Corp Yard and Mental Health Clinics.
- Facilities with limited available electrical capacity to avoid the expense of electrical service upgrades.

Shared Chargers with Load Management

This is a variation on shared chargers that incorporates load management to provide flexibility. This could be achieved by networked smart chargers with integral load management or by a third-party add-on system.

Benefits: The primary benefit is to reduce PG&E peak demand charges, potential electric service upgrades costs, and initial investment costs associated with the procurement and installation of

chargers generally (e.g., reduced number of individual units required). This approach is also useful to leverage the constrained electrical capacity of certain sites to install more chargers that would share available electrical load.

Disadvantages: It requires active parking/charging management by City staff and poses a potential risk that fleet EVs may not be sufficiently charged if not managed properly.

General Recommendations: Adding load management to shared chargers makes the most sense at locations like the Transfer Station at which a load management system can serve the four chargers needed near term with a relatively small 40-amp electrical capacity.

Mobile Charging

Mobile or semi-mobile charging is an alternative or complement to fixed EV chargers. These consist of energy storage systems that draw power from the grid then dispense the electricity to EVs when needed. Examples are from Freewire Technologies, which has two mobile charging units, Mobi and Boost; and Danner, which has the Mobile Power Station (MPS). The MPS and Mobi units are equipped with wheels and operator controls, while the Boost is stationary and hard-wired but can be easily disconnected for re-location to another facility.

Each Mobi can charge up to eight light-duty EVs per shift and can be equipped with an optional Hydra unit that simultaneously charges seven vehicles (charging is at Level 1 speed). Boost is a larger unit that has 160 kWh of battery capacity and 120 kW output capable of charging 25 light-duty EVs per shift at 100kW.

Dannar's MPS can charge multiple types of batteries and replicate the function of a mobile generator. The DANNAR 4.00 base configuration comes standard with three 42 kWh Li-Ion battery packs (126 kWh total) and can be easily upgraded with up to nine additional packs for a total of 504 kWh of on-board electricity.

Another example, SparkCharge, is an innovative startup that produces a highly portable, modular DCFC. Its battery-powered chargers snap together like Lego blocks, and provide up to 20 miles of range per battery module. Fleets can use SparkCharge modules to augment short-range EVs or rescue EVs that run out of charge, which avoids the need to be towed to a charger.

Benefits: By being able to accept power from the grid at low voltage and/or during times when electrical demand is low or during the day when grid renewables and/or onsite solar (depending on the City facility) generation is high, mobile energy storage platforms can help to avoid PG&E's demand charges. Other benefits include the ability to:

- Charge additional fleet EVs than the facility's existing power capacity may support.
- Provide backup energy to fleet vehicles during power outages.
- Charge multiple EVs at the same site by moving the charger, rather than moving the vehicles.
- Relocate the charger from one facility to another to address changing needs or to provide flexible charging capacity at non-City owned facilities where fleet EVs may be domiciled.

The Danner Mobile Power Stations can also be outfitted with auxiliary equipment such as lifts or loaders, allowing these units to function as fully electric off-road equipment. Both the Danner and Mobi can also perform the function of a generator by powering electrical equipment where no power outlets are available.

Disadvantages: The main disadvantage of this option is the large upfront costs. Using mobile charging units also requires active parking/charging management by City staff who will need to move the charger to individual fleet EVs and manually connect them. Mobile chargers take up space in the parking lot and staff may not be able to get the unit close enough to the EV in a crowded parking facility. Theft and vandalism may also be a concern at facilities lacking site security.

General Recommendations: Using mobile charging units as an option may make sense at:

- Facilities where power upgrades may be significant due to large numbers of EVs and/or has space constraints make installation of multiple individual chargers difficult. (e.g., Berkeley Marina at 125/127 University Ave)
- Facilities that are leased (e.g., Adult Mental Health Clinic at 1521 University Avenue).
- Facilities where fixed charging infrastructure near term is needed but may not be fiscally responsible because of site redevelopment plans in the future (e.g, Transfer Station) or that will be redeveloped.

The Mobi and the Danner units qualify for a 50% rebate under CARB's CORE³⁸ program.

³⁸ <http://californiacore.org/>

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Table 21: Charging Strategy Summary

	Dedicated chargers	Dedicated chargers with load management	Shared chargers	Shared chargers with load management	Mobile charging
Strengths:					
Convenience and simplicity	Yes	Yes	No	No	Yes
Capacity for future fleet expansion	Yes	Yes	No	No	Yes
Reduces peak demand and resulting service upgrades	No	Yes	Yes	Yes	Yes
Reduces capital expenditure from fewer chargers purchased and installed.	No	No	Yes	Yes	Depends on facility scale
Challenges:					
Costs for hardware purchase, installation and load upgrades.	Yes	Yes	No	No	More cost effective for larger facilities
Initial cost of system plus data charges	No	Yes	No	Depends on provider	Yes
Requires active parking/charging management by City staff	No	No	Yes	Yes	Yes
Risk of vehicles not being charged	No	No	Yes	Yes	Yes

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Table 22: Facility Recommendation Summary

Domicile	Dedicated connectors	Dedicated connectors with load management	Shared connectors	Shared connectors with load management	Mobile charging
Corporation Yard			8 L2 + 1 DCFC		
Berkeley Transfer Station		4 L2			1 Mobile
Berkeley Marina			8 L2		Possible option: 1 Mobile
Adult Mental Health Clinic					3 Mobile
Mental Health Clinic			2 L2		Possible option: 1 Mobile
Center Street Garage	35 L2 (connectors from existing chargers currently assigned to fleet)				
Central Library Parking Lot	2 L2				
Public Safety Building	2 L2				
Civic Center Building	4 L2				
Mental Health Clinic			2 L2		
South Berkeley Senior Center	2 L2				
North Berkeley Senior Center	2 L2				

Future Charging Technologies

The City should monitor emerging charging technologies and plan for pilot programs/evaluation as these become market ready.

- Inductive charging which can wirelessly charge an EV
- Automated charging which pairs with autonomously operated vehicles are paired with robotic or wireless chargers
- Bi-directional charging provides vehicle-to-grid (V2G), vehicle-to-building (V2B), and vehicle-to-vehicle (V2V) electrical flow.

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- V2G would enable surplus EV battery capacity to be sold back to the grid in times of peak grid electrical demand, thereby creating a potential source of revenue for fleets.
- V2B would facilitate sharing of power between the buildings co-located with the fleet parking facility and the vehicles that charge there, allowing buildings to borrow stored electricity from the EV batteries at times of peak building electrical demand, thereby avoiding PG&E's demand charges.
- V2V would allow EVs to transfer power to and from each other's batteries. Since utilization by most City fleet vehicles is well within the battery range of currently available EVs, a substantial surplus power is typically available. This power could be shuffled between vehicles on an as-needed basis, reducing demands on fleet charging infrastructure as well as on the grid.

As these technologies come to market, the costs will be higher than with traditional charging recommended in this report yet may reduce staff time needed to manage charging and, with bi-directional charging, may help balance utility costs.

Appendix C: Distributed Energy Resources Analysis

The purpose of this report is to summarize the potential areas for distributed energy resources (DER) deployment at each of the City of Berkeley's fleet domiciles. DER is defined as onsite solar photovoltaics (solar PV), battery energy storage (BES) and electric vehicle (EV) charging infrastructure. The analyses represent an initial screening that implies the DER deployments identified are favorable and reasonably sized compared to the proposed EV fleet's needs. Performance and costs are meant to be budgetary level, and firm quotes and scopes of work for each location are encouraged to determine the actual capital needs required.

Summary of Recommendations

Twelve domicile location were examined for solar PV and BES deployment, to balance the electrical load from EV charging. Based on our findings, the consultant team recommends that the City consider deploying solar PV and BES systems at the eight locations listed in Table 23.

Table 23: Recommended Solar PV and BES

Location	Existing and Planned Charging Stations	Total Solar PV Capacity (kW DC)	BES Recommendation	Potential Cost for Solar PV + BES
Corp Yard	4 Dual-head Level 2 and 1 DCFC	52.7*	33 kW / 130 kWh	\$423,800
Berkeley Marina	4 Dual-head Level 2	70.5*	75 kW / 300 kWh	\$782,100
Center Street Garage	28 Dual-head Level 2 and 1 Single-head Level 2	168.9*	63 kW / 250 kWh	\$375,000
Central Library Parking Lot	1 Dual-head Level 2	18.8		\$75,200
Public Safety Building	1 Dual-head Level 2	10.8		\$43,200
Mental Health Clinic	1 Dual-head Level 2	60.1*		\$240,400
S. Berkeley Senior Center	1 Dual-head Level 2	7.8		\$31,200
N. Berkeley Senior Center	1 Dual-head Level 2	29.6*		\$118,400

*Already installed or being considered for development via EBCE's Solar + Storage at Critical Municipal Facilities initiative (see below)

Of the recommended locations, five are also being evaluated through EBCE's *Solar + Storage at Critical Municipal Facilities Assessment*, which is funded by a Bay Area Air Quality Management District grant. The goal of this complementary project is to identify critical facilities designated to serve the community in time of emergency throughout Alameda County and size solar PV and BES systems to meet critical loads at those sites. EBCE plans to aggregate the site portfolio into a competitive solicitation Summer 2020 to reduce the cost and complexity of deploying these systems near term for its local government partners.

Three domicile locations, the Adult Mental Health Clinic, Mental Health Clinic, and Civic Center, were excluded from solar PV and BES deployment due to constraints specific to each location discovered during the assessment. The Transfer Station was evaluated to support the LD fleet only, however Solar PV for this size fleet only not recommended. Solar PV and BES should be re-evaluated when the site is rebuilt, and impact of the heavy-duty fleet is assessed at that time.

Solar Potential at City Sites

To offset the electricity consumption of Berkeley's EV fleet, the solar PV potential for each of the primary facilities where vehicles are domiciled was evaluated. Eight of the 12 facilities were found suitable for solar PV for EV fleet charging, while four were found to have site specific constraints precluding solar PV deployment. Solar PV arrays consist of multiple modules, each approximately 17.8 square feet (SF) (5.5-feet x 3.25-feet) and weighing about 40 lbs. The exact size, weight, and electricity output of PV modules will vary by manufacturer however the average electricity output is 300 watts (W) which will produce approximately 16.5 W/SF of area. Panels with more surface area and higher outputs of 350–400 watts (W) are available, but these panels have an equivalent area normalized output of 16.5 W/SF. Roof locations where solar PV are mounted must be able to support the weight of the proposed PV array, which ranges from 650 pounds for a five-kilowatt (kW) array to more than 2,000 pounds for a 15-kW array. Array that use mounting racks must be designed to resist wind-lift, and the underlying roof structure must be more resistant. No structural load analysis was conducted for this project.

At each domicile location, the consultant team analyzed building rooftop and parking carport opportunities.³⁹ This potential is dictated by the overall unobstructed area available to install the solar PV system and orientation of the system to the sun throughout the day with south, southwestern and west facing facades yielding the greatest electricity production. Surface areas with shading caused by architectural details and mechanical equipment and adjacent trees or buildings are not suitable for solar PV systems.

This methodology resulted in array sizing that matched the existing solar PV design at two projects at the Mental Health Clinic at 2636/2640 MLK Jr Way and the North Berkeley Senior Center, resulting in consistency with work previously performed. Once the geometry constraints of the available roof areas were determined, the configuration was entered in the National Renewable Energy Laboratory's (NREL) PVWatts Calculator.⁴⁰ Output from PV Watts was exported as hourly data to combine the performance of the multiple solar PV arrays simulated for each location. The results are summarized in the following sections.

Annual Solar PV Generation

The following provides a brief summary of the conditions for each location where the City's EV fleet will be domiciled, and the result of the solar PV screening. The total generation potential for all sites based on the resources identified is 419.2 kW of solar PV, with 231.3 kW of new capacity recommended. The

³⁹ This analysis did not assess whether roof or other structural upgrades would be necessary at City sites, or approximate costs for those potential upgrades.

⁴⁰ <https://pvwatts.nrel.gov/>

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solar PV resource generates an average of 1,753 kWh/day. The current fleet electrification assessment identifies the need to support 1,009 kWh/day of EV charging, indicating that solar PV arrays deployed at some sites could also serve onsite building loads and/or future fleet charging needs, as shown in Table 24.

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Table 24: Solar PV Sizing Results and Daily Generation

Facility Name	Facility Location	Overall Assessment	Total Solar PV Capacity (kW DC)	Average Daily Generation (kWh/day)	Average Daily EV Charging Need (kWh/day)
Corp Yard	1326 Allston Way	Replacement of the existing 19 kW solar array with a 30.6 kW using higher output panels. Install new 16.1 kW array over the fuel island, and 6.0 kW covered parking array in the yard parking area.	52.7	195.3	112.74
Berkeley Transfer Station	1201 Second St	Defer array design until site redeveloped. Charging need based on near-term light-duty fleet.	0	0	49.64
Berkeley Marina	125/127 University Ave	Suitable for one rooftop array and one parking lot array.	70.5	297.6	298.93
Adult Mental Health Clinic	1521 University Ave	Existing array is not property of the city. No further solar PV can be deployed.	n/a	n/a	156.74
Mental Health Clinic	1890 Alcatraz Ave/ 3282 Adeline St	No solar PV recommended due to insufficient roof area.	0	0	33.29
Center Street Garage	2025 Center St	Existing 168.9 kW rooftop solar PV array installed. No further solar PV recommended.	168.9	732.4	247.81
Central Library Parking Lot	2031 Bancroft Way	Suitable for one rooftop solar PV array.	18.8	71.0	3.38
Public Safety Building	2100 MLK Jr Way	Suitable for one rooftop solar PV array. Parking areas substantially shaded and not recommended.	10.8	40.8	16.5
Civic Center	2180 Milvia St	Roof structurally unsuitable for deployment. No solar PV recommended.	0	0	6.17
Mental Health Clinic	2636/2640 MLK Jr Way	A 60.1 kW solar PV array has already been designed for the facility. No further solar PV recommended.	60.1	258.7	64.94
S. Berkeley Senior Center	2939 Ellis St	Suitable for one rooftop solar PV array.	7.8	33.6	7.33
N. Berkeley Senior Center	1901 Hearst Ave	A 29.6 kW solar PV array has already been designed for the facility. No further solar PV recommended.	29.6	127.8	11.84
Total			419.2 (231.3 new)	1752.7	1,009.3

Changes in Utility Tariffs and Coincidence of DER Loads

Per California Public Utilities Commission (CPUC) Decision 18-08-013,⁴¹ PG&E will phase out legacy tariff series “A” and “E,” and replace each tariff with a “B” series that reflects the current costs of transmission. Every account will be migrated to the corresponding “B” series rate by March 2021 (e.g., accounts on the A-1 rate will be migrated to B-1; accounts on E-19 will be migrated to B-19, etc.). All ECBE accounts, including those for the City will be impacted by these changes. Table 25 compares the difference in the peak periods from the tariff revision. The “B” rates shift the peak period from midday to late afternoon and early evening, and the peak period will apply year-round.

Table 25: Changes in Peak Utility Period from Tariff Update

Period	“A” & “E” Rates (Current)	“B” Rate (Future)
Summer Period	May 1 – Oct 31	June 1 – Sep 30
Peak	12:00 PM – 6:00 PM M-F	4:00 PM – 9:00 PM All days
Part-peak	8:30 AM – 12:00 PM M-F 6:00 PM – 9:30 PM M-F	2:00 PM – 4:00 PM All days 9:00 PM – 11:00 PM All days
Off-peak	All other hours	All other hours
Super Off-peak	None	None

Period	“A” & “E” Rates (Current)	“B” Rate (Future)
Winter Period	Nov 1 – Apr 30	Oct 1 – May 31
Peak	None	4:00 PM – 9:00 PM All days
Part-peak	8:30 AM – 9:30 PM M-F	None
Off-peak	All other hours	All other hours
Super Off-peak	None	9:00 AM – 2:00 PM All days March – May only

Every rate class has a varying energy charge (\$/kWh) for each of the time periods in Table 3, with the energy rate in the peak period being approximately 30% higher than the off-peak period during the summer months and 15% higher during the winter months. **The variation between on-peak and off-peak energy costs in the “B” series tariffs is not substantially different from the current “A” and “E” tariffs in place today, only the time of the on-peak period has changed.**

⁴¹ https://www.pge.com/tariffs/assets/pdf/adviceletter/ELEC_5499-E.pdf

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The rate classes of B-10 and B-19 (for larger facilities) have demand charges in addition to the energy charges for each period. Demand is based on the highest rate of energy consumption in a specified 15-minute period and is charged at a cost per kW (\$/kW). Best management practices to manage this demand from EV fleet charging can include scheduled charging, smart charging (auto scheduling), and discharge from a battery energy storage system coincident with EV charging. These methods can be successful in lowering, but not eliminating the resulting demand charge, and are most effective when applied against fleet charging that occurs on a regular, controlled schedule. Intermittent charging, and locations that support both fleet charging and public charging can have substantial financial impact from demand charges.

Tariff B-10 has one monthly demand charge assessed for the peak power consumption on any 15-minute interval. Tariff B-19 has up to three demand charges separately assessed monthly and added together: one for the peak period, one for the part-peak period, and one for any 15-minute interval in the month. Tariffs B-1 and B-6 do not have demand charges. Table 26 summarizes the peak for each tariff.

Table 26: Tariffs with Demand Components

Demand Component in Tariff	B-1	B-6	B-10	B-19
Peak	No	No	No	Yes
Part-peak	No	No	No	Yes
Any-hour	No	No	Yes	Yes

The impact of all the above components must be considered when determining the value of the solar PV and BES. For simplicity, assumptions are grouped by rate structure. **Due to the impending rate change, the consultant team evaluated each deployment by using the corresponding new “B” tariff and ECBE supply rates, rather than the current utility rate.** Under the new delivery tariff, ECBE would continue to provide the City with its carbon-free electricity supply product, Brilliant 100. Table 27 summarizes the assumptions used to model rates at each fleet domicile location.

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Table 27: Utility Modeling Assumptions

Rate	Buildings	Rate Modeling Assumptions
B-1	Berkeley Marina Adult Mental Health Clinic (1890 Alcatraz) Mental Health Clinic	<ul style="list-style-type: none"> No demand component in rate. Solar PV generation and EV charging impacts energy consumption in the period it occurs. Addition of EV unlikely to push facility above 75 kW threshold needed to stay on rate B-1.
B-6	S. Berkeley Senior Center	<ul style="list-style-type: none"> No demand component in rate. Solar PV generation and EV charging impacts energy consumption in the period it occurs. Addition of EV unlikely to push facility above 75 kW threshold needed to stay on rate B-6.
B-10	Corp Yard Berkeley Transfer Station Central Library Parking Lot Mental Health Clinic (2636/2640 MLK) N. Berkeley Senior Center	<ul style="list-style-type: none"> Solar PV reduces any-hour monthly demand. EV charging does not impact demand.
B-19	Public Safety Building Civic Center	<ul style="list-style-type: none"> Solar PV reduces the any-hour monthly demand typically occurring mid-day. EV charging impacts peak and part-peak demand. EV charging does not impact the any-hour demand typically occurring mid-day.
B-19	Center Street Garage	<ul style="list-style-type: none"> Due to observed load building shape, Solar PV does not reduce the any-hour monthly demand that occurs at approximately 8:00 PM. EV charging impacts peak and part-peak demand EV charging impacts the any-hour demand due to building load shape.

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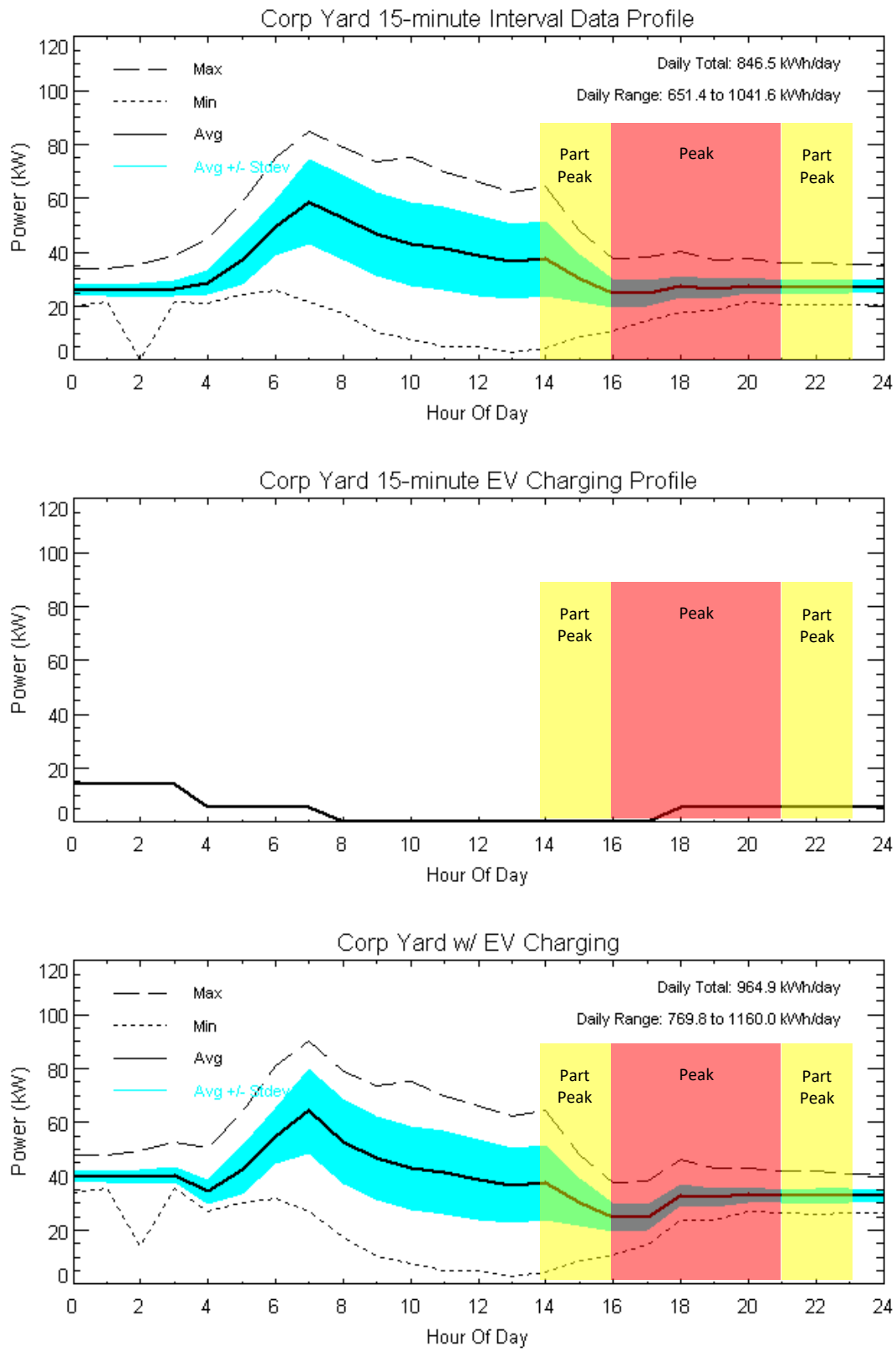
Figure 9 displays the impacts of these assumptions using actual data for the Corp Yard and the stipulated EV charging profile. The Corp Yard peak power occurs at 7:00 AM and decreases throughout the day as the existing solar PV array provides generation. Under the new B-10 rate, the facility has only a single demand charge, which would be largely unchanged from the addition of EV charging. Part-peak and peak-period energy increases from EV charging would occur, as well as off-peak charging for the balance of the evening. Figure 10 shows that under the new tariff, most of the solar PV generation is during the off-peak hours.

Figure 11 shows the impact of EV charging on the Center Street Garage. This facility already has a sizable solar PV array, and limited additional solar PV can be reasonably accommodated. In the original design, there was space for 20 additional panels to be added totaling 7.5 kW DC (4%) additional capacity, however pursuing this capacity should be secondary to establishing solar PV at the other identified locations. This facility will be adversely impacted by the transition to the B-19 tariff. The facility peak occurs during the new peak period, even before EV charging is added. EV charging contributes to the peak-period demand and the part-peak demand. Additionally, the impact of public charging, which may be highly coincident with the new time-of-use peak period is not considered in this study. The Center Street Garage is adjacent to the Theatre District, and therefore may be subject to substantial evening public charging.

Fleet modeling was performed using charging profiles beginning at 6:00 PM each day, to provide a conservative baseline for EV charging costs. The selected examples illustrate the need for smart charging controls or a load management system to regulate the timing of charging outside of the peak period and demonstrates the opportunity to control costs via a BES system. The City should continue to explore these options, as well as coordinate with ECBE to secure further alternatives for energy supply options and demand mitigation throughout the transition of the tariffs.

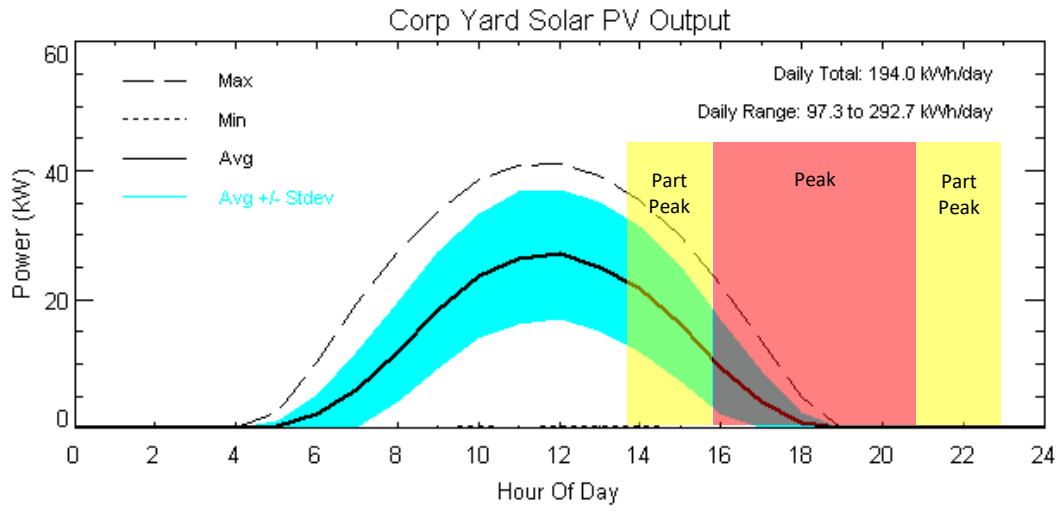
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Figure 9: Corp Yard Current Electric Load and Impact of EV Charging (Tariff B-10)



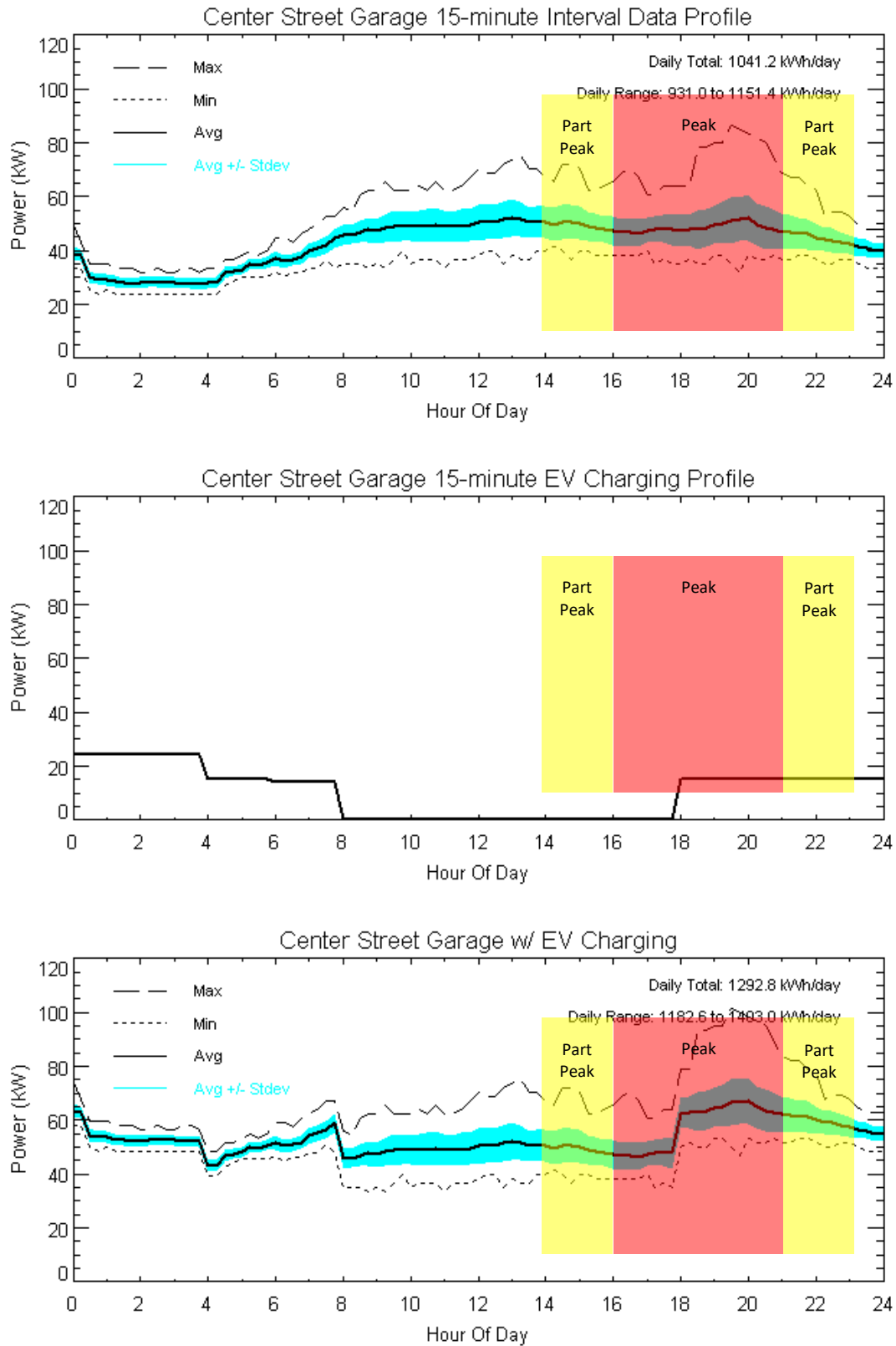
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Figure 10: Proposed PV System Performance – Corp Yard (Tariff B-10)



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Figure 11: Center Street Garage Current Electric Load and Impact of EV Charging (Tariff B-19) (3/10/2019 – 2/20/2020)



With a large City fleet and public charging potential and substantial deployed solar PV, the rate options for the Center Street Garage should be investigated more deeply. Two rate options are available for this building and have a dramatic impact on utility charges. Option R is for buildings with less than 15% of annual generation produced by on-site solar; and Option S is for buildings with battery storage sized to 10% or greater of peak demand. These options are only available for facilities on the B-19 rate.

These rate options trade lower demand charges during the peak and part-peak period for higher energy charges in those periods. Option S takes the demand/energy trade-off further by introducing an “as-used-daily-demand” charge. This allows the facility to capitalize on days when BES can limit demand without a substantial penalty for missing a day of demand reduction.

Modeling these rate options showed little impact on the cost of charging, however, the influence of the building energy use profile must also be considered. A full load shape study incorporating interval data of the building, and temporary metering data for all EV charging circuits (public or City fleet) should be performed prior to exercising either rate option. The City should continue to engage with ECBE to investigate these rate and load profile studies to ensure the most beneficial rate structures are being utilized.

Value of Solar PV

The value of the solar PV systems modeled was calculated using the applicable ECBE rate for the location and incorporated the impacts of demand and time-of-use costs of energy, where applicable. The time-of-day variation and potential for demand reduction from the prevailing utility rate structure was used to determine the value of the electricity produced from solar PV. This results in the energy generated from solar PV having a much higher value on a \$/kWh basis than the comparable average cost of energy of the baseline building evaluated. The underlying energy profile of the host account was not considered in determining the value of the solar PV generation, nor was limiting the solar PV output in the case of grid constraint or curtailment.

Installation costs for the proposed solar PV arrays were based on typical values for small- to medium-sized systems deployed in the Bay Area. A normalized cost of \$4.00/watt DC was applied to the rooftop arrays, and \$7.00/watt DC was applied to the parking area arrays. Table 28 lists the economic potential from solar PV generation if the electricity is used at the time of generation either as EV charging or as displaced building import energy. Note that all costs are budgetary and need verification from actual scope and industry price quotes prior to proceeding. The City should continue to work with EBCE for all available program dollars and maximize the value of bulk purchase arrangements to reduce this value to the extent possible.

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Table 28: Economic Potential from PV Generation

Facility Name	Facility Location	Prevailing Rate	Annual Value of Solar PV Generation	Solar PV System Budget Cost ⁴²	Calculated Payback (years)
Corp Yard	1326 Allston Way	B-10SX Brilliant 100	\$16,833	\$228,800	13.6
Berkeley Transfer Station	1201 Second St	B-10SX Brilliant 100	n/a	n/a	n/a
Berkeley Marina	125/127 University Ave	B-1X Brilliant 100	\$26,219	\$332,100	12.7
Adult Mental Health Clinic	1521 University Ave	B-1X Brilliant 100**	n/a	n/a	n/a
Mental Health Clinic	1890 Alcatraz Ave/ 3282 Adeline St	B-1X Brilliant 100	n/a	n/a	n/a
Center Street Garage	2025 Center St	B-19S Bright Choice	n/a	n/a	n/a
Central Library Parking Lot	2031 Bancroft Way	B-10SX Brilliant 100	\$6,120	\$75,200	12.3
Public Safety Building	2100 MLK Jr Way	B-19S Bright Choice	\$4,269	\$43,200	10.1
Civic Center	2180 Milvia St	B-19S Bright Choice	n/a	n/a	n/a
Mental Health Clinic	2636/2640 MLK Jr Way	B-10SX Brilliant 100	\$22,445	\$240,400	10.7
S. Berkeley Senior Center	2939 Ellis St	B-6 Brilliant 100	\$2,814	\$31,200	11.1
N. Berkeley Senior Center	1901 Hearst Ave	B-10SX Brilliant 100	\$11,043	\$118,400	10.7
Total* (new only)			\$89,743	\$1,069,300	11.9

*Existing systems not included in total

** Account not owned by the City of Berkeley

⁴² Add 25% for engineering and 25% for soft costs if a detailed engineering analysis is needed

Fleet Charging Costs

Costs for fleet charging were computed using the applicable utility rate and the stated assumptions for impact on demand charges. Table 29 summarizes the cost of charging the EV fleet per domicile location, without the support from beneficial solar PV and BES systems. Total electrification of the light duty fleet by 2030 would have a present-day charging cost of \$78,795 at 21.4¢/kWh, calculated from the sum of the EV charging energy (kWh) and the cost of charging (\$) under the governing utility rate for each domicile location.

Table 29: Annual Cost of EV Fleet Charging

Facility Name	Facility Location	Annual EV Energy (kWh/year)	Cost of EV Charging (\$/year)	Average Cost of Fleet Electricity (\$/kWh)
Corp Yard	1326 Allston Way	41,149	\$6,272	\$0.152
Berkeley Transfer Station (near-term light-duty fleet)	1201 Second St	18,119	\$2,906	\$0.160
Berkeley Marina	125/127 University Ave	109,109	\$26,994	\$0.247
Adult Mental Health Clinic	1521 University Ave	57,212	\$14,098	\$0.246
Mental Health Clinic	1890 Alcatraz Ave/ 3282 Adeline St	12,149	\$2,993	\$0.246
Center Street Garage	2025 Center St	90,451	\$19,449	\$0.215
Central Library Parking Lot	2031 Bancroft Way	1,234	\$200	\$0.162
Public Safety Building	2100 MLK Jr Way	6,036	\$690	\$0.114
Civic Center	2180 Milvia St	2,626	\$396	\$0.151
Mental Health Clinic	2636/2640 MLK Jr Way	23,702	\$3,516	\$0.148
S. Berkeley Senior Center	2939 Ellis St	2,675	\$627	\$0.235
N. Berkeley Senior Center	1901 Hearst Ave	4,320	\$655	\$0.152
Total		368,782	\$78,795	\$0.214

Battery Energy Storage Options

Battery energy storage (BES) systems allow for energy from daytime solar PV generation to be time-shifted for use during the evening and nighttime hours. This allows either on-site generated electricity from solar PV or ECBE's carbon-free electricity to be provided during periods when solar PV is not providing generation. BES systems can also be sized for fleet resilience, providing 100% of the fleet's energy needs over the course of a one-day grid outage. Alternatively, a BES system can be downsized to offset EV charging loads only during the peak and part-peak periods to save the City operational costs.

Additional BES capacity larger than that needed to meet the EV charging requirements can be installed to meet building resiliency loads, or to participate in a utility resource adequacy (RA) program. The City should work with ECBE to investigate these options as programs develop.

BES systems are an evolving technology, and new standards in battery chemistry and technology are emerging each day. Presently the standard for battery technology is centered on the lithium-ion (Li-Ion) technology as a widely available, robust energy storage medium. Current best-in-class Li-ion BES technologies have storage durations of approximately four hours, also known as a four-hour resource. Longer duration storage of six-to-eight hours is under development for utility system support, but not currently available as a behind-the-meter resource. This analysis focuses on the four-hour resource.

BES systems are typically installed as either a packaged containerized system or require a dedicated outdoor shelter. The typical footprint of a BES system is approximately 0.17 sf/kWh. A 25 kW / 100-kWh unit would therefore occupy a 170-sf area, plus applicable clearances around the BES system as required by NFPA and local code enforcement, which generally doubles the area needed.

Fleet charging typically starts at the end of staff shifts and persists across the vehicle dwell time or until the EV is fully charged. The start time of charging will need optimization based on the prevailing utility rate structure. With new utility rates dedicated to EV charging, the City should work with ECBE to choose the optimum rate structure for each location and adapt fleet charging times, when feasible, to ensure the most cost-effective charging configuration.

Based on the daily solar PV generation and EV charging needs, Table 30 provides the required BES system sizing and resulting cost to meet 100% of fleet needs with BES for resilience.

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Table 30: BES Sizing and Cost – BES Sized for EV Resiliency Meeting 100% of Daily EV Electricity Need

Facility Name	Facility Location	BES Size Required*	Daily Average EV Need (kWh/day)**	BES Potential Cost
Corp Yard	1326 Allston Way	33 kW / 130 kWh	112.74	\$195,000
Berkeley Transfer Station	1201 Second St	To be added during rebuild.	49.65	\$0
Berkeley Marina	125/127 University Ave	75 kW / 300 kWh	298.93	\$450,000
Adult Mental Health Clinic	1521 University Ave	Insufficient space to site BES.	156.74	\$0
Mental Health Clinic	1890 Alcatraz Ave/ 3282 Adeline St	Insufficient space to site BES.	33.29	\$0
Center Street Garage	2025 Center St	63 kW / 250 kWh	247.81	\$375,000
Central Library Parking Lot	2031 Bancroft Way	2.5 kW / 10 kWh	3.38	\$15,000
Public Safety Building	2100 MLK Jr Way	5 kW / 20 kWh (EVs only)	16.5	\$30,000
Civic Center	2180 Milvia St	2.5 kW / 10 kWh	6.17	\$15,000
Mental Health Clinic	2636/2640 MLK Jr Way	20 kW / 80 kWh	64.94	\$120,000
S. Berkeley Senior Center	2939 Ellis St	2.5 kW / 10 kWh	7.33	\$15,000
N. Berkeley Senior Center	1901 Hearst Ave	3 kW / 12 kWh	11.84	\$18,000
Total		258 kW / 1032 kWh		\$1,233,000

*BES sizing based on 4-hour resource

** Daily Average EV need determined in Fleet Assessment and Charging Infrastructure Analysis

The cost of charging in Table 7 is useful for prioritizing the importance of BES deployment at each location where fleet EVs are domiciled. Domicile locations with substantial annual charging costs and higher average costs of energy should be prioritized for initial BES deployment. These locations will benefit the most from the added operational flexibility and the protection from demand charges that BES provides. The Corp Yard, Berkeley Marina, and Center Street Garage all have substantially more charging load and higher costs of energy than the other domicile locations. Facilities with annual charging costs of less than \$3,000 are unlikely to be cost effective for BES deployment, unless the EVs at these locations are critical to providing community services in times of emergency. Table 31 summarizes the locations recommended for BES deployment.

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Table 31: BES Sizing and Cost – Recommended Locations

Facility Name	Facility Location	BES Size Recommended	Daily Average EV Need (kWh/day)	BES Potential Cost
Corp Yard	1326 Allston Way	33 kW / 130 kWh	112.74	\$195,000
Berkeley Marina	125/127 University Ave	75 kW / 300 kWh	298.93	\$450,000
Center Street Garage	2025 Center St	63 kW / 250 kWh	247.81	\$375,000
Total		170 kW / 680 kWh		\$1,020,000

Combined Value

The consultant team recommends installing solar PV at the eight locations identified, and augment three of these locations with BES systems for operational flexibility, resilience and demand management. BES at these locations will time-shift excess generation during the day for use during the new evening peak period hours. The Corp Yard and Berkeley Marina, savings from the BES systems assume that all energy from the BES comes from excess on-site solar PV and has a value equal to the grid purchased energy it displaces at the time of use, including applicable demand charge assumption listed in Table 27. Inter-day arbitrage may be possible at the Center Street Garage using the Option S rate rider, however a deeper study into that rate incorporating the impact of the building profile is needed, and the probability of increased savings is uncertain.

Overall, solar PV and BES systems to support EV fleet charging has a total cost of \$2,089,300 as shown in Table 32.

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Table 32: Recommended Solar PV + BES Summary

Facility Name	Facility Location	Annual Savings	Solar PV Cost	BES Cost	Payback (years)
Corp Yard	1326 Allston Way	\$13,390	\$228,800	\$195,000	31.7
Berkeley Transfer Station	1201 Second St	\$4,295	\$0	\$0	n/a
Berkeley Marina	125/127 University Ave	\$26,994	\$332,100	\$450,000	29.0
Adult Mental Health Clinic	1521 University Ave	\$0	\$0	\$0	n/a
Mental Health Clinic	1890 Alcatraz Ave/ 3282 Adeline St	\$0	\$0	\$0	n/a
Center Street Garage	2025 Center St	\$19,449	\$0	\$375,000	19.3
Central Library Parking Lot	2031 Bancroft Way	\$6,120	\$75,200	\$0	12.3
Public Safety Building	2100 MLK Jr Way	\$4,269	\$43,200	\$0	10.1
Civic Center	2180 Milvia St	\$0	\$0	\$0	n/a
Mental Health Clinic	2636/2640 MLK Jr Way	\$22,445	\$240,400	\$0	10.7
S. Berkeley Senior Center	2939 Ellis St	\$2,814	\$31,200	\$0	11.1
N. Berkeley Senior Center	1901 Hearst Ave	\$11,043	\$118,400	\$0	10.7
Total		\$110,820	\$1,069,300	\$1,020,000	19.3

Appendix D: Total Cost of Ownership

This report estimates the total cost of ownership (TCO) and greenhouse gas (GHG) emissions to the City from 2020 to 2030 under four electrification scenarios. Four scenarios form the basis of the TCO analysis presented in this report. All scenarios are modeled over an analysis period from 2020 to 2030 for the light-duty fleet.

- Scenario 1. Baseline: This scenario assumes that the City's future light-fleet purchases maintain their existing light-duty vehicle technology composition, replacing each vehicle with a similar new vehicle at the end of the current vehicle's useful life. Traditional internal combustion engine (ICE) vehicles powered by gasoline are replaced with new (ICE) vehicles, standard ICE hybrid vehicles powered by gasoline are replaced with new ICE hybrids, PHEVs are replaced with new PHEVs, etc. Under this scenario, no new DER options are deployed at any fleet location.
- Scenario 2. EV Transition: This scenario considers the transition of the light-duty fleet to both BEVs and PHEVs. Infrastructure costs for EV charging, or Electric Vehicle Service Equipment (EVSE), are included in this scenario, and electricity costs are based on costs of grid electricity supplied by EBCE.
- Scenario 3. EV Transition with Solar PV: Building on Scenario 2, this scenario includes the deployment of solar PV systems at City facilities where fleet vehicles are domiciled.⁴³ Under this scenario, demand costs for EV charging are largely eliminated because the solar PV is generating enough power to offset the vehicle energy need. (This assumes that all solar PV power is for the EVs and none for the building.)
- Scenario 4. EV Transition with Solar PV and BES: This scenario further extends Scenario 3 to include the deployment of BES systems at City facilities described in the Task 2.1 report.

⁴³ As described in the Distributed Energy Resources (DER) Suitability Analysis report.

TCO Methodology and Assumptions

Prior chapter reports are based on an analysis of the City’s existing light-duty fleet on a vehicle-by-vehicle basis and projections of the aggregated electrical loads for each fleet facility, considering the specific vehicles domiciled at each facility. The TCO analysis continues this approach, calculating fleet costs on a vehicle-by-vehicle basis and infrastructure costs on a facility basis. Specific cost components included in the TCO analysis and the basis for their estimated values are discussed below.

Vehicle Costs

Vehicle costs have been developed from historical operational and cost data provided by the City for each vehicle in the fleet. Wherever possible, future replacements of existing vehicles are assumed to maintain the same activity level of the existing vehicle. In some cases, recently deployed vehicles do not have any significant historical operational data upon which to develop activity assumptions. For these vehicles, an average of operational data from similar vehicles domiciled at the same facility is used as the baseline activity data.

Capital and Operational Costs

A description of each cost assessed in the vehicle cost model and the basis for projecting future costs is described below.

Capital Costs (CapEx) – The purchase cost of the vehicle (inclusive of taxes), extended warranties, and additional keys are included. The baseline purchase cost is determined by vehicle type and technology. Costs are estimated using recent procurement prices and estimates reported by the City. For gasoline powered ICE vehicles, compressed natural gas (CNG) sedans and gasoline powered ICE SUVs, no recent purchase price data were available from the City as the City has not bought these vehicles in five years or more. Instead, estimates made are based on escalated prices from prior years. Prices for PHEVs and BEVs are consistent with pricing reported in the Fleet Assessment report. Future year prices are estimated using year-over-year percentage changes from the US Energy Information Administration (EIA) Annual Energy Outlook.⁴⁴ EIA does not project prices for traffic enforcement scooters. Instead, the year-over-year percentage changes for sedans are used as a surrogate for scooter pricing. This recognizes that the City may transition scooters to sedans or small wagons if suitable BEV versions of scooters do not become available before the current fleet of scooters is due for replacement. Prices for CNG SUVs, CNG scooters, HEV scooters, PHEV scooters, and BEV SUVs are not estimated as none of these vehicles are proposed for deployment.

⁴⁴ US EIA, Annual Energy Outlook 2020, “Table 52. New Light-Duty Vehicle Prices”. BEV projections based on “200-mile Electric Vehicle” category. PHEV projections based on “Plug-in 40 Gasoline Hybrid” category. SUV projections are based the “Small Crossover Car” subcategory and Sedans are based on the “Compact Cars” subcategory.

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Table 33. 2020 Vehicle Purchase Price Assumptions

Technology	Sedan	Scooter	SUV
Gasoline ICE	\$23,000	\$46,622	\$27,000
CNG	\$23,000	N/A	N/A
Gasoline Hybrid ICE	\$29,876	N/A	\$33,387
PHEV	\$28,147	N/A	\$36,295
BEV	\$34,256	\$57,218	N/A

Operating Costs (OpEx) – This category refers primarily to maintenance and repair costs as other operational costs (fuel, insurance, and registration) are identified separately in this report. Maintenance cost data provided by the City does not show a strong dependence on vehicle technology type or annual mileage. This is not unexpected as most of the City’s vehicles considered in this analysis have low daily mileages, meaning that maintenance costs are based primarily on calendar time rather than accumulated mileage. Because gasoline powered hybrids and PHEVs have internal combustion engines, preventative maintenance related to engine fluids is not eliminated in the way that such maintenance would be eliminated in a BEV. These results are consistent with other municipal fleets. For example, the City of New York reported reduced maintenance costs associated with their BEVs, whereas reported data showed that maintenance costs for gasoline powered ICE vehicles, including both hybrids and PHEVs, varied substantially with no clear trend in cost reductions for the hybrid platforms. Only BEVs showed clear maintenance cost reductions, albeit over less than a full life cycle thus far.⁴⁵ Maintenance reductions reported in the New York data for BEVs ranged from approximately 60% to 90% relative to traditional gasoline powered ICE vehicles. Alameda County cites maintenance cost reductions of 56% for BEVs relative to gasoline ICE vehicles.⁴⁶ Additionally, the City of Minneapolis cites a prior Electric Power Research Institute study estimating maintenance cost reductions of approximately 35% for light-duty BEVs.⁴⁷

For the purposes of this analysis, it is assumed that gasoline hybrids and PHEVs have maintenance costs equivalent to traditional gasoline ICE vehicles and that BEVs provide a 56% maintenance cost reduction. Actual maintenance cost reductions may vary, based on factors such as topography, weather, driver behavior, and vehicle.

Fuel Costs – Fuel prices are escalated from current prices using EIA Annual Energy Outlook 2020 projections.⁴⁸ The average cost of unleaded gasoline (inclusive of taxes) paid by the City in 2019 was \$3.45/gallon. CNG pricing is estimated at \$2.47/gasoline gallon equivalent (GGE) based on average West Coast CNG pricing.⁴⁹ Electricity pricing was estimated based on the facility where the vehicle is domiciled and varies depending on the implementation of DERs at facilities where fleet EVs are domiciled. Table 2 summarizes the estimated cost of electricity for each facility. Without DER infrastructure, costs for fleet charging are computed using the applicable utility rate at each location, as described in the DER

⁴⁵ New York City Department of Citywide Administrative Services, NYC Fleet Newsletter, March 8, 2019. Issue 255.

⁴⁶ Bay Area Climate Collaborative – Ready, Set, Charge Fleets, May 2015.

⁴⁷ City of Minneapolis, Electric Vehicle Study, October 2017

⁴⁸ US EIA, Annual Energy Outlook 2020, “Table 3. Energy Prices by Sector and Source - Pacific Region”.

⁴⁹ US Department of Energy - Alternative Fuels Data Center, Alternative Fuel Price Report, Table 5, January 2020.

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Suitability Analysis report. Where DER solutions are implemented, electricity costs are effectively zero because onsite solar PV systems will generate enough power to fully offset fleet energy costs. Additionally, incremental demand charges are not incurred beyond the current site loads due to the use of charging management systems. Note that where BES systems are deployed as recommended the systems provide additional confidence that demand charges can be avoided if charging management systems are unable to consistently avoid incremental demand during peak pricing periods. However, under the assumption that charging management is successfully implemented and avoids incremental demand charges the cost of electricity is the same for sites deploying solar PV only or solar

Table 34. Estimated EV Charging Cost by Facility

Facility Name	Location	Cost of EV Charging (\$/year)	Average Cost of Fleet Electricity (\$/kWh)
Corporation Yard	1326 Allston Way	\$6,272	\$0.152
Berkeley Transfer Station	1201 Second Street	\$2,906	\$0.160
Berkeley Marina	125/127 University Avenue	\$26,994	\$0.247
Adult Mental Health Clinic	1521 University Avenue	\$14,098	\$0.246
Mental Health Clinic	1890 Alcatraz Avenue/3282 Adeline Street	\$2,993	\$0.246
Center Street Garage	2025 Center Street	\$19,449	\$0.215
Central Library Parking Lot	2031 Bancroft Way	\$200	\$0.162
Public Safety Building	2100 Martin Luther King Jr. Way	\$690	\$0.114
Civic Center	2180 Milvia Street	\$396	\$0.151
Mental Health Clinic	2636 Martin Luther King Jr. Way	\$3,516	\$0.148
South Berkeley Senior Center	2939 Ellis Street	\$627	\$0.235
North Berkeley Senior Center	1901 Hearst Avenue	\$655	\$0.152
N/A	Take Home		\$0.240

Fuel economy also impacts total fuel cost. To capture these impacts, EIA projections of fuel economy improvements for light-duty vehicles are applied to the baseline fuel economy of the current fleet vehicle.⁵⁰ When the vehicle is replaced, the fuel economy improvement for the replacement vehicle is calculated relative to the baseline vehicle and adjusted to account for any differences in technology.

Insurance Costs – The City participates in an Excess Liability insurance pool rather than purchasing specific automobile insurance coverage. Consequently, it is difficult to assess the effective cost of insurance on a vehicle-by-vehicle basis. As a conservative estimate, it is assumed that annual insurance costs are 1% of the vehicle purchase price.⁵¹

⁵⁰ US EIA, Annual Energy Outlook 2020, “Table 40. Light-Duty Vehicle Miles per Gallon by Technology Type - Pacific Region”

⁵¹ Per City guidance.

Registration Costs – Vehicle registration fees are calculated based on California Department of Motor Vehicle (DMV) guidelines. A portion of vehicle registration fees is based on the DMV’s estimate of the current market value of the vehicle. Table 35 summarizes the variable fee schedule based on the age of the vehicle. The calculated cost of the variable portion of the registration fee is the percentage of the purchase price for the age of the vehicle in the registration year. A fixed portion of the fee also applies and is currently \$112 for BEVs and \$132 for all other light-duty vehicles.

Table 35. California DMV Vehicle Registration Fee Schedule for Variable Portion of Fee (% of original purchase price)

Age (years)	0	1	2	3	4	5	6	7	8	9	10	11	12
Fee	0.65%	0.59%	0.52%	0.46%	0.39%	0.33%	0.26%	0.20%	0.16%	0.13%	0.10%	0.10%	0.10%

Residual Value – The residual value of the vehicle is calculated using straight-line depreciation over five years for all traditional gasoline and CNG ICE vehicles. Depreciation is calculated over seven years for gasoline powered hybrids, PHEVs, and BEVs per City guidance.

Revenue Opportunities

While fleets typically only present costs to the City, PHEVs and BEVs can generate revenue credits earned through the California Low Carbon Fuel Standard (LCFS) program. These revenue sources partially offset the costs of deploying EVs and are calculated in the TCO model.

Purchase incentives are also assumed to be available to the City through 2023 via the Clean Vehicle Rebate Program (CVRP) at a rate of \$1,000 per PHEV and \$2,000 per BEV. CVRP incentives are calculated in the TCO model as well.

LCFS Credits - The California LCFS program allows fleets to generate credits for the use of low carbon fuels like electricity in transportation applications. One credit is equal to one metric ton of GHG reductions. The number of credits generated by a vehicle depends on the carbon intensity of the electricity supplied, calendar year, and activity of the vehicle. Credit price dependency on calendar year stems from the declining carbon intensity “benchmark” established in the LCFS program. Credit generation is calculated based on the difference between this benchmark and the carbon intensity of the transportation fuel used. Consequently, the number of credits generated per kWh declines approximately ten percent as the benchmark value declines by ten percent between 2020 and 2030. All City fleet facilities currently receive 100% zero-carbon electricity from EBCE. The only leased facility where fleet vehicles are domiciled, the Adult Mental Health Clinic at 1521 University Avenue, is also an EBCE customer.

LCFS credit prices vary and are determined by market demand. The average credit price in 2019 was \$196.⁵² While there is substantial variation in the market price for LCFS credits, credit prices have trended up over the last several years and now sit near the effective price cap of \$219. This price cap is adjusted each year based on the consumer price index using a base price of \$200 in 2016. For purposes of this analysis, it is assumed that the LCFS credit price will continue to be near the price cap through

⁵² California Air Resources Board, Credit Activity Reports.

2030. Hence, the 2019 average price of \$196 is escalated in future years at the average consumer price index increase of 2.2% per year observed between 2016 and 2019.

Infrastructure Costs

Infrastructure costs were developed in the Electrical Needs and Charging Infrastructure and DER Suitability reports. The underlying assumptions and bases for these costs are detailed in the associated reports.

Charging and Associated Infrastructure

EVSE costs include the chargers themselves and the associated facility electrical infrastructure upgrades required to serve the chargers. The cost of BES systems to serve as backup generators in time of grid outages is also included, but detailed separately, as summarized in Table 36. Residual values for both the EVSE and BES systems are calculated based on a 10-year useful life and a construction year of 2021. Residual values use straight line depreciation over the useful life of the equipment. Annual maintenance costs include network services and maintenance by an EVSE service provider. Costs are estimated at \$1,100 per dual-head Level 2 charger and are based on current City contracts for existing EVSE at Center Street Garage, though it should be noted that the City is not bound to contracting with this EVSE provider for future EVSE deployment, and maintenance and service costs vary significantly depending on the provider.⁵³ A single DC fast charger is proposed to be deployed at the Corporation Yard. Maintenance and network costs for DCFCs can vary widely based on site conditions and other factors such as required service response times. Typical maintenance contracts can range from \$2,500 to \$15,000 per charger per year. Additionally, service providers may use complex pricing models that include per-site costs in addition to per-charger costs. For the purposes of this analysis, the maintenance costs for the DCFC are estimated at \$2,500 per charger per year, consistent with a standard maintenance contract that does not include rapid service response times or other special features.

Table 36. EVSE and Related Infrastructure Costs by Facility

Facility Name	Location	Existing EVSE	New EVSE (dual-head L2)	CapEx - EVSE	CapEx-Genset ⁵⁴	Residual Value - EVSE	Residual Value - Genset	Annual Maint. Cost
Corporation Yard	1326 Allston Way	0	5 ⁵⁵	\$354,000	\$487,000	\$35,400	\$48,700	\$6,900
Berkeley Transfer Station	1201 Second Street	0	2	\$87,000	\$34,000	\$8,700	\$3,400	\$2,200
Berkeley Marina	125/127 University Avenue	0	4	\$290,000	\$204,000	\$29,000	\$20,400	\$4,400
	201 University Avenue							

⁵³ Based on Contract 9893B Amendment (Dec 2018) for EVSP services. Average of Y3-Y5 maintenance/network costs. Y1-Y2 include installation costs for new chargers and were therefore excluded.

⁵⁴ Genset refers to a backup generator used to provide power during grid outages.

⁵⁵ 4 Level 2 dual-head chargers and 1 DCFC.

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Facility Name	Location	Existing EVSE	New EVSE (dual-head L2)	CapEx - EVSE	CapEx-Genset ⁵⁴	Residual Value - EVSE	Residual Value - Genset	Annual Maint. Cost
	841 Folger Avenue							
Adult Mental Health Clinic	1521 University Avenue	0	3	\$135,000	\$0	\$13,500	\$0	\$3,300
Mental Health Clinic	1890 Alcatraz Avenue	0	1	\$147,000	\$34,000	\$14,700	\$3,400	\$1,100
	3282 Adeline Street							
Center Street Garage	2025 Center Street	29	0	\$0	\$0	\$0	\$0	\$0
Central Library Parking Lot	2031 Bancroft Way	0	1	\$149,000	\$34,000	\$14,900	\$3,400	\$1,100
Public Safety Building	2100 Martin Luther King Jr. Way	0	1	\$42,000	\$0	\$4,200	\$0	\$1,100
Civic Center	2180 Milvia Street	0	1	\$65,000	\$0	\$6,500	\$0	\$1,100
Mental Health Clinic	2636 Martin Luther King Jr. Way	1	0	\$0	\$0	\$0	\$0	\$0
South Berkeley Senior Center	2939 Ellis Street	0	1	\$82,000	\$34,000	\$8,200	\$3,400	\$1,100
North Berkeley Senior Center	1901 Hearst Avenue	1	0	\$0	\$0	\$0	\$0	\$0
Take Home		0	3	\$0	\$0	\$0	\$0	\$0

Solar Photovoltaic Systems

Solar PV system costs are summarized in Table 5. Residual values for solar PV systems are based on the listed construction year. For all locations except Berkeley Transfer Station, the assumed construction year is 2021. Because the Berkeley Transfer Station is currently planned for redevelopment with construction slated for 2026, the construction year for the solar PV system at this facility is also assumed to be 2026. Residual values use straight-line depreciation over the useful life of the equipment, which is assumed to be 20 years.

Table 37. Solar Photovoltaic System Costs by Facility

Facility Name	Location	Construction Year	CapEx	Residual Value
Corporation Yard	1326 Allston Way	2021	\$228,800	\$125,840
Berkeley Marina	125/127 University Avenue	2021	\$332,100	\$182,655
	201 University Avenue			
	841 Folger Avenue			

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Facility Name	Location	Construction Year	CapEx	Residual Value
Adult Mental Health Clinic	1521 University Avenue	2021	\$0	\$0
Mental Health Clinic	1890 Alcatraz Avenue	2021	\$0	\$0
	3282 Adeline Street			
Center Street Garage	2025 Center Street	2021	\$0	\$0
Central Library Parking Lot	2031 Bancroft Way	2021	\$75,200	\$41,360
Public Safety Building	2100 Martin Luther King Jr. Way	2021	\$43,200	\$23,760
Civic Center	2180 Milvia Street	2021	\$0	\$0
Mental Health Clinic	2636 Martin Luther King Jr. Way	2021	\$240,400	\$132,220
South Berkeley Senior Center	2939 Ellis Street	2021	\$31,200	\$17,160
North Berkeley Senior Center	1901 Hearst Avenue	2021	\$118,400	\$65,120

Battery Energy Storage Systems

BES system costs are summarized in Table 38. Residual values for BES are based on the listed construction year. For all locations the assumed construction year is 2021. The first generation of BES deployments are assumed to have a five-year useful life, with replacement required five years after the initial construction year.⁵⁶ Second generation deployments are assumed to have a ten-year useful life as battery technology improves. Residual values use straight line depreciation over the useful life of the equipment, which is assumed to be five or ten years, as described above.

Table 38. Battery Energy Storage System Costs by Facility

Facility Name	Location	Construction Year	First Replacement	CapEx	First Replacement Cost	Residual Value
Corporation Yard	1326 Allston Way	2021	2026	\$195,000	\$195,000	\$117,000
Berkeley Transfer Station	1201 Second Street	2026	2031	\$0	\$0	\$0
Berkeley Marina	125/127 University Avenue	2021	2026	\$450,000	\$450,000	\$270,000
	201 University Avenue					
	841 Folger Avenue					
Adult Mental Health Clinic	1521 University Avenue	2021	2026	\$0	\$0	\$0
Mental Health Clinic	1890 Alcatraz Avenue	2021	2026	\$0	\$0	\$0

⁵⁶ Studies indicate 5-to-7-year useful life for current lithium battery technologies at 50% or greater depth of discharge. Casals et al, "Second life batteries lifespan: Rest of useful life and environmental analysis", Journal of Environmental Analysis, Vol 232, February 2019, pgs 354-363. Smith et al, "Life Prediction Model for Grid-Connected Li-ion Battery Energy Storage System" National Renewable Energy Laboratory, presented at 2017 American Control Conference, Seattle, WA, May 24-26, 2017.

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Facility Name	Location	Construction Year	First Replacement	CapEx	First Replacement Cost	Residual Value
	3282 Adeline Street					
Center Street Garage	2025 Center Street	2021	2026	\$375,000	\$375,000	\$225,000
Central Library Parking Lot	2031 Bancroft Way	2021	2026	\$0	\$0	\$0
Public Safety Building	2100 Martin Luther King Jr. Way	2021	2026	\$0	\$0	\$0
Civic Center	2180 Milvia St	2021	2026	\$0	\$0	\$0
Mental Health Clinic	2636 Martin Luther King Jr. Way	2021	2026	\$0	\$0	\$0
South Berkeley Senior Center	2939 Ellis Street	2021	2026	\$0	\$0	\$0
North Berkeley Senior Center	1901 Hearst Avenue	2021	2026	\$0	\$0	\$0
Take Home		2021	N/A	\$0	\$0	\$0

TCO Model Results

The TCO model estimates the cost of the Scenario 1 (Baseline), or business as usual, at \$8.34 million over the 2020-2030 analysis period, as shown in Figure 12. Scenario 2 (EV Transition) cost is estimated at \$9.76 million over the same analysis period. The incremental cost of the charging infrastructure (including backup generation) are the primary contributors to the increased cost in this scenario. These costs are partially offset by lower vehicle maintenance costs, incentives, and LCFS program revenues. Additional details are provided in the figures and table below. Scenario 3 adds solar PV systems to Scenario 2 and increases cost by \$170,000. This is due to the offset of most of the additional infrastructure expense through reduced grid electricity costs. Scenario 4 adds BES, resulting in a total cost that is approximately \$3.0 million greater than Scenario 1 (Baseline). This increased cost is the byproduct of the assumption made in prior reports that smart charging (e.g., load management) can effectively avoid electricity demand charges and that the grid acts as energy storage. Under those assumptions BES systems do not provide additional operational cost reductions to offset the incremental costs of BES deployment. However, there may be additional value not quantified in this analysis to the BES systems based on their ability to provide a degree of resiliency to the City's fleet to ensure continuity of service to the community in time of grid outage.

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Figure 12. Total Value Summary by Scenario

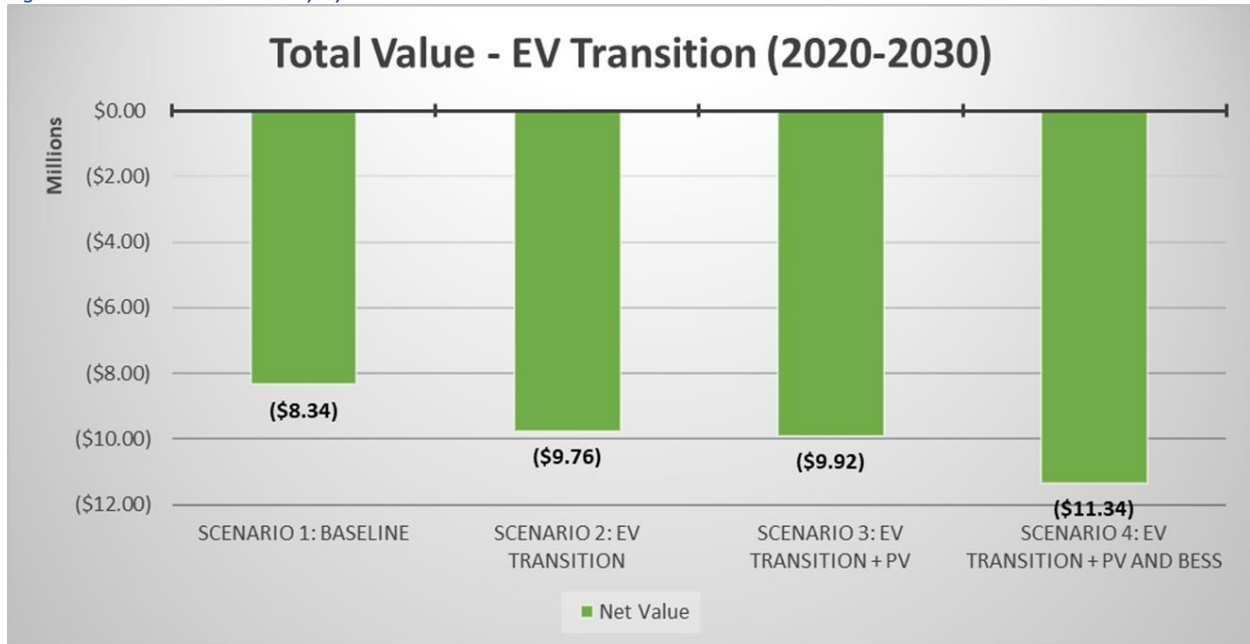


Figure 13 breaks down the major cost components for each scenario. Scenario 1 has the least expenditures, revenue, and residual values. Both Scenario 2 and Scenario 3 have higher upfront expenditures associated with the cost of infrastructure. However, the higher infrastructure costs provide greater residual value, particularly for the solar PV systems that are assumed to have a 20-year useful life. Table 39 further breaks down costs into infrastructure and vehicle categories and the capital and operational cost categories described previously in this report.

Figure 13. Total Value Detail by Scenario

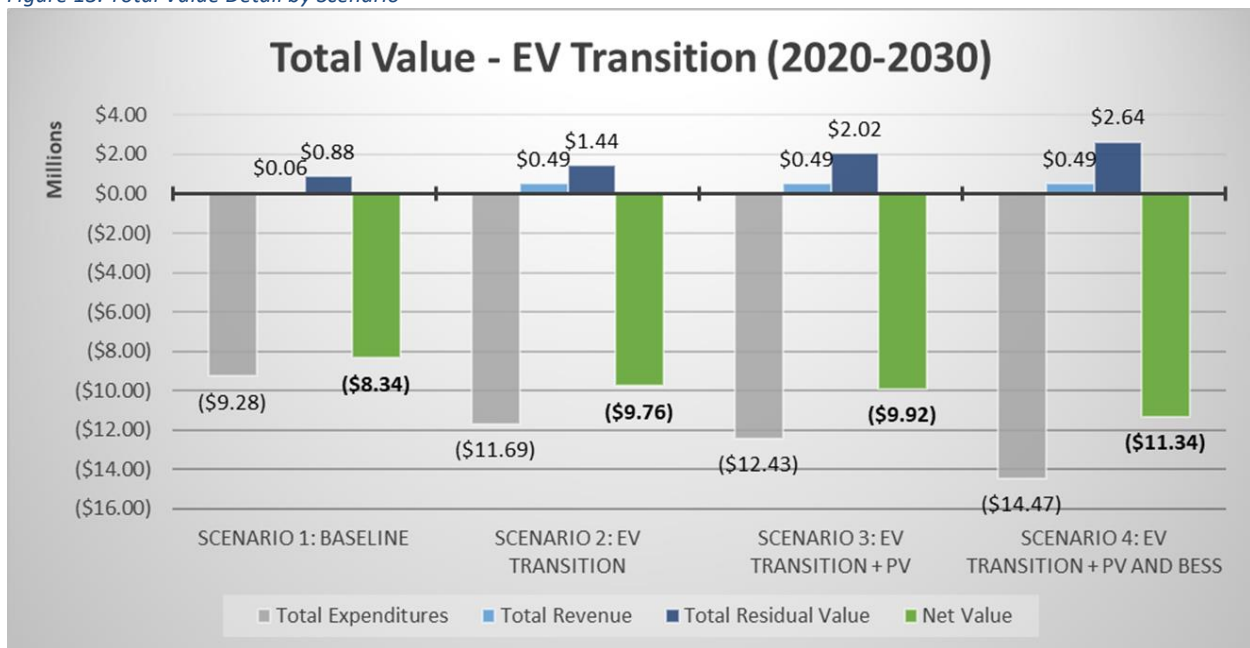


Table 39. TCO Cost Detail

Scenario		Scenario 1 Baseline	Scenario 2 EV Transition	Scenario 3 EV Transition + Solar PV	Scenario 4 EV Transition + Solar PV + BES
Infrastructure	EVSE CapEx	\$0	(\$1,351,000)	(\$1,351,000)	(\$1,351,000)
	EVSE Maintenance	\$0	(\$200,700)	(\$200,700)	(\$200,700)
	EVSE Residual	\$0	\$135,100	\$135,100	\$135,100
	GenSet CapEx	\$0	(\$827,000)	(\$827,000)	(\$827,000)
	GenSet Residual	\$0	\$82,700	\$82,700	\$82,700
	Solar PV CapEx	\$0	\$0	(\$1,069,300)	(\$1,069,300)
	Solar PV Residual	\$0	\$0	\$588,115	\$588,115
	BES CapEx	\$0	\$0	\$0	(\$1,020,000)
	BES First Replacement	\$0	\$0	\$0	(\$1,020,000)
	BES Residual	\$0	\$0	\$0	\$612,000
	Infrastructure Subtotal	\$0	(\$2,160,900)	(\$2,642,085)	(\$4,070,085)
Vehicles	CapEx	(\$4,403,279)	(\$4,737,081)	(\$4,737,081)	(\$4,737,081)
	OpEx	(\$3,278,010)	(\$2,902,697)	(\$2,902,697)	(\$2,902,697)
	Fuel Costs	(\$653,735)	(\$665,212)	(\$337,809)	(\$337,809)
	Insurance	(\$478,279)	(\$532,245)	(\$532,245)	(\$532,245)
	Registration	(\$466,180)	(\$474,370)	(\$474,370)	(\$474,370)
	Specialized Equipment	\$0	\$0	\$0	\$0
	Residual Value	\$875,159	\$1,217,642	\$1,217,642	\$1,217,642
	Incentives	\$0	\$104,000	\$104,000	\$104,000
	LCFS Credits	\$59,692	\$388,924	\$388,924	\$388,924
	Vehicles Subtotal	(\$8,344,632)	(\$7,601,039)	(\$7,273,635)	(\$7,273,635)
	Total	(\$8,344,632)	(\$9,761,939)	(\$9,915,720)	(\$11,343,720)

Greenhouse Gas Emission Projections

GHG emissions and energy consumption metrics for the light-duty fleet are calculated based on projected fuel/electricity use under Scenario 1 and 2 described for the TCO modeling. Metrics are shown for the cumulative 2020-2030 analysis period, as well as the 2030 calendar year. As with the TCO model, activity and emissions are calculated on a vehicle-by-vehicle basis for each calendar year.

GHG Emission Factors

GHG emissions reflect well-to-wheels emissions (emissions associated with the full lifecycle of the fuel including extraction, processing, production, transport, and end use in a vehicle) using emissions factors from the California Air Resources Board's LCFS program. The assumed emission factors are summarized in Table 40. CNG and gasoline values use current LCFS program "lookup table" values for these fuels.⁵⁷ Their values are not assumed to decline over the analysis period. Electricity supplied from the grid uses the California grid average carbon intensity for 2020, but declines each year based on California Energy Commission projections.⁵⁸ Electricity supplied by onsite solar PV systems and/or through EBCE's Brilliant

⁵⁷ <https://ww2.arb.ca.gov/resources/documents/lcfs-pathway-certified-carbon-intensities>

⁵⁸ California Energy Commission, Integrated Energy Policy Report, 2018. Appendix B. Uses emissions reductions based on SB350 through 2029. Future years assume a straight-line decrease from the 2029 value to zero by 2045.

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100 electricity service are assumed to have a zero-carbon intensity. Note that all City-owned fleet facilities are served by EBCE. In turn, all City-owned facilities use zero-carbon intensity electricity under Scenario 2, independent of the deployment of additional solar PV and/or BES systems. Additionally, while 1521 University Avenue is a leased facility, it's also an EBCE Brilliant 100 customer. Table 41 summarizes the assumed fraction of electricity supplied as zero-carbon electricity at each facility. Only electricity supplied to take-home vehicles that are charged at staff residences are assumed to use grid-average electricity.

Table 40. Carbon Intensity Factors (gCO₂e/MJ)

Year	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
CNG	79.21	79.21	79.21	79.21	79.21	79.21	79.21	79.21	79.21	79.21	79.21
Gasoline	99.44	99.44	99.44	99.44	99.44	99.44	99.44	99.44	99.44	99.44	99.44
EV (Grid)	82.92	81.63	78.67	74.19	66.88	59.95	55.91	51.28	46.23	40.96	34.02
EV (Zero Carbon)	0	0	0	0	0	0	0	0	0	0	0

Table 41. Assumed Fraction of Electricity for EV Charging Supplied from Zero-carbon Electricity Sources by Facility

Facility Name	Location	% Zero-CI Electricity
Corporation Yard	1326 Allston Way	100%
Berkeley Transfer Station	1201 Second Street	100%
Berkeley Marina	125/127 University Avenue	100%
	201 University Avenue	100%
	841 Folger Avenue	100%
Adult Mental Health Clinic	1521 University Avenue	100%
Mental Health Clinic	1890 Alcatraz Avenue	100%
	3282 Adeline Street	100%
Center Street Garage	2025 Center Street	100%
Central Library Parking Lot	2031 Bancroft Way	100%
Public Safety Building	2100 Martin Luther King Jr. Way	100%
Civic Center	2180 Milvia Street	100%
Mental Health Clinic	2636 Martin Luther King Jr. Way	100%
South Berkeley Senior Center	2939 Ellis Street	100%
North Berkeley Senior Center	1901 Hearst Avenue	100%

Emissions Model Results

Emissions from each vehicle, as detailed in Appendix A, are aggregated to estimate annual GHG emissions for the light-duty fleet considered for EV transition. As shown in Figure 14, emissions under Scenario 1 (Baseline) decline from 56.6 to 43.6 MT CO₂e/year by 2030. The 23% decrease in emissions largely comes from increasing fuel efficiency of gasoline and hybrid ICE vehicles. Under Scenario 2 (EV transition), emissions decline from 56.6 to 2.1 MT CO₂e/year, **or 95% by 2030**. The significant reduction in annual emissions between 2025 and 2026 are associated with a substantial number of vehicles slated

East Bay Community Energy Fleet Electrification

for replacement in 2026 that would transition from gasoline or gasoline hybrid ICE vehicles to BEVs. This includes the parking enforcement scooters.

Figure 14: Annual GHG Emissions Projections for the City's Light-duty Fleet

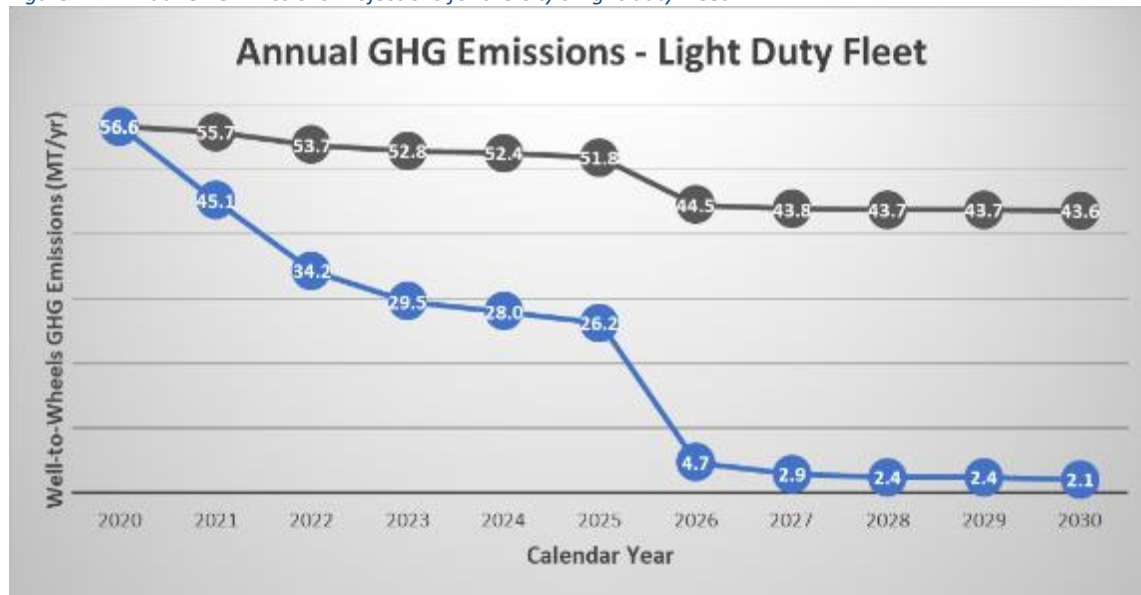


Table 42 and Table 43 summarize mileage, energy consumption, and fleet average emissions for each scenario and the estimated percentage change from Scenario 1 (Baseline) to Scenario 2 (EV Transition). Under Scenario 2 (EV Transition), gasoline and CNG ICE vehicle mileage would decrease by 59% relative to Scenario 1 (Baseline) as it transitions to EV mileage over the 2020-2030 analysis period. In 2030, the annual gasoline and CNG ICE vehicle mileage would be reduced 96% relative to Scenario 1 (Baseline) as most of the miles travelled by these vehicles transition to EV.

Fleet average fuel economy, in miles per gasoline-gallon equivalent (MPGe), increases 38% over the 2020-2030 period and increases by 79% in 2030 relative to the Scenario 1 (Baseline). The few remaining GHG emissions are associated with seven PHEV SUVs that have a portion of their daily mileage powered by gasoline. By 2030, it is likely that SUV BEVs that meet the City’s duty cycles will be available, effectively allowing the City to achieve a 100% reduction in the GHG emissions for the light-duty fleet considered in this analysis.

Table 42. Emissions and Energy Consumption Metrics for the City Fleet from 2020 to 2030

Metric	2020-2030		
	Baseline	EV Transition	% Change
Gasoline/CNG ICE Mileage	4,155,346	1,696,465	-59%
EV Mileage	518,992	2,977,873	474%
Gasoline/CNG Consumption (GGE)	160,362	68,529	-57%
Electricity Consumption (GGE)	8,128	53,439	557%
Fleet Avg MPGe	27.7	38.3	38%
Fleet GHG Emissions (MTCO2e)	542.2	234.1	-57%
Fleet GHG Emissions Rate (gCO2e/mi)	116.0	50.1	-57%

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Table 43. Emissions and Energy Consumption Metrics for the City Fleet in 2030

Metric	2030		% Change
	Baseline	EV Transition	
Gasoline/CNG ICE Mileage	374,407	22,713	-94%
EV Mileage	50,533	402,227	696%
Gasoline/CNG Consumption (GGE)	12,888	573	-96%
Electricity Consumption (GGE)	676	7,017	939%
Fleet Avg MPGe	31.3	56.0	79%
Fleet GHG Emissions (MTCO2e)	43.6	2.1	-95%
Fleet GHG Emissions Rate (gCO2e/mi)	102.5	4.9	-95%

Appendix E: Recommendations by Domicile: Charging, Solar PV, BES for Light-Duty Fleet EVs

Site #1 Corp Yard

Recommended: Charging stations, solar PV, BES, electrical upgrades

Additional: Structural upgrade to canopy to support solar PV

Site Description

The Corporation Yard (Corp Yard) at 1326 Allston Way is the City of Berkeley's largest fleet parking facility in terms of number of vehicles domiciled. A total of 137 vehicles including light-, medium-, and heavy-duty vehicles are based here, including most of the City's specialty vehicles like sweepers, vactors, and mowers. The facility has a gasoline and diesel fueling station and maintenance garage for all fleet vehicle Figure 15 details the different areas of operations within the Corp Yard. Because the focus of this project is to provide charging for the exclusive use of City-owned fleet vehicles, charging station recommendations exclude the employee/visitor parking lot.

Figure 15: Corp Yard Maintenance Building facility details



The main electrical distribution panel is located on the northwest corner of the yard and the sub-panel is located on the north side of the repair workshop. City staff explained that the sub-panel for the repair shop will be upgraded and will accommodate the load for planned EV chargers.

The Corp Yard site has several constraints for DER (chargers, solar PV, BES) design:

- Temporary/portable buildings not suitable for solar PV due to structural concerns.
- Main Barn is a historic structure and not suitable for solar PV due to structural strength of rafters.

East Bay Community Energy Fleet Electrification

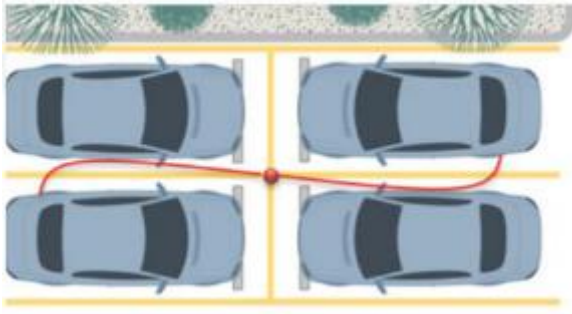
- The parking stalls in the Corp Yard are limited in relation to the number of vehicles domiciled or serviced at this site.
- The vehicle maintenance facility is in the middle of the site, potentially impacting charging infrastructure installation costs.
- Designs for charging, solar PV, and BES need to consider the amount of space that trucks require when navigating the parking lot.
- City staff prefer all conduit to be underground.

Recommendations

The Corp Yard will need multiple types of chargers and charging strategies. To meet the immediate need of replacing all light-duty vehicles with EVs:

- Four dual-head (eight connectors) pedestal-mounted, low-power (7.2 kW) Level 2 chargers in a central location between Buildings A and G, installing the chargers in the center of a block of parking spots as illustrated in Figure 16.
- One DC Fast Charger to accommodate the charging needs for the vehicles that come in for repair and provide flexibility for a broader range of EVs that will be serviced in the future.
- New electrical service will be required to support this charging equipment. The total demand on each circuit is 3,328 V using a 40A breaker that outputs 6,656 VA per charger using a 40A 2-pole breaker. There is also 50 VA added for gateway. The total Level 2 charger load is: $6,656 * 8 + 50 = 53.3$ kVA which requires 148A (200 A) of ampacity. DCFCs need 63.5 kVA which requires 156A (200 A breaker). The total DCFC load is 116.8 kVA, which requires 141A. The main breaker should be 300A. A step-down transformer rated 75kVA (480-208/120) will be required for the Level 2 chargers.

Figure 16: Conceptual Charger Layout (Source: VELOZ)



- The Corp Yard is suitable for up seven rooftop solar PV arrays and two parking lot arrays, which would produce 358 kWh/day, which exceeds the estimated energy demand to charge light-duty vehicles. Extra capacity could be available to serve the charging needs of medium- and heavy-duty equipment as they are added to the fleet.
- A 112 kWh BES to provide resiliency for fleet charging and help avoid demand charges.

East Bay Community Energy Fleet Electrification

Figure 17 shows potential locations for solar arrays. The suggested combinations to meet fleet EV needs are Arrays D + E + Yard Parking totaling 52.7 kW. Array D will replace the existing 19 kW system that is approximately 15 years old, which will improve the generation potential of this location.⁵⁹

Array E is the canopy of the existing gasoline and diesel fuel island and a new canopy will need to be constructed to support the weight of the PV array. Cost estimates do not include the fuel island canopy construction, or structural components. Constructing this canopy may present an opportunity to add DC Fast Charging or a charger dedicated to medium- and heavy-duty vehicles to the fueling island.

Figure 17: Potential locations for Solar PV Arrays



Solar PV Siting and Generation Potential - Corp Yard

Solar PV Array Location	Gross Area Identified (SF)	Solar PV Array Area (SF)	Number of PV Modules (-)	DC Power (kW)	Peak AC Output (kW)	Total Generation (kWh)
A	2,252	804	45	13.5	11.2	18,564
B	1,512	465	26	7.8	6.5	8,753
C	2,631	858	48	14.3	11.9	19,727

⁵⁹ This replacement scope of work proposed to the City in January 2020 by Sun Light & Power.

East Bay Community Energy Fleet Electrification

Solar PV Array Location	Gross Area Identified (SF)	Solar PV Array Area (SF)	Number of PV Modules (-)	DC Power (kW)	Peak AC Output (kW)	Total Generation (kWh)
D	3,360	1,519	85	30.6	25.4	41,399
E	2,400	965	54	16.1	13.4	21,782
Public Parking	6,480	1,430	80	23.9	19.1	32,334
Yard Parking	1,620	358	20	6.0	5.0	8,117
Total	20,276	5,809	325	97.2	77.8	130,768

Recommended Solar PV Arrays to Meet EV Charging Needs - Corp Yard

Solar PV Array Location	Gross Area Identified (SF)	Solar PV Array Area (SF)	Number of Solar PV Modules (-)	DC Power (kW)	Peak AC Output (kW)	Total Generation (kWh)
D	3,360	1,519	85	30.6	25.4	41,399
E	2,400	965	54	16.1	13.4	21,782
Yard Parking	1,620	358	20	6.0	5.0	8,117
Total	7,380	2,842	159	52.7	43.8	71,298

Value of Solar PV to Battery Energy Storage for EV Charging: B-10SX- Brilliant 100 Rate - Corp Yard

Month	Peak Solar PV Power Generated (kW)	Total Solar PV Generation (kWh)	Value of Demand (\$)	Value of Energy (\$)	Total Value (\$)	Average Value of Solar PV Energy (\$/kWh)
1	14.3	1,648	\$192	\$252	\$444	\$0.27
2	17.5	2,043	\$235	\$307	\$543	\$0.27
3	20.5	3,375	\$276	\$414	\$690	\$0.20
4	22.3	4,304	\$299	\$527	\$826	\$0.19
5	23.7	5,050	\$318	\$606	\$924	\$0.18
6	23.8	5,392	\$320	\$1,029	\$1,348	\$0.25
7	23.3	5,062	\$313	\$967	\$1,280	\$0.25
8	22.1	4,453	\$296	\$848	\$1,144	\$0.26
9	20.5	3,686	\$275	\$686	\$961	\$0.26
10	18.2	2,819	\$244	\$429	\$673	\$0.24
11	14.9	1,856	\$200	\$287	\$487	\$0.26
12	12.5	1,461	\$167	\$227	\$394	\$0.27
Total		41,149			\$9,715	\$0.24

East Bay Community Energy Fleet Electrification

Value of Solar PV to Building: B-10SX- Brilliant 100 Rate - Corp Yard

Month	Peak Solar PV Power Generated (kW)	Total Solar PV Generation (kWh)	Demand Costs Avoided (\$)	Energy Costs Avoided (\$)	Total Costs Avoided (\$)	Average Value of Solar PV Energy (\$/kWh)
1	10.5	1,207	\$141	\$185	\$326	\$0.27
2	12.8	1,497	\$172	\$225	\$398	\$0.27
3	15.1	2,473	\$202	\$304	\$505	\$0.20
4	16.3	3,154	\$219	\$386	\$605	\$0.19
5	17.4	3,700	\$233	\$444	\$677	\$0.18
6	17.5	3,950	\$234	\$754	\$988	\$0.25
7	17.1	3,709	\$229	\$708	\$938	\$0.25
8	16.2	3,263	\$217	\$622	\$838	\$0.26
9	15.0	2,701	\$201	\$503	\$704	\$0.26
10	13.3	2,065	\$179	\$314	\$493	\$0.24
11	10.9	1,360	\$146	\$211	\$357	\$0.26
12	9.1	1,070	\$123	\$166	\$289	\$0.27
Total		30,149			\$7,118	\$0.24

Cost of EV Charging: B-10SX- Brilliant 100 Rate - Corp Yard

Month	EV Charging Demand Impact (kW)	EV Charging Load (kWh)	EV Charging Demand Costs (\$)	EV Charging Energy Costs (\$)	Total EV Charging Costs (\$)	Average Cost of EV Energy (\$/kWh)
1	13.9	3,495	\$0	\$464	\$464	\$0.13
2	13.9	3,157	\$0	\$419	\$419	\$0.13
3	13.9	3,495	\$0	\$464	\$464	\$0.13
4	13.9	3,382	\$0	\$449	\$449	\$0.13
5	13.9	3,495	\$0	\$464	\$464	\$0.13
6	13.9	3,382	\$0	\$648	\$648	\$0.19
7	13.9	3,495	\$0	\$670	\$670	\$0.19
8	13.9	3,495	\$0	\$670	\$670	\$0.19
9	13.9	3,382	\$0	\$648	\$648	\$0.19
10	13.9	3,495	\$0	\$464	\$464	\$0.13
11	13.9	3,382	\$0	\$449	\$449	\$0.13
12	13.9	3,495	\$0	\$464	\$464	\$0.13
Total		41,149			\$6,272	\$0.15

East Bay Community Energy Fleet Electrification

Site #2 Berkeley Transfer Station

Recommended: Charging stations for light-duty fleet; solar PV during 2026 rehabilitation

Additional: Charging for BEV refuse trucks when those trucks are viable for City needs

Site Description

The Berkeley Transfer Station is at 1201 Second St., shown in Figure 18 is being redeveloped with construction is expected to start mid-2026. The Solid Waste & Recycling Transfer Station Feasibility Study concepts⁶⁰ for facility replacement included infrastructure to support the electrification of the Zero Waste collection fleet as that technology becomes viable.

In the nearer term, five light-duty vehicles domicile at the Berkeley Transfer Station. A sub-panel rated at 100A will be available to EV chargers once the existing trailer on the facility is removed, however 60A of the capacity is reserved for an electric forklift.

Figure 18: Berkeley Transfer Station Facility Details



⁶⁰ presented at a November 2019 City Council Work Session

East Bay Community Energy Fleet Electrification

Recommendations

To meet the immediate need of transitioning light-duty vehicles to EVs and consideration that the site will be redeveloped:

- Two dual-head (two connectors) wall- or pedestal-mounted, low-power (7.2 kW) Level 2 chargers
- A third-party load management system to share the 40A of electrical capacity among the four connectors.
- Solar PV during rehabilitation in 2026.

Table 33. Cost of EV Charging on B-10SX-Brilliant 100 Rate - Berkeley Transfer Station

Month	EV Charging Demand Impact (kW)	EV Charging Load (kWh)	EV Charging Demand Costs (\$)	EV Charging Energy Costs (\$)	Total EV Charging Costs (\$)	Average Cost of EV Energy (\$/kWh)
1	11.5	1,539	\$0	\$234	\$234	\$0.23
2	11.5	1,390	\$0	\$211	\$211	\$0.23
3	11.5	1,539	\$0	\$234	\$234	\$0.23
4	11.5	1,489	\$0	\$226	\$226	\$0.23
5	11.5	1,539	\$0	\$234	\$234	\$0.23
6	11.5	1,489	\$0	\$264	\$264	\$0.27
7	11.5	1,539	\$0	\$273	\$273	\$0.27
8	11.5	1,539	\$0	\$273	\$273	\$0.27
9	11.5	1,489	\$0	\$264	\$264	\$0.27
10	11.5	1,539	\$0	\$234	\$234	\$0.23
11	11.5	1,489	\$0	\$226	\$226	\$0.23
12	11.5	1,539	\$0	\$234	\$234	\$0.23
Total		18,119			\$2,906	\$0.25

Site #3 Berkeley Marina (125/127 University Avenue)

Recommended: Charging stations for light-duty fleet and BES

Additional: Solar PV is already planned for this location

Site Description

This facility is being reconfigured into two different zones: one for public parking and one for fleet vehicles with dedicated parking stalls for vehicles used for traffic and parking control, Police Department, and marina maintenance. Figure 19 shows the aerial view of the facility with the fenced/hatched area on the drawing indicating the dedicated fleet parking stalls and areas identified probable for solar PV arrays. An existing dual-head charger for public use is installed on the east end of the 125/127 University building. Combined solar PV generation capacity of 58 kW AC is higher than the building peak demand; however, all the energy is directed to vehicle charging. No energy from the solar PV and BES remains for building use

As a conservative measure, daily energy needs were calculated for BEVs instead of 33 BEV parking scooters. If the City procures BEV scooters, the recommended chargers can charge the scooters and have additional capacity for other fleet vehicles.

Figure 19: Berkeley Marian Ariel View



Recommendations

To meet the near-term needs of light-duty, non-emergency vehicles and parking enforcement vehicles:

- Four dual-head (eight connectors) Level 2 chargers. Most vehicles will likely not need to charge every day, but staff will need to reposition vehicles during charging sessions.
 - A portion of the EVs could be charged using a mobile charger, which would avoid the need to reposition vehicles for charging and eliminate the costs of upgrading the electrical service.
- New electrical service with a 200A main breaker to accommodate the estimated charging loads and capacity for an additional single-head charger. The total demand on each circuit is 3,328 V using a 40A breaker which outputs 6,656 VA for a charger using a 40A two-pole breaker. With 50 VA added for gateway, the total Level 2 charger load is: $6,656 * 8 + 50 = 53.3\text{kVA}$, which requires 148A.
- One 75 kW/300 kWh BES to offset the long-term needs of vehicle charging and maximize the solar PV already planned for this location.

East Bay Community Energy Fleet Electrification

Solar PV Siting and Generation Potential – Berkeley Marina

Solar PV Array Location	Gross Area Identified (SF)	Solar PV Array Area (SF)	Number of Solar PV Modules (-)	DC Power (kW)	Peak AC Output (kW)	Total Generation (kWh)
A	7,200	3,218	180	53.8	44.7	83,172
Parking	4,536	1,001	56	16.7	13.4	25,449
Total	11,736	4,219	236	70.5	58.0	108,571

Value of Solar PV to Battery Electric Storage for EV Charging on B-1X- Brilliant 100 Rate - Berkeley Marina

Month	Peak Solar PV Power Generated (kW)	Total Solar PV Generation (kWh)	Value of Demand (\$)	Value of Energy (\$)	Total Value (\$)	Average Value of Solar PV Energy (\$/kWh)
1	47.1	5,532	\$0	\$1,279	\$1,279	\$0.23
2	53.0	6,436	\$0	\$1,489	\$1,489	\$0.23
3	57.3	9,421	\$0	\$2,087	\$2,087	\$0.22
4	58.7	10,811	\$0	\$2,400	\$2,400	\$0.22
5	58.2	11,823	\$0	\$2,632	\$2,632	\$0.22
6	57.6	12,299	\$0	\$3,234	\$3,234	\$0.26
7	56.7	11,786	\$0	\$3,101	\$3,101	\$0.26
8	56.6	10,954	\$0	\$2,882	\$2,882	\$0.26
9	54.4	9,593	\$0	\$2,500	\$2,500	\$0.26
10	52.2	8,760	\$0	\$2,026	\$2,026	\$0.23
11	47.5	6,247	\$0	\$1,443	\$1,443	\$0.23
12	43.9	4,960	\$0	\$1,146	\$1,146	\$0.23
Total		108,571			\$26,219	\$0.24

Value of Solar PV to Building: B-1X- Brilliant 100 Rate - Berkeley Marina

Month	Peak Solar PV Power Generated (kW)	Total Solar PV Generation (kWh)	Demand Costs Avoided (\$)	Energy Costs Avoided (\$)	Total Costs Avoided (\$)	Average Value of Solar PV Energy (\$/kWh)
No additional value to the building						

Cost of EV Charging: B-1X- Brilliant 100 Rate - Berkeley Marina

Month	EV Charging Demand Impact (kW)	EV Charging Load (kWh)	EV Charging Demand Costs (\$)	EV Charging Energy Costs (\$)	Total EV Charging Costs (\$)	Average Cost of EV Energy (\$/kWh)
1	25.8	9,267	\$0	\$2,175	\$2,175	\$0.23
2	25.8	8,370	\$0	\$1,964	\$1,964	\$0.23
3	25.8	9,267	\$0	\$2,175	\$2,175	\$0.23
4	25.8	8,968	\$0	\$2,105	\$2,105	\$0.23
5	25.8	9,267	\$0	\$2,175	\$2,175	\$0.23
6	25.8	8,968	\$0	\$2,446	\$2,446	\$0.27
7	25.8	9,267	\$0	\$2,527	\$2,527	\$0.27
8	25.8	9,267	\$0	\$2,527	\$2,527	\$0.27
9	25.8	8,968	\$0	\$2,446	\$2,446	\$0.27
10	25.8	9,267	\$0	\$2,175	\$2,175	\$0.23

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Month	EV Charging Demand Impact (kW)	EV Charging Load (kWh)	EV Charging Demand Costs (\$)	EV Charging Energy Costs (\$)	Total EV Charging Costs (\$)	Average Cost of EV Energy (\$/kWh)
11	25.8	8,968	\$0	\$2,105	\$2,105	\$0.23
12	25.8	9,267	\$0	\$2,175	\$2,175	\$0.23
Total		109,109			\$26,994	\$0.25

East Bay Community Energy Fleet Electrification

Site #4 Adult Mental Health Clinic

Recommended: Charging stations or mobile charging for light-duty fleet

Additional: Solar PV is already installed at this leased location

Site Description

The Adult Mental Health Clinic is located at 1521 University Avenue and shown in Figure 20. Currently, 13 light-duty vehicles are domiciled at this location.

Figure 20: Aerial View of the Adult Mental Health Clinic



Recommendations

This site is not owned by the City and requires an upgrade to the electrical service. If the landlord agrees to EV charging at this facility, the recommendation is:

- Three dual-head Level 2 chargers (six connectors) to be shared by all vehicles.
- A new electrical service with a main breaker rated at a minimum of 200A to accommodate the current charging loads and a future single-head charger can be installed, if needed.
 - A back-up option would be to use three mobile chargers.

This site has no future solar PV potential and does not have physical area for a BES system.

Cost of EV Charging on B-1X Rate - Adult Mental Health Clinic

Month	EV Charging Demand Impact (kW)	EV Charging Load (kWh)	EV Charging Demand Costs (\$)	EV Charging Energy Costs (\$)	Total EV Charging Costs (\$)	Average Cost of EV Energy (\$/kWh)
1	15.2	4,859	\$0	\$1,138	\$1,138	\$0.23
2	15.2	4,389	\$0	\$1,028	\$1,028	\$0.23
3	15.2	4,859	\$0	\$1,138	\$1,138	\$0.23
4	15.2	4,702	\$0	\$1,102	\$1,102	\$0.23
5	15.2	4,859	\$0	\$1,138	\$1,138	\$0.23
6	15.2	4,702	\$0	\$1,272	\$1,272	\$0.27

East Bay Community Energy Fleet Electrification

Month	EV Charging Demand Impact (kW)	EV Charging Load (kWh)	EV Charging Demand Costs (\$)	EV Charging Energy Costs (\$)	Total EV Charging Costs (\$)	Average Cost of EV Energy (\$/kWh)
7	15.2	4,859	\$0	\$1,315	\$1,315	\$0.27
8	15.2	4,859	\$0	\$1,315	\$1,315	\$0.27
9	15.2	4,702	\$0	\$1,272	\$1,272	\$0.27
10	15.2	4,859	\$0	\$1,138	\$1,138	\$0.23
11	15.2	4,702	\$0	\$1,102	\$1,102	\$0.23
12	15.2	4,859	\$0	\$1,138	\$1,138	\$0.23
Total		57,212			\$14,098	\$0.25

East Bay Community Energy Fleet Electrification

Site #5 Mental Health Clinic

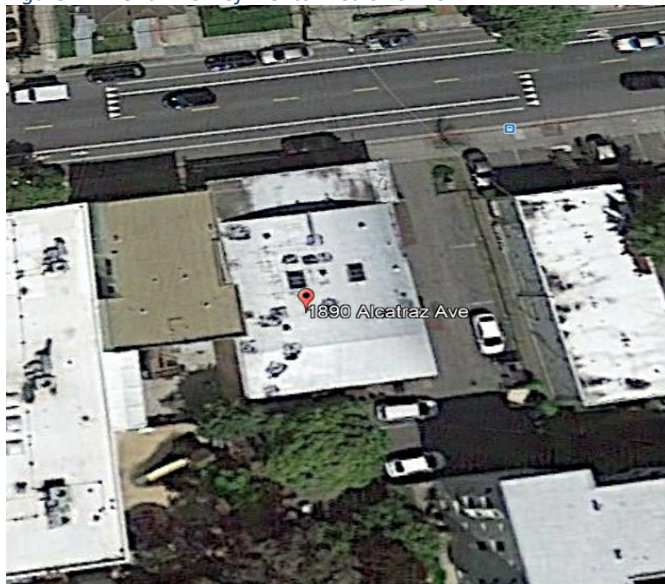
Recommended: Charging stations light-duty fleet

Additional: Relocate vehicles domiciles at Drop-in Center to Mental Health Clinic

Site Description

The mental health clinic is located at 1890 Alcatraz Ave, shown in Figure 21, and a Drop-in Center is located nearby at 3282 Adeline St. Currently, three light-duty vehicles are domiciled at each location, for a total of six vehicles. 3282 Adeline is a leased facility and is not suitable for investment in charging infrastructure. The building has a domed roof that will not accommodate solar PV and does not have enough physical space for a BES system.

Figure 21: Aerial View of Mental Health Clinic



Recommendations

To meet the near-term needs of fleet EVs:

- One dual-head Level 2 charger at 1890 Alcatraz that all six light-duty vehicles share
- New electrical service with a main breaker rated at a minimum of 60A.
 - A new service with 100A main would accommodate the charging loads, and a potential additional dual-head Level 2 charger could be installed in the future, if needed.
 - This site could also be served with a portable charging option, as described for the Adult Mental Health Clinic site.

Cost of EV Charging: B-1X- Brilliant 100 Rate - Adult Mental Health Clinic

Month	EV Charing Demand Impact (kW)	EV Charging Load (kWh)	EV Charging Demand Costs (\$)	EV Charging Energy Costs (\$)	Total EV Charging Costs (\$)	Average Cost of EV Energy (\$/kWh)
1	3.0	1,032	\$0	\$242	\$242	\$0.23
2	3.0	932	\$0	\$218	\$218	\$0.23
3	3.0	1,032	\$0	\$242	\$242	\$0.23

East Bay Community Energy Fleet Electrification

Month	EV Charging Demand Impact (kW)	EV Charging Load (kWh)	EV Charging Demand Costs (\$)	EV Charging Energy Costs (\$)	Total EV Charging Costs (\$)	Average Cost of EV Energy (\$/kWh)
4	3.0	999	\$0	\$234	\$234	\$0.23
5	3.0	1,032	\$0	\$242	\$242	\$0.23
6	3.0	999	\$0	\$270	\$270	\$0.27
7	3.0	1,032	\$0	\$279	\$279	\$0.27
8	3.0	1,032	\$0	\$279	\$279	\$0.27
9	3.0	999	\$0	\$270	\$270	\$0.27
10	3.0	1,032	\$0	\$242	\$242	\$0.23
11	3.0	999	\$0	\$234	\$234	\$0.23
12	3.0	1,032	\$0	\$242	\$242	\$0.23
Total		12,149			\$2,993	\$0.25

East Bay Community Energy Fleet Electrification

Site #6 Center Street Garage

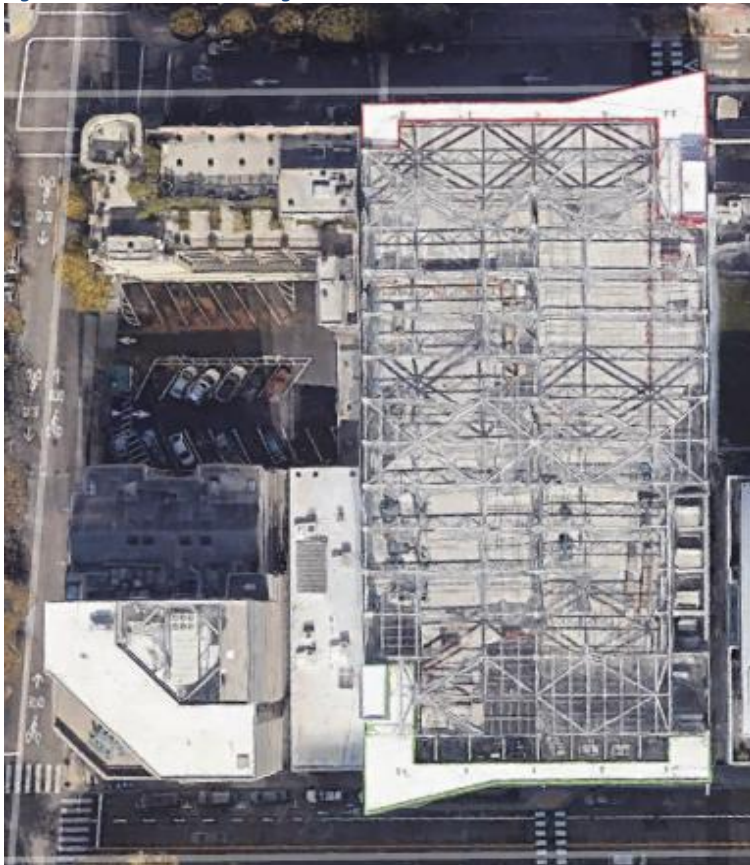
Recommended: BES

Additional: Load management system for existing charging stations

Site Description

The Center Street Garage is an eight-level public parking garage at 2025 Center St. Thirty-seven light-duty fleet vehicles are domiciled here and it is the main parking facility for City Hall employees and visitors and is used daily by the general public. Currently, 29 EV chargers with a total of 57 connectors are installed and accessible to City employees and the public in addition to fleet vehicles. The main distribution assembly panel for this facility is located on the ground floor. The roof of the garage has an existing solar PV array that is owned by the City. Figure 22 is an aerial view of the Center Street Garage.

Figure 22 Center Street Garage aerial view



Recommendations

The Center Street Garage has existing charger capacity for current and anticipated charging demand. Load management could be used to satisfy future electrical load growth if charging demand exceeds the facility's electrical capacity in the future.

One 63 kW / 250 kWh BES system will increase resiliency and help to avoid peak demand changes from EV charging.

East Bay Community Energy Fleet Electrification

Solar PV Siting and Generation Potential - Center Street Garage

Solar PV Array Location	Gross Area Identified (SF)	Solar PV Array Area (SF)	Number of Solar PV Modules (-)	DC Power (kW)	Peak AC Output (kW)	Total Generation (kWh)
Existing	n/a	n/a	414	113.9	91.1	172,153
Total	0	0	414	113.9	91.1	172,153

Note: Performance calculated assuming 275 W DC/panel, and performance assumptions from other modeling results.

Value of Solar PV to Battery Electric Storage for EV Charging: B-19S-Bright Choice Rate – Center Street Garage

Month	Peak Solar PV Power Generated (kW)	Total Solar PV Generation (kWh)	Value of Demand (\$)	Value of Energy (\$)	Total Value (\$)	Average Value of Solar PV Energy (\$/kWh)
1	38.6	4,541	\$847	\$524	\$1,371	\$0.30
2	45.1	5,200	\$995	\$601	\$1,596	\$0.31
3	47.2	8,045	\$1,046	\$1,100	\$2,146	\$0.27
4	47.3	9,037	\$1,050	\$1,231	\$2,280	\$0.25
5	47.6	9,706	\$1,059	\$1,316	\$2,375	\$0.24
6	47.6	10,260	\$1,813	\$1,263	\$3,076	\$0.30
7	45.6	9,918	\$1,756	\$1,225	\$2,981	\$0.30
8	46.1	9,383	\$1,744	\$1,156	\$2,899	\$0.31
9	46.2	8,007	\$1,655	\$970	\$2,625	\$0.33
10	41.3	7,053	\$906	\$814	\$1,720	\$0.24
11	38.2	5,340	\$828	\$614	\$1,442	\$0.27
12	36.2	3,960	\$785	\$455	\$1,240	\$0.31
Total		90,451			\$25,752	\$0.28

Value of Solar PV to Building: B-19S-Bright Choice Rate – Center Street Garage

Month	Peak Solar PV Power Generated (kW)	Total Solar PV Generation (kWh)	Demand Costs Avoided (\$)	Energy Costs Avoided (\$)	Total Costs Avoided (\$)	Average Value of Solar PV Energy (\$/kWh)
1	75.4	8,880	\$1,656	\$1,024	\$2,681	\$0.30
2	88.1	10,168	\$1,945	\$1,176	\$3,121	\$0.31
3	92.4	15,733	\$2,045	\$2,151	\$4,196	\$0.27
4	92.5	17,672	\$2,053	\$2,407	\$4,460	\$0.25
5	93.1	18,981	\$2,070	\$2,574	\$4,644	\$0.24
6	93.1	20,064	\$3,545	\$2,471	\$6,016	\$0.30
7	89.2	19,395	\$3,435	\$2,396	\$5,830	\$0.30
8	90.2	18,349	\$3,410	\$2,260	\$5,670	\$0.31
9	90.3	15,658	\$3,237	\$1,897	\$5,134	\$0.33
10	80.7	13,793	\$1,772	\$1,591	\$3,363	\$0.24
11	74.7	10,443	\$1,619	\$1,200	\$2,819	\$0.27
12	70.8	7,745	\$1,536	\$889	\$2,425	\$0.31
Total		176,880			\$50,358	\$0.28

East Bay Community Energy Fleet Electrification

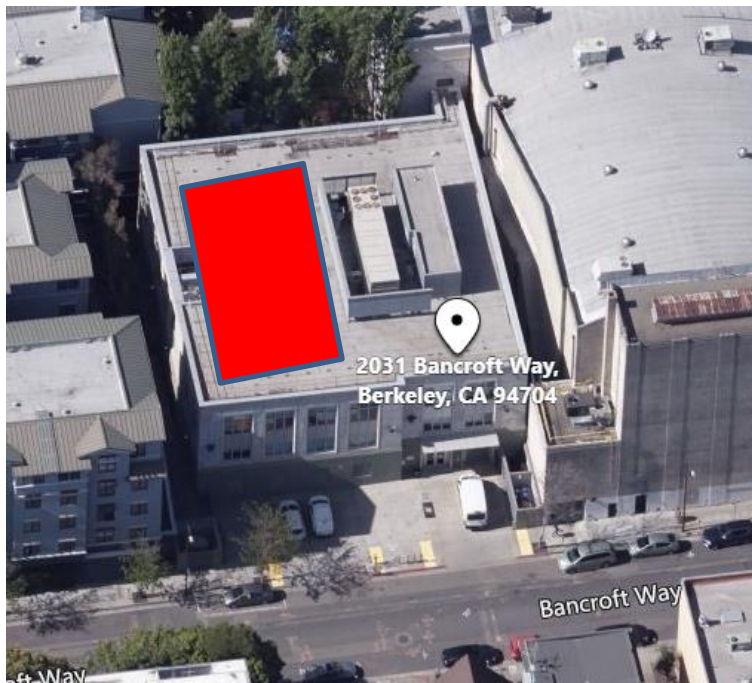
Cost of EV Charging: B-19S-Bright Choice Rate – Center Street Garage

Month	EV Charging Demand Impact (kW)	EV Charging Load (kWh)	EV Charging Demand Costs (\$)	EV Charging Energy Costs (\$)	Total EV Charging Costs (\$)	Average Cost of EV Energy (\$/kWh)
1	24.5	7,682	\$552	\$923	\$1,475	\$0.19
2	24.5	6,939	\$552	\$834	\$1,386	\$0.20
3	24.5	7,682	\$552	\$923	\$1,475	\$0.19
4	24.5	7,434	\$552	\$894	\$1,445	\$0.19
5	24.5	7,682	\$552	\$923	\$1,475	\$0.19
6	24.5	7,434	\$995	\$938	\$1,934	\$0.26
7	24.5	7,682	\$995	\$970	\$1,965	\$0.26
8	24.5	7,682	\$995	\$970	\$1,965	\$0.26
9	24.5	7,434	\$995	\$938	\$1,934	\$0.26
10	24.5	7,682	\$552	\$923	\$1,475	\$0.19
11	24.5	7,434	\$552	\$894	\$1,445	\$0.19
12	24.5	7,682	\$552	\$923	\$1,475	\$0.19
Total		90,451			\$19,449	\$0.22

East Bay Community Energy Fleet Electrification

Site #7 Central Library Parking Lot*Recommended: Charging, solar PV**Additional: Potential for assigned vehicles to use other charging stations or plug in to a wall outlet***Site Description**

The Central Library is located at 2031 Bancroft Way, as shown in Figure 23. Only one light-duty vehicle is parked at this location. No public EV parking is planned for this site. Available area provides substantially more solar PV potential required to offset EV fleet charging needs. If solar PV is deployed for fleet support only, BES is not recommended due to small system size.

Figure 23: Aerial View of the Central Library**Recommendations**

To meet the near-term needs of light-duty fleet vehicles:

- One dual-head Level 2 charger is recommended at this facility.
- New electrical service with a main breaker rated minimum of 60A.
 - A 100A main would accommodate a potential future additional charger (one dual-head Level 2), if needed.

Optionally, the single vehicle at this site could charge using the DCFC recommended for the Corp Yard, at available Level 2 chargers at other City facilities or at nearby public charging or charge onsite using an outdoor wall outlet (Level 1 charging), or a combination of these options. Solar PV would not be needed for EV charging but could provide benefit to the building electrical load.

East Bay Community Energy Fleet Electrification

Solar PV Siting and Generation Potential – Central Library Parking

Array Location	Gross Area Identified (SF)	Array Area (SF)	Number of PV Modules (-)	DC Power (kW)	Peak AC Output (kW)	Total Generation (kWh)
A	3,060	1,126	63	18.8	15.0	25,908
Total	3,060	1,126	63	18.8	15.0	25,908

Value of Solar PV to Battery Electric Storage for EV Charging: B-10SX-Brilliant 100 Rate - Central Library Parking Lot

Month	Peak Solar PV Power Generated (kW)	Total Solar PV Generation (kWh)	Value of Demand (\$)	Value of Energy (\$)	Total Value (\$)	Average Value of Solar PV Energy (\$/kWh)
1	0.4	49	\$6	\$7	\$13	\$0.27
2	0.5	62	\$7	\$9	\$17	\$0.27
3	0.6	105	\$8	\$13	\$21	\$0.20
4	0.7	126	\$9	\$15	\$24	\$0.19
5	0.7	145	\$9	\$18	\$27	\$0.18
6	0.7	163	\$10	\$31	\$41	\$0.25
7	0.7	156	\$9	\$30	\$39	\$0.25
8	0.7	138	\$9	\$26	\$35	\$0.25
9	0.6	109	\$8	\$20	\$29	\$0.26
10	0.5	83	\$7	\$13	\$20	\$0.24
11	0.4	55	\$6	\$9	\$14	\$0.26
12	0.4	42	\$5	\$7	\$12	\$0.27
Total		1,234			\$291	\$0.24

Value of Solar PV to Building: A-10SX-Brilliant 100 Rate - Central Library Parking Lot

Month	Peak Solar PV Power Generated (kW)	Total Solar PV Generation (kWh)	Demand Costs Avoided (\$)	Energy Costs Avoided (\$)	Total Costs Avoided (\$)	Average Value of Solar PV Energy (\$/kWh)
1	8.4	975	\$113	\$149	\$262	\$0.27
2	11.0	1,235	\$147	\$186	\$333	\$0.27
3	12.1	2,108	\$163	\$259	\$422	\$0.20
4	13.4	2,523	\$179	\$309	\$488	\$0.19
5	13.8	2,906	\$185	\$352	\$537	\$0.18
6	14.2	3,253	\$191	\$621	\$812	\$0.25
7	14.0	3,126	\$188	\$599	\$787	\$0.25
8	13.2	2,753	\$178	\$523	\$701	\$0.25
9	12.5	2,184	\$168	\$405	\$573	\$0.26
10	10.8	1,653	\$146	\$252	\$397	\$0.24
11	8.4	1,109	\$113	\$172	\$284	\$0.26
12	7.4	848	\$100	\$132	\$231	\$0.27
Total		24,674			\$5,828	\$0.24

East Bay Community Energy Fleet Electrification

Cost of EV Charging: B-10SX-Brilliant 100 Rate - Central Library Parking Lot

Month	EV Charging Demand Impact (kW)	EV Charging Load (kWh)	EV Charging Demand Costs (\$)	EV Charging Energy Costs (\$)	Total EV Charging Costs (\$)	Average Cost of EV Energy (\$/kWh)
1	0.8	105	\$0	\$16	\$16	\$0.16
2	0.8	95	\$0	\$15	\$15	\$0.16
3	0.8	105	\$0	\$16	\$16	\$0.16
4	0.8	101	\$0	\$16	\$16	\$0.16
5	0.8	105	\$0	\$16	\$16	\$0.16
6	0.8	101	\$0	\$18	\$18	\$0.17
7	0.8	105	\$0	\$18	\$18	\$0.17
8	0.8	105	\$0	\$18	\$18	\$0.17
9	0.8	101	\$0	\$18	\$18	\$0.17
10	0.8	105	\$0	\$16	\$16	\$0.16
11	0.8	101	\$0	\$16	\$16	\$0.16
12	0.8	105	\$0	\$16	\$16	\$0.16
Total		1,234			\$200	\$0.16

East Bay Community Energy Fleet Electrification

Site #8 Public Safety Building

Site Description

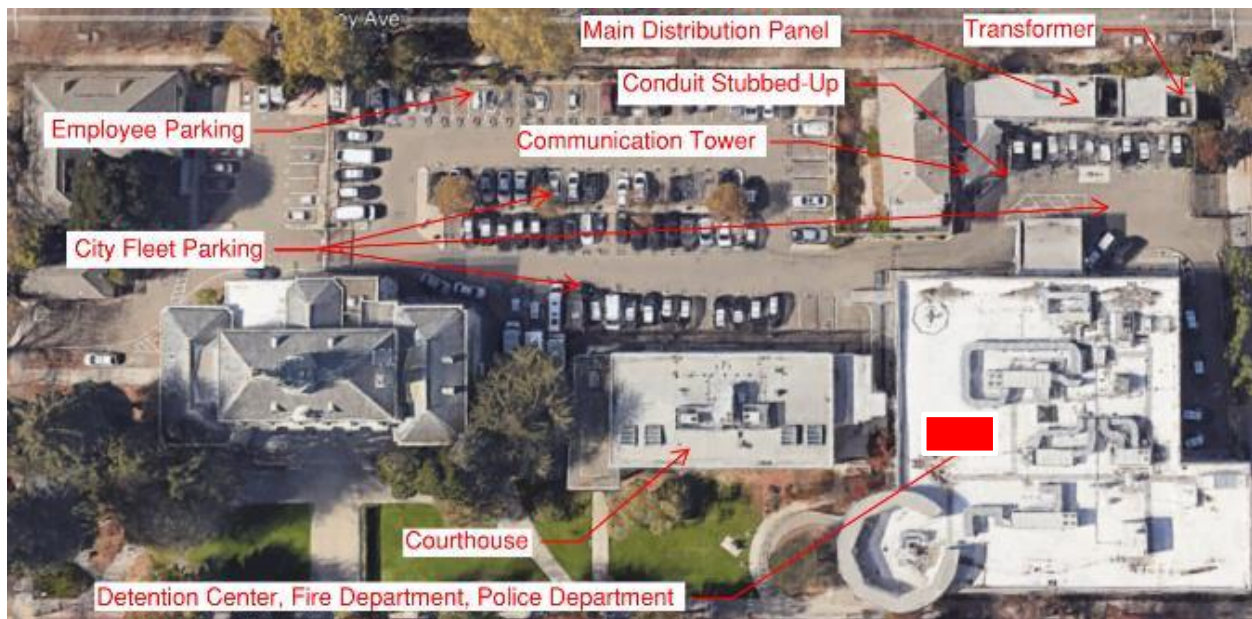
Recommended: Charging, solar PV

Additional: Additional charging potentially needed as police patrol/pursuit vehicles become available near the end of the decade.

The Public Safety Building is located on 2100 Martin Luther King Jr Way. The main fleet parking is in the center of the facility. The westernmost row is assigned to employee parking. Parking stalls in the middle are assigned to the Police Department and other City fleets for a total of 79 vehicles, many of which are emergency vehicles and are unlikely to transition to EVs before 2030. An additional 12 parking stalls are on the north side of the Communication Tower building. Currently, two non-emergency light-duty vehicles domicile here.

Figure 24 Public Safety Building facility details shows the different areas of operations and locations of electrical power infrastructure within the Public Safety Building site. Space for solar PV arrays is limited; location A is still available, but other mechanical equipment has been added to roof since this photo. The parking lot is highly shaded and not effective for solar PV.

Figure 24 Public Safety Building facility details



This facility is equipped with a spare 70-Amp, 3-pole 480Y/277V breaker and in-ground junction boxes for future EV charging. Access to the underground boring, trenching, and repaving could be a concern as other buried conduit essential for public safety operations could be in the vicinity.

Recommendations

To meet the near-term needs of light-duty, non-emergency vehicles:

- One dual-head higher-power Level 2 charger is appropriate to charge the existing vehicles and be prepared for anticipated expansion of the EV fleet.

East Bay Community Energy Fleet Electrification

Solar PV Siting and Generation Potential - Public Safety Building

Solar PV Array Location	Gross Area Identified (SF)	Array Area (SF)	Number of PV Modules (-)	DC Power (kW)	Peak AC Output (kW)	Total Generation (kWh)
A	1,925	644	36	10.8	8.6	14,883
Total	1,925	644	36	10.8	8.6	14,883

Value of Solar PV to Battery Electric Storage for EV Charging on B-19S-Brilliant 100 Rate – Public Safety Building

Month	Peak Solar PV Power Generated (kW)	Total Solar PV Generation (kWh)	Value of Demand (\$)	Value of Energy (\$)	Total Value (\$)	Average Value of Solar PV Energy (\$/kWh)
1	2.2	249	\$47	\$29	\$76	\$0.30
2	2.8	316	\$62	\$36	\$98	\$0.31
3	3.1	539	\$69	\$74	\$142	\$0.26
4	3.4	645	\$76	\$88	\$164	\$0.25
5	3.5	743	\$79	\$100	\$179	\$0.24
6	3.6	831	\$145	\$103	\$248	\$0.30
7	3.6	799	\$144	\$99	\$244	\$0.31
8	3.4	704	\$134	\$87	\$221	\$0.31
9	3.2	558	\$116	\$68	\$184	\$0.33
10	2.8	423	\$61	\$49	\$109	\$0.26
11	2.1	283	\$46	\$32	\$79	\$0.28
12	1.9	217	\$41	\$25	\$66	\$0.30
Total		6,306			\$1,809	\$0.29

Value of Solar PV to Building: B-19S-Brilliant 100 Rate – Public Safety Building

Month	Peak Solar PV Power Generated (kW)	Total Solar PV Generation (kWh)	Demand Costs Avoided (\$)	Energy Costs Avoided (\$)	Total Costs Avoided (\$)	Average Value of Solar PV Energy (\$/kWh)
1	2.9	339	\$64	\$39	\$103	\$0.30
2	3.8	429	\$84	\$50	\$133	\$0.31
3	4.2	733	\$94	\$100	\$194	\$0.26
4	4.6	877	\$103	\$119	\$223	\$0.25
5	4.8	1,010	\$107	\$136	\$244	\$0.24
6	4.9	1,131	\$197	\$140	\$337	\$0.30
7	4.9	1,087	\$196	\$135	\$332	\$0.31
8	4.6	957	\$182	\$118	\$300	\$0.31
9	4.4	759	\$158	\$92	\$250	\$0.33
10	3.8	575	\$82	\$66	\$149	\$0.26
11	2.9	385	\$63	\$44	\$107	\$0.28
12	2.6	295	\$56	\$34	\$89	\$0.30
Total		8,577			\$2,460	\$0.29

East Bay Community Energy Fleet Electrification

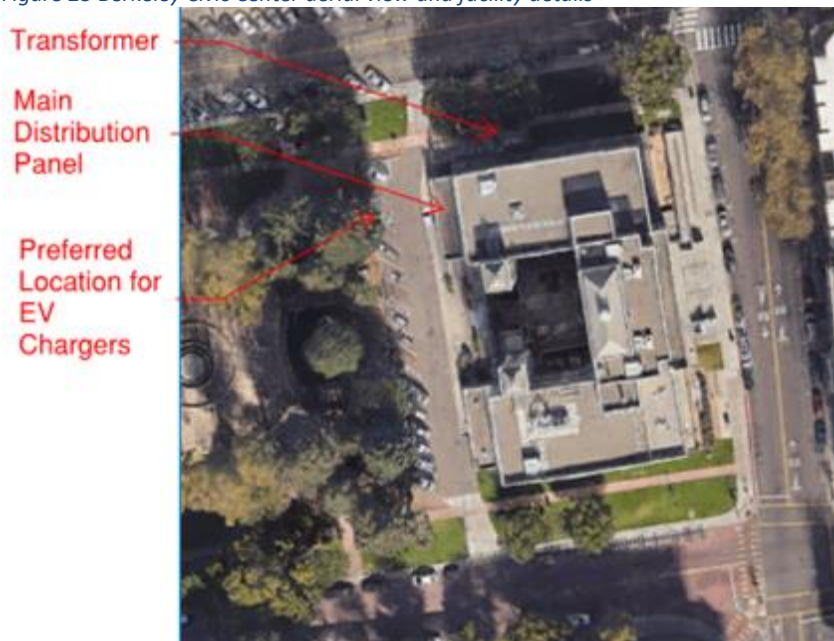
Cost of EV Charging on B-19S-Brilliant 100 Rate – Public Safety Building

Month	EV Charging Demand Impact (kW)	EV Charging Load (kWh)	EV Charging Demand Costs (\$)	EV Charging Energy Costs (\$)	Total EV Charging Costs (\$)	Average Cost of EV Energy (\$/kWh)
1	4.1	513	\$0	\$59	\$59	\$0.11
2	4.1	463	\$0	\$53	\$53	\$0.11
3	4.1	513	\$0	\$59	\$59	\$0.11
4	4.1	496	\$0	\$57	\$57	\$0.11
5	4.1	513	\$0	\$59	\$59	\$0.11
6	4.1	496	\$0	\$57	\$57	\$0.11
7	4.1	513	\$0	\$59	\$59	\$0.11
8	4.1	513	\$0	\$59	\$59	\$0.11
9	4.1	496	\$0	\$57	\$57	\$0.11
10	4.1	513	\$0	\$59	\$59	\$0.11
11	4.1	496	\$0	\$57	\$57	\$0.11
12	4.1	513	\$0	\$59	\$59	\$0.11
Total		6,036			\$690	\$0.11

East Bay Community Energy Fleet Electrification

Site #9 Civic Center (City Hall)*Recommended: Charging**Additional: Additional charging potentially needed as police patrol/pursuit vehicles become available near the end of the decade.***Site Description**

The Civic Center is located at 2180 Milvia St. in the heart of downtown Berkeley. Sixteen parking stalls are assigned to City staff with a signpost in the front of each parking stall. A total of 25 light-duty vehicles are assigned to Civic Center Hall, although most park at the City's Center Street Garage (Site #6). Figure 25 shows the aerial view of the Civic Center facility. The building's roof is unsuitable for solar PV based on age and condition.

Figure 25 Berkeley Civic Center aerial view and facility details

The main distribution panel is in the basement of the building across from the parking stalls. The transformer is located on the north side of the building close to the enclosed bicycle parking area. The main distribution panel is about 55 feet from the first parking stall located on the NW corner of Civic Center.

Recommendations

To meet the near-term needs of light-duty vehicles:

- One dual-head Level 2 charger installed at the ends of the angled parking stalls opposite the existing main distribution panel will accommodate the existing vehicles those that are planned to be relocated to this domicile.

East Bay Community Energy Fleet Electrification

Cost of EV Charging: B-19S- Brilliant 100 Rate – Civic Center

Month	EV Charging Demand Impact (kW)	EV Charging Load (kWh)	EV Charging Demand Costs (\$)	EV Charging Energy Costs (\$)	Total EV Charging Costs (\$)	Average Cost of EV Energy (\$/kWh)
1	0.5	223	\$1	\$27	\$28	\$0.13
2	0.5	201	\$1	\$24	\$25	\$0.13
3	0.5	223	\$1	\$27	\$28	\$0.13
4	0.5	216	\$1	\$26	\$27	\$0.13
5	0.5	223	\$1	\$27	\$28	\$0.13
6	0.5	216	\$16	\$28	\$44	\$0.20
7	0.5	223	\$16	\$29	\$45	\$0.20
8	0.5	223	\$16	\$29	\$45	\$0.20
9	0.5	216	\$16	\$28	\$44	\$0.20
10	0.5	223	\$1	\$27	\$28	\$0.13
11	0.5	216	\$1	\$26	\$27	\$0.13
12	0.5	223	\$1	\$27	\$28	\$0.13
Total		2,626			\$396	\$0.15

East Bay Community Energy Fleet Electrification

Site #10 Mental Health Clinic (2636/2640 Martin Luther King Jr Way)*Recommended: Charging, solar PV**Additional: Both are already under construction as part of a building remodel.***Site Description**

The City of Berkeley Mental Health and Human Services is located at 2636/2640 Martin Luther King Jr. Way, as shown in Figure 26. A total of eight vehicles assigned to this location share five assigned on-street parking spaces. The main distribution panel is rated as 600 A ampacity according to drawings received from the City.

Figure 26 City of Berkeley Mental Health and Human Services parking facility details**Recommendations**

Plans received from the City indicate two dual-head Level 2 chargers are planned at this site as curbside charging. One will be installed in 2020 and the other installed later, if needed. Based on the vehicle inventory and use data, sharing these chargers should accommodate the needs of the eight EVs. A 60.1 kW solar PV array that will cover the entire roof is under construction.

Solar PV Location and Generation Potential - Mental Health Clinic

Solar PV Array Location	Gross Area Identified (SF)	Solar PV Array Area (SF)	Number of Solar PV Modules (-)	DC Power (kW)	Peak AC Output (kW)	Total Generation (kWh)
Planned				60.1	48.1	94,430
Total				12.6	10.1	94,430

East Bay Community Energy Fleet Electrification

Value of Solar PV to Battery Electric Storage for EV Charging: B-10SX-Brilliant 100 Rate – Mental Health Clinic

Month	Peak Solar PV Power Generated (kW)	Total Solar PV Generation (kWh)	Value of Demand (\$)	Value of Energy (\$)	Total Value (\$)	Average Value of Solar PV Energy (\$/kWh)
1	10.1	1,189	\$135	\$181	\$316	\$0.27
2	11.8	1,315	\$158	\$198	\$356	\$0.27
3	12.0	2,061	\$162	\$255	\$417	\$0.20
4	12.6	2,330	\$169	\$289	\$458	\$0.20
5	12.5	2,513	\$168	\$311	\$479	\$0.19
6	12.6	2,637	\$169	\$496	\$665	\$0.25
7	12.4	2,627	\$166	\$496	\$662	\$0.25
8	12.0	2,451	\$162	\$461	\$622	\$0.25
9	12.1	2,146	\$163	\$396	\$559	\$0.26
10	11.4	1,848	\$153	\$281	\$435	\$0.24
11	10.1	1,410	\$136	\$217	\$353	\$0.25
12	9.7	1,176	\$130	\$181	\$312	\$0.27
Total		23,702			\$5,634	\$0.24

Value of Solar PV to Building: B-10SX-Brilliant 100 Rate – Mental Health Clinic

Month	Peak Solar PV Power Generated (kW)	Total Solar PV Generation (kWh)	Demand Costs Avoided (\$)	Energy Costs Avoided (\$)	Total Costs Avoided (\$)	Average Value of Solar PV Energy (\$/kWh)
1	30.1	3,548	\$404	\$540	\$943	\$0.27
2	35.2	3,924	\$472	\$591	\$1,063	\$0.27
3	35.9	6,149	\$482	\$762	\$1,244	\$0.20
4	37.5	6,954	\$503	\$863	\$1,367	\$0.20
5	37.3	7,499	\$501	\$928	\$1,429	\$0.19
6	37.5	7,870	\$503	\$1,480	\$1,984	\$0.25
7	36.9	7,838	\$495	\$1,480	\$1,976	\$0.25
8	35.9	7,313	\$482	\$1,375	\$1,857	\$0.25
9	36.2	6,403	\$486	\$1,181	\$1,667	\$0.26
10	34.1	5,514	\$458	\$840	\$1,297	\$0.24
11	30.2	4,207	\$405	\$649	\$1,054	\$0.25
12	28.9	3,509	\$389	\$542	\$930	\$0.27
Total		70,728			\$16,812	\$0.24

East Bay Community Energy Fleet Electrification

Cost of EV Charging: B-10SX-Brilliant 100 Rate – Mental Health Clinic

Month	EV Charging Demand Impact (kW)	EV Charging Load (kWh)	EV Charging Demand Costs (\$)	EV Charging Energy Costs (\$)	Total EV Charging Costs (\$)	Average Cost of EV Energy (\$/kWh)
1	4.6	2,013	\$0	\$248	\$248	\$0.12
2	4.6	1,818	\$0	\$224	\$224	\$0.12
3	4.6	2,013	\$0	\$248	\$248	\$0.12
4	4.6	1,948	\$0	\$240	\$240	\$0.12
5	4.6	2,013	\$0	\$248	\$248	\$0.12
6	4.6	1,948	\$0	\$387	\$387	\$0.20
7	4.6	2,013	\$0	\$400	\$400	\$0.20
8	4.6	2,013	\$0	\$400	\$400	\$0.20
9	4.6	1,948	\$0	\$387	\$387	\$0.20
10	4.6	2,013	\$0	\$248	\$248	\$0.12
11	4.6	1,948	\$0	\$240	\$240	\$0.12
12	4.6	2,013	\$0	\$248	\$248	\$0.12
Total		23,702			\$3,516	\$0.15

Site #11 South Berkeley Senior Center

Recommended: Charging, solar PV

Additional: Charging should anticipate procurement of BEV passenger vans.

Site Description

The South Berkeley Senior Center is located at 2939 Ellis St., as shown in Figure 27. Two light-duty vehicles and three passenger vans are assigned to this facility. A strip of open ground on the north side of the property between the parking lot and the property line of the facility could be used to run the underground conduit system from the new service enclosure to the parking stalls where EV chargers can be installed. The multifaceted roof makes a solar PV installation difficult at this site; the solar PV array is sized for largest available southern exposure roof area

Figure 27 South Berkeley Senior Center facility aerial view



Recommendations

To meet the near-term needs of light-duty vehicles and potential near-term procurement of EV passenger vans or shuttle:

- A dual-head, high-power Level 2 charger.
- New electrical with a main breaker rated a minimum of 60A.
 - A 100A main will allow for future load of an additional dual-head charger, if needed.

Solar PV Location and Generation Potential – South Berkeley Senior Center

Solar PV Array Location	Gross Area Identified (SF)	Solar PV Array Area (SF)	Number of Solar PV Modules (-)	DC Power (kW)	Peak AC Output (kW)	Total Generation (kWh)
A	1,509	465	26	7.8	6.2	12,265
Total	1,509	465	26	7.8	6.2	12,265

East Bay Community Energy Fleet Electrification

Value of Solar PV to Battery Electric Storage for EV Charging on B-6-Brilliant 100 Rate – South Berkeley Senior Center

Month	Peak Solar PV Power Generated (kW)	Total Solar PV Generation (kWh)	Value of Demand (\$)	Value of Energy (\$)	Total Value (\$)	Average Value of Solar PV Energy (\$/kWh)
1	1.2	139	\$0	\$30	\$30	\$0.22
2	1.4	152	\$0	\$33	\$33	\$0.22
3	1.4	234	\$0	\$51	\$51	\$0.22
4	1.4	260	\$0	\$57	\$57	\$0.22
5	1.4	277	\$0	\$61	\$61	\$0.22
6	1.4	289	\$0	\$71	\$71	\$0.25
7	1.4	289	\$0	\$72	\$72	\$0.25
8	1.3	273	\$0	\$67	\$67	\$0.25
9	1.4	242	\$0	\$59	\$59	\$0.24
10	1.3	213	\$0	\$46	\$46	\$0.22
11	1.2	166	\$0	\$36	\$36	\$0.22
12	1.1	139	\$0	\$30	\$30	\$0.22
Total		2,675			\$614	\$0.23

Value of Solar PV to Building on B-6-Brilliant 100 Rate – South Berkeley Senior Center

Month	Peak Solar PV Power Generated (kW)	Total Solar PV Generation (kWh)	Demand Costs Avoided (\$)	Energy Costs Avoided (\$)	Total Costs Avoided (\$)	Average Value of Solar PV Energy (\$/kWh)
1	4.2	500	\$0	\$108	\$108	\$0.22
2	4.8	545	\$0	\$118	\$118	\$0.22
3	4.9	839	\$0	\$183	\$183	\$0.22
4	5.1	934	\$0	\$204	\$204	\$0.22
5	5.0	993	\$0	\$218	\$218	\$0.22
6	5.0	1,036	\$0	\$256	\$256	\$0.25
7	4.9	1,037	\$0	\$257	\$257	\$0.25
8	4.8	979	\$0	\$241	\$241	\$0.25
9	4.9	869	\$0	\$211	\$211	\$0.24
10	4.7	764	\$0	\$166	\$166	\$0.22
11	4.2	594	\$0	\$128	\$128	\$0.22
12	4.1	500	\$0	\$108	\$108	\$0.22
Total		9,590			\$2,201	\$0.23

Cost of EV Charging on B-6-Brilliant 100 Rate – South Berkeley Senior Center

Month	EV Charging Demand Impact (kW)	EV Charging Load (kWh)	EV Charging Demand Costs (\$)	EV Charging Energy Costs (\$)	Total EV Charging Costs (\$)	Average Cost of EV Energy (\$/kWh)
1	1.4	227	\$0	\$52	\$52	\$0.23
2	1.4	205	\$0	\$47	\$47	\$0.23
3	1.4	227	\$0	\$52	\$52	\$0.23
4	1.4	220	\$0	\$50	\$50	\$0.23
5	1.4	227	\$0	\$52	\$52	\$0.23
6	1.4	220	\$0	\$54	\$54	\$0.25
7	1.4	227	\$0	\$56	\$56	\$0.25

East Bay Community Energy Fleet Electrification

Month	EV Charging Demand Impact (kW)	EV Charging Load (kWh)	EV Charging Demand Costs (\$)	EV Charging Energy Costs (\$)	Total EV Charging Costs (\$)	Average Cost of EV Energy (\$/kWh)
8	1.4	227	\$0	\$56	\$56	\$0.25
9	1.4	220	\$0	\$54	\$54	\$0.25
10	1.4	227	\$0	\$52	\$52	\$0.23
11	1.4	220	\$0	\$50	\$50	\$0.23
12	1.4	227	\$0	\$52	\$52	\$0.23
Total		2,675			\$627	\$0.23

Site #12 North Berkeley Senior Center

Recommended: Charging, solar PV

Additional: Both are already under construction as part of a building remodel.

Site Description

The North Berkeley Senior Center is located at 1901 Hearst Ave., as shown in Figure 21. This site was under construction at the time of the site visits. City staff stated that a new load distribution panel, spare breakers, and conduits stubbed-up will be installed as part of the ongoing construction at this facility. Drawings received from the City show a dual-head Level 2 charger to be installed and a solar PV array will be added to the area shown in the figure.

Figure 28 North Berkeley Senior Center aerial view



Recommendations

The planned (or under construction) Level 2 charger and solar PV array will accommodate the charging needs of the two light-duty vehicles domiciled at this location.

Solar PV Siting and Generation Potential – North Berkeley Senior Center

Solar PV Array Location	Gross Area Identified (SF)	Solar PV Array Area (SF)	Number of Solar PV Modules (-)	DC Power (kW)	Peak AC Output (kW)	Total Generation (kWh)
Proposed				29.6	23.7	46,665
Total				29.6	23.7	46,665

East Bay Community Energy Fleet Electrification

Value of Solar PV to Battery Electric Storage for EV Charging on B-10SX-Brilliant 100 Rate – North Berkeley Senior Center

Month	Peak Solar PV Power Generated (kW)	Total Solar PV Generation (kWh)	Value of Demand (\$)	Value of Energy (\$)	Total Value (\$)	Average Value of Solar PV Energy (\$/kWh)
1	1.8	217	\$25	\$33	\$58	\$0.27
2	2.2	240	\$29	\$36	\$65	\$0.27
3	2.2	376	\$29	\$47	\$76	\$0.20
4	2.3	432	\$30	\$53	\$84	\$0.19
5	2.3	477	\$31	\$59	\$89	\$0.19
6	2.3	481	\$31	\$90	\$121	\$0.25
7	2.2	474	\$29	\$89	\$119	\$0.25
8	2.2	445	\$30	\$84	\$113	\$0.25
9	2.2	393	\$30	\$72	\$102	\$0.26
10	2.0	329	\$27	\$50	\$77	\$0.23
11	1.8	257	\$25	\$40	\$64	\$0.25
12	1.7	199	\$23	\$31	\$54	\$0.27
Total		4,319			\$1,022	\$0.24

Value of Solar PV to Building: B-10SX-Brilliant 100 Rate – North Berkeley Senior Center

Month	Peak Solar PV Power Generated (kW)	Total Solar PV Generation (kWh)	Demand Costs Avoided (\$)	Energy Costs Avoided (\$)	Total Costs Avoided (\$)	Average Value of Solar PV Energy (\$/kWh)
1	18.0	2,125	\$242	\$323	\$565	\$0.27
2	21.1	2,352	\$283	\$354	\$637	\$0.27
3	21.5	3,687	\$289	\$457	\$746	\$0.20
4	22.3	4,230	\$299	\$524	\$823	\$0.19
5	22.4	4,673	\$300	\$575	\$876	\$0.19
6	22.4	4,712	\$300	\$886	\$1,187	\$0.25
7	21.4	4,648	\$287	\$875	\$1,162	\$0.25
8	21.6	4,358	\$290	\$819	\$1,108	\$0.25
9	21.7	3,851	\$291	\$711	\$1,002	\$0.26
10	19.5	3,226	\$261	\$491	\$752	\$0.23
11	18.1	2,522	\$243	\$389	\$632	\$0.25
12	17.1	1,952	\$229	\$302	\$531	\$0.27
Total		42,336			\$10,021	\$0.24

Cost of EV Charging: A-10SX-Brilliant 100 Rate – North Berkeley Senior Center

Month	EV Charging Demand Impact (kW)	EV Charging Load (kWh)	EV Charging Demand Costs (\$)	EV Charging Energy Costs (\$)	Total EV Charging Costs (\$)	Average Cost of EV Energy (\$/kWh)
1	1.7	367	\$0	\$48	\$48	\$0.13
2	1.7	331	\$0	\$43	\$43	\$0.13
3	1.7	367	\$0	\$48	\$48	\$0.13
4	1.7	355	\$0	\$46	\$46	\$0.13
5	1.7	367	\$0	\$48	\$48	\$0.13
6	1.7	355	\$0	\$69	\$69	\$0.19
7	1.7	367	\$0	\$71	\$71	\$0.19

East Bay Community Energy Fleet Electrification

Month	EV Charging Demand Impact (kW)	EV Charging Load (kWh)	EV Charging Demand Costs (\$)	EV Charging Energy Costs (\$)	Total EV Charging Costs (\$)	Average Cost of EV Energy (\$/kWh)
8	1.7	367	\$0	\$71	\$71	\$0.19
9	1.7	355	\$0	\$69	\$69	\$0.19
10	1.7	367	\$0	\$48	\$48	\$0.13
11	1.7	355	\$0	\$46	\$46	\$0.13
12	1.7	367	\$0	\$48	\$48	\$0.13
Total		4,320			\$655	\$0.15



Kate Harrison
Councilmember District 4
Susan Wengraf
Councilmember District 6

CONSENT CALENDAR
June 25, 2019

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison, Vice Mayor Wengraf, Councilmember Robinson and Mayor Arreguin

Subject: An Action Plan for Greening the City of Berkeley Fleet of Vehicles

RECOMMENDATION

Request the City Manager and Department of Public Works collaborate to create an Action Plan ("plan"), by June 2020, to aggressively accelerate the implementation of the electrification of the City's municipal fleet and phase out fossil fuel use in municipal vehicles by 2030 with consideration of an earlier transition for light-duty passenger vehicles. The Plan should include an evaluation of the City's current fleet and an analysis of opportunities for transitioning to a fleet of fossil fuel free vehicles, as soon as the technology can safely meet operational needs. An update on our progress should be reported to City Council as an information item every six months.

In the interim, the City Manager is asked to explain criteria used to purchase fossil fuel vehicles in all future staff items related to vehicle purchases with Council.

FINANCIAL IMPLICATIONS

Consultant fees, if deemed desirable by the City Manager, and staff time.

BACKGROUND

The City Council declared a climate emergency on June 12, 2018. In light of this emergency and the City of Berkeley's ongoing commitment to and investment in electric charging technology and facilities, we request that the City develop an action plan to significantly reduce the city's contribution to carbon pollution and to evaluate when electric vehicles can safely and operationally replace the vehicles in the current municipal fleet.¹

Berkeley has demonstrated its commitment to reducing its vehicle emissions; The Energy Commission's Recommendations for a Fossil Free Berkeley were articulated in the Fossil Free Berkeley Report (1/23/2019):

¹ In 2017, San Francisco passed an ordinance mandating that all new light-duty additions to the passenger vehicle fleet, subject to certain exemptions and waivers, be zero-emission. In addition, the ordinance specifies December 31, 2022 as a deadline for transitioning San Francisco's entire light-duty fleet.

- *Requiring all future city government procurements of vehicles to minimize emissions, and establishing a goal and plan for transitioning the city's vehicle fleet to all electric vehicles.*
- *Establishing a goal and plan for transitioning to 100% renewable energy for municipal operations and a community wide goal of 100% reductions by 2030.*
- *Assessing the city's transportation vehicle needs and develop an aggressive timeline for transitioning to all electric. This assessment would include consideration of 1) Switching to lower carbon transport options such as electric cars or bicycles where possible and 2) the timing of technology development and commercialization for car batteries*

Additionally, on September 25, 2018, the City Council approved a contract with Cadmus Group LLC to develop a Berkeley Electric Vehicle Roadmap, a comprehensive action-based EV roadmap to speed the transition from fossil fuels to EV's in the community. The recommendation we are proposing here would focus specifically on the COB fleet of vehicles, complementing the work of Cadmus.

The City is investing in charging stations across Berkeley such as the Center Street Garage and the North Berkeley Senior Center. At the May 14, 2019 City Council meeting, the Director of Public Works confirmed that the City has set aside \$600,000 for new electric vehicle charging stations. In addition, East Bay Community Energy is working with City staff to expand charging infrastructure. Thus, we are poised to significantly expand our electric fleet.

The transportation sector accounts for over 60 percent² of Berkeley's core greenhouse gas emissions, which are the main driver of climate change. Transitioning our city fleet of vehicles from fossil fuels to clean electricity is an important and vital component of achieving our climate goals that will significantly reduce greenhouse gas emissions and improve air quality, and represent further commitment to the City's decarbonization obligations. A zero emissions municipal fleet will also help to inspire residents and businesses to transition to zero emissions vehicles.

The following actions are proposed to accelerate Berkeley's transition to a clean and green municipal fleet:

The City Manager in collaboration with the Department of Public Works shall create an Action Plan ("plan") to aggressively accelerate the electrification of the City's municipal fleet and phase out fossil fuel use in municipal vehicles by 2030.

The plan should consider:

- Criteria, safety and operational needs.
- Current available technologies.

² Office of Energy & Sustainable Development (OESD) 2016 Community Inventory. Dec 6, 2018 Climate Action Plan Update

- Current fleet right sizing/retirement opportunities.
- A strategy for infrastructure deployment to support the electrification of the municipal fleet. This strategy should take into consideration a long-term funding approach for EV charging infrastructure, including potential partnerships with publicly accessible charging networks and state and regional funding sources.
- Consideration of the possibilities of leasing gas-powered when electric vehicles are not feasible in order to avoid obsolescence.
- A strategy to rapidly electrify the city’s fleet and to provide for the use of fossil fuel-free liquid fuels when electric vehicles are not a viable option.
- Plug-in vehicles should be purchased for the municipal fleet when a cost effective, market-ready vehicle is available which matches the planned operations for that vehicle.
- Recognizing the unique needs of emergency management and first response vehicles, the plan should include a strategy to provide emergency management services with electric and fossil fuel-free vehicles wherever possible.
- An assessment of the challenges or opportunities presented by different vehicle fuel types on emergency management and response and allow for exemptions where alternative vehicles are not readily available.

The Action Plan should be completed no later than June, 2020 and presented to City Council in time for the FY 2021 budget process.

ENVIRONMENTAL SUSTAINABILITY

Supports the goals of the COB Climate Action Plan, and Fossil Free Berkeley Report

“Driving an electric car in the Bay Area reduces about 70% of the greenhouse gases produced by a conventional car.” *Berkeley Office of Energy & Sustainable Development (OESD)*

CONTACT PERSON

Councilmember Harrison	Council District 4	510-981-7140
Councilmember Wengraf	Council District 6	510-981-7160

CONSENT CALENDAR

April 12, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral: West Berkeley Park Ambassadors

RECOMMENDATION

That the City Council refer to the FY2023-24 budget process the funding for Park Ambassadors at San Pablo Park, Strawberry Creek Park, and Aquatic Park.

FISCAL IMPACTS

An estimated \$300,000 for 2-3 part time positions for one year at each park, seven days a week, 12 hours a day, with pricing for park ambassadors estimated at \$22/hour.

RATIONALE FOR RECOMMENDATION

West Berkeley is home to some of the finest public parks in Berkeley and all of the East Bay. San Pablo Park, Strawberry Creek Park, and Aquatic Park attract a wide array of local residents as well as residents of nearby cities coming to Berkeley to enjoy the wonderful facilities and atmospheres that each of these parks have to offer.

Unfortunately, recent years have brought an increase in shootings, vehicle break-ins, the harassment of park visitors, and the release of uncontrolled, sometimes violent dogs in on-leash park areas. The funding of Park Ambassadors at each of these parks will support the enforcement of park rules and enhance the safety of all visitors.

CONTACT

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



CONSENT CALENDAR
April 12, 2022

To: Honorable Mayor and Members of the City Council
From: Councilmember Taplin
Subject: Support for AB-1608 (Angelo Quinto Act of 2022)

RECOMMENDATION

Send a letter to the state legislature in Support of Assembly Bill 1608: Independent Coroner's Offices (Gipson).

BACKGROUND

California law currently does not require a sheriff to have any medical background or certification to assume the duties of a coroner, in contrast to independent medical examiners, who are required to be a licensed physician and surgeon duly qualified as a specialist in pathology. California is also currently one of only three states that actually allows counties to combine the offices of coroner and sheriff. All 58 counties in California have a sheriff's department but not all have a separate coroner or medical examiner's office. The duties of the coroner are currently combined with the sheriff's department in 48 counties.

When the Contra Costa County Coroner's Office ruled that the death of Angelo in December 2020 was the result of "excited delirium" – a controversial explanation typically applied when people die in police custody – it sparked a renewed debate over the validity of a medical diagnosis that is increasingly being rejected by the medical profession.

In July of 2021, the American Medical Association adopted a new policy opposing the "excited delirium" diagnosis.¹ The AMA's stated position is that the "current evidence does not support 'excited delirium' as an official diagnosis." Additionally, neither the World Health Organization, nor the American Psychiatric Association, recognize this term.

AB 1608 stems from two bills, AB 1196 (Gipson) and AB 490 (Gipson), which Governor Newsom signed in light of the tragic deaths of George Floyd and Angelo Quinto. Specifically, this bill would separate the duties of the coroner from the duties of the sheriff.

¹ Cristina Mutchler, *New AMA policy opposes "excited delirium" diagnosis*, American Medical Association (Jun. 14, 2021), <https://www.ama-assn.org/press-center/press-releases/new-ama-policy-opposes-excited-delirium-diagnosis>.

AB-1608

CONSENT CALENDAR
April 12, 2022

The Berkeley City Council voted to submit a letter in support of AB 490 in 2021, prior to its passage.

AB-1608 is co-sponsored by ACLU California Action, California Faculty Association, California Families United For Justice, Justice for Angelo Quinto, The Miles Hall Foundation, Secure Justice, and the Union of American Physicians and Dentists AFSCME Local 206.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Taplin Council District 2 510-981-7120

Attachments:

1: Letter

The Honorable Mike Gipson
California State Capitol
P.O. Box 942849
Sacramento, CA 94249-0064

**RE: AB 1608 (Gipson) The Angelo Quinto Act of 2022: Independent Coroner's Offices –
SUPPORT**

Dear Assemblymember Gipson,

The City Council of the City of Berkeley is proud to write in support of AB 1608, The Angelo Quinto Act of 2022: Independent Coroner's Offices, which will separate the duties of the Coroner's Office from the duties of the Sheriff's Office across all counties in California. This division will strengthen the medical examination process, thereby increasing accountability and transparency by providing independent, quality, cause of death investigations.

We were also proud to support your previous bill, AB-490 (2021), to prohibit law enforcement use of restraint techniques that cause positional asphyxia, which led to the tragic killing of Antioch resident Angelo Quinto in December 2020. Quinto's death has also led to increased scrutiny on diagnoses such as "excited delirium" that hinder accountability for law enforcement officers. Medical professionals and groups such as the American Medical Association have consistently rejected the validity of this vague diagnosis.

However, state law currently does not require a sheriff to have any medical background or certification to assume the duties of a coroner. California is also only one of three states that allow the combination of the offices of the coroner and sheriff, which perpetuates the potential for conflicts of interest in law enforcement handling the duties of the coroner. Counties like Los Angeles, San Diego, and San Francisco have already separated the duties of the coroner from the sheriff, and they are required to be licensed physicians and surgeons duly qualified as a specialist in pathology.

This bill would help ensure that all local death investigations are conducted independently and objectively by an independent Medical Examiner's Office that is separate from the Sheriff's Office. We are proud to support this bill and grateful for your efforts.

Sincerely,

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



CONSENT CALENDAR

April 12, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Native and Drought Resistant Plants and Landscaping Policy Update

RECOMMENDATION

Adopt a Resolution amending the Native Species/Bay-Friendly Landscaping Policy to require, when appropriate, the prioritization of native, non-invasive, and pollinator friendly plantings on City property.

POLICY COMMITTEE RECOMMENDATION

On March 9, 2022, the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee adopted the following action: M/S/C (Robinson/Taplin) to forward the item to Council with a positive recommendation. Vote: Ayes – Taplin, Robinson; Noes – None; Abstain – None; Absent – Harrison.

BACKGROUND

As of the summer of 2021, the City of Berkeley and most of California are facing exceptional drought conditions.¹ The region's drought conditions have varied annually in the past decade, but the projects for our future under climate change are clear: California's drought will as much as triple in severity by 2050.² Drought conditions have escalated so radically that the East Bay Municipal Utility District asked residents to cut back on their water consumption.³ The City must plan for a future in which it operates successfully with significantly reduced water use and should begin using water more efficiently as soon as possible.

To plan for a long-term urban infrastructure that consumes water in a manner that reflects the drought conditions that we are certain to face in the next century, Berkeley can pursue a policy of only using native and drought-resistant plant materials in all City landscaping and public areas. While a relatively less significant consumer of water than residential and commercial buildings, the opportunity to save water by switching all City

¹ <https://www.drought.gov/states/california/county/Alameda>

² <https://statesatrisk.org/california/all>

³ <https://www.berkeleyside.org/2021/04/27/east-bay-area-water-officials-declare-drought-ask-residents-to-conserve-water>

landscaping to native and drought resistant plants is immense. In addition to requiring less watering, native plant landscaping has been shown to have higher infiltration rates of water runoff, taking in water that would otherwise be discharged into sewers and filtering toxic materials before they reach the waterfront. Native plants also provide critical food and habitat for local birds and pollinators.⁴ While the use of native plants would already be helpful for supporting pollinators, special consideration should also be given to the most pollinator-friendly plants. Supporting pollinators has shown to result in stronger local biodiversity.⁵ Furthermore, native plants that are already adapted to our local environment are more resistant to extreme weather and often do not require pesticide and fertilizer use.⁶

In 2008 and 2009, the City Council partnered with the Parks and Recreation Commission to develop the “Bee Habitats and Pollinator-Friendly Vegetation Policy” by way of Resolution No. 64,376-N.S. as well as the “Bay-Friendly Landscaping Policy for City Projects” policy in Resolution No. 64,507-N.S. These policies encouraged the use of native, pollinator-friendly vegetation in city projects and plantings that reduce waste and maintenance costs, respectively. While these policies have been useful in the decade-plus that they’ve been in effect, it is time for Berkeley to update its planting policies to renew our commitment to creating a drought-resistant and pollinator-friendly urban ecology that uses native plants as much as reasonably possible.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Increased use of native, drought resistant, and pollinator-friendly plants on City property will make major strides towards increased urban biodiversity, reduced water usage in the maintenance of public lands, and increased resiliency of plantings on City property to extreme weather conditions.⁷

FINANCIAL IMPLICATIONS

Staff time and cost differences related to the exclusive use of native and drought-resistant plantings in City landscaping work. Increased use of native and drought resistant plants may lead to reduced landscaping maintenance work related to a reduced need for pesticides, fertilizers, and extra watering that non-native plants often require.⁸ Furthermore, the overall reduced maintenance requirements of native plantings will save the City on landscaping labor costs.

CONTACT

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

ATTACHMENTS

1. Resolution
2. Resolution No. 64,376-N.S.

⁴ <https://law.pace.edu/sites/default/files/Team%20%233%20Brief.pdf>

⁵ https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/plantsanimals/pollinate/?cid=NRCS143_022326

⁶ <https://perma.cc/FK54-B7L7>

⁷ <https://sustainablecitycode.org/brief/require-use-of-native-plants/>

⁸ <https://sustainablecitycode.org/brief/require-use-of-native-plants/>

3. Resolution No. 64,507-N.S
4. Easy to Grow East Bay Native Plant List
5. California Pollinator Plants

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

REQUIRING NATIVE & DROUGHT RESISTANT PLANTS IN ALL CITY
LANDSCAPING

WHEREAS, the City of Berkeley and the State of California are facing historic drought conditions that are projected to worsen over the course of the next half century or more, and

WHEREAS, the City of Berkeley must adapt its operations to future climate conditions characterized by excessive dryness, extreme weather, and declining populations of pollinators and other local wildlife, and

WHEREAS, the use of native plants in City landscaping offers an opportunity for less water-intensive landscaping throughout Berkeley, and

WHEREAS, native plants intake and filter toxic water runoff more easily than non-native landscaping, and

WHEREAS, native plants provide critical food and habitat for native animals and pollinators that are at risk under future climate conditions, and

WHEREAS, pollinator-friendly plants provide a natural boost to local biodiversity, and

WHEREAS, the costs of native plant landscaping may reduce overall landscaping costs due to a decreased need for pesticides and fertilizers, and

WHEREAS, Resolution No. 64,376-N.S. can be updated with biodiversity goals.

NOW THEREFORE, BE IT RESOLVED that the guidelines for Native Species/Bay-Friendly Landscaping Policy For Enhanced Biodiversity on City Property described in Exhibit A are hereby be adopted, and Resolution No. 64,376-N.S. is rescinded.

EXHIBIT A

GUIDELINES FOR NATIVE SPECIES/BAY-FRIENDLY LANDSCAPING POLICY FOR ENHANCED BIODIVERSITY ON CITY PROPERTY

Policy Statement: To combat the critical loss of biodiversity in Berkeley and globally due to modern development and climate change, the City shall use the following guidelines for planning and implementing native plant and Bay-Friendly landscape maintenance and vegetation planting improvements on City property (City parks, open spaces, and Right-of-Way planting strips) in order to enhance biodiversity.

1. Use of native plant species that support bees and other lifeforms and are appropriate to our environment when possible; use a diversity of the flowering shrubs, perennials, herbs, grasses, and small trees that bloom successively to produce the leaves, pollens and nectars that attract bees, other pollinators, insects, birds, and leaf-chewing creatures with an emphasis on those that support local species and ecosystem; and to the greatest extent possible, use plants and trees that are low to moderate in their allergenic properties, low water use and drought-tolerant, and higher in insect and bird habitat potential. No species that are invasive in the Berkeley climate shall be used.
1. Control non-native plants and weeds that crowd out native plants that provide higher habitat value for biodiversity.
2. Strive to plant pollinator-friendly vegetation in areas of lower user density away from children's play area, restrooms, picnic tables, barbeques, refuse containers, and other park facilities where bee sting risk is greater due to normal visitor use patterns.
3. For street trees, the City seeks to plant Bay Area and California native tree species that support other life forms where available growing space and/or native conditions exist, including streets, open space, parks, and Right-of-Way planting areas. In both dense urban areas and park spaces with irrigated turf, where very little native soil and water conditions remain, a diverse range of appropriate tree species shall be used that meet the following requirements: that perform successfully in small planting sites with poor soils and above and below ground constraints; that attain appropriate sizes at maturity; that exhibit safe and manageable growth patterns; that enhance biodiversity; that are drought tolerant; that build climate resilience into the urban forest; and that contribute to the City's Climate Action Goals.

RESOLUTION NO. 64,376-N.S.

POLICY: BEE HABITATS AND POLLINATOR-FRIENDLY VEGETATION

WHEREAS, on July 22, 2008, the Berkeley City Council referred to the Parks and Recreation Commission the research and development of policies and practices that promote bee habitats and pollinator-friendly vegetation in appropriate parks and open spaces and requested that they return with specific recommendations; and

WHEREAS, on February 23, 2009 at the Parks and Recreation Commission meeting, it was motioned, seconded, and carried (Huang/Chavez/unanimous) to recommend that Berkeley City Council adopt the attached Bee Habitats and Pollinator-friendly Vegetation Policy for use in planning and implementing landscape improvements in City parks and open spaces. Ayes: Becker, Gross, Gray, Huang, Chavez, Collier; Abstain: 0; Absent: Stephens; and

WHEREAS, planning and implementing landscape improvements in City parks and open spaces should also include parks that do not include Bee Habitats; and

WHEREAS, there are no fiscal impacts related to the proposed policy.

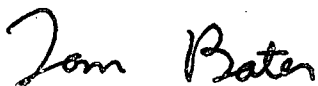
NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley adopts the attached Bee Habitats and Pollinator-friendly Vegetation Policy for use in planning and implementing landscape improvements in City parks and open spaces.

The foregoing Resolution was adopted by the Berkeley City Council on March 24, 2009 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Bates.

Noes: None.

Absent: None.



Tom Bates, Mayor

Attest: 

Deanna Despain, Acting City Clerk

BEE HABITATS AND POLLINATOR-FRIENDLY VEGETATION POLICY

Policy Statement: for Use In Planning and Implementing Landscape Improvements at City Parks and Open Spaces

To support habitat preservation and development for bees and other pollinators, the Parks & Recreation Commission recommends the following guidelines in planning and implementing landscape maintenance and vegetation planting improvements in City parks and open spaces.

1. Use native plants where appropriate; use a diversity of the flowering shrubs, herbs, grasses, and small trees that bloom successively to produce the pollens and nectars that attract bees and other pollinators; and to the greatest extent possible, use plants and trees that are low to moderate in their allergenic properties.
2. Control the non-native plants and weeds that crowd out the native plants that provide habitat for bees and other pollinators.
3. Focus the planting of pollinator-friendly vegetation in lower density usage areas at least 30' away from children's play areas, restrooms, picnic tables, barbeques, refuse containers, and other park facilities where bee sting risk is greater due to normal visitor use patterns.
4. Use the Parks, Recreation & Waterfront webpage on the City of Berkeley website and temporary signage in parks to explain to the public how landscape maintenance and vegetation improvements in City parks and open spaces are planned to support habitat preservation and development for bees and other pollinators.
5. Consider the following park and open space sites for pollinator-friendly vegetation improvements due to existing native plantings and larger areas available for new plantings of flowering native plants. This is a suggested list only.

Cesar Chavez Park
 Live Oak Park
 Codornices Park/Rose Garden
 Ohlone Park

Aquatic Park
 Indian Rock Park
 John Hinkel Park
 Grotto Rock Park

RESOLUTION NO. 64,507-N.S.

BAY-FRIENDLY LANDSCAPING POLICY FOR CITY PROJECTS

WHEREAS, the City finds that conventional landscaping within the City can contribute to environmental degradation, excessive consumption of fossil fuels, landfill waste and pollution; and

WHEREAS, the City finds that green landscaping is a whole-systems approach that seeks to conserve natural resources, reduce waste, minimize water and pesticide use, storm water runoff and watershed pollution; and

WHEREAS, the City finds that the benefit of green landscaping include minimized maintenance, the creation of wildlife habitat, protection of local ecosystems though the use of native plant species, and the protection of the San Francisco Bay watershed; and

WHEREAS, in Alameda County, the organization StopWaste.Org has taken the lead in defining and promoting environmentally friendly landscaping for the commercial, institutional and residential sectors and has developed Bay-Friendly Landscape Guidelines for professional landscapers and the Bay-Friendly Gardening Guide for residents that promotes green landscaping; and

WHEREAS, the City finds that requiring new City landscapes and City projects to incorporate Bay-Friendly Landscape Guidelines is necessary and appropriate to achieving the benefits of green landscaping in the City; and

WHEREAS, the Alameda County Waste Management Authority requires cities to adopt a Bay-Friendly Landscape Policy for new municipal landscape and major landscape renovations as a condition of receiving grants and services valuable to the City.

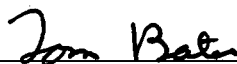
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to implement a Bay-Friendly Landscaping (BFL) Policy (Exhibit A) for City Projects, and for the Director of Public Works to designate a BFL Compliance Official.

The foregoing Resolution was adopted by the Berkeley City Council on June 23, 2009 by the following vote:


Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Bates.

Noes: None.

Absent: None.



Tom Bates, Mayor

Attest: 

Deanna Despain, CMC, City Clerk

EXHIBIT A
BAY-FRIENDLY LANDSCAPING POLICY

PURPOSE AND INTENT

To promote economic and environmental health in the City, it is essential that the City itself, through the design, construction, and maintenance of its own projects, provide leadership to both the private and public sectors by incorporating Bay-Friendly landscaping practices. One immediate and meaningful way to do this is to require the integration of Bay-Friendly landscaping strategies in City projects.

DEFINITIONS

"Bay-Friendly Landscape Guidelines" means the most recent version of guidelines developed by StopWaste.Org for use in the professional design, construction and maintenance of Landscapes. City staff shall maintain the most recent version of the Bay-Friendly Guidelines at all times.

"Bay-Friendly Landscaping Scorecard" means the most recent version of the Bay-Friendly Landscaping points system developed by StopWaste.Org. City staff shall maintain the most recent version of the Bay-Friendly Landscaping Scorecard at all times.

"City Landscape Project" means any new construction or renovation of a Landscape owned or maintained by a City Department or Agency.

"Covered Project" means all new or redevelopment or Renovation projects that include Landscapes that equal or exceed 10,000 square feet, and are owned or maintained by a City Department or Agency

"Bay-Friendly Landscaping Compliance Official" means the designated staff person(s) authorized and responsible for implementing this Policy.

"Initiated" means officially identified and substantially funded to offset the costs associated with the project.

"Landscape" means the parcel area less the building pad and includes all planted areas and hardscapes (i.e. driveway, parking, paths and other paved areas).

"Renovation" means any change, addition, or modification to an existing Landscape.

"Traditional Public Works Projects" means heavy construction projects such as pump stations, flood control improvements, roads, and bridges, as well as traffic lights, sidewalks, bike paths, bus stops, and associated infrastructure on City owned and maintained property.

STANDARD FOR COMPLIANCE

1. All Covered Projects with landscapes initiated on or after August 1, 2009 shall meet the most recent minimum Bay Friendly Landscape Scorecard points as recommended and verified by StopWaste.Org or its designee.

2. For the purposes of reducing operation and maintenance costs in all City facilities, Covered Projects that do not meet the threshold that triggers compliance with the requirements of this Policy are required to meet as many Bay-Friendly Landscaping Scorecard points as practicable and are required to complete and submit the Bay-Friendly Landscaping Scorecard to StopWaste.Org as a way of documenting the green building practices that have been incorporated into the project.
3. The Public Works Department shall regularly review the project specifications used in bidding Traditional Public Works Projects and building or facilities projects to include environmentally friendly practices and Bay-Friendly landscape practices applicable.
4. Bay-Friendly landscaping requirements will be incorporated into the appropriate design, construction, maintenance and development agreement documents prepared for the applicable Covered Projects
5. The Director of Public Works shall designate an appropriate Bay-Friendly Landscaping Compliance Official(s) who shall have the responsibility to administer and monitor compliance with the Bay-Friendly landscaping requirements set forth in this Policy, and to grant waivers or exemptions from the requirements.
6. The Bay-Friendly Landscaping Compliance Official will coordinate activities with the person(s) responsible for implementation of the City's Environmental Purchasing Policy

UNUSUAL CIRCUMSTANCES

Compliance with the provisions of this Policy may be waived in unusual circumstances where the City Council has, by resolution, found and determined that the public interest would not be served by complying with such provisions.

Easy to Grow East Bay Native Plant List (by Habitat)

Developed by Glen Schneider and Lyn Talkovsky

Permission to use provided by The Watershed Project

Grassland Plants (plants for sunny sites with clay or silty soils)

Trees and Shrubs

Baccharis pilularis

Quercus agrifolia

Coyote Bush

Coast Live Oak

Perennials, Bulbs and Grasses

Achillea millefolium

Artemisia douglasiana

Aster sp.

Astragalus sp.

Bromus carinatus

Camissonia ovata

Chloragalum pomeridianum

Dichelostemma capitatum

Epilobium canum

Festuca idahoensis

Deschampsia caespitosa

Danthonia californica

Elymus glaucus

Grindelia hirsutula

Iris douglasiana

Melica californica

Nassella lepida

Nassella pulchra

Phacelia californica

Perideridia kelloggii

Ranunculus californicus

Sisyrinchium bellum

Triteleia laxa

Wyethia augustifolia

Yarrow

Mugwort

Native Aster

Native Vetch(es)

California Brome

Sun Cups

Soap Lily

Blue Dicks

California Fuschia

Idaho Fescue

Coastal Hair Grass

Wild Oat Grass

Blue Wild Rye

Gum Plant

Douglas Iris

Melic Grass

Foothill Needlegrass

Purple Needlegrass

California Coast Phacelia

Kellogg's Yampah

Buttercup

Blue-eyed Grass

Ithuriel's Spear

Mule's Ears

Annuals

Clarkia amoena

Eschscholzia californica

Hemizonia sp.

Farewell to Spring

California Poppy

Tarweed(s)

Scrubland Plants (plants for sites with hot sun and well-drained soils)

Trees and Shrubs

<i>Adenostema fascicularis</i>	Greasewood or Chamise
<i>Arctostaphylos glandulosa</i> ssp. <i>glandulosa</i>	Eastwood Manzanita
<i>Arctostaphylos manzanita</i> ssp. <i>manzanita</i>	Manzanita
<i>Arctostaphylos tomentosa</i> ssp. <i>crustacea</i>	Manzanita
<i>Artemisia californica</i>	Coastal Sagebrush
<i>Baccharis pilularis</i>	Coyote Bush
<i>Ceanothus thyrsiflorus</i>	California Lilac/Blue Blossom
<i>Heteromeles arbutifolia</i>	Toyon
<i>Rhamnus californica</i>	Coffeeberry

Perennials and Grasses

<i>Epilobium canum</i>	California Fuchsia
<i>Eriogonum roseum</i>	Rosy Buckwheat
<i>Eriogonum nudum</i>	Buckwheat
<i>Eriophyllum confertiflorum</i>	Golden Yarrow
<i>Festuca idahoensis</i>	Idaho Fescue
<i>Mimulus aurantiacus</i>	Sticky Monkeyflower

Woodland Plants (plants for sites with part sun to full shade)

Trees

<i>Acer macrophyllum</i>	Big Leaf Maple
<i>Aesculus californica</i>	California Buckeye
<i>Quercus kelloggii</i>	Black Oak
<i>Quercus lobata</i>	Valley Oak
<i>Umbellularis californica</i>	California Bay

Shrubs

<i>Corylus cornuta californica</i>	California Hazelnut
<i>Heteromeles arbutifolia</i>	Toyon
<i>Holodiscus discolor</i>	Ocean Spray
<i>Physocarpus capitatus</i>	Ninebark
<i>Ribes sanguineum</i> var. <i>glutinosum</i>	Pink Flowering Currant
<i>Rhamnus californica</i>	Coffeeberry
<i>Rosa gymnocarpa</i>	Wood Rose
<i>Symphoricarpos albus</i>	Snowberry

<i>Symphoricarpos mollis</i>	Creeping Snowberry
<i>Sambucus mexicana</i>	Blue Elderberry
<u>Perennials and Grasses</u>	
<i>Aquilegia formosa</i>	Red Columbine
<i>Aristolochia californica</i>	Dutchman's Pipe
<i>Artemisia douglasiana</i>	Mugwort
Aster sp.	Native Aster
<i>Bromus carinatus</i>	California Brome
<i>Chlorogalum pomeridianum</i>	Soap Lily
<i>Clematis lasiantha</i>	Pipestems
<i>Cynoglossum grande</i>	Hound's Tongue
<i>Dryopteris arguta</i>	Coastal Wood Fern (deep shade)
<i>Iris douglasiana</i>	Douglas Iris
<i>Festuca californica</i>	California Fescue
<i>Fragaria vesca</i>	Woodland Strawberry
<i>Heracleum lanatum</i>	Western Lace Plant
<i>Lonicera hispidula</i>	Honeysuckle
<i>Melica torreyana</i>	Torrey Melic Grass
<i>Polystichum munitum</i>	Western Sword Fern
<i>Polypodium glycyrrhiza</i>	Licorice Fern
<i>Rubus ursinus</i>	Western Blackberry
<i>Sanicula crassicaulis</i>	Pacific Sanicle
<i>Scrophularia californica</i>	Bee Plant
<i>Stachys</i> sp.	Hedge Nettle
<i>Urtica urens</i>	Dwarf Nettle

Riparian Plants (plants for sites with year-round moisture in the soil):

Trees

<i>Acer macrophyllum</i>	Big Leaf Maple
<i>Aesculus californica</i>	California Buckeye
<i>Alnus rhombifolia</i>	White Alder
<i>Platanus racemosa</i>	Western Sycamore
<i>Sequoia sempervirens</i>	Coastal Redwood
<i>Umbellularium californica</i>	California Bay

Shrubs

<i>Cornus stolonifera</i>	Creek Dogwood
<i>Rosa californica</i>	California Rose
<i>Salix lasiolepis</i>	Arroyo Willow
<i>Symphoricarpos albus</i>	Snowberry

Perennials, Rushes, Sedges and Ferns

Aralia californica
Athyrium felix-femina
Carex tumulicola
(Perennials... cont'd)

Elk Clover
Lady Fern
Berkeley Sedge

Equisetum sp.
Helenium puberulum
Juncus effusus
Mimulus guttatus
Rubus parviflorus
Rubus ursinus
Vitis californica
Woodwardia fimbriata

Horsetail
Sneezeweed
Rush
Creek Monkeyflower
Thimble Berry
California Blackberry
California Grape
Giant Chain Fern

POLLINATOR PLANTS

California



Pollinator meadow, common sunflower, and baby blue eyes

California is one of the most floristically diverse regions in the world, with a high number of endemic species and many unique plant communities such as coastal prairie and scrub, valley grasslands, chaparral, oak woodlands, and giant sequoia groves. California's native plants support a corresponding diversity of pollinators, with an estimated 1,200–1,500 native bee species, including the imperiled Franklin's bumble bee (*Bombus franklini*) and the vulnerable western bumble bee (*B. occidentalis*), and over 200 butterfly species, including the iconic monarch butterfly (*Danaus plexippus*). As a group, these and other pollinators maintain healthy, productive plant communities, provide food that sustains wildlife, and play an essential role in crop production.

Providing wildflower-rich habitat is the most significant action you can take to support pollinators. Adult bees, butterflies, and other pollinators require nectar as their primary food source, and female bees collect pollen as food for their offspring. Native plants, which are adapted to local soils and climates, are usually the best sources of nectar and pollen for native pollinators. Incorporating native wildflowers, shrubs, and trees into any landscape promotes local biological diversity and provides shelter and food for a diversity of wildlife. Most natives require minimal irrigation, flourish without fertilizers, and are unlikely to become weedy.

This guide features California natives that are highly attractive to pollinators and are well-suited for small-scale plantings in gardens, urban greenspaces, and farm field

borders, and on business and school campuses. Beyond supporting native bees and honey bees, many of these plants attract nectar-seeking butterflies, moths, and hummingbirds, and some are hosts for butterfly and moth caterpillars. For example, California is an important breeding area for monarch butterflies, and planting milkweeds, their required host plants, will help sustain the declining western monarch population. With few exceptions, the listed species can be purchased as seed or transplants. They will be adaptable to growing conditions across most of the state, but may be less suitable for planting in the High Sierras, Modoc Plateau, and Eastern Interior Desert regions. Please consult Calflora (www.calflora.org), the Biota of North America's North American Plant Atlas (<http://bonap.net/napa>), or the USDA's PLANTS database (<http://plants.usda.gov>) for details on species's distributions in your area.

Our **Bring Back the Pollinators** campaign is based on four principles:

1. **Grow** a variety of pollinator-friendly flowers;
2. **Protect and provide** bee nest sites and caterpillar host plants;
3. **Avoid** using pesticides, especially insecticides; *and*
4. **Spread** the word!

You can participate by taking the **Pollinator Protection Pledge** and registering your habitat on our nationwide map at:

www.bringbackthepollinators.org.





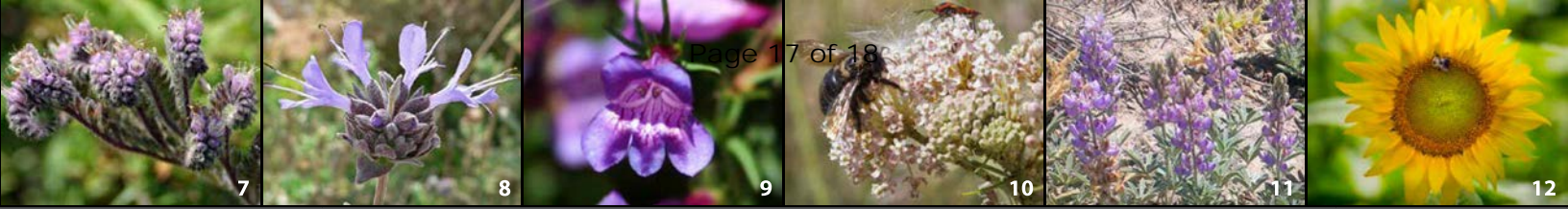
Bloom Period	Common Name	Scientific Name	Life Cycle*	Flower Color	Max. Height†	Water Needs
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		Forbs			(Feet)	L: low; M: medium; H: high	
Early	1	Baby blue eyes	<i>Nemophila menziesii</i>	A	blue	0.25	L
	2	Common tidytips	<i>Layia platyglossa</i>	A	yellow	0.25	L
	3	Lacy phacelia	<i>Phacelia tanacetifolia</i>	A	purple	3	L
Early–Mid	4	California poppy	<i>Eschscholzia californica</i>	A, P	orange	0.5	L
	5	Elegant clarkia	<i>Clarkia unguiculata</i>	A	pink	0.5	L
	6	Globe gilia	<i>Gilia capitata</i>	A, P	blue	1	M
Mid	7	California phacelia	<i>Phacelia californica</i>	P	purple	1	L
	8	Cleveland sage	<i>Salvia clevelandii</i>	P	purple	3	L
	9	Foothill penstemon	<i>Penstemon heterophyllus</i>	P	blue	3	L
	10	Narrowleaf milkweed	<i>Asclepias fascicularis</i>	P	pink/ white	1.5	M
	11	Summer lupine	<i>Lupinus formosus</i>	P	purple	1.5	L
Mid–Late	12	Common sunflower	<i>Helianthus annuus</i>	A	yellow	5	M
	13	Gumplant	<i>Grindelia camporum</i>	P	yellow	4	L
Late	14	California aster	<i>Symphyotrichum chilense</i>	P	purple	5	L
	15	California fuchsia	<i>Epilobium canum</i>	P	orange/ red	3	L
	16	California goldenrod	<i>Solidago velutina</i> ssp. <i>californica</i>	P	yellow	3	M

Shrubs and Trees

Early	21	California lilac	<i>Ceanothus</i> ‘Concha’	P	purple	4	L
	22	McMinn manzanita	<i>Arctostaphylos</i> ‘McMinn’	P	white	5	L
	23	Oregon grape	<i>Berberis aquifolium</i>	P	yellow	5	L
		Redbud	<i>Cercis occidentalis</i>	P	pink/red	15	M
		California buckthorn	<i>Rhamnus californica</i>	P	white	5	L
Early–Mid		California flannelbush	<i>Fremontodendron californicum</i>	P	yellow	15	L
		Silver bush lupine	<i>Lupinus albifrons</i>	P	purple	3	L
Mid	24	California buckwheat	<i>Eriogonum fasciculatum</i>	P	white	2.5	L





Notes

This list of pollinator plants for California was produced by the Xerces® Society. For more information about pollinator conservation, please visit www.xerces.org.



*Life Cycle abbreviations: A: annual; P: perennial; B: biennial. †Max. Height is an average, individual plants may vary.

- Stunning sky blue flowers attract native bees, including mason bees (*Osmia* spp.); tolerates moderate shade and moisture
- Sunny yellow and white flowers are very attractive to butterflies and native bees; tolerates clay soils
- Easy to establish, with prolific, showy blooms; tolerates clay soils
- Easy to establish and long blooming; attracts a diversity of bees, bumble bees in particular
- Strikingly unique flowers attract bees and butterflies; larval host for Clark's sphinx moth
- Globe-shaped, periwinkle-blue flower clusters attract a diversity of bees and butterflies
- Tightly coiled flower heads are very attractive to bumble bees and other native bees; tolerates clay soils
- Showy flowers attract bees, butterflies, and hummingbirds; extremely fragrant foliage; requires good drainage
- Iridescent violet flowers attract bees, butterflies, and hummingbirds; requires good drainage; heat and drought tolerant
- Monarch butterfly host plant; high-quality nectar source for many bees; easier to establish from transplants than from seed
- This and other lupines are highly attractive to bumble bees and visited by many other native bees
- Sunflowers are a favorite of many bee species; easy to establish and tolerant of clay soils
- Long-lasting flowers; attracts small, native bees; tolerates clay soils and wet or dry conditions
- One of the latest fall blooming plants; important for pre-hibernation bumble bee queens; tolerates clay soils
- Abundant scarlet-colored flowers; critical late-season nectar source for hummingbirds and bees
- Important late-season forage for bees, butterflies, beneficial solitary wasps, pollen-eating soldier beetles, and more

- Attracts bees and butterflies with a profusion of bright violet-blue flowers; tolerates clay soils
- Clusters of small, bell-shaped flowers provide early season forage for bumble bees and other spring bees; tolerates clay soils
- Attracts honey bees and native bees, including mason bees (*Osmia* spp.); tolerates shade and wet or dry conditions
- Rose-colored blooms clustered on bare branches; tolerates some shade and moisture; can be pruned to a shrub or small tree
- Attractive, evergreen shrub that attracts small, native bees; its berries are a favorite of birds; tolerates some shade
- Prolific bloomer with large, bell-shaped yellow flowers; does not need summer water
- Showy, deep purple flowers with contrasting silver foliage; attracts numerous bee species; requires good drainage
- Favored nectar source of many blue and hairstreak butterflies, also very attractive to native bees; drought tolerant



Planting for Success

Sun Exposure

Most pollinator-friendly plants prefer sites that receive full sun throughout most of the day and are mostly open, with few large trees. A southern exposure can provide the warmest habitat, but is not required.

Plant Diversity

Choosing a variety of plants with overlapping and sequential bloom periods will provide food for pollinators throughout the seasons.

Habitat Size and Shape

Habitat patches that are bigger and closer to other patches are generally better than those that are smaller and more isolated from one another. However, even a small container garden can attract and support pollinators!

Planting Layout

Flowers clustered into clumps of one species will attract more pollinators than individual plants scattered through a habitat patch. Where space allows, plant clumps of the same species within a few feet of one another.

Seeds or Transplants

It is usually cheaper to establish large habitat areas from seed; however, seeding native wildflowers on a large-scale is an art unto itself. For step-by-step instructions, see *Establishing Pollinator Meadows from Seed* and the Pollinator Habitat Installation Guides listed in the Additional Resources section. For smaller areas like gardens, transplants are usually easier to use and will bloom faster than plants started from seed.

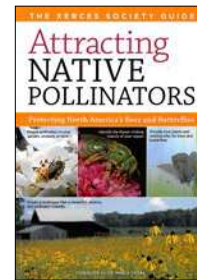
Protect Pollinators from Insecticides

Although dependent on timing, rate, and method of application, all insecticides have the potential to poison or kill pollinators. Systemic insecticides in particular have received significant attention for their potential role in pollinator declines (imidacloprid, dinotefuran, clothianidin, and thiamethoxam are examples of systemic insecticides now found in various farm and garden products). Because plants absorb systemic insecticides as they grow, the chemicals become distributed throughout plant tissues and are sometimes present in pollen and nectar. You can help protect pollinators by avoiding the use of these and other insecticides. Before purchasing plants from nurseries and garden centers, be sure to ask whether they have been treated with insecticides. To read more about threats to pollinators from pesticides, please visit: www.xerces.org/pesticides.

Additional Resources

Attracting Native Pollinators

Our best-selling book highlights the role of native pollinators in natural ecosystems, gardens, and farms. This comprehensive guide includes information about pollinator ecology, detailed profiles of over 30 common bee genera, and habitat designs for multiple landscapes with over 50 pages of fully illustrated regional plant lists. Available in bookstores everywhere, and through www.xerces.org/books.



The Xerces Pollinator Conservation Resource Center

Our Pollinator Conservation Resource Center includes regional information on pollinator plants, habitat conservation guides, nest management instructions, bee identification and monitoring resources, and directories of native pollinator plant nurseries. www.xerces.org/pollinator-resource-center

Lady Bird Johnson Wildflower Center

The Xerces Society has collaborated with the Lady Bird Johnson Wildflower Center to create lists of plants that are attractive to native bees, bumble bees, honey bees, and other beneficial insects, as well as plant lists with value as nesting materials for native bees. These lists can be narrowed down with additional criteria such as state, soil moisture, bloom time, and sunlight requirements. The Center's website also features image galleries, how-to articles on native plant gardening, and more. www.wildflower.org/conservation_pollinators

Establishing Pollinator Meadows from Seed

These guidelines provide step-by-step instructions for establishing pollinator meadows from seed in areas that range in size from a small backyard garden up to an acre. Topics include: site selection, site preparation, plant selection, planting techniques, and ongoing management. www.xerces.org/establishing-pollinator-meadows-from-seed

Pollinator Habitat Installation Guides

These regional guidelines, developed in collaboration with the USDA's Natural Resources Conservation Service, provide in-depth practical guidance on how to install nectar and pollen habitat for bees in the form of wildflower meadow plantings or linear rows of native flowering shrubs. Region-specific seed mixes and plant recommendations are included in the appendices of each guide. www.xerces.org/pollinator-habitat-installation-guides

Acknowledgments

Support, background information, and other contributions to this publication were generously provided by Neal Williams' lab at University of California, Davis; Claire Kremen's lab at University of California, Berkeley; the California Association of Resource Conservation Districts, the USDA-NRCS Lockeford Plant Materials Center, Tom Moore with the NRCS, Hedgerow Farms, The Ceres Foundation, CS Fund, Disney Worldwide Conservation Fund, Gaia Fund, Turner Foundation, Inc., Western Sustainable Agriculture Research and Education, and the USDA's Natural Resources Conservation Service.

Written by Nancy Lee Adamson, Brianna Borders, Jessa Kay Cruz, Sarah Foltz Jordan, Kelly Gill, Jennifer Hopwood, Eric Lee-Mäder, Ashley Minnerath, and Mace Vaughan. Designed by Kaitlyn Rich. Formatted by Sara Morris. **PHOTO CREDITS:** The Xerces Society/Jessa Cruz: Pollinator meadow (cover), 1 (cover), 11; The Xerces Society/Mace Vaughan: 1 (inside), 2, 4; John Anderson, Hedgerow Farms, Inc: 3, 13, 14; John Kehoe (JKEHoe_Photos): 5, 6, 10, 16, 20; David A. Hofmann*: 7, 9, 21, 23; Stan Shebs/Wikimedia Commons: 8, 24; Preston Keres/USDA*: 12 (inside and cover); T.J. Gehling*: 15; Jane Shelby Richardson/Wikimedia Commons: 17; USDA-NRCS Lockeford Plant Materials Center: 18; Tom Brandt*: 19; Don Davis (californianativeplants): 22. Photographs remain under the copyright of the photographer.

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CONSENT CALENDAR
April 12, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: Community Policing: Flex Team for Problem-Oriented Policing Under the Scanning, Analysis, Response, and Assessment (SARA) Model and Other Applicable Community Engagement Models

RECOMMENDATION

Refer to the City Manager the establishment of a Flexible Team for Problem-Oriented Policing in the Berkeley Police Department, following the SARA model and other applicable community engagement models, including Berkeley Ceasefire.

POLICY COMMITTEE RECOMMENDATION

On March 7, 2022, the Public Safety Committee adopted the following action: M/S/C (Wengraf/Kesarwani) to send the item, with a positive recommendation, to council to be considered as part of the reimagining public safety process. Vote: All Ayes

FINANCIAL IMPLICATIONS

Staff time.

CURRENT SITUATION AND ITS EFFECTS

Establishing a Flexible Team for Problem-Oriented Policing is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city.

By November 31, 2021, there were 47 confirmed reports of gunfire in Berkeley, with 19 solved cases. By the same time in 2020, there had been 37 confirmed gunfire reports with 23 solved cases. This represents a 22% Year-To-Date decline in the clearance rate for gun-related criminal investigations, from 62% in 2020 to 40% in 2021.

According to the City's 2020/First Half of 2021 Crime Report, there were:

- 40 confirmed shooting incidents in 2020 versus 28 in 2019.
- 38 confirmed shooting incidents in the first nine months of 2021 versus 26 incidents in the same timeframe in 2020.
- Auto Thefts increased 64% from 492 cases in 2019 to 805 in 2020. Auto Thefts increased 52% from 339 cases in 2020 to 514 during the same timeframe in 2021.
- Aggravated Assaults increased 20% in 2020, with 210 reports, compared to 175 in 2019. Aggravated Assaults decreased 13% in 2021, with 96 reports, compared to 111 in the same timeframe in 2020.

[Flex Team]

CONSENT CALENDAR

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- Burglaries increased by 3% in 2020, with 797 reports as compared to 771 reports in 2019. Residential burglaries increased by 8% while commercial burglaries decreased by 7%.

While Part One Violent Crime decreased by 13% (81 crimes) and Part One Property Crimes decreased by 11% (738 crimes), the aforementioned categories of crimes saw marked increases.¹ Despite these trends, 87% of all reported uses of force in 2021 resulted in neither injury nor complaint of pain. From October 2020 to September 2021, searches conducted by BPD saw a 44.23% yield rate, recovering 135 weapons and 31 firearms.

According to the Berkeley Police Department, Berkeley had 34 accidental deaths in 2020, of which 10 were from fentanyl (29.4%) whereas in Alameda County there were 732 accidental deaths, of which 138 were from fentanyl (18.8%). These deaths do not include poly drug incidents where fentanyl was present with other drugs.

In October 2021, the Berkeley Police Department had 149 officers on the roster, not including officers out due to injury or other types of leave. This is a lower level than in 2017-2018, when the department experienced a “staffing crisis.”² In 2017, the Department was forced to disband its Special Enforcement Unit (known elsewhere as a Crime Suppression Unit) due to insufficient staffing.

In response to an increase in gun violence and certain categories of property crimes, the Berkeley City Council voted unanimously in June 2021 to fund a Bike Patrol for South and West Berkeley in the Fiscal Year 2022 budget. In November 2021, the City Council voted unanimously to fund the establishment of a Berkeley Ceasefire program in the Annual Appropriations Ordinance (AAO #1). The SARA model can be used to supplement bike patrols and a future Ceasefire program with long-term investigations, flexible interventions, and community engagement to solve serious crimes and improve community relations.

BACKGROUND

According to a quasi-experimental study in Boston conducted by Cook et al (2019), the higher clearance rate for gun homicides (43%) relative to nonfatal shootings (19%) was “primarily a result of sustained investigative effort in homicide cases made after the first 2 days.”³ This suggests that long-term investigations can improve the clearance rate for solving violent crimes.

Contemporary proposals for police reform include best practices for law enforcement officers focused on solving crimes. The National Institute for Criminal Justice Reform

¹ https://www.cityofberkeley.info/Clerk/City_Council/2021/10_Oct/Documents/2021-10-19_Item_01_BPD_Annual_Report_pdf.aspx

² Raguso, E. (2021, Oct. 20). Officials vow to increase police staffing, with available officers at historic low. *Berkeleyside*. Retrieved Nov. 1, 2021 from <https://www.berkeleyside.org/2021/10/20/berkeley-police-staffing-increase-city-council-crime-report>.

³ Cook, P. J., Braga, A. A., Turchan, B. S., & Barao, L. M. (2019). Why do gun murders have a higher clearance rate than gunshot assaults?. *Criminology & Public Policy*, 18(3), 525-551.

[Flex Team]

CONSENT CALENDAR
April 12, 2022

(NICJR)'s New and Emerging Models of Community Safety and Policing Report, submitted to the Reimagining Public Safety Task Force,⁴ includes the following description of the SARA model for Problem Oriented Policing (Scanning, Analysis, Response, Assessment):

The Scanning, Analysis, Response, and Assessment (SARA) model was created in Virginia in 1987 to facilitate the problem-oriented policing procedure. The cornerstone of this model is a priority on outcomes; the model outlines four steps that are necessary for a proper police response to problems within their jurisdictions. To ensure proper implementation, a significant facet of this method is that officers must be ready to build trust between the community and the police department through the establishment of interpersonal relationships.

Scanning. This step consists of pinpointing and then triaging repeated issues that necessitate a response from the police department. Frequent problems that occur in the community are given priority. Relevant outcomes of the problem are matched to their corresponding cause. For example, examining which properties in a given area have the highest number of calls for service in a year or given time period is an important initial step in the SARA model.

Analysis. Here, law enforcement officers examine the root causes of the issue, community sentiment regarding the problem, and gather needed contextual data. This step also involves assessing the status quo response to the problem and identifying the shortcomings of that strategy. Ultimately, the cause of the problem and potential solutions are determined during this phase.

Response. Officers utilize collected data to ascertain potential intervention strategies. When determining strategies, a thorough review of implemented interventions in different areas with comparable issues is critical. Once a strategy is selected, clear goals must also be established. Execution of the chosen plan is the last part of this step.

Assess. After a plan is implemented and officers have attempted to address a problem, the police department must analyze the efficacy of their strategy. Continued evaluation of the intervention is necessary to guarantee lasting success. Alternatives or additions to the strategy are considered as well.

Many police departments have incorporated the SARA model into their interventions. In San Diego, the police department reported that a trolley station was the location of gang fights, violent crimes, and narcotic activity. A squad of officers collected information to show the local transit board that the design of the station contributed to crime. Based on the information provided by the officers, the transit board agreed to provide funds to redesign the station.

The Berkeley Police Department has a long history of targeting high-level crimes with a Special Investigations Bureau (SIB) and Special Enforcement Unit (SEU). The Special Investigations Bureau dates back to the early 1960s, when the unit was only staffed with 2 officers. The operations and community partnerships of the Special Investigations

⁴ <https://berkeley-rps.org/wp-content/uploads/2021/10/New-and-Emerging-Report-10.29.21-FNL-2.0.pdf>

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CONSENT CALENDAR
April 12, 2022

Bureau evolved over the years in response to local concerns and regional trends. At its peak in 1989, the SEU was staffed with 25 officers, including a Drug Task Force (DTF). The DTF was disbanded in 2016. In the 1960s, the Special Investigations Bureau was responsible for coordinating investigations into gambling, prostitution, alcoholic beverage, and narcotic offenses that were prevalent in the community in that era. In 1968, the BPD Special Investigations Bureau logged over 2,000 narcotics arrests. This was a year that saw collaboration with the State Bureau of Narcotics Enforcement (Formerly known as Bureau of Narcotics Enforcement, which disbanded in 2012), and the Federal Bureau of Narcotics and Dangerous Drug Control (the predecessor agency to the Drug Enforcement Agency).

In the 1970s, the Special Investigations Bureau quantified their successes by the street value of narcotics seized. In the early 70's nearly every year the Bureau would seize roughly a million dollars in illicit narcotics. In 1983, Annual Crime Reports begin to highlight the growing presence of open-air drug markets with individuals congregated on street corners selling narcotics. In 1987 the Annual Report mentions the rapid increase in the use and sales of crack cocaine, most notably in South and West Berkeley. In April of 1987, the Berkeley Police Department's Drug Task Force (DTF) was created. During this time, nearly all of the actions taken by DTF were based on calls from citizens. The Special Investigations Bureau augmented DTF by serving over 110 search warrants. In 1989, the department completed a reorganization, which now included the Special Enforcement Unit, which contained a SEU commander, Special Investigations Bureau which had a Sergeant and six detectives, a Narcotics Admin Unit which contained an Inspector (supervisor) and two detectives, and two DTF teams, both containing a Sergeant and six officers. This unit was fully staffed with 25 Berkeley Police Officers.

In the early 1990s, the SEU began to focus on drug "hot spots" wherein their approach was more narrowly focused. The Unit also now moved more towards a community-based response with the creation of the Citizens Against Rock Sales (C.A.R.S) which was a successful partnership with community members seeking an improved quality of life. In 1993 SEU members partnered with Community and Merchant Associations to help take back their communities, this included cleaning up the streets, and graffiti abatement. This effort helped mobilize and unify the community and police efforts to confront these challenging times.

In the 2000s, the Special Investigations Bureau (SIB) detectives began relying on confidential reliable informants to further narcotic investigations. By 2001, the SEU was staffed with one Lieutenant, one administrative Sergeant, three field Sergeants, and nine officers for a total of 14 BPD Officers, down from the 25 officers in 1989.

After 2010, the SEU further reduced staffing to a Lieutenant, one officer in Narcotics Admin, SIB Sergeant and three detectives, DTF Sergeant, and four officers for a total of 11 officers. During the next seven years, the SIB would continue to target the drug dealers, and work to disrupt the supply of narcotics that were feeding Berkeley drug users. However, detectives quickly adapted to the reality that drug dealers would often be involved in other crimes that would further exploit unsuspecting victims, often in various types of fraud. By 2015, the DTF only had one Sergeant and two officers, and

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CONSENT CALENDAR
April 12, 2022

the narcotics admin was staffed with one officer. Eventually the DTF was disbanded in 2016. In 2017 the last SIB Sergeant and two detectives were loaned to robbery, property crimes, and sex crimes as SIB was completely disbanded. After this, the entire SEU was no longer in existence.

The Berkeley Police Department currently does not have staffing resources to conduct special investigations to address violent crime and drug trafficking as it did before, despite shootings and drug overdoses rising. By using problem-oriented policing models in NICJR’s New and Emerging Models of Community Safety and Policing Report, including the SARA model and a Ceasefire program, the City of Berkeley can increase its capacity to address violent crime with compassionate and data-driven best practices that are responsive to the manifold needs of a diverse community in the 21st Century.

Pursuant to Article VII Section 28(c) of the Charter of the City of Berkeley, the City Manager has the authority to establish a Flex Team for Problem-Oriented Policing in the Berkeley Police Department.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Taplin Council District 2 510-981-7120



Kate Harrison
Vice Mayor, District 4

CONSENT CALENDAR
April 12, 2022

To: Honorable Mayor and Members of the City Council
From: Vice Mayor Harrison
Subject: Budget Referral to Fund Mayoral Budgetary Analyses Pursuant to Charter Article VI. Section 24

RECOMMENDATION

1. Refer to the ~~FY 23 and FY 24 Bi-annual FY 2022 Annual Appropriations Ordinance #2 Budget Process~~ ~~[\$x] \$100,000~~ to provide the Mayor, on behalf of the Budget Committee, and Council, the means to hire a certified public accountant throughout FY23-24 both fiscal years at the beginning of the fiscal year, during consideration of Annual Appropriations Ordinances, and for any other budgetary processes as the Mayor may deem necessary to examine the books, records, and reports as related to the disbursement and receipt of City moneys and of the Auditor for the purpose of providing supplemental assistance to the Mayor and Council in preparing the FY 23 and FY 24 bi-annual budget ahead of July 2022 fulfilling budgetary obligations pursuant to the Charter.
2. Refer to the ~~FY 23 and FY 24 bi-annual budget process~~ ~~[\$x]~~ to provide, as the Mayor may direct, such services at least annually across both fiscal years to support with Budget Committee and Council consideration of the Annual appropriations Ordinances and for any other budgetary processes as the Mayor may deem necessary.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

Neighboring cities such as San Francisco and Oakland have adopted the budgeting best practice of employing independent authorities or agencies to prepare budgets, including ~~to estimate~~ estimating revenues. Such services, whether provided by the Budget and Legislative Analyst in San Francisco, or outside consultants such as Harvey Rose in cities like Oakland ~~and San Francisco~~, are not designed to undermine city administrative estimates and budgets, but rather provide supplemental information that empowers the legislative body to make well-informed decisions. ~~Independent budget analysis is a fundamental principle across federal, state, and local legislative bodies.~~

The Berkeley City Council currently lacks such a tool while at the same time its engagement with the budget process has increased significantly due to the establishment of the Budget and Finance Policy Committee in 2018. The Council's budgetary obligations are set forth in ~~Currently, in preparing the budget, the Council relies on revenue forecasts and other budget information from the Finance Department, which may be appropriately conservative for administrative functions, but which may not~~

~~always provide the Council with the full range of budgetary and legislative responsibilities vested to it by the City Charter. Charter -Article X.~~

Fortunately, the City Charter already explicitly provides the Mayor with the authority and duty to employ accounting services to perform such functions and duties pursuant to Article VI. Section 24. ~~While the Mayor already conducts an annual audit using a certified public accountant pursuant to the Charter, the Council has not yet provided the resources to conduct more detailed independent budget analyses. -This budget referral expands -funding for for this Charter section obligation.~~

~~Even though the Council is already obligated by the Charter to utilize office or other funds for such purposes, given that such analyses is an issue of citywide concern it is in the public interest to consider to consider this matter, at least initially, through a referral to the budget process.~~

BACKGROUND

Independent fiscal institutions, also known as independent budget offices, are considered a best practice by the Organisation for Economic Co-operation and Development “promote greater fiscal transparency and accountability; and raise the quality of public debate on fiscal policy.”¹

Independent budget analysis is a fundamental principle across federal, state, and local legislative bodies.

Since 1975, the U.S. Congressional Budget Office has supported the Congressional budget process through “independent analyses of budgetary and economic issues” and in support of the principles of objectivity and transparency. Similarly, for 75 years the California Legislative Analyst's Office (LAO) has provided fiscal and policy advice to the Legislature. Specifically, the LAO provides budget control, special reporting, and revenue and expenditure forecasting support services to the legislature.

The City and County of San Francisco Charter provides for a Budget Analyst, and since 1971, the Office has been managed by Harvey M. Rose, CPA. The Office is a joint venture partnership between Harvey M. Rose Associates, Debra A. Newman and Associates, Louie & Wong LLP Certified Public Accountants.²

The Budget Analyst's responsibilities include reviewing proposed annual budgets and report recommendations to the Board of Supervisors Finance and Labor Committee, and ~~to perform~~performing special fiscal analyses as requested.

¹ “Recommendation of the Council on Principles for Independent Fiscal Institutions, Public Governance and Territorial Development Directorate OECD Senior Budget Officials, February 2014, <https://www.oecd.org/gov/budgeting/OECD-Recommendation-on-Principles-for-Independent-Fiscal-Institutions.pdf>.

² Budget & Legislative Analyst, San Francisco Board of Supervisors, <https://sfbos.org/budget-legislative-analyst>.

In 2021, Oakland City Council also retained Harvey Rose to assist with budget preparation and analysis, including:

- Overview of General Purpose Fund revenues and expenditures, including multi-year budget-to-actual analysis of all General Purpose Fund departments;
- Review of the Non-Departmental budget;
- Detailed review of the proposed Police and Fire Department's budgets, including a review of overtime. Additionally, seek out and report on best practices to control overtime expenditures;
- Analysis of major areas of budget year increases, including increases in the number of FTEs over the past three years;
- Analysis of positions, vacancies, and salary savings;
- Analysis of potential assistance from federal and state sources of COVID-19 related economic relief;
- Review of key non-General Purpose funds and the allowable uses of unspent monies, including, but not necessarily limited to the Development Services Fund, Measure BB, and Measure Z funds;
- Review of the City Administrator's revenue projections for the upcoming two-year budget;
- Review and comparative analysis of the City's Finance Department structure;
- Analysis of contract contingencies, administrative projects, and other unspecified accounts;
- Analysis of encumbrance and reserve amounts; and
- Analysis of multi-year projects.
- Review the City's Five Year Financial Forecast and provide revenue estimates for two proposed ballot measures (an expansion of the Transient Occupancy Tax and the establishment of a tax on transportation network companies and delivery network companies).³

Such analyses bolster confidence in budgeting and legislative decision-making processes.

The Berkeley City Charter Article VI. Section 24 explicitly provides the following obligation to the Mayor and Council to examine and report on the city's books, records and reports related to the Auditor, revenues, and expenditures. The Mayor already employs a certified public accountant to examine audit the City's books, records, and reports, but the existing Council services funding does not include a more detailed budgetary analysis akin to those completed in San Francisco and Oakland: :-:

Section 24. Mayor to have City's books examined

The Mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine, at least once during the year, the books, records and reports of the Auditor and of all officers and employees who receive or disburse City moneys, and the books, records and reports of such other officers and departments as the Mayor may direct, and annually, after the close of each fiscal year, make a report of such examination. Such report shall be presented to the Mayor and copies thereof shall be filed with the Auditor, City Manager and City Clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the City, and every such

³ "Report On Independent Budget And Finance Analysis From: Council President Fortunato Bas Recommendation: Receive A Special Presentation And Report By Harvey M. Rose Associates, LLC On Their Independent Budget And Finance Analysis Of The Proposed Fiscal Year 2021-2023 Budget For The City Of Oakland," Oakland City Council, May 5, 2021, <https://oakland.legistar.com/LegislationDetail.aspx?ID=4937156&GUID=43F7BF0F-E398-425F-B634-DB8D9DD7FFE7&Options=&Search=>.

officer, clerk and employee shall give all required assistance and information to such accountant, and submit to them for examination such books and papers of their office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of their office. The Council shall provide for the payment of the services of such accountant.

Currently, in preparing the budget, the Council relies on revenue forecasts and other budget information from the Finance Department, which may be appropriately conservative for administrative functions, but which may not always provide the Council with the full range of budgetary and legislative responsibilities vested to it by the City Charter.

Even though the Council Mayor Council is already obligated by the Charter to utilize budget Mayoral office or other funds for such purposes, given that such analyses is are an issue of citywide concern it is in the public interest to consider to consider this matter, at least initially, through a referral to the budget process.

FISCAL IMPACTS OF RECOMMENDATION

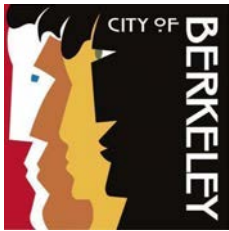
Impact on General Fund of ~~\$100,000~~ \$x. However, the benefit of multiple budgetary analyses could generate budgetary efficiencies.

ENVIRONMENTAL SUSTAINABILITY

No discernable impact.

CONTACT PERSON

Vice Mayor Kate Harrison, (510) 981-7140



Councilmember Sophie Hahn
City of Berkeley, District 5

CONSENT CALENDAR

April 12, 2022

To: Honorable Members of the City Council
From: Councilmember Sophie Hahn (Author), Mayor Arreguín and Councilmembers Wengraf and Taplin (Co-Sponsors)
Subject: Berkeley Public Library Foundation's 19th Annual Authors Dinner Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION

Adopt a resolution approving the expenditure of an amount not to exceed \$600 per Councilmember, including \$500 from Councilmember Wengraf, \$200 from Mayor Arreguín, and \$200 from Councilmember Hahn, to the Berkeley Public Library Foundation's 19th Annual Authors Dinner event with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmember Hahn, and additional funds from Councilmembers who would like to contribute. The Berkeley Public Library Foundation raises funds to support and enhance facilities, programs, and services of the Berkeley Public Library. Recent gifts to the Foundation helped the library redesign its services during the pandemic, outfit a culinary tool lending library, and complete needed capital improvements to the downtown Central Library.

BACKGROUND

Two and a half decades ago, the Berkeley Public Library Foundation incorporated as a nonprofit dedicated to raising private funds necessary to turn the Berkeley Public Library into the library our community envisioned. In 2003, The Library Foundation hosted its first Authors Dinner, created in part to showcase completion of the expansion and renovation of the Central Library. Since that time, the Authors Dinner has been one of Berkeley's marquee annual fundraising events, featuring up to 30 prominent and diverse local authors.

On Saturday, May 21, 2022, the Berkeley Public Library Foundation will host its first in-person Authors Dinner since the start of the pandemic. The Authors Dinner is part of the Foundation's yearlong 25th Anniversary Campaign which was launched earlier this year with the video Library Love Letters 25th Anniversary Edition, featuring BPL librarian Michael Kwende, authors Robert B. Reich, R.C. Barnes, Annie Barrows, and Berkeley High School alumnus musicians Owen Storey & Max Nierlich. Additional information can be found at: <https://bplf.org> and <https://app.mobilecause.com/e/l3ffqQ?vid=qgkby>.

FISCAL IMPACTS OF RECOMMENDATION

A total of up to \$5,400 from the Mayor and Councilmembers' discretionary budgets.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

This item is consistent with the City's vision on sustainability. The Berkeley Public Library is the locus of the original "share economy," lending books, media, computers, and tools that might otherwise be purchased for one-time or occasional private use. BPL also provides green, energy efficient, modern neighborhood spaces for the Berkeley community to gather and find education, resources, and enjoyment.

CONTACT PERSON

Councilmember Sophie Hahn, (510) 981-7150

Attachments:

1: Resolution

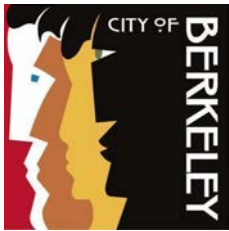
RESOLUTION #####-N.S.

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

WHEREAS, the Berkeley Public Library Foundation, a nonprofit organization dedicated to amplifying public investment in the Berkeley Public Library to make a great public library extraordinary, through its 2022 Authors Dinner event, seeks funds to subsidize library services for the City of Berkeley; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: The Berkeley Public Library Foundation raises funds to ensure the excellence of the buildings, services, collections, and programs at all five locations of Berkeley Public Library;

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$600 per office shall be granted to the Berkeley Public Library Foundation, through its 2022 Authors Dinner Event, to support the Berkeley Public Library and its programs.



Councilmember Sophie Hahn
City of Berkeley, District 5

CONSENT CALENDAR

April 12, 2022

To: Honorable Members of the City Council
From: Councilmember Sophie Hahn (Author), Councilmember Terry Taplin (Co-Sponsor), Mayor Jesse Arreguín (Co-Sponsor),
Subject: Kala Art Institute 2022 Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION

Adopt a resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Taplin, \$250 from Councilmember Hahn and \$250 from Mayor Arreguín, to the Kala Art Institute, a 501(c)(3) non-profit organization, to support Art Kala 2022, an exhibition, auction, and benefit to support Kala's artistic, cultural, and educational programs, with funds relinquished to the City's general fund for this purpose from the discretionary Council office budget of Councilmembers Hahn and Taplin, Mayor Arreguín, and any other Councilmembers who would like to contribute.

BACKGROUND

Founded in 1974, by Archana Horsting and Yuzo Nakano, as an international residency program rooted in the local community and a forum for ideas, Kala Art Institute encourages artistic experimentation. Over four decades -- from a garage studio with one etching press and a single hot plate to a 15,200 sq. ft. facility in the historic West Berkeley Heinz building -- Kala has grown steadily in the breadth of its offerings and in the size of its operation, yet remains true to its mission to be a workshop of ideas and to engage the community through exhibitions, education, and public programs.

In 2009, Kala dynamically expanded its facility providing new opportunities for artists and the community. With improved studios, project rooms, classrooms, and a 2,200 sq. ft. light-filled gallery with an accessible street level location, Kala is working to maximize its capacity to serve the community as a vital center for artistic experimentation. Kala serves 35,000 individuals yearly through artist residencies, exhibitions, and community workshops. In addition, Kala's Artists-in-Schools program provides curriculum-based visual arts education to children in neighboring public schools in Berkeley, Emeryville, and Oakland. Overall, their constituents range from 5 to 95 years old and represent a diverse group of participants including local residents, visiting artists from all state, country, and abroad – representing an international spectrum of backgrounds and experience. Bay Area artists represent 85% of participants in Kala's

artist residencies.

Kala Art Institute's mission is to help artists sustain their creative work over time through its Artist-in-Residence and Fellowship Programs, and to engage the community through exhibitions, public programs, and education.

The heart of Kala's mission as a vital, California art-making hub is supporting artists and engaging the community. Kala offers professional facilities to those working in and across print and digital media, new media, and performance. Artists at Kala are encouraged to work across disciplines, produce innovative artwork of the highest quality, and are given total freedom to realize their artistic vision using media that span the Gutenberg to digital eras. Kala offers access to equipment, time, and space to cultivate creative projects. Kala's studios provide tools for printmaking, photography, video, installation, and digital media. Kala fosters a fresh approach to experimentation, as artists investigate the interface of digital work, work made by hand, work made in the studio, performance-based work that engages the community and everything in between. A spirit of exchange and education is nurtured through all Kala's community programs.

Kala's creative community builds bridges between the intense art-making environment of the Kala studios, located in the historic Heinz ketchup factory in Berkeley and life outside the studio in Kala's immediate neighborhood and far beyond. Additionally, Kala is committed to offering quality art education to the general public and public school children through its on-site and online program of classes and workshops, summer programs and its Artists-in-Schools program, established in 1991, providing multipleweek artist-led instruction to students in neighboring East Bay public schools.

Celebrating Kala's 48th year, Art Kala 2022 brings together Kala's creative community and features the inventive and meaningful art being made in the Bay Area. Art Kala 2022 with Honorary Auction Chairs Donna Westerman and Russ McClure will take place April 7th - May 22nd 2022, honoring Leah Rosenberg; VIP Print by Christine Wong Yap. Art Kala will take place at: Kala Gallery, 2990 San Pablo Avenue, Berkeley, California 94702.

More information can be found at: <http://www.kala.org/gallery/spring-gala-and-auction/>.

FISCAL IMPACTS OF RECOMMENDATION

A total of up to \$4,500 from Councilmembers' discretionary budgets.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

This item is consistent with the City's vision on sustainability.

CONTACT PERSON

Councilmember Sophie Hahn, (510) 981-7150

Attachments:
1: Resolution

RESOLUTION #####-N.S.

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

WHEREAS, Kala Art Institute is a nonprofit organization dedicated to helping artists sustain their creative work over time through its Artist-in-Residence and Fellowship Programs, and to engaging the community through exhibitions, public programs, and education; and

WHEREAS, since 1974, Kala has grown steadily in the breadth of its offerings and in the size of its operation, yet remains true to its mission to be a workshop of ideas and to engage the community through exhibitions, education, and public programs; and

WHEREAS, Kala serves 35,000 individuals yearly through artist residencies, exhibitions, and community workshops, and through its Artists-in-Schools program provides curriculum-based visual arts education to children in neighboring public schools in Berkeley, Emeryville, and Oakland; and

WHEREAS, Kala's constituents range from 5 to 95 years old and represent a diverse group of participants including local residents, visiting artists from all state, country, and abroad – representing an international spectrum of backgrounds and experience – with Bay Area artists representing 85% of participants in Kala's artist residencies; and

WHEREAS, Art Kala 2022 brings together Kala's creative community and features the inventive and meaningful art being made in the Bay Area, honoring Leah Rosenberg; VIP Print by Christine Wong Yap; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by \$500 from Councilmember Taplin, \$250 from Councilmember Hahn and \$250 from Mayor Arreguín and any funds, up to \$500 per Council Office Budget, from the Mayor and other Councilmembers shall be granted to the Kala Art Institute to support Art Kala 2022 and to celebrate Kala's 48th year helping artists sustain their creative work in Berkeley and beyond.



Susan Wengraf
Councilmember District 6

CONSENT CALENDAR
April 12, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmembers Susan Wengraf & Sophie Hahn (authors) Mayor Arreguín and Councilmember Bartlett (co-sponsors)

Subject: Proclamation in Honor of Holocaust Remembrance Day

RECOMMENDATION

Adopt the Holocaust Remembrance Day Proclamation for the 19th Annual Holocaust Remembrance Day program to be held virtually Thursday, April 28th from 2:00 – 3:00 PM.

FINANCIAL IMPLICATIONS

None.

BACKGROUND

The City of Berkeley has sponsored the Annual Holocaust Remembrance Day program since 2002 to honor Holocaust survivors and their families. It reminds all of us of the terrible consequences when hate goes unchecked. The program nourishes, strengthens and renews our belief in the strength of the human spirit. All community members are welcome to attend.

This year's program honors Survivor Adela Mayer who will speak about her experiences as a young child in Czechoslovakia. The Soprano, Heather Klein and Pianist, Jason Manlapaz will perform. Poet, Peter Dale Scott and Tessa Rudnick, granddaughter of Survivor Jean Greenstein will also contribute. A candle lighting by Survivors, in memory of lost family and friends, frames the hour-long program.

ENVIRONMENTAL SUSTAINABILITY

N/A

CONTACT PERSON

Councilmember Wengraf

Council District 6

510-981-7160

Attachments:

1: Proclamation

BERKELEY'S 19TH ANNUAL HOLOCAUST REMEMBRANCE DAY

Whereas, The Holocaust was the state-sponsored, systematic genocide of more than six million European Jews by Nazi Germany and its collaborators between 1933 and 1945; and

Whereas, The Holocaust was a crime of shocking inhumanity, targeting for persecution and death, Jews and also Roma and Sinti people, those with mental illness and physical disabilities, homosexuals, Slavs, Poles, and members of anti-Nazi networks from throughout Europe; and

Whereas, This year's guiding Holocaust Remembrance theme of "*Memory, Dignity, and Justice*" emphasizes the importance of recording history and the act of remembering, which brings dignity and justice to those whom the perpetrators of the Holocaust intended to destroy; and

Whereas, False information on the Holocaust continues to deny and trivialize the truth of what took place during the Nazi regime and, for the benefit of past, present and future generations, we must never forget the appalling crimes of the Holocaust; and

Whereas, The purpose of Berkeley's Holocaust Remembrance Day is to join together as a community to remember the Holocaust, honoring survivors who chose to rebuild their lives in Berkeley and the Bay Area, and to reflect on the need to respect all people.

NOW THEREFORE, BE IT RESOLVED that Jesse Arreguín, Mayor of the City of Berkeley, does hereby proclaim April 28, 2022 as

Holocaust Remembrance Day

In the City of Berkeley, in memory of those who perished and in honor of the survivors as well as the rescuers and liberators.

BE IT FURTHER PROCLAIMED that the City of Berkeley is committed to never forgetting the events of the Holocaust and to working actively to combat anti-Semitism, racism, bigotry, and hatred in all forms, and to the promotion of human rights and dignity for all.



Susan Wengraf
Councilmember District 6

CONSENT CALENDAR
April 12, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Wengraf (author) Mayor Arreguín (co-sponsor)
Councilmember Hahn (co-sponsor)

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

RECOMMENDATION

Refer to the Fiscal Year 2023/2024 budget process a request for \$6,000 annually to fund the City of Berkeley's Annual Holocaust Remembrance Day Program.

FINANCIAL IMPLICATIONS

A total of \$12,000 over two years.

BACKGROUND

For the past 19 years, The City of Berkeley has sponsored a Holocaust Remembrance Day Program. Participation in this important annual program has exceeded expectation, with attendance at in-person events in excess of 200 people (room capacity) for the past several years. The event has historically been funded through private donations, volunteer labor and the generosity of council members who have given from their discretionary accounts, creating an unstable and unpredictable future for the program. This past year, the program was viewed virtually because the pandemic prevented in person assembly. The popularity of the program was clearly demonstrated by 750 viewers.

This budget recommendation is for continuing annual support of the City of Berkeley's Holocaust Remembrance Day Program in the modest amount of six thousand dollars each year for the next two years. Those funds will be leveraged by volunteer labor and donations, guaranteeing the continuance of the City's program through 2024. It is critical that this program continue, as the memory of the systematic genocide of Jews, political prisoners, homosexuals, and the disabled fades from our collective memory. The history of the Holocaust needs to be remembered in order to safeguard the future.

ENVIRONMENTAL SUSTAINABILITY

In compliance with City's environmental sustainability goals

CONTACT PERSON

Councilmember Wengraf

Council District 6

510-981-7160



CITY COUNCILMEMBER
RIGEL ROBINSON
 DISTRICT 7

CONSENT CALENDAR
 April 12, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson (Author) and Councilmember Kate Harrison (Co-Author)

Subject: Budget Referral: Downtown Berkeley BART Station Modernization Design

RECOMMENDATION

Refer \$250,000 to the June 2022 budget process to contribute to funding Bay Area Rapid Transit's preliminary design engineering work for the Downtown Berkeley BART Station Modernization project.

BACKGROUND

The Downtown Berkeley Station Modernization Plan creates a community-based vision for modernizing the station with a high standard of design excellence, functionality and cost effectiveness. It identifies and prioritizes long-term improvements to guide future investment in the station, including fixing and upgrading core existing station and system facilities to keep the station functioning well, and other proposed upgrades to improve station circulation, access and customer experience.

The plan recommends a set of comprehensive improvements developed through a collaborative planning process, including:

- **Placemaking, aesthetics, and customer experience:** Reopening the public restroom, adding new signage and public art, overhauling ceilings/walls/floors
- **ADA access and circulation:** Replacing elevators with accessible elevators, adding an additional escalator, upgrading handrails and guardrails, installing bicycle access channels and storage
- **Safety and security:** Improving lighting and sightlines, replacing fare gates
- **System and facility upgrades:** Repairing and replacing worn or outdated materials, improving the PA system and emergency/life safety systems

The Downtown Berkeley BART station serves not only as a transit hub for BART and AC Transit riders, bicyclists, and pedestrians, but also as the gateway to the City of Berkeley and UC Berkeley campus. It provides great benefits to the City by decreasing our transportation-related greenhouse gas emissions and bringing commuters, customers, and tourists into our downtown.



BART held two public in-station outreach events at the Downtown Berkeley BART Station to acquire riders' opinions on the modernization of the Downtown Berkeley station. They were held on September 30, 2015 during the evening commute (4-7 pm) and on October 1, 2015 during the morning commute (7-10 am). BART riders and members of the public could learn about the modernization study, fill out a survey, talk to BART planning staff and provide comments. In addition, between September 30 and October 19, 2015, BART collected feedback through an online survey. BART received 1,031 responses and 357 comments during this period. Based on the free-response comments, the top suggestions were 1) improving access with more entrances and fare gates, 2) increasing signage, 3) improving station cleanliness and smell, 4) adding more elevators, escalators, and stairs, and 5) increasing safety.¹

The Downtown Berkeley survey results conveyed that the majority of BART riders prioritize function, service, and cleanliness over aesthetics, and would like to see investment in improving these areas before other modernization occurs. Many BART riders who took the survey would like to see improvements in accessibility, which include adding more entrances, elevators, stairs, and escalators. In addition, many would like to see signs added at the ground level indicating train departure times. Many other additional comments were also taken into consideration, including requests for better bike accessibility and wheelchair access, and more public art in the station.

Significant development in the neighborhood and the renovations of the street-level station plaza and adjoining Shattuck Avenue all provide an impetus to modernize the station. Stakeholders provided consistent input that they want improvements that will "refresh" the station, creating a brighter and more functional environment that reflects the Berkeley community while retaining the station's unique architectural elements.

1

<https://www.bart.gov/sites/default/files/docs/DT%20Berkeley%20Station%20Mod%20Survey%20Results%20Final.pdf>

In April 2017, the Final Report of the Downtown Berkeley BART Station Design Concept and Modernization Plan was released.² The plan's strategy for the Downtown Berkeley BART Station establishes a long-term vision for station improvements. Its framework of priorities and improvements can be used as a guide for selection and implementation as BART's scheduling and available funding permit. Preliminary design work should begin on selected Phase 1 improvements in the near future to enable their implementation in a timely manner.

At present, the work is at approximately 15% design. The next step would bring the project to 35% design, which would include an updated total project cost estimate. Current estimates suggest that a complete preliminary design would cost \$2.5M. This budget referral recommends contributing \$250K towards that goal. Ultimately, BART will need to secure additional funding to achieve 100% design.

By providing funding to support preliminary design engineering work, the City of Berkeley can demonstrate to BART and to the Alameda County Transportation Commission our continued interest in seeing the project completed as soon as possible, and our eagerness to work with regional partners on our shared transportation goals.

FINANCIAL IMPLICATIONS

\$250,000 from the General Fund.

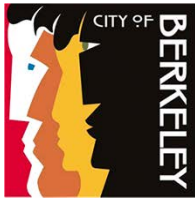
ENVIRONMENTAL SUSTAINABILITY

Encouraging public transit use is a critical strategy to reduce local greenhouse gas emissions. BART trains are 100% electric, with over 97% of that power coming from zero and low-carbon sources including solar and hydro energy. BART is increasing its use of low-carbon, zero-carbon and renewable energy sources, with the goal of transitioning to 100% carbon-free by 2035 and 100% renewable energy by 2045. Just one commuter using BART each weekday instead of driving saves over 360 gallons of gas and 7,000 pounds of CO₂ in a year. The Downtown Berkeley BART Station Modernization project is critical both to renew aging infrastructure in the BART Station and to attract new potential riders who may today be drivers.

CONTACT PERSON

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

² https://www.bart.gov/sites/default/files/docs/BART-DTB_FinalReport_April2017.pdf



CITY COUNCILMEMBER
RIGEL ROBINSON
 DISTRICT 7

CONSENT CALENDAR

April 12, 2022

To: Honorable Mayor and Members of the City Council
 From: Councilmember Rigel Robinson
 Subject: Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for the Suitcase Clinic

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Robinson, to the Suitcase Clinic to fund homeless outreach supplies and in-clinic expenses.

BACKGROUND

The Suitcase Clinic is a UC Berkeley student organization and volunteer community that offers free health and social services to underserved populations, including unhoused Berkeley residents. It also strives to educate students, engage in community organization, and support public policy efforts that address homelessness in the local community. Their volunteers provide weekly services such as haircutting, footwashing, wellness activities, and more while outside partners provide professional services such as medical, psychiatry, and chiropractic.

The Suitcase Clinic is raising funds to allow them to continue providing supplies and resources to the unhoused community, including:

- Street/encampment outreach supplies: solar panels and power banks, charging cables, hygiene supplies (floss, toothbrushes, toothpaste, deodorant, shampoo, etc.), sleeping pads, sleeping bags, tents, vitamins, over-the-counter medications such as ibuprofen, first aid supplies (band-aids, bandages, neosporin, antibacterial wipes, etc.), and clothing.
- In-clinic expenses: supplies to support our weekly Haircutting, Footwashing, Health Ed, Food Security, Housing/Legal, Massage, and Wellness services.

FINANCIAL IMPLICATIONS

No General Fund impact; \$500 is available from Councilmember Robinson's Office Budget discretionary account.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

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

Attachments:

1: Resolution

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

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

WHEREAS, Councilmember Rigel Robinson has surplus funds in his office expenditure account; and

WHEREAS, a California non-profit tax-exempt corporation, the Suitcase Clinic, seeks funds in the amount of \$500 to continue providing material supplies, services, and resources to the Berkeley unhoused community; and

WHEREAS, the provision of such funds would fulfill the municipal public purpose of allowing all Berkeley residents, regardless of their means, to have access to basic supplies and services that are fundamentally necessary for human dignity.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the \$500 relinquished by Councilmember Robinson from his Council Office Budget and any other Councilmember who wishes to contribute shall be granted to the Suitcase Clinic to fund their outreach work.

CONSENT CALENDAR

April 12, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson

Subject: Support for AB 2050: Ellis Act Reform

RECOMMENDATION

Send a letter to Assemblymember Alex Lee, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 2050, which would require five years of ownership before a rental property owner can proceed with an eviction pursuant to the Ellis Act, with exemptions for small landlords.

BACKGROUND

Assembly Bill 2050 aims to prevent speculator evictions by prohibiting rental property owners from invoking the Ellis Act to remove a building from the housing market, unless ownership has been established for at least five continuous years. This bill would additionally prohibit a building owner from proceeding with another Ellis Act eviction at a property acquired within 10 years of filing an Ellis Act notice at a different property. AB 2050 provides exemptions for “mom and pop” landlords.

The Ellis Act, passed in 1985, establishes a landlord’s unconditional right to remove their property from the rental market, evicting the tenants without just cause. Its original purpose was to protect small landlords who wanted to leave the rental market without selling their property. However, the legislation’s reach has been gradually expanded by a series of court decisions, ruling that owners could invoke the Act not only to keep the units vacant, but also to convert the units to ownership or demolish them altogether.¹ This has paved the way for increased housing speculation and displacement across California. One report found that 51 percent of Ellis Act evictions in San Francisco were filed within a year of ownership being established, suggesting that these property owners had no intent of being in the rental business in the first place.²

From 1986 to 2020, 457 units have been taken off the rental market in the City of Berkeley using the Ellis Act.³ Across California, the Ellis Act has resulted in the loss of tens of thousands of rent-controlled units — 5,400 in the Bay Area and 27,600 units in the City of Los Angeles alone.⁴

¹ <https://law.justia.com/cases/california/court-of-appeal/4th/59/1241.html>

² <https://www.sfexaminer.com/news/report-claims-speculators-are-behind-most-ellis-act-evictions-in-sf/>

³ https://drive.google.com/file/d/1XuB6da_XKg4QRiUtARLiQuAStGEdjMk/view

⁴ <http://www.cesinaction.org/MapofEllisActEvictions.aspx>

The City of Berkeley declared a local state of emergency and passed the COVID-19 Emergency Response Ordinance in March 2020, banning evictions except for those pursuant to the Ellis Act or necessary for the health and safety of the residents. An amendment prohibiting Ellis Act evictions will go into effect on April 1, 2022.⁵ Council also voted to endorse AB 854, a previous version of this bill.⁶

The City should reaffirm its support for Ellis Act reform by endorsing AB 2050 and sending the attached letter of support to Assemblymember Alex Lee, Senator Nancy Skinner, and Assemblymember Buffy Wicks.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

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

Attachments:

- 1: Letter of support
- 2: Bill text

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2050

⁵ <https://www.cityofberkeley.info/rent/newlaws/>

⁶ https://www.cityofberkeley.info/Clerk/City_Council/2021/03_Mar/Documents/2021-03-30_Supp_1_Reports_Item_28_Rev_Robinson_pdf.aspx

April 12, 2022

The Honorable Alex Lee
Assemblymember, 25th District
State Capitol, Room 6330
Sacramento, CA 95814

RE: City of Berkeley's Support for Assembly Bill 2050

Dear Assemblymember Alex Lee,

The Berkeley City Council would like to convey our full support for Assembly Bill 2050, which would take a critical step towards stopping speculator evictions and preserving California's dwindling stock of rent-controlled units.

The Ellis Act has been exploited as a major loophole that allows property owners to evict tenants without just cause. It has paved the way for increasing levels of housing speculation, resulting in the loss of rent-controlled units and the displacement of our most vulnerable tenants. Here in Berkeley, the Ellis Act has been invoked to remove over 450 rent-controlled units from the market.

AB 2050 would close the speculator evictions loophole and ensure that the Ellis Act is used for its original purpose, not to evict for profit. Ellis Act reform is long overdue, and a crucial measure to protect our state's tenants from speculators. The Berkeley City Council supports AB 2050 and thanks you for taking the lead on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner
Assemblymember Buffy Wicks



CONSENT CALENDAR
April 12, 2022

To: Honorable Mayor and Members of the City Council
 From: Councilmember Rigel Robinson
 Subject: Support for SB 649: Affordable Housing Local Tenant Preference

RECOMMENDATION

Send a letter to Senator Dave Cortese, Assemblymember Buffy Wicks, and Senator Nancy Skinner in support of Senate Bill 649, which would enable the creation of local tenant preferences policies for affordable housing.

BACKGROUND

Rising housing costs and scarcity of affordable housing in California have caused substantial displacement in low-income communities of color. Displacement has significantly impacted the City of Berkeley, especially our Black community. Between 2000 and 2015, Alameda County lost more than 1,900 low-income Black households, with losses concentrated in the flatlands of Oakland and Berkeley.¹ Between 1990 and 2018, Berkeley lost 49% of its Black population.²³ Large portions of South and Southwest Berkeley are vulnerable to displacement or are undergoing active gentrification, as higher income, largely white residents move into neighborhoods once occupied by low-income residents of color.⁴

Local tenant preference policies prioritize affordable housing for applicants with some connection to the affordable housing unit's location, helping to reduce displacement and enable previously displaced residents to return. Currently, these policies could be in violation of fair housing laws, disqualifying projects with tenant preferences from receiving funding through bonds, tax credits, or other public funds. SB 649 would allow local governments and developers to enact local tenant preferences for lower-income households at risk of displacement.

SB 649 can mitigate the housing and homelessness crisis by providing greater access to planned affordable housing to vulnerable community members, stabilizing gentrifying neighborhoods, and more efficiently allocating scarce resources. This law would enable the City of Berkeley to more directly combat future displacement and remedy past displacement, especially for the Black community in South and West Berkeley.

¹ UC Berkeley's Urban Displacement Project and California Housing Partnership, "Rising Housing Costs and Re-Segregation in Alameda County."

² Bay Area Census -- City of Berkeley -- 1970-1990 Census Data."

³ "U.S. Census Bureau QuickFacts."

⁴ "SF Bay Area – Gentrification and Displacement – Urban Displacement."

FINANCIAL IMPLICATIONS

No impact.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

Valerie Nguyen, Intern

Attachment:

1: Letter of support

2: Bill text

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB649

April 12, 2022

Senator Dave Cortese
Senator, 15th District
State Capitol, Room 6640
Sacramento, CA 95814

RE: City of Berkeley's Support for Senate Bill 649

Dear Senator Dave Cortese,

The Berkeley City Council would like to convey our full support for SB 649 to allow for local tenant preferences in affordable housing.

Rising housing costs have caused significant displacement in low-income communities, particularly among residents of color. Between 2000 and 2015, Alameda County lost more than 1,900 low-income Black households, with losses concentrated in the flatlands of Oakland and Berkeley. Between 1990 and 2018, Berkeley lost 49% of its Black population. Large portions of our city are vulnerable to displacement or are undergoing active gentrification.

Current and previously displaced residents competing for scarce affordable housing can struggle to access units in their neighborhoods, undermining the efficacy of affordable housing in addressing gentrification and displacement. However, without state authorization, fear of violating fair housing laws can prevent local governments and housing developers from enacting local tenant preferences for those most at risk of displacement.

By authorizing local tenant preferences, SB 649 would be a valuable tool to mitigate gentrification and the displacement of vulnerable low-income households in our city and communities across California.

The Berkeley City Council supports SB 649 and thanks you for continuing to act on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner
Assemblymember Buffy Wicks

CONSENT CALENDAR

April 12, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson

Subject: Support for AB 2147: Jaywalking Decriminalization

RECOMMENDATION

Send a letter to Assemblymember Phil Ting, Assemblymember Friedman, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of AB 2147, related to jaywalking enforcement.

BACKGROUND

Assembly Bill 2147 amends the California Vehicle Code to decriminalize certain actions taken by pedestrians when no immediate hazards are present. Specifically, this bill:

- Prohibits officers from stopping pedestrians for violating traffic signals (including crossing on red and yellow lights or on the incorrect turn signal) when no immediate hazard is present.
- Prohibits officers from stopping pedestrians for violating pedestrian crossing signals when no immediate hazard is present.
- Prohibits officers from stopping pedestrians for crossing outside of an intersection when no immediate hazard is present.
- Prohibits officers from stopping pedestrians for walking on the right-hand side of the road when no immediate hazard is present.
- Prohibits officers from stopping pedestrians for violating local jaywalking ordinances when no immediate hazard is present.
- Still requires pedestrians, bicyclists, and drivers to exercise due care for safety.

Jaywalking laws were originally created by auto industry-aligned special interest groups during the rise of mass automobile ownership. In response to an increasing number of pedestrian fatalities, many cities tried to impose built-in speed limits on automakers. Automakers fought back, lobbying for jaywalking regulations that would shift responsibility away from drivers and onto pedestrians, thus allowing cars to continue traveling at unsafe speeds.¹

Today, pedestrians in California can face fines up to \$250 for crossing the street outside of a crosswalk — a higher fine than most parking and traffic citations. Existing law operates under the false assumption that jaywalking is inherently dangerous, even when no vehicles are present, and unfairly and severely penalizes pedestrians.

¹ <https://www.vox.com/2015/1/15/7551873/jaywalking-history>

The prevalence of jaywalking is a reflection of the car-centric way in which we design our streets. Automobile traffic is consistently prioritized over bicyclist and pedestrian safety, resulting in a hostile walking environment with wide multi-lane streets, large distances between crosswalks, pedestrian beg buttons, and inadequate sidewalks. The lack of pedestrian-friendly infrastructure is even more apparent in low-income neighborhoods of color, which have suffered decades of neglect. Pedestrians should not be penalized for common behavior that is a direct result of cities' failure to consider the needs of non-drivers.

Furthermore, the enforcement of jaywalking laws is inequitable in many jurisdictions. Across California, police departments stop Black pedestrians at a significantly higher rate than white pedestrians. Black pedestrians are 4.3 times more likely to be cited for jaywalking in San Diego, 3.7 times more likely in Los Angeles, and 5 times more likely in Sacramento. This pattern held true in the City of Berkeley in 2019-2020 with the limited data available through RIPA, with Black residents being about 4.5 times more likely than white residents to be stopped. However, this past year, the rates of stops between white and Black residents were almost equivalent.

Assembly Bill 2147 adjusts AB 1238 from the previous legislative cycle, which was vetoed by Governor Newsom. In his veto message, the Governor acknowledged the issue with jaywalking offenses being used as a pretext to stop people of color, but refused to sign the bill out of fear that it would inadvertently increase the already high numbers of pedestrian deaths in California.²

In order to ensure that this bill does not jeopardize the safety of pedestrians, AB 2147 decriminalizes, rather than legalizes, jaywalking. The bill amends the current vehicle code to instruct police to not enforce jaywalking provisions, *"unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power"* rather than repealing the provisions entirely. AB 2147 also makes it clear that pedestrians must still exercise "due care for their safety." Thus, this bill prevents police from using jaywalking laws to make arbitrary citations while still ensuring the safety of pedestrians.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170

² <https://www.gov.ca.gov/wp-content/uploads/2021/10/AB-1238-1082021.pdf>

Katie DaQuino, Intern

Attachments:

1: Letter of support

2: Bill text

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2147

April 12, 2022

The Honorable Phil Ting
Assemblymember, 19th District
State Capitol, Room 8230
Sacramento, CA 95814

RE: City of Berkeley's Support for Assembly Bill 2147

Dear Assemblymember Phil Ting,

The Berkeley City Council writes to express our support for Assembly Bill 2147, which would decriminalize safe walking patterns and decrease the use of pedestrian violations as a pretext for police to stop people of color. AB 2147 is a critical bill that maintains pedestrian safety while protecting minorities from a common form of preemptive police stop.

Jaywalking laws were put in place to shift blame from drivers to pedestrians during the proliferation of car ownership. These laws make it harder for pedestrians to navigate cities that are primarily built for cars, with inadequate crosswalks and other pedestrian infrastructure. There is no threat in crossing the street when no vehicles are approaching; yet, the enforcement against such violations continues to put pedestrians at risk of steep fines.

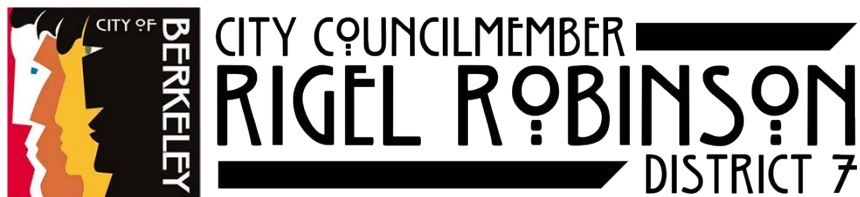
Moreover, police have often used jaywalking laws to discriminate against Black pedestrians, resulting in a pattern of Black pedestrians being stopped at higher rates than white pedestrians for these minor violations of the vehicle code.

The Berkeley City Council is in full support of AB 2147, as it will reduce discriminatory stops and make navigating cities as a pedestrian more accessible.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner
Assemblymember Buffy Wicks
Assemblymember Laura Friedman



CONSENT CALENDAR
April 12, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson (Author), Mayor Jesse Arreguin (Co-Sponsor), Councilmember Kate Harrison (Co-Sponsor), and Councilmember Lori Droste (Co-Sponsor)

Subject: Support for SCA 2: Article 34 Repeal

RECOMMENDATION

Adopt a Resolution supporting SCA 2 to repeal Article 34 of the California Constitution, eliminating the required city-wide vote for construction of publicly-funded low-income housing projects. Send copies of the Resolution to Senators Ben Allen, Scott Wiener, Nancy Skinner, and Assemblymember Buffy Wicks.

BACKGROUND

Senate Constitutional Amendment 2, introduced by Senators Ben Allen and Scott Wiener, would repeal Article 34 and enable local governments to expedite the process of developing or acquiring low-income housing projects without the delays of electorate approval. Given the drastic shortage of affordable housing in Berkeley and across California, SCA 2 would remove a major barrier to vital housing development. In 2019, the City of Berkeley endorsed SCA 1, a previous version of this bill.¹

Article 34 defines “low rent housing project’ as any development composed of urban or rural dwellings, apartments, or other living accommodations for persons of low income. Furthermore, Article 34 states that a “person of low income’ shall mean persons or families who lack the amount of income which is necessary (as determined by the state public body developing, constructing, or acquiring the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.”

Initially added to the California Constitution in 1950 through the Proposition 10 ballot initiative, Article 34 is a legislative relic of a racially discriminatory era. Today, it continues to serve as an institutional obstacle to the construction of new affordable public housing intended to benefit low-income individuals and reduce displacement.

The attached resolution reaffirms the City of Berkeley’s endorsement of the proposed constitutional amendment. Copies of the resolution shall be sent to Senator Nancy

¹ https://www.cityofberkeley.info/Clerk/City_Council/2019/04_Apr/Documents/2019-04-02_Item_11_Support_for_SCA-1.aspx

Skinner, Assemblymember Buffy Wicks, and the bill's authors, Senators Ben Allen and Scott Wiener.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

Consistent with the City's climate and environmental goals.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170
Jarrod Esteves, Intern

Attachments:

1: Resolution in support of SCA 2

2: Bill text

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SCA2

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

RESOLUTION IN SUPPORT OF SCA 2, THE REPEAL OF ARTICLE 34

WHEREAS, housing is a human right, and;

WHEREAS, development of publicly-funded affordable housing enables cities to further the public good by expanding access to this basic right, and;

WHEREAS, under current law, the cumbersome requirement of electoral approval impedes the capacity of municipalities to develop adequate numbers of affordable housing units, and;

WHEREAS, restrictions on affordable housing reinforce intergenerational income inequality and perpetuate systems of economic disenfranchisement which disproportionately impact minority communities, and;

WHEREAS, construction of new affordable housing empowers cities to both correct historic inequalities and address contemporary shortages when they arise, and;

WHEREAS, SCA 2 (Allen and Weiner) will repeal Article 34 of the California Constitution, thereby removing an antiquated procedural obstacle to progress.

NOW THEREFORE, BE IT RESOLVED that the City of Berkeley hereby endorses SCA 2 and the constitutional amendments which will result from its passage; and

BE IT FURTHER RESOLVED that the City of Berkeley may be listed as a supporter of said constitutional amendments by the official proponents of the measure; and

BE IT FURTHER RESOLVED that copies of this resolution will be sent to Senator Nancy Skinner, Assemblymember Buffy Wicks, Senator Ben Allen, and Senator Scott Wiener.



Office of the City Manager

SUPPLEMENTAL AGENDA MATERIAL

Meeting Date: March 22, 2022

Item Number: 27

Item Description: [27. Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities](#)

Supplemental/Revision Submitted By: Berkeley City Auditor Jenny Wong

“Good of the City” Analysis:

The analysis below must demonstrate how accepting this supplement/revision is for the “good of the City” and outweighs the lack of time for citizen review or evaluation by the Council.

During the March 22 City Council meeting, the Berkeley City Auditor shall present the key findings and recommendations from our most recent audit, *Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities*. The audit takes a historic look at BPD’s budget, and explores why BPD’s overtime costs have increased in recent years.

The attached supplemental item consolidates the audit findings for City Council’s consideration, including BPD’s reliance on overtime to achieve minimum staffing, how officers frequently exceed overtime limits, the growth of security work for outside parties, among other findings. Council leadership may consult the supplemental item as an abridged resource and summary of the 54-page audit in their discussions with the City Auditor.

Accepting the supplemental item is for the “good of the City” given notable interest from the public and press on police conduct and overtime, and given City leadership interest in accelerating the proposed audit recommendations. Additionally, the time-sensitivity of the supplemental item outweighs the lack of time for citizen review or evaluation, as it will complement and streamline communication about item number 27 which will be discussed during the March 22 City Council meeting.

Consideration of supplemental or revised agenda material is subject to approval by a two-thirds roll call vote of the City Council. (BMC 2.06.070)

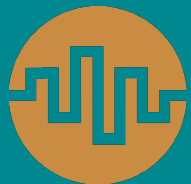
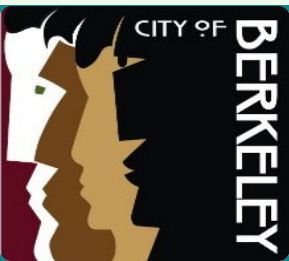
A minimum of **42 copies** must be submitted to the City Clerk for distribution at the Council meeting. This completed cover page must accompany every copy.

Copies of the supplemental/revised agenda material may be delivered to the City Clerk Department by 12:00 p.m. the day of the meeting. Copies that are ready after 12:00 p.m. must be delivered directly to the City Clerk at Council Chambers prior to the start of the meeting.

Supplements or Revisions submitted pursuant to BMC § 2.06.070 may only be revisions of the original report included in the Agenda Packet.

Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities

Berkeley City Council Meeting
March 22, 2022



BERKELEY CITY AUDITOR

Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities

Overview

- Objectives
- Background and Findings
- Recommendations
- Police Department Response



Why we did this audit:

- In our 2021 Audit Plan, we identified the Berkeley Police Department (BPD) budget as an area needing objective and independent analysis of how limited City funds are allocated.
- Overtime is the biggest reason why BPD spent more general funds than budgeted four out of the past five years.
- Interest from the Berkeley community in Police Overtime.



This report does not assess the adequacy of BPD's staffing levels or service delivery model.



Objectives:

1. *What policing functions does BPD's use of overtime cover?*
2. *Does BPD regularly assess minimum staffing levels to meet community needs?*
3. *Is BPD's management of overtime sufficient to reduce excessive uses of overtime?*
4. *Are BPD's agreements to provide work for outside entities transparent and in accordance with the law?*



What we found

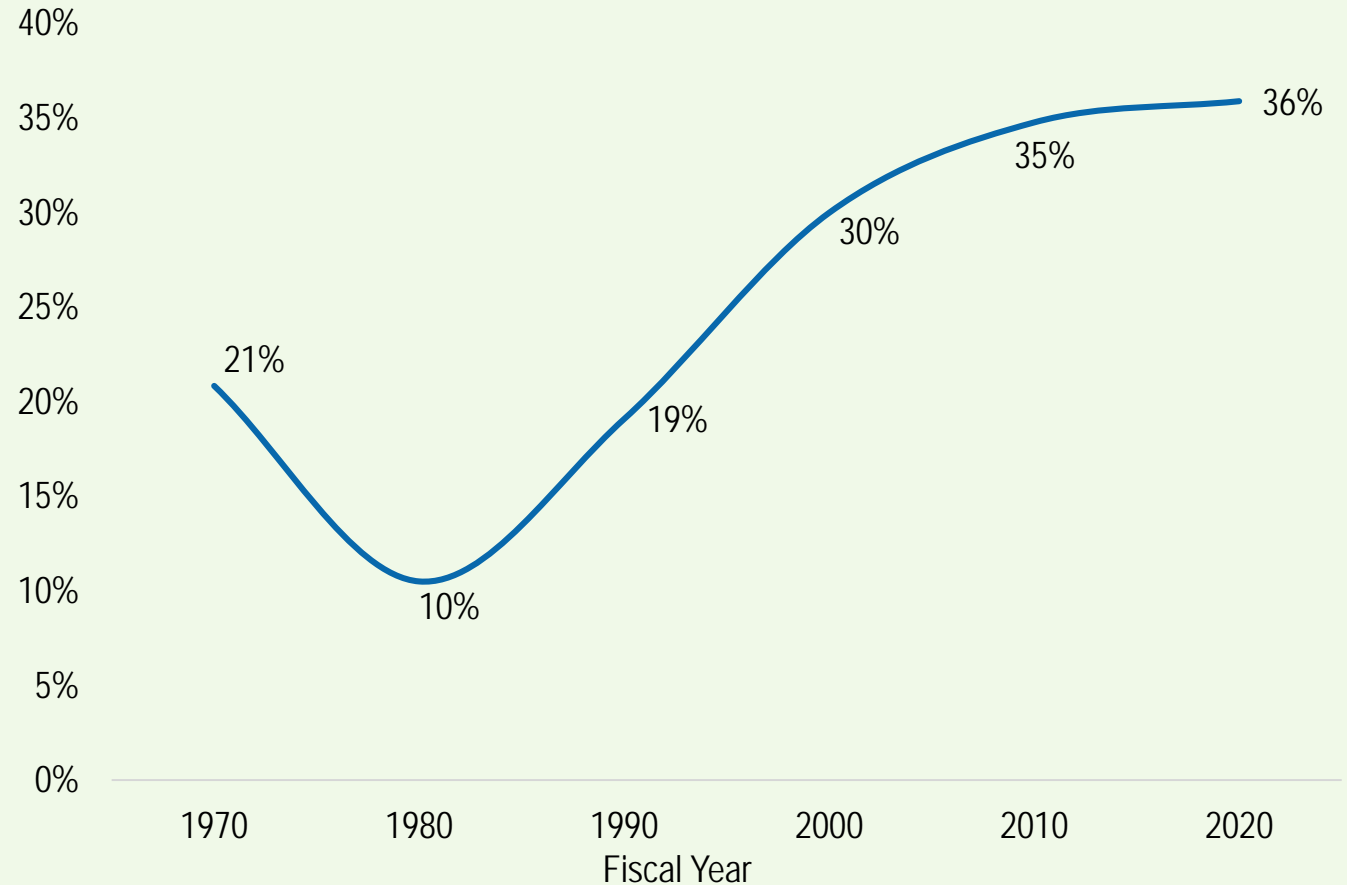
- Finding 1: Overtime is used to maintain minimum patrol staffing set by BPD.
- Finding 2: Minimum staffing levels in BPD's Patrol Unit could cause unnecessary overtime if not regularly updated.
- Finding 3: Officers work excessive overtime, increasing health and safety risks.
- Finding 4: BPD has no contracts for overtime security with outside entities.

- **Background: Analysis of the BPD budget**
- Finding 1: Overtime is used to maintain minimum patrol staffing set by BPD.
- Finding 2: Minimum staffing levels in BPD's Patrol Unit could cause unnecessary overtime if not regularly updated.
- Finding 3: Officers work excessive overtime, increasing health and safety risks.
- Finding 4: BPD has no contracts for overtime security with outside entities.

BPD receives more General Fund money than any other department in the City.

- In FY 2020, BPD Received **36 Percent** of the City's General Fund Budget.
- Police spending relative to total government expenditures remained at a relatively constant level.

BPD Budget as a Percent of General Fund Budget

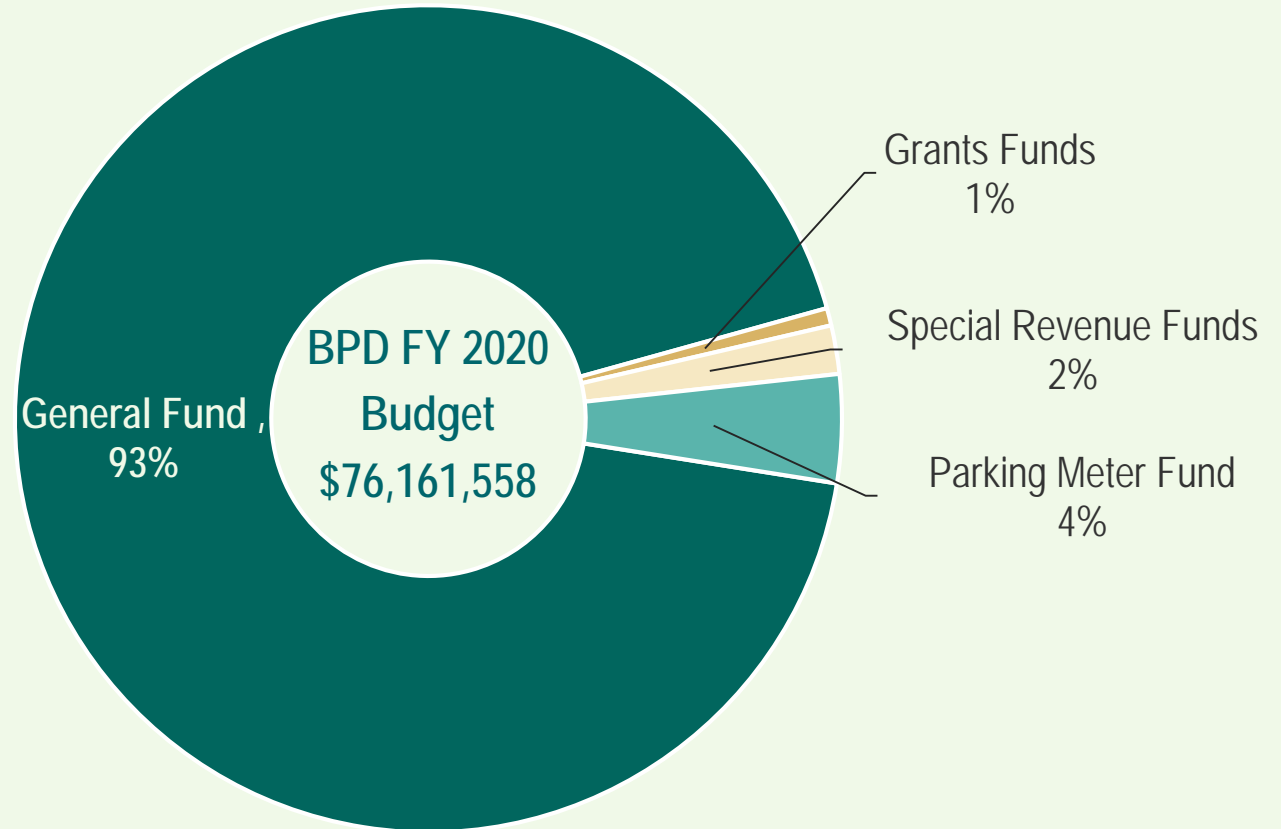


Source: FY 1970, 1980, 1990, 2000, 2010, and 2020 Adopted City Budgets
See page 6 of the report for details.

Most Of BPD's Budget Comes From The General Fund.

BPD Funding Sources, FY 2020

- The General Fund made up **93 percent** of the BPD Budget in FY 2020.



Source: FY 2020 Revised Budget Data.
See Page 6 and Appendix I of the report for details.

BPD's budget grew significantly, from \$21.9 million in 1970* to \$75 million in 2020.

- With a fringe benefit rate at **105.6%** of an officer's salary, it is always cheaper to have an officer work overtime rather than hire a new officer.

**Police and Fire Composite Fringe Benefit Rates,
2016 and 2020**

Year	Sworn Police	Sworn Fire
2016	89.68%	77.86%
2020	105.6%	88.28%

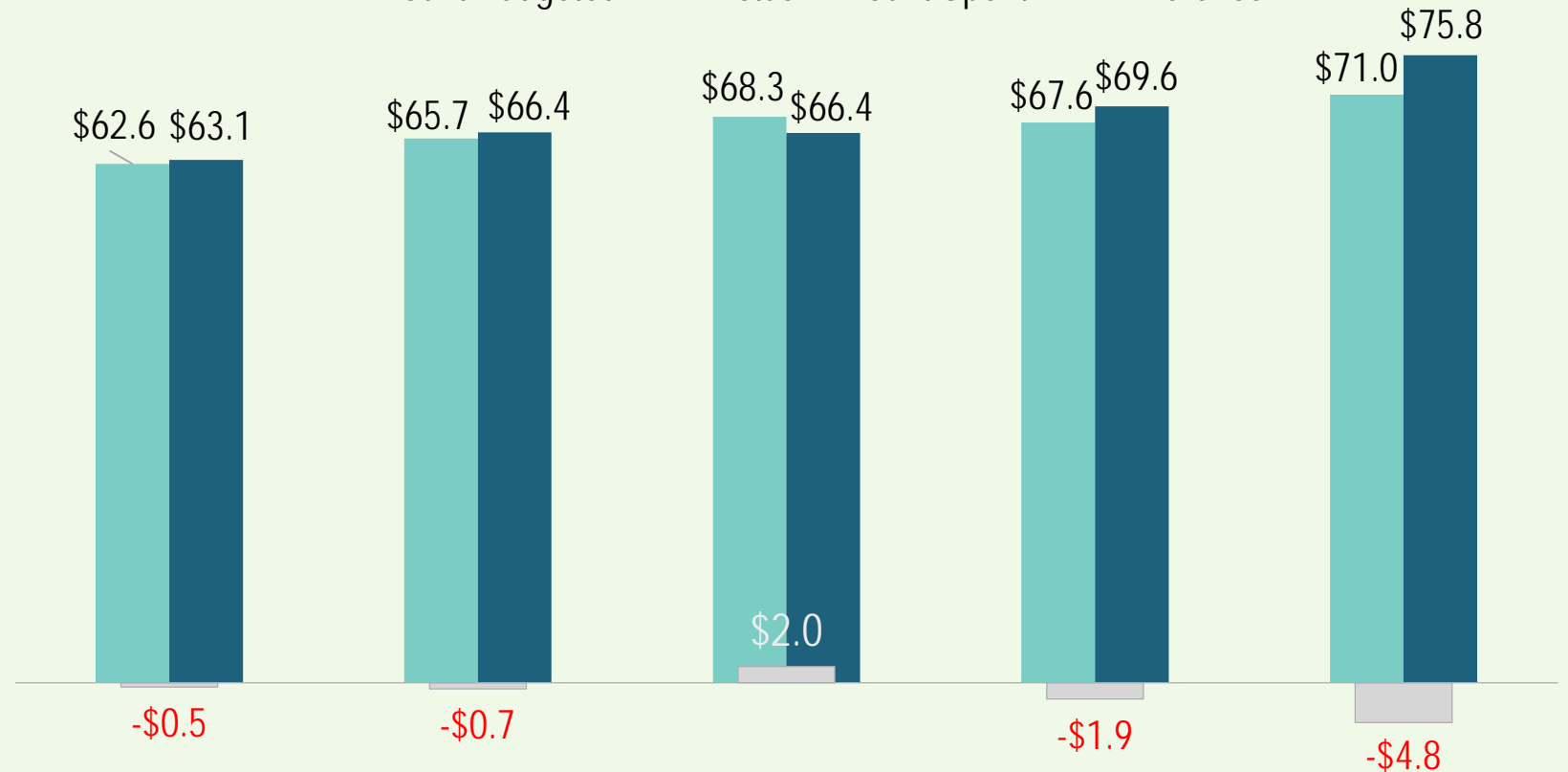
Source: City of Berkeley compensation matrices
See page 7 of the report for details.

**Adjusted to 2020 purchasing power*

BPD has exceeded its General Fund budget four out of the last five years.

BPD General Fund Budget and Actual Expenditures FY 2016-2020 in Millions of Dollars

■ Amount Budgeted ■ Actual Amount Spent ■ Difference



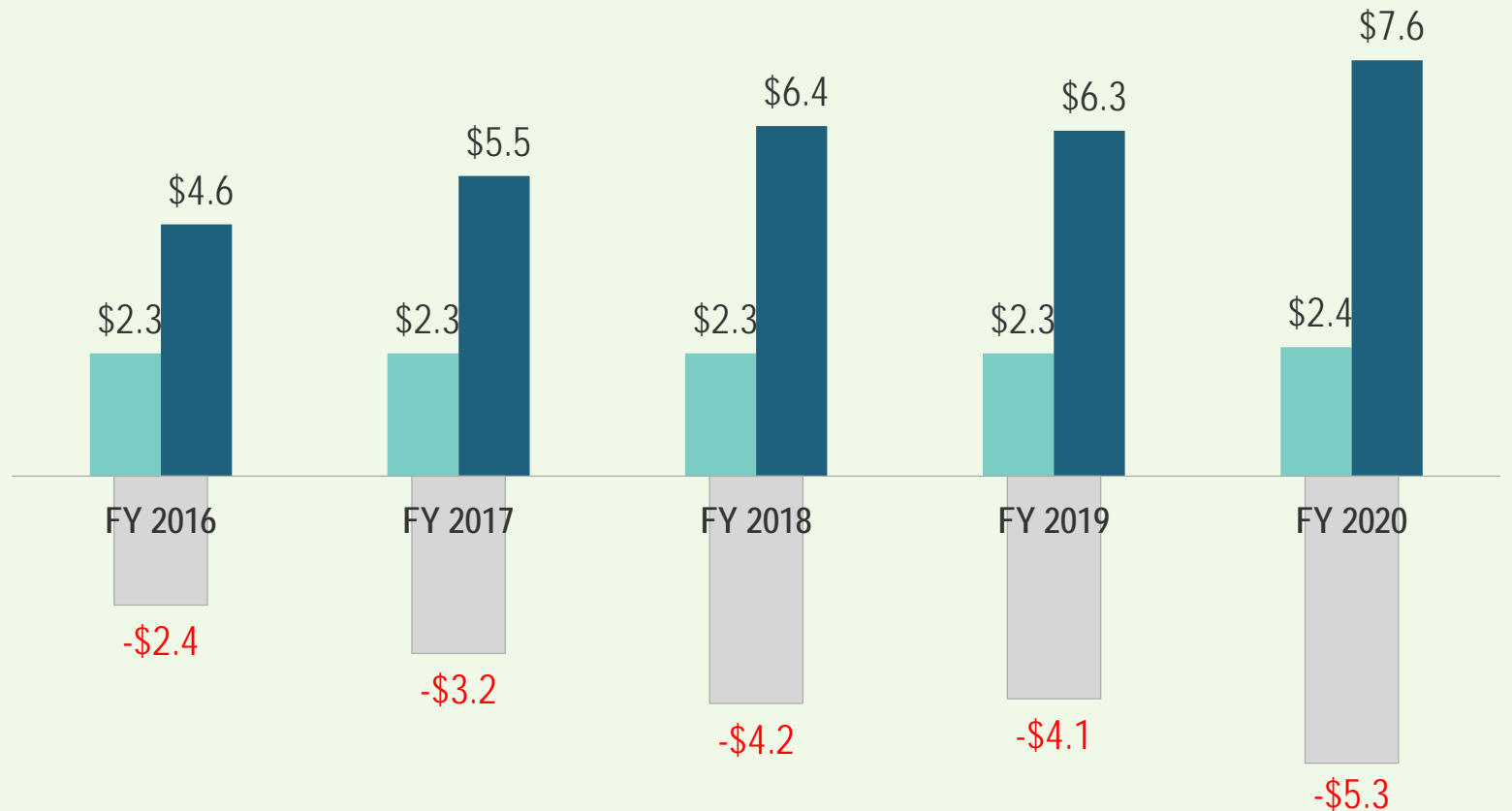
- General Fund savings from other departments cover BPD overages.

Source: BPD presentation to the Budget and Finance Committee on October 22, 2020. The values are *not* adjusted for inflation. See Page 9 and Appendix I of the report for details.

Overtime is the primary cause of BPD overspending, with increased costs each year.

BPD Overtime Budget and Actual Expenditures FY 2016-2020 in Millions of Dollars

■ Amount Budgeted for Overtime ■ Actual Amount Spent on Overtime ■ Difference



- BPD’s spending on overtime has consistently exceeded the \$2.25 million budgeted annually over the past ten years.

Source: BPD presentation to the Budget and Finance Committee on October 22, 2020. The values are *not* adjusted for inflation. See page 10 of the report for details. Page 284

Backfilling for vacancies and absences cost nearly \$1.3 million, or 24 percent of the BPD's total overtime costs.

BPD's Top 10 Overtime Expenditures, FY 2020 Total expenditures = \$5,153,176

1. Vacancies and Absences	\$1,254,652
2. Protest/Demonstration	\$687,619
3. Security for Outside Entities	\$498,758
4. Overtime Associated with Investigations	\$437,371
5. Community Patrol/ Security Coverage	\$413,952
6. Shift Extend	\$412,322
7. Special Response Team/Bomb Detail	\$351,390
8. Special Event	\$202,109
9. Grant-related	\$190,148
10. COVID-19	\$172,175

- BPD relies on overtime to achieve the sworn staffing levels set by the department for regular duty operations.

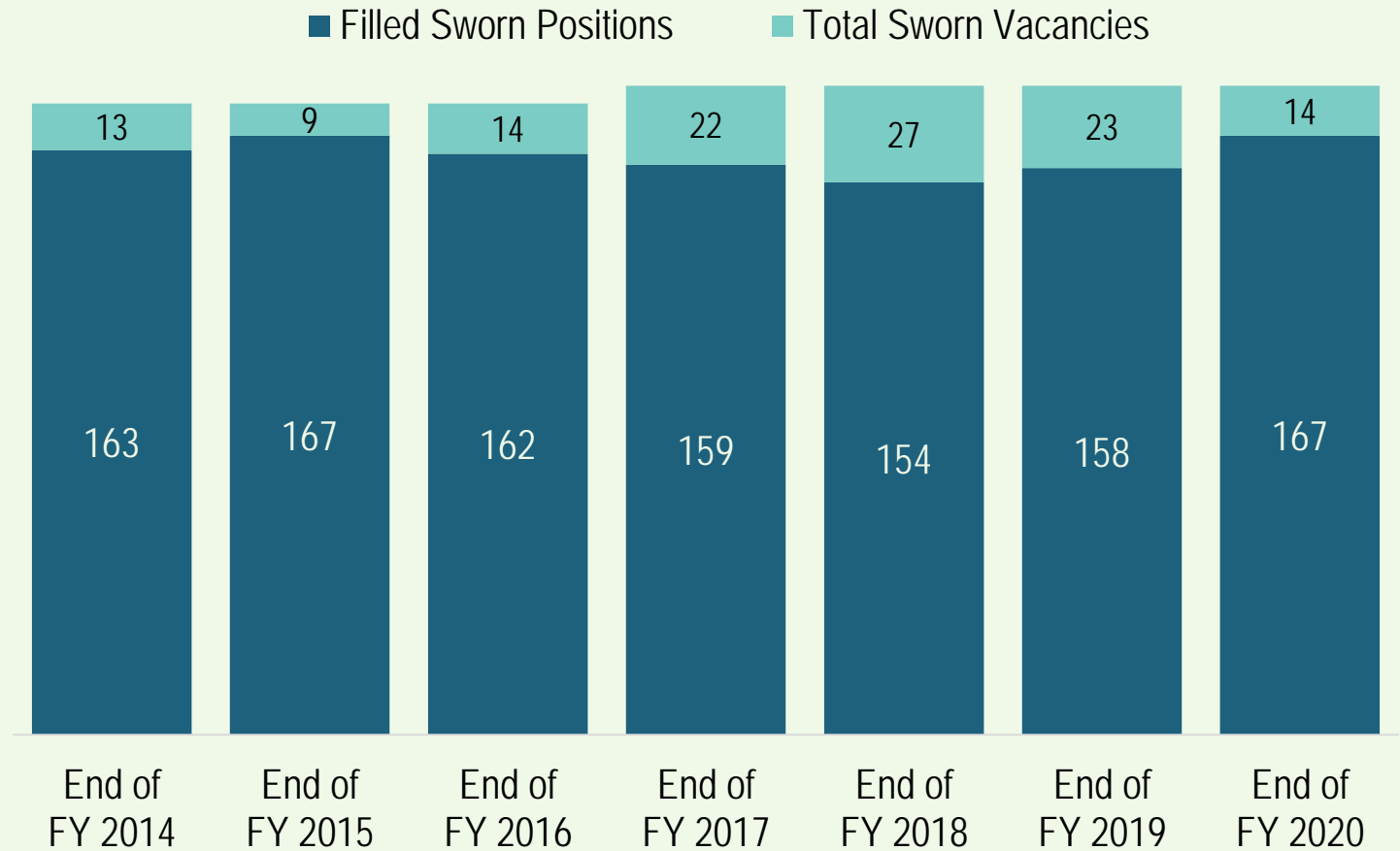
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- Finding 4: BPD has no contracts for overtime security with outside entities.

Vacancies contribute to BPD's reliance on overtime

- Sworn officer positions across BPD's divisions have continuously been underfilled since 2015.
- According to BPD, patrol teams often do not meet daily minimum staffing without overtime.

**Sworn Officer Vacancies and Filled Positions
End of FY 2014 to End of FY 2020**

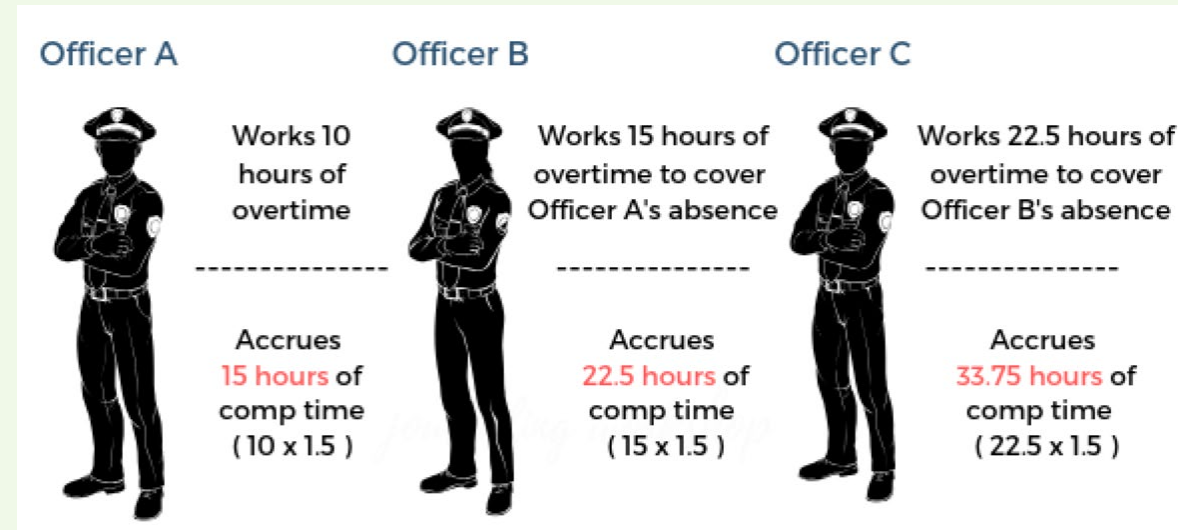


Source: Employment and vacancy data from the Berkeley Human Resources Department
 This chart is based on year end actuals. We did not analyze vacancies before 2015. See page 14 of the report for details. Page 287

Compensatory time may decrease policing capacity and increase costs

- In FY 2020, sworn officers accumulated a total of **8,319 hours** of compensatory time, which accounts for a **full year of work** (2080 hours), or **four full time employees**.
- Compensatory time may decrease the policing resources available.

Compensatory time has the potential to cause a chain reaction of backfill overtime.











Source: Audit of Oakland Police Department Overtime (FY 2014-15 through FY 2017-18)

What we found

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Minimum staffing is the lowest number of sworn officers needed to provide satisfactory levels of service and protection to the public.

BPD Minimum Staffing Levels

	Teams	Minimum of 60 Officers Total	Shift Time
Monday-Thursday	 Team 1	9 officers minimum	6:00am – 4:00pm
	 Team 2	8 officers minimum	11:00am – 9:00pm
	 Team 3	8 officers minimum	3:30pm – 1:30am
	 Team 4	9 officers minimum	8:30pm – 6:30am
Friday-Saturday	 Team 5	9 officers minimum	6:00am – 6:30pm
	 Team 6a	4 officers minimum	11:30am – 12:00am
	 Team 6b	4 officers minimum	2:00pm – 2:30am
	 Team 7	9 officers minimum	6:00pm – 6:30am

- BPD set staffing at **60 patrol officers**, split into **7 teams** covering 16 beats across the City.
- Staffing levels were set in 2016.
- Off-duty officers work **overtime** to backfill the absences.

Source: Berkeley Police Department
 See page 12 of the report for further details.

BPD does not regularly assess the efficacy of their minimum staffing model.

- Calls for service requiring increased collaboration across City departments, such as homelessness and mental health.
- BPD does not regularly assess the Patrol Unit's staffing model in response to changing community needs.
- Patrol minimum staffing levels are not documented by BPD.
- Best practice: dynamic staffing model appropriately addresses community needs and accounts for staffing realities.

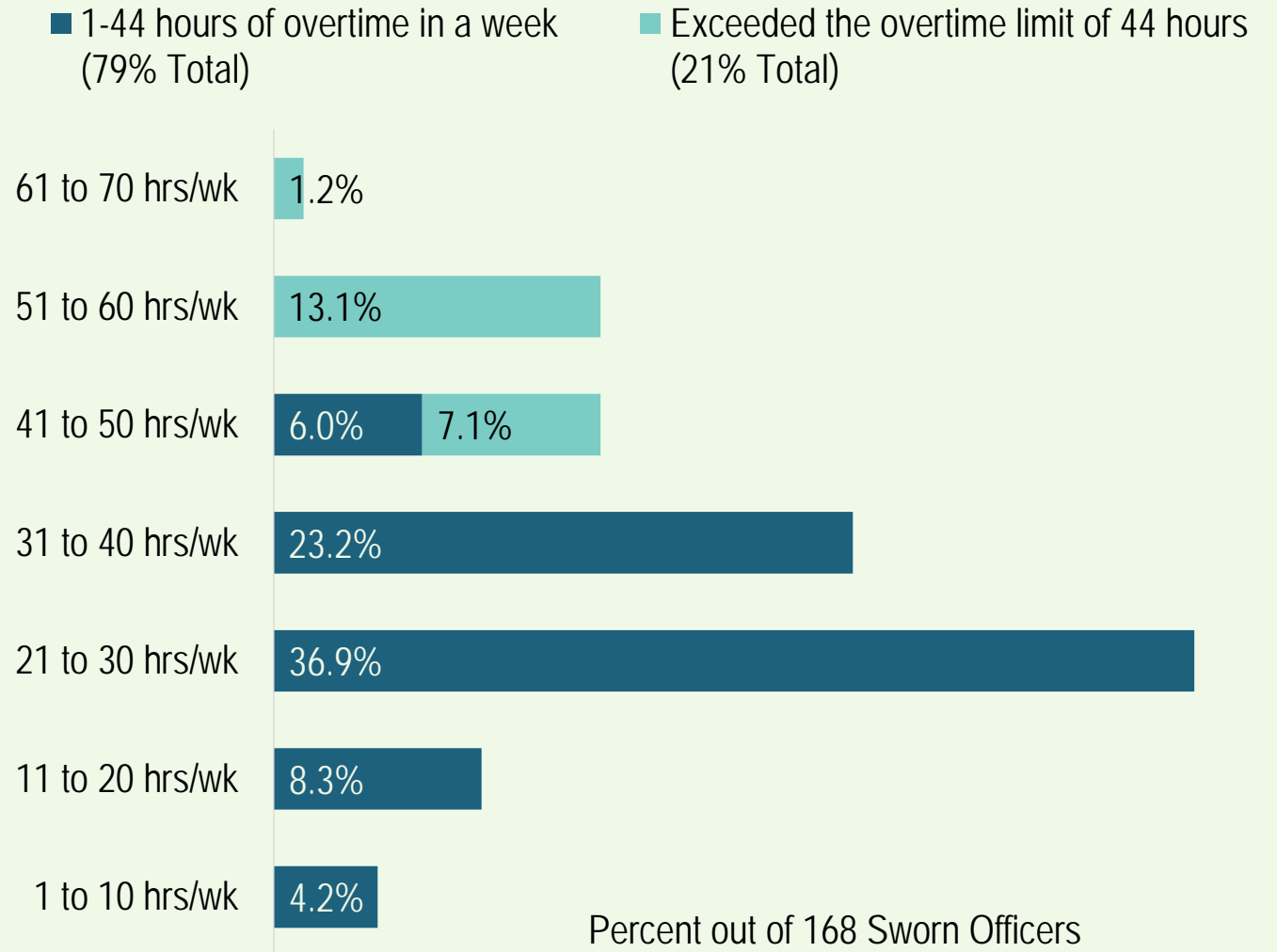
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- Finding 4: BPD has no contracts for overtime security with outside entities.

Officers exceed overtime limits set by BPD.

- In FY 2020, **21 percent** of sworn officers exceeded BPD’s overtime limit at least once.
- **85 percent** of officers worked a week or more, compared to **nearly half** in FY 2019.

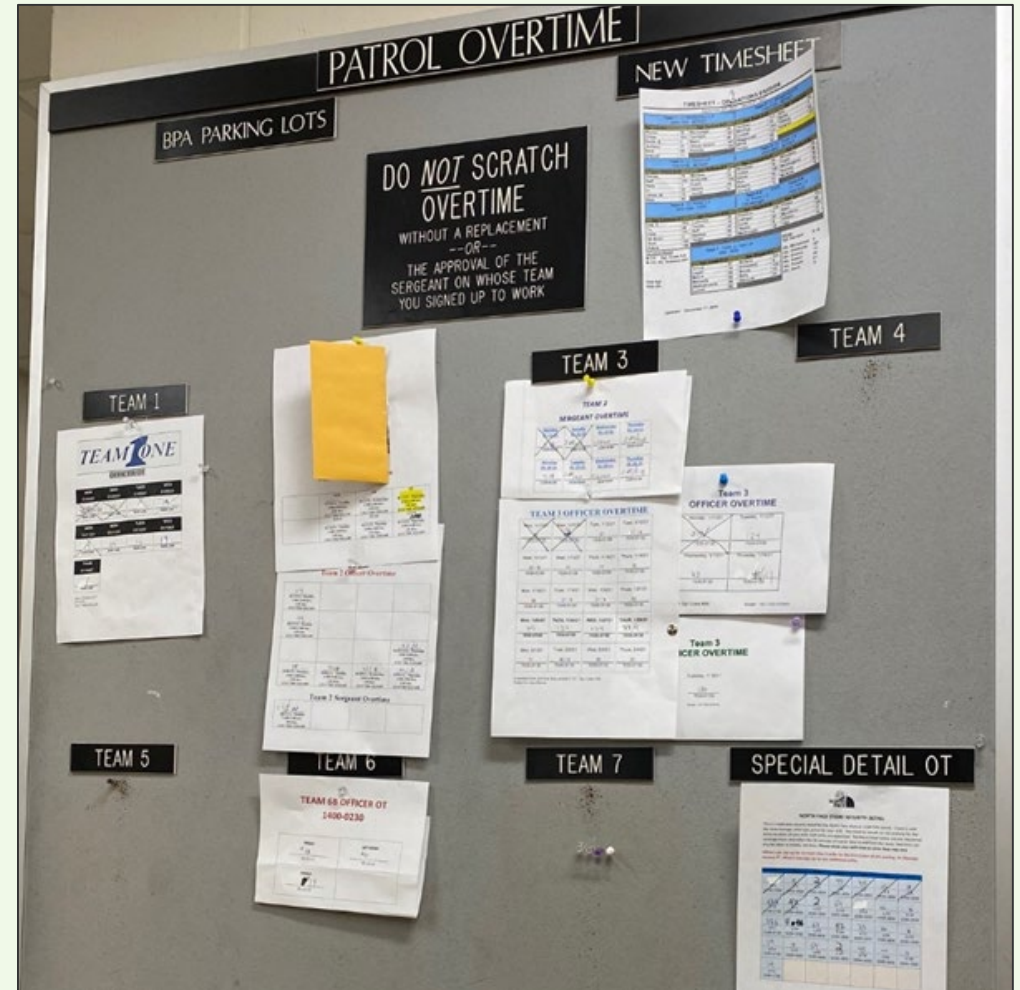
Maximum Hours Worked in One Week by Sworn Officers in FY 2020



BPD does not effectively track officer hours to enforce overtime limits.

- Manual paper system to schedule and track work hours.
- Overtime is voluntary and first come, first serve.
- System does not limit signing up for multiple spots, and supervisors may not know how much an officer has worked.

Sample BPD Sign-up Sheets



Source: Berkeley Police Department

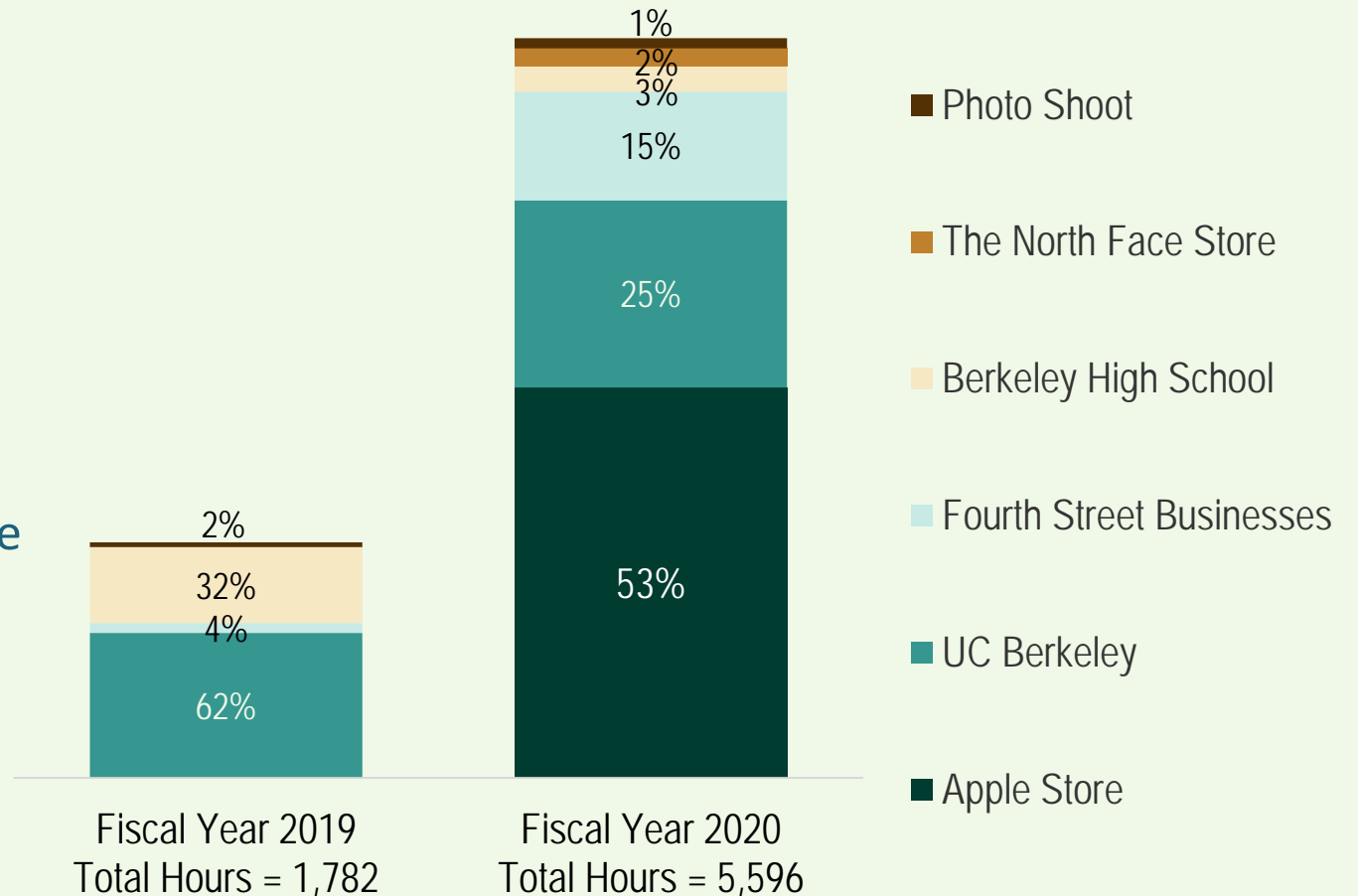
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- **Finding 4: BPD has no contracts for overtime security with outside entities.**

BPD's personnel costs and hours towards overtime security work for outside entities more than tripled in FY 2020

**Total Hours Worked by BPD for Outside Entities, FY 2020
(labeled by percent)**

- In FY 2020, **50 percent** of all BPD sworn officers conducted this overtime.
- Six major employers, with **53 percent** of hours going toward Apple.
- Davis Police Department has a comparable arrangement and has a policy.



Source: BPD Payroll Data

BPD does not effectively track costs of overtime security and it is unclear if the City is charging outside entities appropriately.

Officer Working the Apple Store

- Officers paid overtime by BPD, outside entities reimburse the City.
- BPD charges payroll costs, including benefits paid for overtime.
- No charge for vehicle costs nor administrative costs.
- Difficult to determine costs are fully recovered:
 - Cannot separate out revenue
 - Manual processes subject to error
 - Billing can have errors

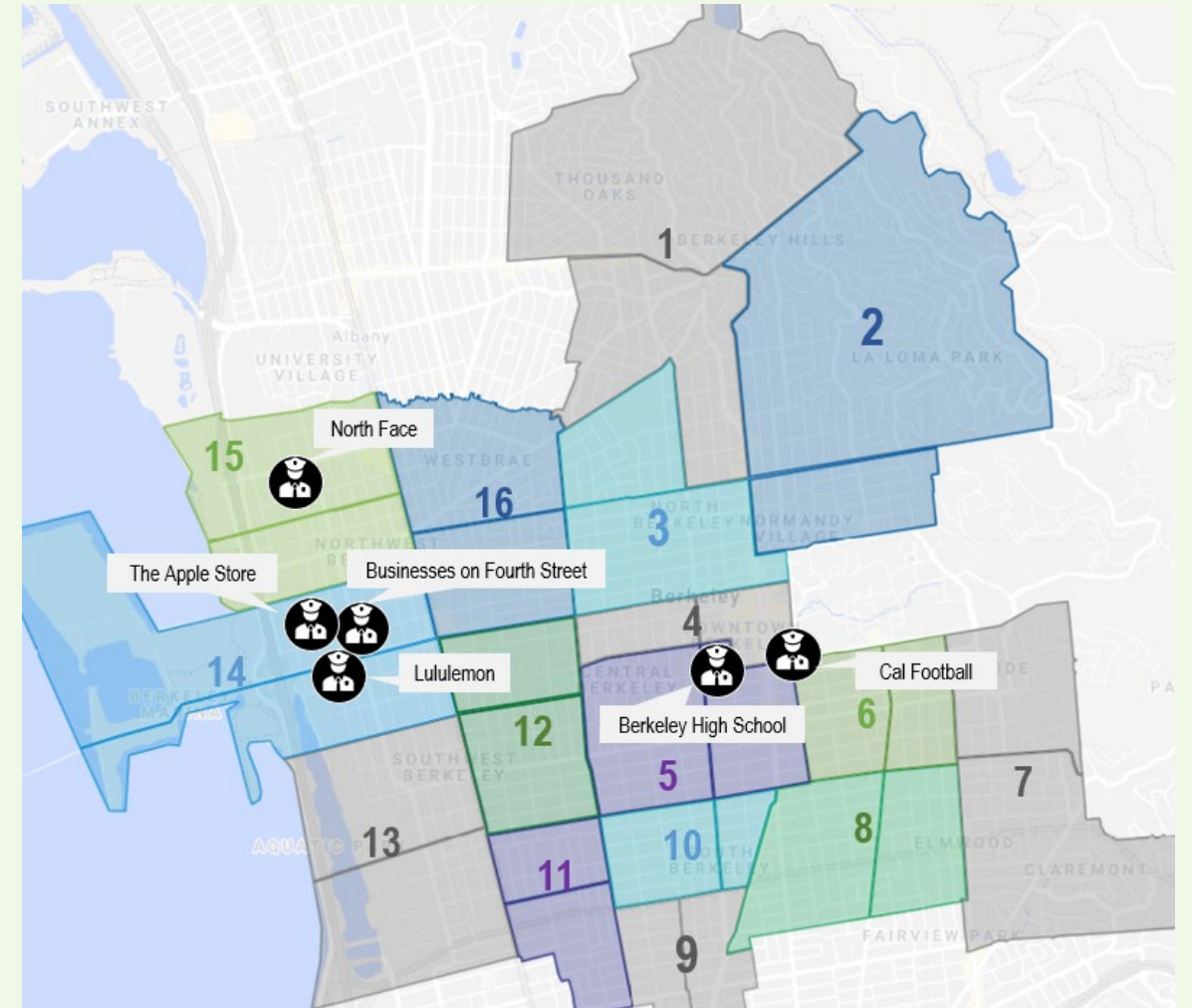


Source: Berkeley City Auditor

The BPD has no procedures or written agreements for working overtime with outside entities.

Work for Outside Entities in FY 2020 by Police Beats

- No evidence of contracts nor written agreements. No policies or criteria that govern approval and administration.
- Risks:
 - Liabilities
 - Conflict of interest
 - Administrative gaps
 - No working limits
- Without policies and documentation, BPD cannot ensure transparent and equitable services.



Recommendations

We recommend that the Berkeley Police department:

1. Fill vacancies deemed necessary and/or reallocate staff pending reimagining process; collect and monitor data on compensatory time.
2. Publicly document minimum staffing; establish procedures to regularly assess their efficacy.
3. Evaluate and update overtime policies; use staffing software to monitor overtime and compensatory time.
4. Update policies and procedures, create contracts, and increase transparency on security for outside entities. Regularly evaluate billing, and explore ways to track revenues and expenses.

Management Response

The Berkeley Police Department agreed with our audit findings, conclusions and recommendations, and provided an action plan to address our recommendations.



We would like to thank the Police Department for their cooperation with this audit.





To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor *JW*

Subject: Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities

RECOMMENDATION

We recommend City Council request that the City Manager report back by September 29, 2022, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Berkeley Police Department (BPD). They have agreed to our findings and recommendations. Please see our report for their complete response.

FISCAL IMPACTS OF RECOMMENDATION

Implementing the recommendations will ensure overtime worked by BPD officers is appropriate, saving BPD and the City costs related to unnecessary overtime. Implementation will also ensure the City is appropriately reimbursed for police services to outside entities.

If BPD and City do not implement recommended measures, overtime expenditures may continue to exceed BPD's budgeted amount in the following years. Without the ability to track revenues and expenses of work for outside entities, BPD risks continually underbilling for their services and not recovering the full costs of officer overtime. BPD and the City may also encounter liability costs if BPD continues to provide services to outside entities without contracts that include indemnity agreements.

CURRENT SITUATION AND ITS EFFECTS

BPD relies on overtime to achieve their sworn staffing levels. In Fiscal Year (FY) 2020, nearly a quarter or \$1.3 million of BPD's sworn overtime costs went toward backfilling for officer vacancies and absences.

BPD lacks a process to regularly assess the efficacy of minimum staffing levels, and cannot ensure that minimum staffing reflects the current needs of BPD and the community. BPD's minimum staffing levels could cause unnecessary overtime if not regularly updated.

BPD does not adhere to their overtime controls. In FY 2020, 21 percent of sworn officers exceeded BPD's overtime limit at least once. Without adequate enforcement and tools to manage overtime, BPD cannot mitigate risks of officer fatigue.

BPD's overtime security work for outside entities more than tripled in FY 2020. There are no procedures or contracts for this work, and it is unclear if BPD charges outside entities

appropriately. Without policies and documentation, BPD cannot ensure transparent and equitable services.

BACKGROUND

BPD's budget has increased significantly in the past several decades. BPD surpassed the budgeted amount four out of the last five years, with overtime being the primary cause of overspending. Though some amount of overtime is required, overreliance on overtime can increase fatigue and burnout, decrease productivity, and increase mistakes.

ENVIRONMENTAL SUSTAINABILITY

Our office manages and stores audit workpapers and other documents electronically to significantly reduce our use of paper and ink. Our audit recommendation for BPD to use modern staffing software could also reduce the use of paper and ink.

RATIONALE FOR RECOMMENDATION

Implementing our recommendations will improve BPD's management of overtime and mitigate risks associated with excessive overtime and officer fatigue. The recommendations will also ensure BPD's staffing levels are transparent, appropriate, and responsive to the current needs of the community. Additionally, the recommendation ensures BPD's work for outside entities is equitable and transparent, and in full compliance with relevant laws and policies.

CONTACT PERSON

Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

Attachments:

1: Audit Report: Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities

Audit Report
March 3, 2022

Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities



BERKELEY CITY AUDITOR

Jenny Wong, City Auditor

Erin Mullin, Senior Auditor

Alejandra Barrio Gorski, Auditor I



Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities

Report Highlights

March 3, 2022



Findings

1. Berkeley Police Department (BPD) relies on overtime to achieve their sworn staffing levels. In Fiscal Year (FY) 2020, nearly a quarter or \$1.3 million of BPD’s sworn overtime costs went toward backfilling for officer vacancies and absences.

Berkeley Police Department Top 10 Overtime Expenditures, FY 2020

1. Vacancies and Absences	\$1,254,652
2. Protest/Demonstration	\$687,619
3. Security for Outside Entities	\$498,758
4. Overtime Associated with Investigations	\$437,371
5. Community Patrol/ Security Coverage	\$413,952
6. Shift Extend	\$412,322
7. Special Response Team/Bomb Detail	\$351,390
8. Special Event	\$202,109
9. Grant-related	\$190,148
10. COVID-19	\$172,175

■ Total expenditures = \$5,153,176. See Figure 8 on Page 13 for further details.

Source: BPD Payroll Data

2. BPD lacks a process to regularly assess the efficacy of minimum staffing levels, and cannot ensure that minimum staffing reflects the current needs of BPD and the community. BPD’s minimum staffing levels could cause unnecessary overtime if not regularly updated.

Objectives

1. What policing functions does BPD’s use of overtime cover?
2. Does BPD regularly assess minimum staffing levels to meet community needs?
3. Is BPD’s management of overtime sufficient to reduce excessive uses of overtime?
4. Are BPD’s agreements to provide work for outside entities transparent and in accordance with the law?

Why This Audit Is Important

BPD exceeded its General Fund budget four out of the last five years. In FY 2020, BPD surpassed its \$71.0 million allocation by \$4.8 million. Overtime is the primary cause of BPD’s overspending, and this report seeks to understand why BPD’s overtime spending has increased in recent years. Some overtime is required for various reasons. It is often more cost-effective than hiring staff and allows employees to meet fluctuating workloads. However, overreliance on overtime can increase fatigue and burnout, decrease productivity, and increase mistakes.

- 3. BPD does not adhere to their overtime controls. In FY 2020, 21 percent of sworn officers exceeded BPD’s overtime limit at least once. Without adequate enforcement and tools to manage overtime, BPD cannot mitigate risks of officer fatigue.

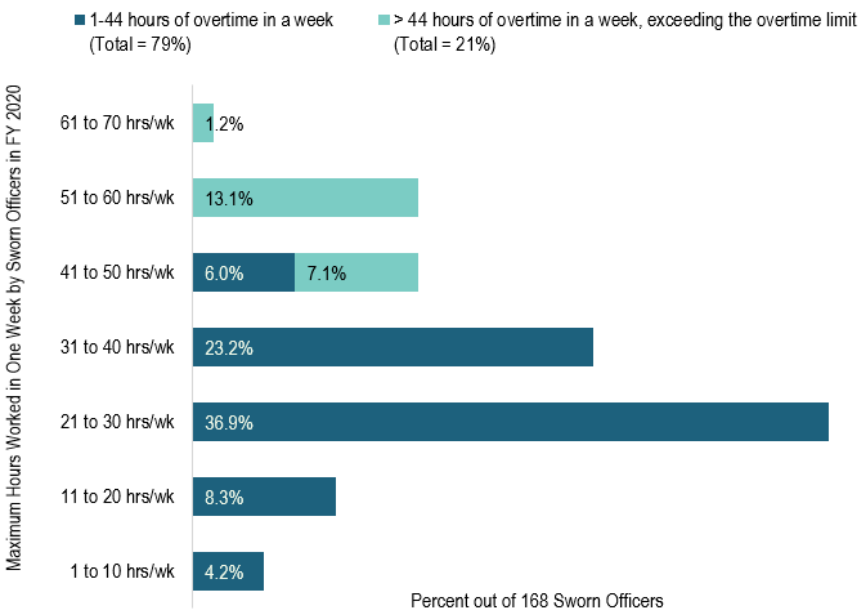
Recommendations

We recommend that BPD publicly document minimum staffing levels and establish procedures to regularly assess their efficacy. BPD should also evaluate and update overtime policies, and monitor overtime and compensatory time using staffing software.

We also recommend that BPD update policies and procedures, create contracts, and increase transparency on work for outside entities. BPD should also regularly evaluate their billing and explore ways to track revenues and expenses.

This audit does not propose recommendations regarding BPD’s staffing levels or service delivery model.

BPD Officers Exceed BPD’s Overtime Limit of 44 Hours in a Week in FY 2020



Source: BPD Payroll Data

- 4. BPD’s overtime security work for outside entities more than tripled in FY 2020. There are no procedures or contracts for this work, and it is unclear if BPD charges outside entities appropriately. Without policies and documentation, BPD cannot ensure transparent and equitable services.



Photo source: Berkeley Police Department



For the full report, visit:
<http://www.cityofberkeley.info/auditor>

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Page 18	Minimum staffing levels in BPD's Patrol Unit could cause unnecessary overtime if not regularly updated.
Page 22	Officers work excessive overtime, increasing health and safety risks.
Page 28	BPD has no contracts for overtime security with outside entities.
Page 38	Recommendations and Management Response
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Page 47	Appendix II. Reasons for Overtime: Hours and Expenditures
Page 49	Appendix III. Extraordinary Duty Form
Page 51	Appendix IV. Sample BPD Patrol Timesheet

Introduction

In our 2021 Audit Plan, we identified the Berkeley Police Department (BPD) budget as an area needing objective and independent analysis of how limited City funds are allocated. In April 2020, our office produced a special report examining the impact of the COVID-19 pandemic on Berkeley's finances. We found that the City may need to reduce expenditures to focus on essential activities that prioritize public health and safety, as well as community values.¹ BPD's overtime expenditures have increased in recent years, and this report seeks to understand why. Some amount of overtime is required due to vacancies, emergencies, special events, staffing shortages, workload fluctuations, etc. It is often more cost-effective than hiring additional staff and allows employees to meet fluctuating workloads. However, overreliance on overtime can increase fatigue and burnout, decrease productivity, and increase mistakes.

In December 2020, the City entered into a contract with outside consultants to research, analyze, and make recommendations in regards to BPD's policing model including the size and scope of operations. It is important to have a staffing model that aligns with the needs of the community. To avoid duplication of work outlined in the City's reimagining public safety process, this report does not assess the adequacy of BPD's staffing levels or service delivery model. There are ongoing discussions in the City about appropriate staffing levels and what functions BPD should undertake.

¹Navigating the Impact of the COVID-19 Pandemic on Berkeley's Finances: https://www.cityofberkeley.info/uploadedFiles/Auditor/Level_3_-_General/Navigating%20Impact%20of%20COVID-19%20Pandemic%20on%20Berkeley%E2%80%99s%20Finances%20rpt.pdf

Objectives, Scope, and Methodology

Our objectives were to determine:

1. What policing functions does BPD's use of overtime cover?
2. Does BPD regularly assess minimum staffing levels to meet community needs?
3. Is BPD's management of overtime sufficient to reduce excessive uses of overtime?
4. Are BPD's agreements to provide work for outside entities transparent and in accordance with the law?

We examined BPD spending on overtime for fiscal years (FY) 2019 and 2020. We focused on this scope period due to its timeliness and relevance, bearing in mind that 2020 data may reflect the impacts of the COVID-19 pandemic. We assessed historic funding levels going as far back as FY 1970 when data was available. We specifically assessed internal controls significant to the audit objectives. This included a review of selected policies and procedures, interviews with staff from BPD, and source documents for payroll data. In performing our work, we identified concerns about the department's manual process for tracking officer schedules and hours worked to enforce overtime limits and manage staffing. For more information, see p. 43.

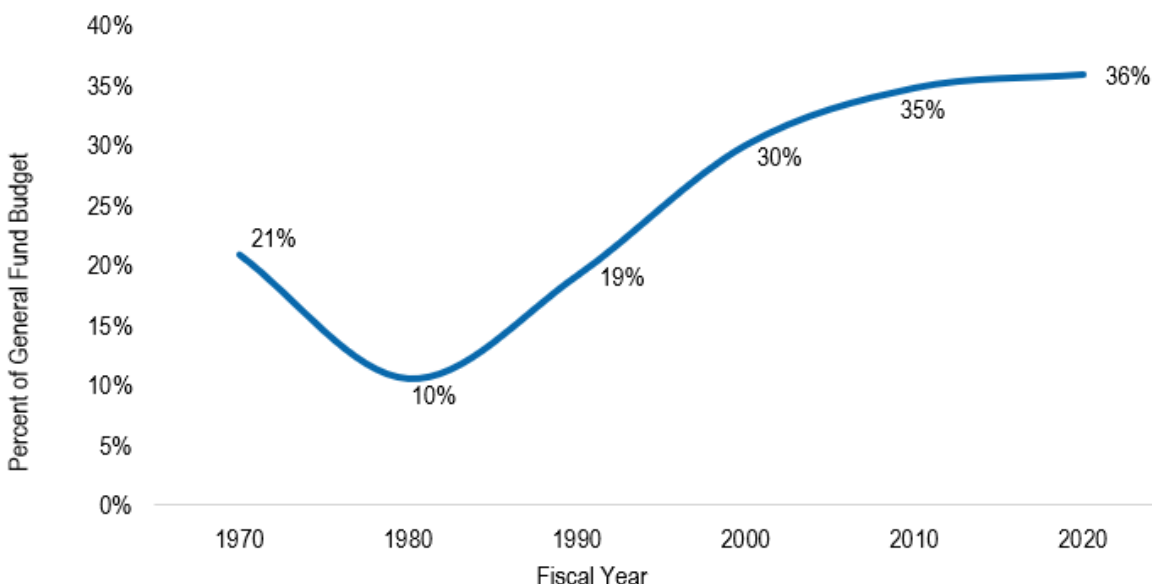
Background

BPD's budget is the largest portion of the City's General Fund.

BPD receives more General Fund money than any other department in the City. The Fire Department is the department with the second highest allocation of General Fund monies.² In FY 2020, BPD's allocation of General Fund monies accounted for 36 percent (\$70.6 million) of the City's \$196.9 million General Fund budget. The percentage of the General Fund allocated to BPD increased from 21 percent in 1970 to 36 percent in 2020, with one notable dip to 10 percent in 1980. In the context of Berkeley's total government expenditures, police spending has remained at a relatively constant level. BPD accounted for 14 percent of government expenditures in FY 2020 which is only a one percent decrease since 1970. Figure 1 only reflects the share of General Fund spending on police services and does not show how staffing and police operations have changed over time.

² City of Berkeley, FY 2020-2021 Biennial Budget: <https://www.cityofberkeley.info/uploadedFiles/Manager/Budget/FY-2020-2021-Adopted-Budget-Book.pdf>

Figure 1. BPD Received 36 Percent of the City’s General Fund Budget in FY 2020

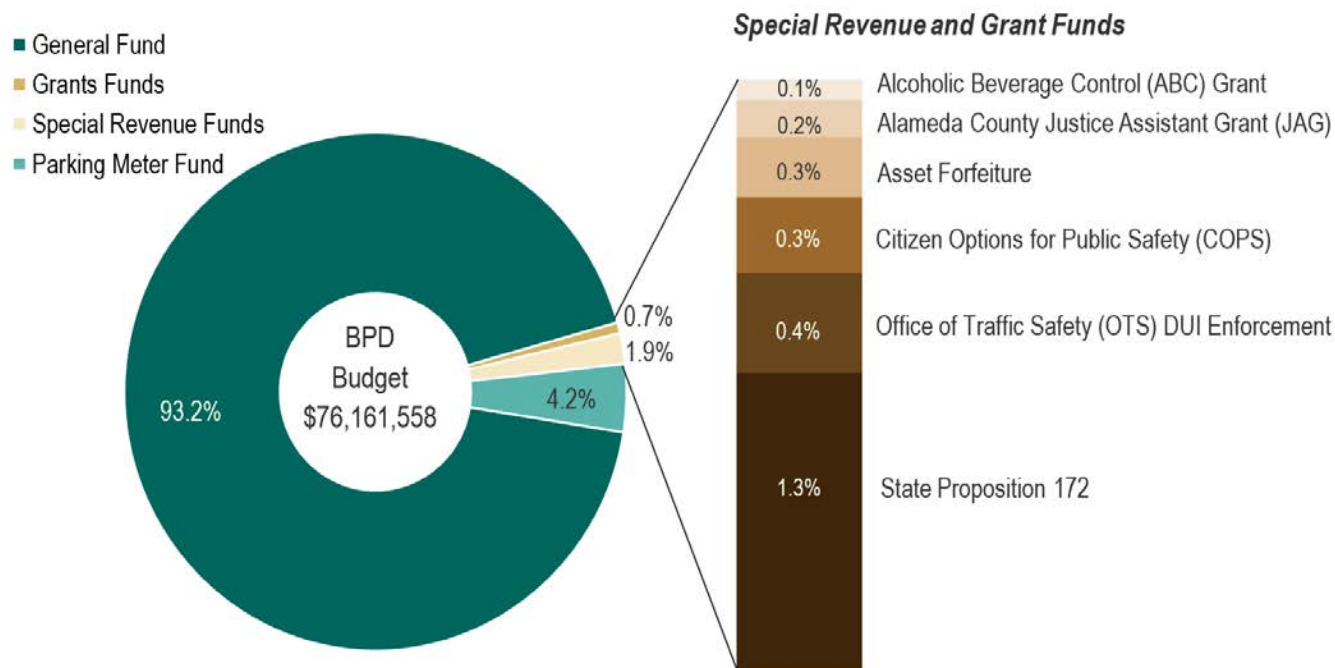


Source: FY 1970, 1980, 1990, 2000, 2010, and 2020 Adopted City Budgets

Most of BPD’s budget comes from the City’s General Fund.

Ninety three percent of BPD’s budget is paid for by the General Fund. Between 2015 and 2020, BPD’s funding streams were the General Fund, Parking Fund, Asset Forfeiture Fund, Federal Grants, and State/ County Grants. Appendix I provides further information about each fund.

Figure 2. The General Fund Makes Up 93 Percent of the BPD Budget, FY 2020



Source: FY 2020 Revised Budget Data

BPD’s budget has increased over time.

Since 1970, the BPD budget has grown significantly each decade, from \$21.86 million in 1970 (adjusted to 2020 purchasing power) to \$74.98 million in 2020. Personnel costs have accounted for the most significant portion of these budgets. Over the years, personnel costs have increased alongside BPD’s overall budget, but the portion of the budget that personnel costs account for has remained consistent at around 89 percent.

In contrast, since 1970, the number of BPD personnel has increased slightly by five percent, coinciding with a five percent increase in the City’s population during this period. Meanwhile, the average cost per employee has increased drastically: in 1970, 272 BPD personnel (sworn and non-sworn) cost the city \$19.45 million (adjusted to 2020 purchasing power) in wages and benefits, and by 2020, 285.2 employees in the same department cost the City \$67 million. On average, the cost of one BPD employee in 2020 was over three times that of one BPD employee in 1970.

Increases in fringe benefit rates contribute to the spike in personnel costs. We analyzed the overall cost of benefits, but did not look at the actual benefits personnel received. The cost of benefits for sworn police has increased significantly over the last five years, and police have the highest fringe benefit rate across the city. Between 2016 and 2020, the fringe benefit rate for sworn police increased 15.92 percent due mostly to an increase in the employer’s CalPERS rate. Fire had the next highest rate of 88.28 percent in FY 2020 which was 17 percent lower than Police. With a fringe benefit rate at 105.6 percent of an officer’s salary, it is always cheaper to have an officer work overtime rather than hire a new officer. However, it can be more expensive to have a higher ranked sergeant or lieutenant work overtime in place of hiring a new officer.

Figure 3. Officer Fringe Benefit Rates Exceed 100 Percent of Salary

Citywide Composite Fringe Benefit Rates for Sworn and Non-sworn Employees

Year	Sworn Police	Sworn Fire	Non-sworn (citywide)		
			Office	Field	Laborer
2016	89.68%	77.86%	69.33%	72.72%	89.84%
2020	105.6%	88.28%	66.66%	70.72%	85.09%

Note: These rates are estimates. Non-sworn fringe benefits rates include benefited city employees that are neither a sworn officer nor a firefighter. The type of non-sworn work of an individual position (office, field, laborer) determines the total benefit rate.

Source: City of Berkeley compensation matrices

Patrol has received the greatest portion of funding.

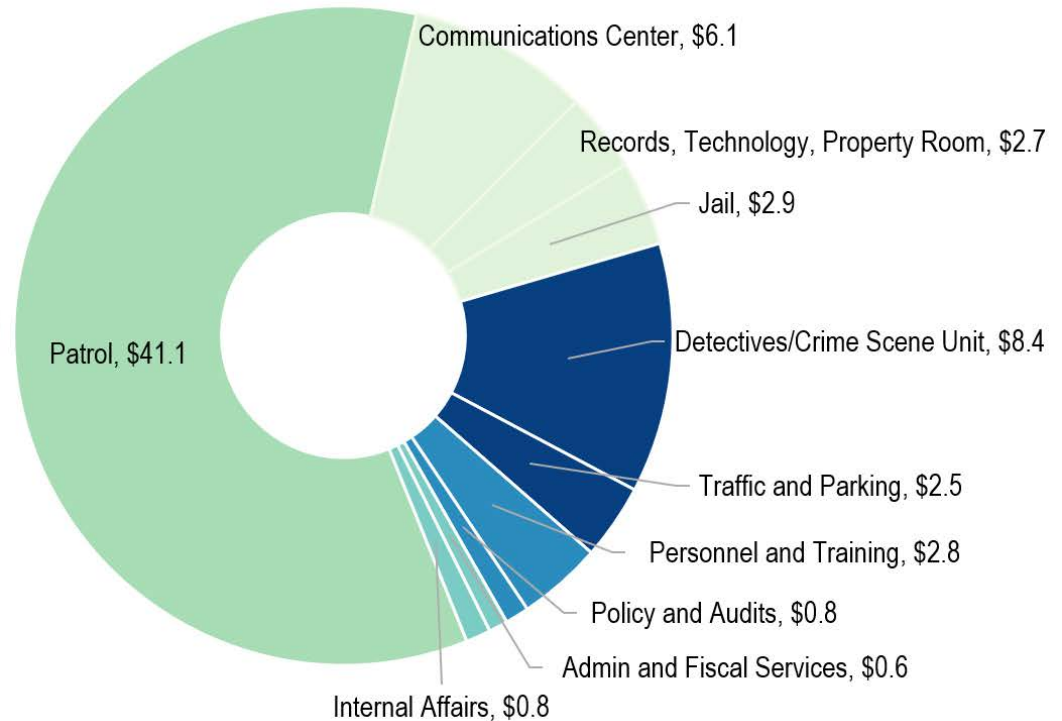
BPD has four divisions that report to the Chief of Police: Operations, Professional Standards, Support Services, and Investigations. The greatest share of BPD’s funding has historically gone toward the Operations Division, which manages the department’s Patrol Unit. Patrol is a core function of BPD, with 24/7 operations responding to emergency and non-emergency calls for service, conducting criminal investigations, and providing additional policing services.

Figure 4 shows personnel expenditures from BPD’s General Fund, by divisions and subdivisions. In FY 2020, BPD’s Patrol Unit accounted for \$41.1 million, or 60 percent of personnel costs within the department’s General Fund budget.

Figure 4. Patrol Operations Utilized 60 Percent of Personnel Costs from the Department’s FY 2020 General Fund Budget, in Millions of Dollars

Divisions:

- Operations (Patrol), 60%
- Support Services, 17%
- Investigations, 16%
- Professional Standards, 5%
- Office of the Police Chief, 2%

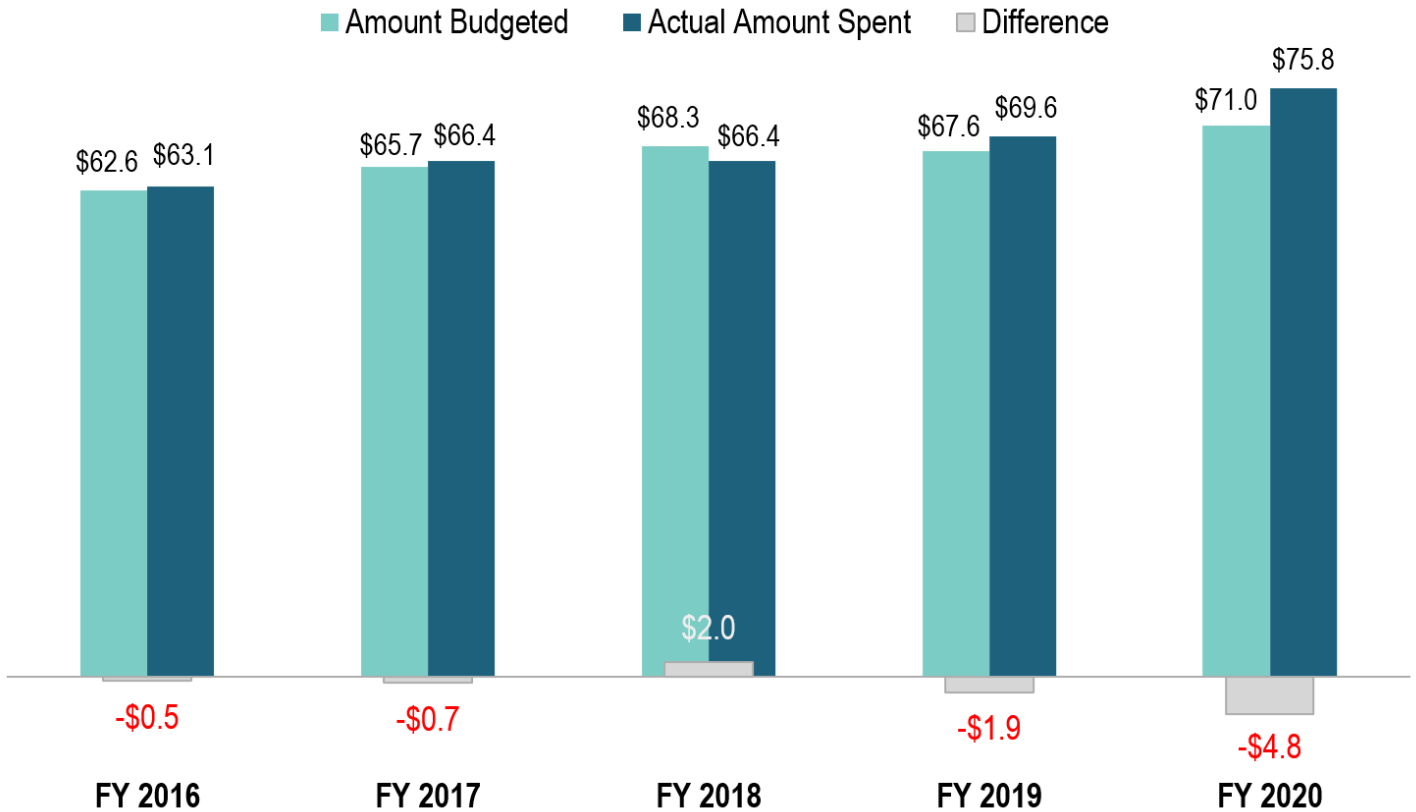


Source: FY 2020 Adopted City Budget

BPD has exceeded its General Fund budget four out of the last five years.

BPD has spent more from the General Fund than budgeted. BPD was half a million dollars over budget in FY 2016, and by FY 2020 the overage was nearing five million dollars. In FY 2020, BPD spent \$75.8 million of General Fund monies or approximately \$4.8 million more than the budgeted amount. According to the City Budget Office, General Fund savings from other departments are used to cover BPD overages after BPD has exhausted savings within their department.

Figure 5. BPD Spent More General Funds than Budgeted Four Out of Five Years, FY 2016-2020 in Millions of Dollars



Source: BPD presentation to the Budget and Finance Committee on October 22, 2020

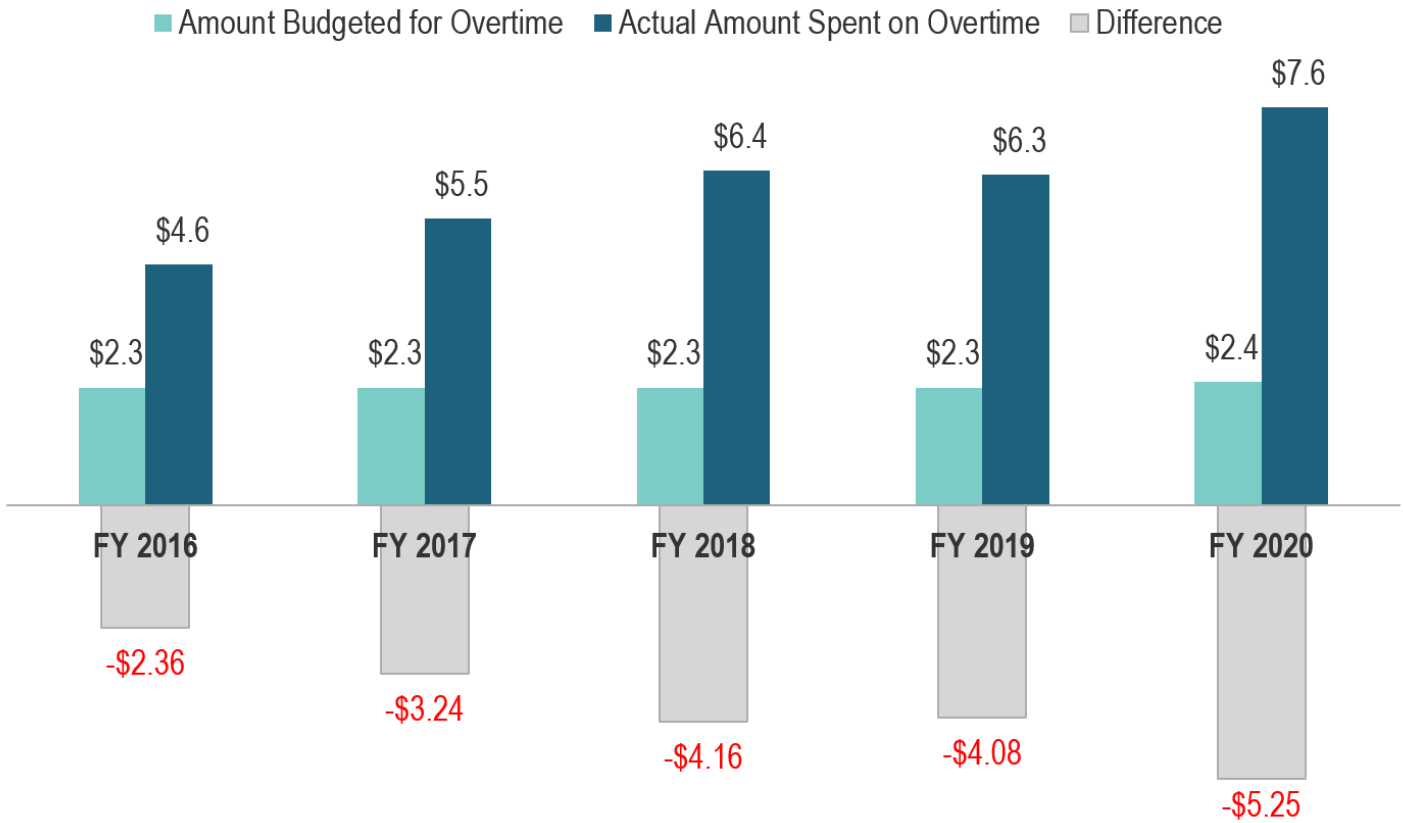
Overtime is the primary cause of BPD overspending, with increased costs each year.

The Operations Division, which contains the Patrol Unit, is BPD’s largest division and the biggest user of overtime. Policing is unpredictable and some overtime work is necessary and unavoidable. Officers may need to complete arrests at the end of their shifts, fill in to cover absences, or assist in safely facilitating public events. Police work also inevitably generates off-duty court appearances, trainings, and work on holidays. Some level of overtime can be viewed as a fixed cost of normal policing and will occur regardless of the number of officers employed. Knowing where, when, and why overtime was used is necessary if BPD is to anticipate overtime, to justify its payment, and to find ways to reduce the need for overtime expenditures.

BPD’s spending on overtime has consistently exceeded the \$2.25 million that the City has budgeted annually over the past ten years. Although BPD exceeded other budget line items in FY 2020, overtime was the biggest reason for the department overages. BPD increased overtime expenditures for public safety power shutoffs, COVID-19, protests, and work for outside entities from FY 2019 to 2020, contributing to an overall increase in overtime expenditures by nearly \$1.2 million (see Appendix II for more detail). According to the Budget Office, the City is committed to providing a police overtime budget that aligns with actual overtime expenditures going forward. In FY 2021, the City increased BPD’s overtime budget to \$5.3 million with an additional \$1 million in reserves.

The budget and expenditure data do not show the details of how overtime is paid. Some overtime is paid for by salary savings associated with department vacancies and other overtime is reimbursed from outside entities. However, reimbursements from outside entities are not credited back to the department, and we are unable to determine the reimbursed amounts under BPD’s current accounting structure (see page 33). Figure 6 offers a simple snapshot of overtime spending, and does not incorporate other ways in which BPD and the City recover the costs of overtime.

Figure 6. The Cost of Overtime Has Increased, While the Budgeted Funding Has Remained Insufficient, FY 2016-2020 in Millions of Dollars



Note: Includes sworn and non-sworn personnel.

Source: BPD presentation to the Budget and Finance Committee on October 22, 2020

The majority of overtime activities are paid for using BPD’s General Fund budget. In FY 2020, 81 percent of overtime activities were budgeted from BPD’s General Fund. The remaining 19 percent of overtime activities were budgeted from Grants and the Parking Meter Funds.

Overtime is used to maintain minimum patrol staffing set by BPD.

BPD relies on overtime to achieve the sworn staffing levels set by the department for regular duty operations. In FY 2020, overtime costs for sworn officers exceeded \$5 million or 75 percent of the department's total overtime expenditures. Overtime has a variety of beneficial uses, but a large part of overtime at BPD is simply backfilling officer vacancies and absences. While it is generally less expensive to use overtime to fill shift vacancies than it is to hire more staff, BPD relies on backfill in patrol often. In FY 2020, 45 percent of sworn officer's overtime hours in BPD were used to maintain regular duty operations and nearly half of those overtime hours were due to staffing vacancies and absences (Figure 8). Sworn officer vacancies contribute to BPD's reliance on overtime, and more work is needed to understand the full impact. Additionally, BPD does not adequately monitor compensatory time to ensure it does not increase the need for overtime.

Backfilling for officer vacancies and absences was the most common reason for overtime.

In FY 2020, backfilling for officer vacancies and absences was the most common and costly reason for overtime, accounting for 21 percent of sworn officer's overtime hours and costing nearly \$1.3 million, or 24 percent of the BPD's total overtime costs (Figure 8). Backfilling is the practice of filling a position to maintain staffing levels after a sworn officer goes on a leave of absence or vacates the position. Sworn officers are most frequently used to backfill to meet minimum staffing levels in the Patrol Unit.

Minimum staffing levels are the lowest number of sworn officers determined by the department that can be deployed while still providing satisfactory levels of service and protection to the public. For BPD, patrol minimum staffing is based on the number of sworn officers needed to cover the City's 16 beats at any given time of day.



According to Policy 1019, BPD overtime compensation is available to Officers,

Sergeants, and Lieutenants, and overtime work should ideally have prior approval by a supervisor and be documented with an overtime form.

The overtime form should be reviewed and approved by the Supervisor and Division Captain before going to the Payroll Clerk. Actual hours worked should be recorded on a timesheet.








Overtime is defined as time worked by an employee in excess of 40 hours per week. All overtime is awarded at time and a half unless specifically stated otherwise. An employee may request compensatory time off in lieu of receiving overtime payment (see extraordinary duty form in Appendix III).^{3, 4}

³ Policy 1019: Overtime Compensation Requests, https://www.cityofberkeley.info/uploadedFiles/Police/Level_3_-_General/1019%20Overtime_Compensation_Requests.pdf

⁴ See Section 19: Overtime/Shift Extension in Berkeley Police Association MOU: https://www.cityofberkeley.info/uploadedFiles/Human_Resources/Home/Union_Negotiations/Signed%20BPA%20MOU%20-%20Final%2008262021.pdf

According to BPD command staff, patrol maintains a minimum of 60 sworn officers, broken into seven teams with minimums of eight or nine officers based on their beat and shift allocations (Figure 7). Teams are staffed with additional officers above the minimum level to absorb absences. It is unclear if this staffing level in patrol is appropriate, as we discuss further on page 18.

Figure 7. BPD Patrol Unit maintains a minimum staffing level of 60 sworn officers, split into 7 teams to cover 16 beats at all times of the day

	Teams	Minimum of 60 Officers Total	Shift Time
Monday-Thursday	 Team 1	9 officers minimum	6:00am – 4:00pm
	 Team 2	8 officers minimum	11:00am – 9:00pm
	 Team 3	8 officers minimum	3:30pm – 1:30am
	 Team 4	9 officers minimum	8:30pm – 6:30am
Friday-Saturday	 Team 5	9 officers minimum	6:00am – 6:30pm
	 Team 6a	4 officers minimum	11:30am – 12:00am
	 Team 6b	4 officers minimum	2:00pm – 2:30am
	 Team 7	9 officers minimum	6:00pm – 6:30am

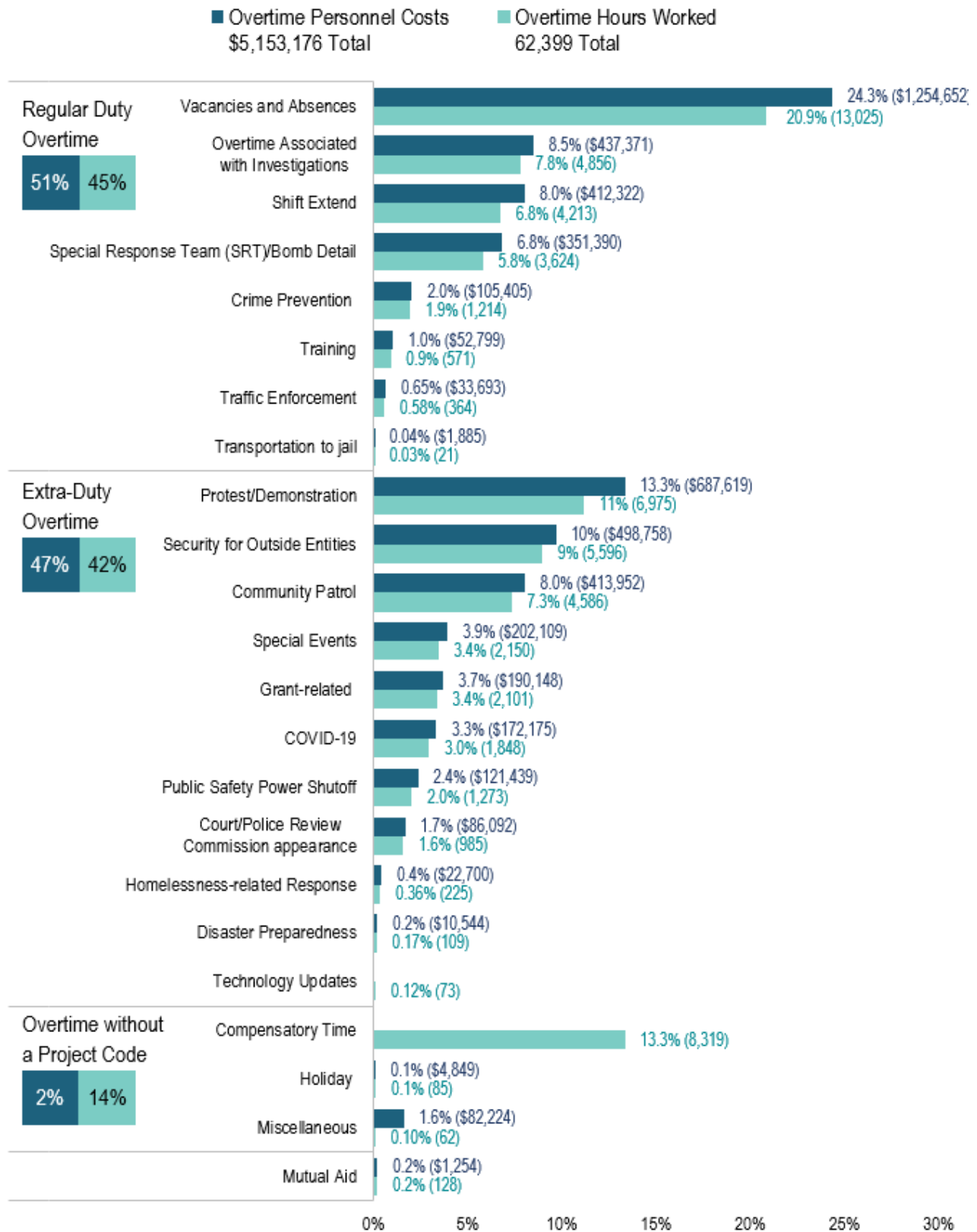
Note: Each team has a minimum of two supervising sergeants. There are four lieutenants, each overseeing two patrol teams. Teams with a minimum of 8 officers cover one beat per officer, while teams with minimums of 9 officers cover two beats per officer, with an additional swing officer when they are the only working team. Swing officers patrol the entire city or fill for absent officers.

Source: Berkeley Police Department

When teams lack sufficient staff to meet their minimums, command staff call in off-duty sworn officers to work overtime and backfill the absences.

Persistent backfilling indicates a chronic shortage of personnel in relation to the minimum staffing requirements. We did not determine whether BPD has appropriate minimum staffing or budgeted staffing levels; we only examined the process they use to determine minimum staffing in the next finding section.

Figure 8. Nearly 25 Percent of All Sworn Officer Overtime Was Used Filling Vacancies and Absences, FY 2020



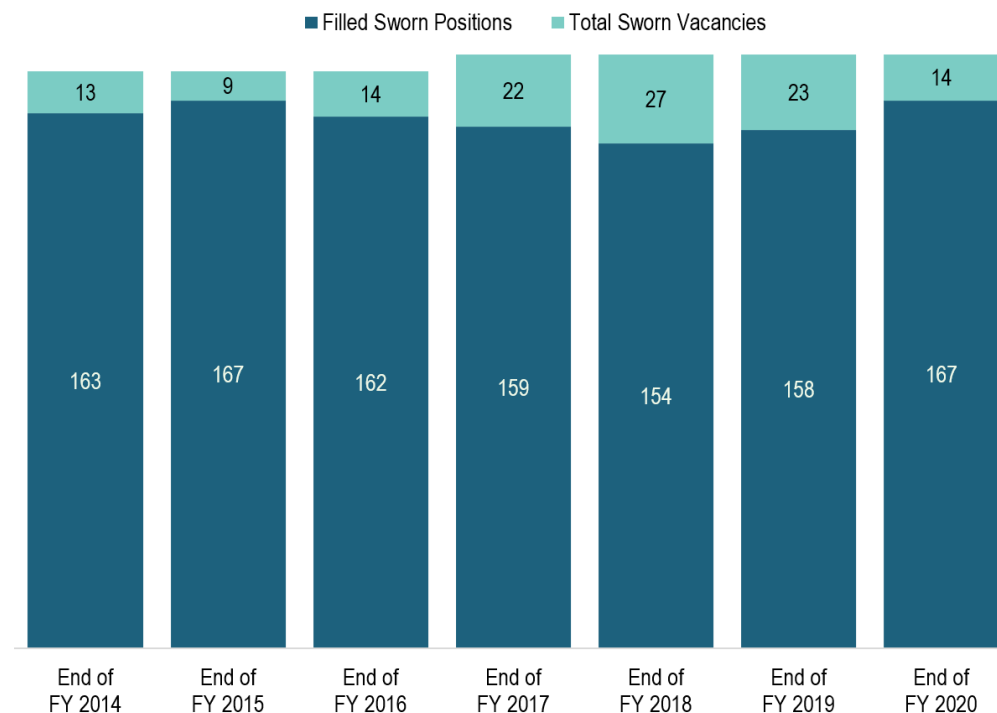
Note: Compensatory time does not have associated personnel costs because the payroll system does not count earned compensatory time as a charge to the City. The miscellaneous category includes hours that did not have a project code assigned due to the individual being a police recruit, an administrative lag, or human error. See Appendix II for a comparison of FY 2019 and FY 2020.

Source: BPD Payroll Data

Vacancies contribute to BPD’s reliance on overtime.

BPD’s minimum staffing levels are untenable without overtime to backfill vacancies and absences. BPD has experienced sustained vacancies in sworn staffing positions, fluctuating from only nine at the end of FY 2015 to a high of 27 at the end of FY 2018 (Figure 9). According to BPD, patrol teams often do not meet the minimum staffing on a day-to-day basis without overtime due to vacancies and absences related to anticipated leave (e.g., vacation or family leave) or unanticipated leave (e.g., injury, training, sick leave). We found that in FY 2020, sworn officers applied overtime to backfill absences for 353 days, or 97 percent, of the entire year.

Figure 9. Sworn Officer Positions Across BPD’s Divisions Have Continuously Been Underfilled Since 2015



Note: This chart is based on year end actuals. We did not do an analysis of sworn vacancies prior to 2015 to see if this is a normal trend or a 5-year anomaly.

Source: Employment and vacancy data from the Berkeley Human Resources Department



According to BPD, the list of full-time patrol officers in the Patrol Unit's timesheets have declined since 2016, when BPD updated current patrol minimum staffing levels (see Appendix IV for a sample timesheet). The number of patrol officers listed on timesheets has approached the minimum of 60 staff; for instance, in the timesheet spanning September 2021 to March 2022, six out of seven patrol teams had just one officer above the minimum. In October 2021, BPD reported that their sworn staffing levels fluctuate at or just below 157 filled sworn positions after the City deferred 23 sworn positions in BPD as a cost saving measure in response to the COVID-19 pandemic. As of this writing, the City continues to hold those sworn positions vacant.

It is important to note that the number of filled positions is not the same as the number of officers available to work. For example, new hires, although counted as a filled position, are not available for solo officer duties for nearly a year. Of the 157 sworn positions filled, seven of those positions are being held by individuals in academy bringing the number of fully-fledged officers down to 150. It is also not uncommon to have officers out on leave due to illness, injury, family leave, or military leave.

According to BPD, staffing shortages impact all police operations. In response to sustained sworn vacancies in 2020, BPD suspended the Special Investigations Bureau and bike patrol assignments, and reduced the number of Traffic enforcement officers. Absences impact other divisions, as off-duty sworn officers in other BPD divisions conduct overtime patrol when not enough off-duty patrol officers are available. Additionally, BPD has instituted mandatory overtime during periods in which not enough staff volunteer for overtime. All of these factors, among others, contribute to burnout and staff turnover, which reinforces BPD's use of overtime to backfill vacancies. Staffing is only slated to decline, as there are 15 current sworn employees eligible to retire during the writing of this audit.

More work can be done to better understand how recruitment and retention of sworn officers impact overtime. There are other facets of staffing that deserve further attention to understand BPD's reliance on overtime, including the overall budgeted staffing positions, staff workload, the deployment of officers, and the use of leaves of absence.

Compensatory time may decrease policing capacity and increase costs

When BPD officers work overtime, generally they can choose to either be paid for the overtime hours or they can earn additional paid time off (compensatory time) to be used at a later date. According to BPD, officers cannot earn compensatory for overtime that is reimbursable (i.e., work for outside entities and grants). In FY 2020, sworn officers accumulated a total of 8,319 hours of compensatory time, which accounts for approximately 831 10-hour shifts, or a full year of work (2080 hours) for 4 full time employees.

When an officer elects to receive compensatory time in lieu of overtime pay, that may decrease the policing resources available because every hour worked must be repaid by the department at time and a half—time taken away from other activities. Compensatory time comes out of existing capacity. In addition, earned compensatory time may imply additional costs to staffing because it is associated with an officer’s absence in the future that may need to be filled with overtime. Because earned compensatory time does not come out of existing budgetary allocations, BPD does not monitor its use as systematically as they do paid overtime.

Compensatory time is not costless, and has the potential to cause a chain reaction of more backfill and more compensatory time. For example, if a patrol officer works 10 hours of overtime, they could choose to earn 15 hours of compensatory time for that work, or they could choose to be compensated for their overtime work at time-and-a-half pay. When that officer takes those 15 hours of compensatory leave, another officer must work overtime to fill the vacancy. The officer might backfill in exchange for 22.5 hours of compensatory time. That 22.5 hours of leave might then be backfilled for 33.75 hours, and so on. Additionally, unused compensatory time is paid out when an officer leaves the City. BPD does have a policy limiting sworn officers’ accumulation of compensatory time to 120 hours, which should limit the amount of unfunded liability that comes with accumulated compensatory time and the potential chain reaction of backfilling and compensatory time. Our audit did not determine whether this policy is being enforced.

Staffing analytics tools and processes can factor in the costs of compensatory time, including projected salary increases and the impacts of compensatory time on future staffing. Monitoring compensatory time usage would allow supervisors to see if backfill increases over time.

According to the Berkeley Police Association Memorandum of Understanding, compensatory time off may be earned in lieu of overtime pay at the rate of one and one-half hours for each hour worked beyond 40 hours. Officers can accumulate up to a maximum of 120 compensatory hours. Upon termination of employment, the City must pay out the full amount of compensation for accumulated but unused compensatory time. Whether compensatory time is earned or overtime is paid is up to the discretion of the Police Chief. (BPA MOU sections 19.4 and 19.1.1.2)

Recommendations

To manage costs associated with compensatory time and the impact of vacancies on overtime, we recommend Berkeley Police Department:

- 1.1 Collect and monitor data on how often compensatory time leads to additional backfill overtime and develop a plan to monitor it.
- 1.2 Fill vacancies deemed necessary and/or reallocate staff pending the reimagining process and a determination of appropriate staffing levels.



Minimum staffing levels in BPD's Patrol Unit could cause unnecessary overtime if not regularly updated.

In 2016, BPD updated minimum staffing levels in the Patrol Unit to meet service demands and ensure officer safety; however, it is difficult to know whether these levels continue to reflect the City and the department's needs. Additionally, patrol minimum staffing levels are based on what BPD is responsible for responding to, which is subject to the reimagining process. BPD does not have a process to regularly assess the efficacy of minimum staffing levels in their Patrol Unit. Without regularly reassessing minimum staffing levels, BPD cannot ensure that staffing reflects the changing nature of the department and community needs and expectations.

It is unclear whether minimum staffing reflects the current needs of the City and BPD.

Minimum staffing levels can be informed by a variety of factors. The Patrol Unit's minimum staffing is informed by a study of police beats by Matrix Consulting Group that was commissioned by the City in 2014.⁵ The study considered factors including community and town hall meetings, population, geography, officer workload, calls for service, response time (including proactive patrol time), and industry standards/best practices. As a result of the study, BPD transitioned to the current 16-beat structure in 2016 and assigned minimum staffing accordingly (Figure 7).

⁵ Police Patrol Beat Evaluation Study, City Of Berkeley, Final Report: [https://www.cityofberkeley.info/uploadedFiles/Police/Level_3_-_General/Berkeley%20Beat%20Structure%20Final%20Report%2008-20-14\(1\).pdf](https://www.cityofberkeley.info/uploadedFiles/Police/Level_3_-_General/Berkeley%20Beat%20Structure%20Final%20Report%2008-20-14(1).pdf)

In recent years, BPD officers have encountered situations requiring increased collaboration across City departments, such as homelessness and mental health. BPD has taken measures to adapt to these needs, whether by revamping the Bike Unit, collaborating with Berkeley Mental Health, or fielding homeless-related inquiries through the Community Services Bureau. Following a request from City Council as part of the reimagining process, we initiated an audit of calls for service and proposed recommendations on how BPD can better track calls for service related to mental health and homelessness.⁶ The City is currently working with the Reimagining Public Safety Task Force and consultants to identify areas of police work that can be achieved through alternative approaches.

As of the writing of this report, BPD's Patrol Unit continues to adhere to the same staffing model from 2016, and minimum staffing remains unchanged. Currently, it is difficult to know whether the Patrol Unit's staffing model aligns with the evolving needs of the community and the department's adaptation. Without a regular assessment of their staffing levels, BPD cannot determine the extent to which operational changes exceed their staffing capacity. Given limited capacity and a lack of staffing software in the Department, it is difficult for BPD to quantify the extent to which patrol teams struggle to meet minimum staffing. More work can be done to quantify how often BPD falls below minimum staffing.

BPD does not regularly assess the efficacy of their minimum staffing model.

While minimum staffing is intended to meet the needs of the community, it should not stretch officers too thin nor lead to an excessive number of officers on duty. According to a best practice review by San Francisco's Budget and Legislative Analyst Office, effective minimum staffing is grounded in an up-to-date assessment of community needs and staffing levels which often evolve over time.⁷ It is important that departments regularly assess that their model is dynamic, appropriately addresses community needs, and accounts for staffing realities.

⁶ Data Analysis of the City of Berkeley's Police Response: https://www.cityofberkeley.info/uploadedFiles/Auditor/Level_3_-_General/Data%20Analysis%20of%20the%20City%20of%20Berkeley's%20Police%20Response.pdf

⁷ Best Practices Related to Police Staffing and Funding Levels: <https://sfbos.org/sites/default/files/FileCenter/Documents/54867-012616%20Police%20Staffing%20Methodology.pdf>

According to BPD, command staff routinely assess staff capacity in order to meet patrol minimum staffing levels. However, BPD does not regularly assess the Patrol Unit's staffing model in response to changing community needs. While minimum staffing is an important determinant of overtime, the patrol minimum staffing levels are not documented by BPD. There is no explicit reference to minimum staffing in BPD's list of policies, nor are they stated in BPD's publicly accessible list of patrol beats and officers. While an appendix in BPA's 2017-2020 MOU refers to minimum staffing, the document refers to BPD's outdated 18 beat structure.

It is unclear whether the Patrol Unit's minimum staffing is sufficient, and BPD does not use a standard to quantify or regularly assess the adequacy of staffing. Command staff rely on informal precedent, professional judgement, and feedback from officers to determine if staffing levels are adequate. According to BPD, command staff especially consider safety and officer engagement as factors for considering staffing adequacy.

In their 2021 annual crime report, BPD reported that low staffing has impacted the Patrol Unit's ability to proactively address and solve problems in the community. BPD identifies four main metrics to consider when determining patrol staffing and allocation: service levels, staffing levels, response time, and patrol time. These metrics are related and when one is impacted there are likely impacts to others. According to BPD, when they are fully staffed they are able to provide full service, reliable response times, proactive preventative patrol presence, and community engagement.

An effective staffing model includes regular assessments that are built into the department's internal operations. Using staffing software, BPD can draw insights from small, regular reports rather than extensive staffing assessments conducted by a third party. Codifying this process into a procedure or policy helps the department proactively respond to staffing needs and promotes transparency. Additionally, internal reports can serve as tools to communicate the department's capacity to decisionmakers and the public, align expectations with the community, and promote knowledge transfer between command staff and leadership.

Recommendations

To ensure staffing levels are transparent, appropriate, and can be adapted to the current needs of the community, we recommend Berkeley Police Department (BPD):

- 2.1 Establish a procedure to regularly assess minimum staffing and overall staffing needs of the department. This process should document and incorporate criteria to assess staffing levels, such as calls for service, other workload, community input, and other relevant factors. As BPD prepares for the rollout of a new software system, BPD should consider how to best align the program's capabilities with this assessment process.

To increase transparency to decision makers and the public, we recommend Berkeley Police Department:

- 2.2 Document and define the Patrol Unit's minimum staffing levels in a publicly assessable format.
- 2.3 Document the results of staffing assessments along with the assessment criteria. Incorporate results into staffing projections for budgetary decision making, including establishing a sufficient and appropriate overtime budget.

Officers work excessive overtime, increasing health and safety risks.

BPD does not adhere to their overtime policies and controls. In FY 2020, 21 percent of BPD officers exceeded the 44 hour overtime limit at least once. Excessive overtime can lead to fatigue-impaired officers, increasing risks to officers, the City, and the public. They do not have an effective system to enforce their policy and manage overtime. BPD relies on manually prepared paper records for scheduling and tracking regular and overtime hours worked. Without adequate enforcement of policies and tools to manage overtime, BPD cannot fully mitigate risks associated with officer fatigue.

Officers exceed overtime limits set by BPD.

On average, BPD officers worked 13.2 hours of overtime per week during FY 2020, and some worked significantly more. According to BPD, most overtime shifts are filled on a voluntary basis. Some amount of overtime work in policing is necessary and unavoidable, and will occur regardless of the number of officers employed. Officers may need to complete arrests at the end of their shifts, fill in to cover absences, or assist in safely facilitating public events. Police work also inevitably generates court appearances, trainings, and work on holidays (see Figure 8 for details of how BPD used overtime in FY 2020).

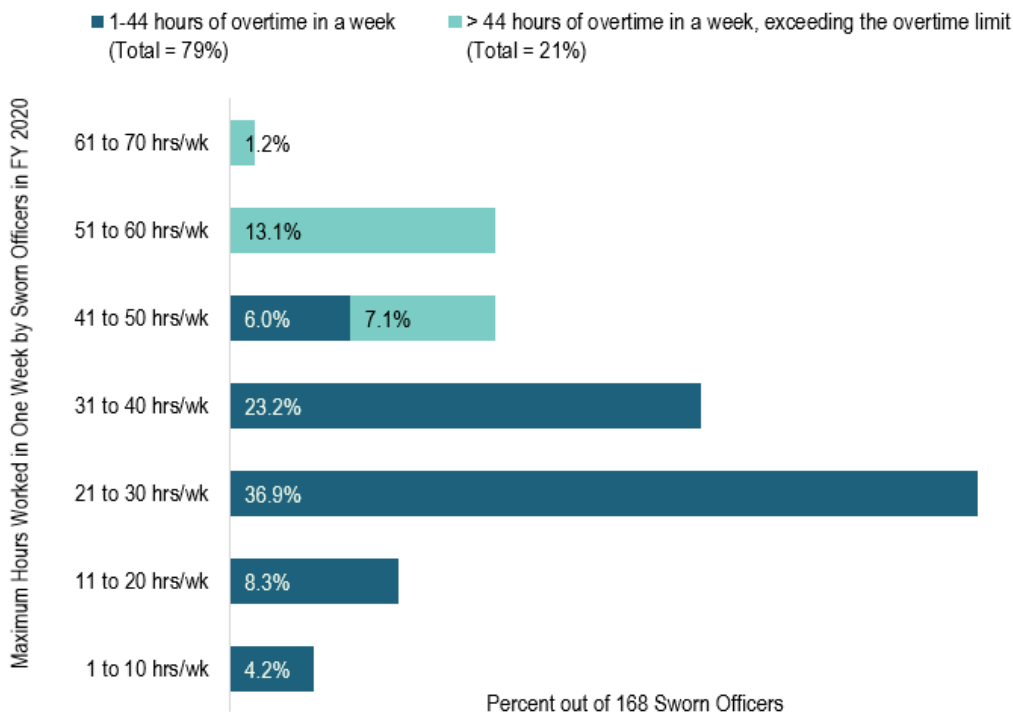
BPD has a policy to regulate overtime by placing limits on the total number of hours that officers can work within specific periods and requires officers have a minimum of eight hours off between shifts. In FY 2020, there were 62 occurrences of officers exceeding BPD’s weekly limit of 44 hours of overtime in a week. Twenty-one percent of BPD officers (36 officers) exceeded this limit at least once, however, one officer exceeded the limit 11 times in FY 2020 (Figure 10). Without enforcement and oversight of these limits, BPD’s policies may not be sufficient to manage the burnout and fatigue associated with overtime. For instance, an officer who works 44 hours of overtime in one week with recommended levels of sleep will only have 4 daily hours of off-duty time. As officers exceed this limit, they cut into their recovery time and increase their risk of burnout. There were two times when an officer worked more than 60 hours of overtime in a week, which is more than 100 total hours worked in a week.

BPD’s internal Policy 1015 states that BPD staff should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2-day (48 hour) period or
- 84 hours in any 7-day (168 hour) period

Additionally, the policy recommends a minimum of 8 hours between shifts except in very limited circumstances. These limitations apply to overtime. Supervisors should consider reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines. Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

Figure 10. BPD Officers Exceed BPD’s Overtime Limit of 44 Hours in a Week in FY 2020



Note: The chart represents a total of 168 sworn officers. It does not include Captains, the Police Chief, Reserve Officers, and Retired Annuitants as they do not receive overtime pay. In addition, it excludes 1 officer who worked only one shift in FY 2020.

Source: BPD Payroll Data

Additionally, we found that more officers are working longer stretches without days off. In FY 2019, nearly half of sworn officers worked a week or more with no days off at least once, and one officer worked 47 consecutive days in a row. By FY 2020, 85 percent of officers worked a week or more with no days off at least once. BPD does not have a policy limiting the number of consecutive days officers can work. The department policy requires officers to take eight hours of rest between shifts, except in very limited circumstances, however, due to the manual nature of BPD’s staffing and time tracking we were unable to confirm that this policy is enforced.

Long work hours and fatigue can negatively impact officer safety, health, and performance.

While we did not perform specific analysis of the impact of overtime on BPD officers, excessive overtime can lead to fatigue-impaired officers, increasing risks to officers, the City, and the public. Police are required to be alert and use good judgment in order to respond appropriately to emergency calls. They must be able to make split second decisions and act on them with limited time and information in situations where there may be an element of danger. They are not only responsible for the safety of the public but also for other responding public safety officials (police, firefighters, paramedics). Overtime, when used in excess, can inhibit these essential skills and increase the safety risk to the public and other personnel.

Working more hours can increase fatigue, which has been found to increase injuries and accidents. Studies have found that fatigue negatively affects both police and the communities they serve.⁸ Fatigue increases the risk of accidents and other safety incidents, such as decreasing officer alertness, impairing decision-making ability, and slowing down reaction time. According to research, impairment after 20 hours of wakefulness equals that of an individual with a blood-alcohol concentration of 0.10. Fatigue also harms work performance by weakening memory, lowering frustration tolerance, and increasing stress and burnout. Finally, fatigue can have long-term health implications for officers, increasing blood pressure, hypertension, metabolic syndrome, and obesity.

We did not do an analysis of these impacts on BPD specifically as that would have required more resources than this report covered.

⁸ Vila et al., 2002: Improving shift schedule and work-hour policies and practices to increase police officer performance, health, and safety; and Lindsey, D., 2007: Police fatigue: An accident waiting to happen

BPD does not effectively track officer hours to enforce overtime limits.

Limits on overtime rely on effective monitoring and enforcement from supervisors. BPD's overtime policy without enforcement does not control for excessive overtime. The monitoring and enforcement for these limits lies with supervisors, as Policy 1015 states, "Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines." BPD relies on manually prepared paper records for scheduling and tracking hours worked. Regular shifts and overtime hours are tracked on separate forms, with each overtime shift requiring a new form (Appendix III).

When tracing a sample of instances where officers exceeded overtime limits to paper overtime forms, there was no indication that supervisors were aware that these officers exceeded the overtime limits or why they were allowed to do so. There are legitimate reasons why supervisors might approve officers to exceed these limits, and the policy states that limitation of hours worked should be enforced absent emergency operations. We were unable to verify that any of these instances of exceeding the overtime limits were to staff for emergency operations.

Additionally, signing up for voluntary patrol overtime shifts are manual and first come, first serve. Supervisors post open overtime shifts on a corkboard in a central location in the public safety building. Officers manually write their badge number on an open shift to claim the overtime. This system does not necessarily block or limit officers from signing up for multiple spots. According to BPD, officers are not required to seek approval from their supervisor, unless officers think it may impact or overlap their regular job duties.

Figure 11. Sign-ups for Patrol Overtime Shifts Are Manual and First Come, First Serve



Source: Berkeley Police Department

As a result of BPD's manual processes, supervisors likely do not know how many hours an officer has worked leading up to a shift. This means that supervisors may select an officer for a new overtime shift who has already worked more than the supervisor thinks is safe.

Tracking all hours of work in one place is important because it can help supervisors ensure that officers are working safe amounts of hours, within the department's limits, and that extra-duty overtime does not affect their regular duty assignments. One study by the Department of Justice states that overtime can be successfully managed through a combination of analysis, recordkeeping, management, and supervision.⁹ Without staffing software and digitized timekeeping, BPD policies and management may not be sufficient to manage the burnout and fatigue associated with overtime.

⁹ National Institute of Justice, Police Overtime: An Examination of Key Issues: <https://www.ojp.gov/pdffiles/167572.pdf>

Recommendations

To mitigate the risks associated with excessive overtime and officer fatigue, we recommend Berkeley Police Department:

- 3.1 Update the department overtime policy to address the fact that there currently is no limit to the number of consecutive days worked and determine the appropriate limit for overtime that is enforceable with the goal of avoiding officer fatigue. The department may examine other jurisdictions' overtime limits as possible criteria.

To ensure efficient and effective management of staffing and overtime, we recommend Berkeley Police Department:

- 3.2 Work to implement a staffing software solution that integrates overtime management and scheduling software. Develop management reports that provide timely, accurate, and complete information on overtime usage. Develop a process for filling overtime shifts on a voluntary and mandatory basis, including supervisor approval. Build in warnings for when an individual is approaching overtime limits and an approval process for allowing individuals to exceed limits when deemed necessary according to the policy.

BPD has no contracts for overtime security with outside entities.

The hours BPD officers spent conducting extra-duty, overtime security work for both public and private entities (work for outside entities) more than tripled in FY 2020. Personnel costs for providing security to outside entities also tripled from \$160,000 in FY 2019 to almost \$500,000 in FY 2020, amounting to 10 percent of all of BPD's overtime personnel costs. BPD does not have written policies that define and govern this work. In addition, BPD does not have contracts with outside entities, which unnecessarily increases the City's risks and liabilities. BPD's process for tracking costs associated with work for outside entities is insufficient and we are unable to determine if the City is being reimbursed appropriately. Without documented policies and processes for establishing work for outside entity agreements, BPD cannot ensure their services are equitable and transparent.

Officers' overtime work for outside entities more than tripled in FY 2020.

The overtime hours BPD officers spent working for outside entities more than tripled in FY 2020, representing nine percent of all sworn overtime hours previously shown in Figure 8. The hours BPD officers work for outside entities contribute to the total strain overtime places on the department and individual officers. Outside entities are public and private organizations such as local businesses, schools, or private event organizers that request police services ranging from security, crowd and traffic management, to neighborhood patrol. Officers provide security in their capacity as BPD sworn officers and BPD pays them at the overtime rate, while outside entities submit reimbursements to the City. Officers worked with six major employers in FY 2020, and more than half (53 percent) of the overtime hours worked were for the Apple store (Figure 12). During this period, the 2,952 hours associated with the Apple store encompassed the equivalent of one full-time staff hours for an entire year.



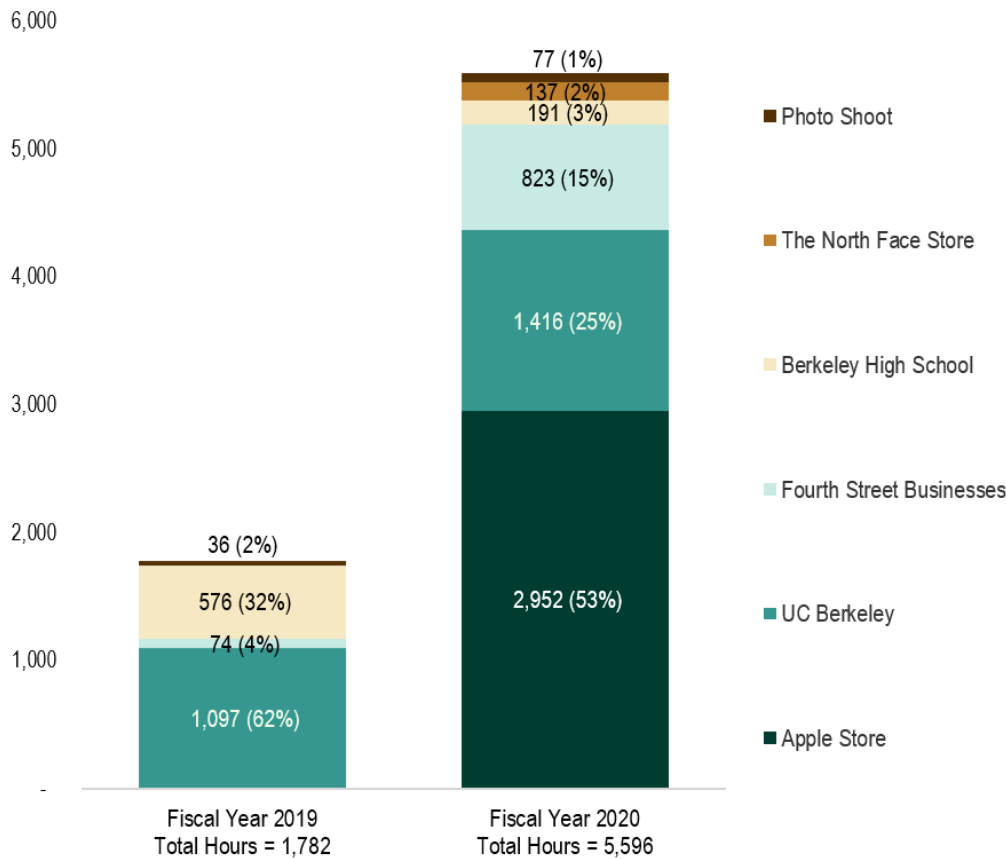
A range of outside entities have requested BPD's services, including but not limited to:

Retailers. BPD has provided dedicated security services to retail stores including the Apple Store, Lululemon, and North Face. BPD also provides patrol and security for a merchant's association representing businesses on Fourth Street.

Schools and universities. BPD provides services to local educational institutions including UC Berkeley and Berkeley High School (BHS). According to BPD, services to UC Berkeley are often for football games. BPD's agreement with BHS supports the cost for overtime incurred by the full time School Resource Officer or any other officer that works in an overtime capacity for BHS.

One-time events for private companies. BPD also provides services to companies for one-time events. For instance, BPD has provided security during movie filming, security for moves between commercial or private residences, and crowd management for demonstrations against installations of AT&T private equipment.

Figure 12. BPD More than Tripled the Hours Spent Working Overtime for Outside Entities in FY 2020



Note: Fourth Street businesses includes holiday patrol.

Source: BPD Payroll Data

The employment of public officers for private security work, whether at an individual or department level, is not unique to BPD. Both the Davis Police Department¹⁰ and San Jose Police Department¹¹ have procedures that enable sworn officers to provide private security overtime.

¹⁰ Davis Police Department, Extra-Duty and Off-Duty Employment Policy: <https://www.cityofdavis.org/home/showpublisheddocument/13243/636951554881270000>

¹¹ San Jose Police Department, Instructions for Secondary Employment: <https://www.sjpd.org/home/showpublisheddocument/350/637469312631370000>

According to an Illinois Law Review study, outside entities are sometimes willing to pay the costs of hiring officers due to their capacity as sworn officers, including the ability to detain, search, arrest, and use force on suspects.¹² In August 2019, the San Francisco Chronicle surveyed security businesses, retailers, and police officers to explore the growth in San Francisco police as private paid security, known as the 10-B program.¹³ They found that outside entities rely on the visibility of a uniformed officer in a patrol vehicle to deter unwanted theft. Additionally, outside entities benefit from officers' broader connection and communications to local law enforcement agencies. Our audit did not investigate the complex reasons for the growth in requests.

The BPD has no procedures or written agreements for working overtime with outside entities.

BPD does not have policies nor criteria that govern the approval and administration of department agreements for work for outside entities. We also did not find evidence of contracts or written agreements between BPD and outside entities on these overtime arrangements. Without written contracts or agreements regarding the role or authority of a private company, BPD and the City of Berkeley may bear the cost of potential hazards that surface from work for outside entities. Updated policies and procedures are essential for the proper transparency and accountability of government resources and for achieving efficient and effective program results.

¹² Stoughton, Seth W., Moonlighting: The Private Employment of Off-Duty Officers (August 26, 2016). 2017 U. Ill. L. Rev. 1848 (2017), Available at SSRN: <https://ssrn.com/abstract=2830652> or <http://dx.doi.org/10.2139/ssrn.2830652>

¹³ San Francisco Chronicle, Businesses hiring real SF cops on OT to keep crime down, employees safe; <https://www.sfchronicle.com/bayarea/philmatier/article/Businesses-hiring-real-SF-cops-on-OT-to-keep-14365181.php>

In 2020, sworn officers in every BPD division provided security for outside entities, amounting to 50 percent of all sworn staff eligible for overtime on BPD's payroll. Unlike self-employment or employment by others, work for outside entities is executed by the department and paid for by reimbursements to the City from outside entities. Nevertheless, the City and BPD's policies on outside employment (A.R. 2.10 and Policy 1020, respectively) do not define nor address reimbursed work for outside entities pursuant to an agreement between the department and those entities. Unlike BPD, Davis Police Department has policies guiding their contracted security work for outside entities. Davis' policies in their arrangements with outside entities include liability and worker's compensation, application protocols, account management, time of payment, and selection of officers.

Figure 13. Apple Accounted for the Majority of BPD's Work for Outside Entities



Source: Berkeley City Auditor

It is City practice in other areas to enter into contracts and/or execute agreements when providing or obtaining services from outside entities. For example, the City has an administrative regulation that establishes a framework for approvals, contract execution, financial recording, and billing of grants and any other agreements such as reimbursement contracts, cooperative agreements, Memorandums of Understanding, or other participation agreements that provide an award of financial assistance to support a City program or project. Adopting similar processes for work for outside entities would improve transparency and decrease risk and liability to the City.

A lack of written agreements and policies, together with the increase in BPD's work for outside entities, introduce unnecessary risks and liabilities across a variety of areas. We identified the following potential risks, among others:

Liabilities. Without an indemnity agreement to clarify the role and authority of outside entities, BPD and the City of Berkeley may open itself up to additional liability. A lack of agreements also creates ambiguity as to the responsibility of an officer working on behalf of an outside entity. While working for outside entities, officers are assigned to provide security for that entity. They do not respond to calls or perform other general police functions, yet they maintain police powers and can exercise those powers while working on behalf of the outside entity. There may also be misperception on the part of the public, the officer, or the private entity as to the scope of duties and role of the outside entity and relationship with the officer.

Conflict of interest. A lack of priorities or criteria informing BPD's approval of contracts introduces the risk of working arrangements with a conflict of interest or divergence from City values. Without criteria, there are no formal measures against working for businesses with a history of criminal activity, or businesses involved in legal proceedings against the City.

Administrative Gaps. Without formalized procedures, BPD risks executing important administrative steps partially and inconsistently, or missing some steps altogether. A formal application provides opportunities to collect information about services needed, review and approve contracts in a uniform manner, ensure alignment with the municipal code and BPD's stated values, and establish expectations with prospective outside entities.

No limits to hours working for outside entities. It is difficult for officers and supervisors to monitor hours spent working for outside entities without overarching guidelines or limits regarding officer's assignments. According to BPD, the Patrol Unit prioritizes other forms of overtime above work for outside entities.

Fewer data to manage the workload. Without methods to track the number of requests, approvals, and contracts for working with outside entities, BPD is unable to understand trends over time and proactively manage their workload accordingly. Tracking data on outside entity requests, along with project codes in BPD's payroll data, would provide opportunities to inform beats and staff assignments in the future.

BPD does not effectively track costs of overtime security and it is unclear if the City is charging outside entities appropriately.

BPD's personnel costs of working for outside entities tripled from \$160,000 in FY 2019 to almost \$500,000 in FY 2020, amounting to 10 percent of all of BPD's overtime personnel costs. Under BPD's current process for tracking costs associated with work for outside entities, we cannot determine if the City is recovering the full cost for their services to outside entities.

According to BPD, they charge outside entities only for the payroll costs incurred by the officer's work for outside entities, including benefits that are paid for overtime. The City does not recover costs associated with the use of City vehicles nor the administration of these agreements including planning, staffing, and invoicing. We also found BPD charges the businesses on Fourth street a flat fee of \$5,000 during the winter holidays, even if the cost of services exceeds this amount. This arrangement pre-dates the current Fiscal Management staff, and it is unclear when or why it was established. We cannot know the full excess costs of flat fee arrangements as BPD does not identify them in their billing documents.

Without clearly understanding invoices and revenue, BPD cannot reconcile costs with their reimbursements. As a result, BPD may continually underbill for their services and not recover the full costs of officer overtime. On the other hand, BPD may overbill outside entities, which can influence perceptions about working with the City. It is difficult to track the appropriateness of reimbursements for several reasons:

BPD cannot separate out revenue. Checks are deposited into a general revenue account along with other revenues. As such the City cannot separate out specific revenues tied to work for outside entities.

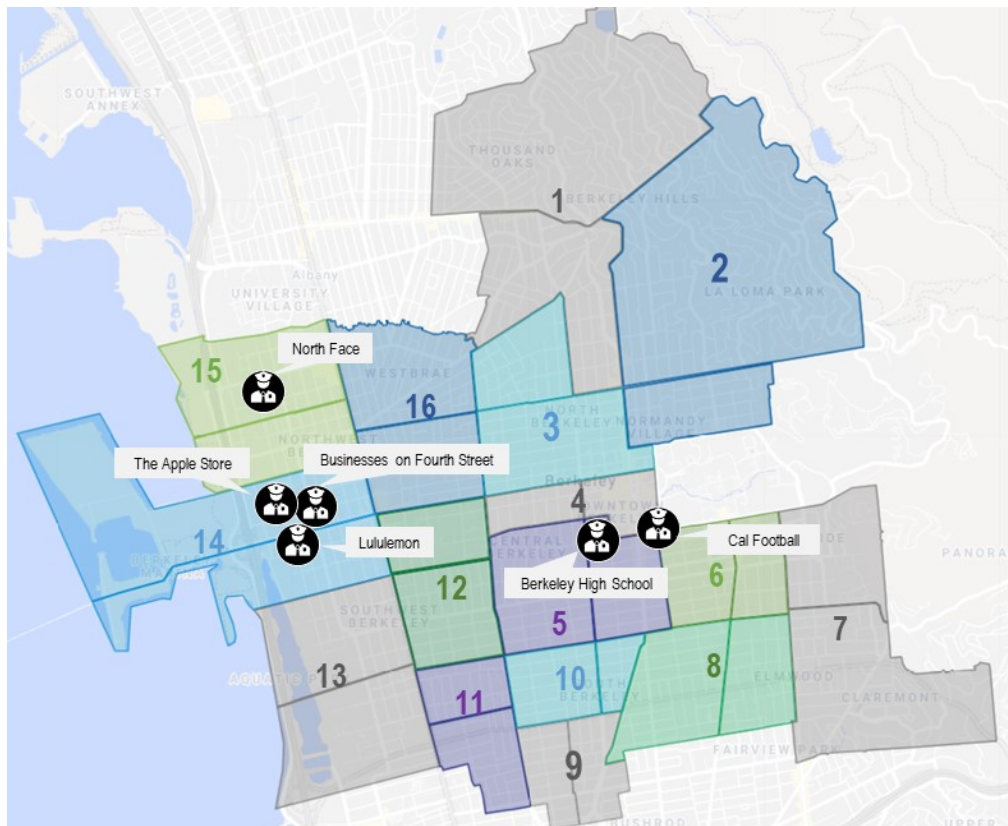
Manual process subject to error. Data entry errors may surface as the payroll clerk manually calculates the hours worked by each individual plus the benefitted amount, as well as invoice amounts in the system. It is possible that hours do not get added to payroll, or that they get added to the wrong project code.

BPD's billing can have errors. BPD follows a billing procedure that exists outside of the City's accounts receivable system using spreadsheets. The department does not have quality controls to review the spreadsheets for accuracy, and the growth in requests for outside entities is outgrowing BPD's capacity to closely monitor a growing number of the invoices to outside entities.

Additionally, revenues from outside party reimbursements are not fully credited back to BPD. Reimbursements from outside entities are deposited into the City's General Fund, and BPD's expenditures for overtime work with outside entities can exceed the City's budgeted amount. According to BPD's Fiscal Services Manager, the budgeted expenditures for work with outside entities have remained fixed at \$150,000 for over a decade, despite the growth of personnel expenditures to \$498,685 in FY 2020. Reimbursements for overtime work with outside entities do not replenish the overtime fund from which BPD officers were paid, and are not guaranteed to be allocated to BPD.

Without policies and documentation, BPD cannot ensure transparent and equitable services.

BPD leadership should know how to best deploy its officer resources, but work for outside entities as it is currently operating may undermine that judgment. The breadth and prevalence of work for outside entities in FY 2020 has essentially privatized a portion of officer overtime, and without policies to manage this growth, BPD may encounter unforeseen impacts related to equity and transparency of their services for businesses and residents alike. Occasionally, multiple officers will provide services simultaneously for companies located in the same beat alongside the regular beat officer; this is especially true for security for various companies on Fourth street (Figure 13). BPD does not have agreements or written procedures to prevent policing from skewing toward one specific contract or type of entity at the expense of other businesses or neighborhoods with higher service and crime response.

Figure 14. Work for Outside Entities in FY 2020 by Police Beats

Source: BPD Beats Map on the Open Data Portal and Berkeley Police Department

The lack of documentation surrounding outside entities also raises concerns around transparency and equity. As discussed previously, BPD historically provided a flat fee of \$5,000 to the businesses on Fourth Street, and expenditures were higher than this fee. Without procedures, BPD may continue to use inconsistent flat fee arrangements leading the City to inadvertently charge one company less than another without criteria as to why. In addition, certain companies have dedicated contractors that coordinate their security. For instance, the firm Security Industry Specialists Inc. (SIS) handles Apple's agreements with BPD, while smaller businesses may benefit from BPD security but lack these resources to acquire BPD's services. Larger-income businesses can afford the additional protection afforded by sworn officers, while smaller businesses may be unable to benefit from City-sponsored security. Further, there is potential for bias or perception of bias if police working as private security encounter a dispute between a member of the public and the private entity. An officer that is providing security for a private entity may not be viewed as objective in resolving a conflict between that private entity and a member of the public. This risk is heightened by lack of regulation, documentation, and public communication.

While any community that wants security has a right to pay for it, it raises questions of equity of access when that extra security is provided by City-employed officers. BPD can improve equity if every business is able to access information about these services, and they provided a transparent application process for community members interested in obtaining these services. This brings up questions and considerations around BPD's overall scope of work for outside entities given BPD's staffing gaps, high levels of overtime, potential perceptions of bias, and the risks detailed above.

Transparency is especially important in the case of police work. Unlike most public officials—who may also be employed by outside entities—police officers retain their public authority in their capacity as sworn officers on behalf of outside entities. Since work as BPD officers is an extension of work for the City, relevant information about their work with private entities should be available internally to the City and/or the public. This practice is worthy of public discussion and evaluation.

Recommendations

To ensure work with outside entities is in full compliance with relevant laws and policies, and to increase transparency and reduce liabilities, we recommend Berkeley Police Department (BPD):

- 4.1 Update A.R. 2.10 and other department policies to explicitly include guidance around department agreements for work for outside entities, which is paid for by reimbursements to the City from the outside entities. Internal procedures should include appropriate criteria to identify and document the benefit to the City gained by work for outside entity agreements, and to allocate resources in a way that does not negatively impact City operations. Additionally, BPD should document their criteria for when officers are not available or eligible for work for outside entities.
- 4.2 In consultation with the City Attorney, create contracts with outside entities in compliance with City policies and applicable laws.

- 4.3 Develop an application for BPD’s services that is publicly available and accessible online to any interested party. Set pay uniformly according to rank and hourly rate and include a reasonable fee that covers the expenses of administering work for outside entities including workers compensation, fuel, use of equipment, and any other actual or potential costs to the City.

To ensure the City is being appropriately reimbursed for policing services contracted out to outside entities or any other agreements (i.e., special events), we recommend Berkeley Police Department:

- 4.4 Reconcile invoices with the amounts received for work with outside entities at regular intervals. BPD should also implement procedures to check invoices for errors prior to billing outside entities.
- 4.5 Explore ways to clearly account for different funds to track revenues and expenses.



Recommendations and Management Response

We provided a draft of this report to City Management and BPD for review and comment. City Management agreed to our findings, conclusions, and recommendations. Below is the BPD's initial corrective action plan and proposed implementation date. We find their plan to address our audit recommendations reasonable. As part of the follow-up process, the Berkeley City Auditor will be actively engaged with the Police Department every six months to assess the progress they are making towards complete implementation. The department will submit a council item every 6 months with an update on the progress of their recommendations.

1.1 Collect and monitor data on how often compensatory time leads to additional backfill overtime and develop a plan to monitor it.

Management Response: Agree.

Proposed Implementation Plan: BPD is currently working to implement an electronic staffing solution. The Department will assess the ability to monitor and track this information in electronic staffing in order to understand the expense and impacts of compensatory time. BPD will explore the possibility of developing a report through existing payroll and finance programs to understand the impact of compensatory time usage and practices.

Proposed Implementation Date: Estimated completion within 18 months from date of audit response.

1.2 Fill vacancies deemed necessary and/or reallocate staff pending the reimagining process and a determination of appropriate staffing levels.

Management Response: Agree.

Proposed Implementation Plan: BPD understands the impact that reduced staffing has on overtime costs and always strives to fill vacancies and operate within our budget. Challenges in retention of existing officers, difficulty hiring new officers and many imminent retirements make it difficult to apply a timeline on implementation of this recommendation. Recruitment efforts, prioritization of hiring and related processes and budget authority to hire will be instrumental to the department's success.

Proposed Implementation Date: Ongoing.

2.1 Establish a procedure to regularly assess minimum staffing and overall staffing needs of the department. This process should document and incorporate criteria to assess staffing levels, such as calls for service, other workload, community input, and other relevant factors. As BPD prepares for the rollout of a new software system, BPD should consider how to best align the program's capabilities with this assessment process.

Management Response: BPD agrees with this recommendation in that regular assessments assist the department with the best allocation and deployment of resources. Our staffing needs may fluctuate as priorities change, but our responsibility to meet public safety demands is always paramount.

Proposed Implementation Plan: Internal evaluations will be completed annually to address constantly changing conditions, call volume, crime data and other external factors. The reimagining public safety efforts may also necessitate changing focus and deployment strategies. BPD will explore engaging outside consultants every ten years to evaluate patrol staffing levels so as to have a useful body of data for evaluation (for example; tying staffing evaluations to census reports).

Proposed Implementation Date: Estimated completion within 18-24 months from date of audit response.

2.2 Document and define the Patrol Unit's minimum staffing levels in a publicly assessable format.

Management Response: Agree.

Proposed Implementation Plan: BPD will update the department webpage to include information on beat structure, teams, and deployment. This will also include current beat officer assignment.

Proposed Implementation Date: Estimated completion within 6 months from date of audit response.

2.3 Document the results of staffing assessments along with the assessment criteria. Incorporate results into staffing projections for budgetary decision making, including establishing a sufficient and appropriate overtime budget.

Management Response: Agree. Our staffing needs may fluctuate as priorities change, but our responsibility to meet public safety demands is always paramount.

Proposed Implementation Plan: Internal evaluations will be completed annually to address constantly changing conditions, call volume, crime data and other external factors. BPD will explore engaging outside consultants every ten years to also evaluate this item.

Proposed Implementation Date: Estimated completion within 18-24 months from date of audit response though this is subject to change as it is part of the overall budget process.

- 3.1** Update the department overtime policy to address the fact that there currently is no limit to the number of consecutive days worked and determine the appropriate limit for overtime that is enforceable with the goal of avoiding officer fatigue. The department may examine other jurisdictions' overtime limits as possible criteria.

Management Response: Agree.

Proposed Implementation Plan: BPD will review existing policy and ensure that any policy updates or clarification are completed. BPD will conduct research to review fatigue mitigation programs and contact other agencies to learn what they are using successfully. A byproduct of reduced staffing can be increased or excessive overtime where minimum staffing levels or public safety needs necessitate police response. The Department will explore options to develop data collection and monitoring within the electronic staffing solution to be able to regularly assess if there is an issue.

Proposed Implementation Date: Estimated completion within 24 months from date of audit response.

- 3.2** Work to implement a staffing software solution that integrates overtime management and scheduling software. Develop management reports that provide timely, accurate, and complete information on overtime usage. Develop a process for filling overtime shifts on a voluntary and mandatory basis, including supervisor approval. Build in warnings for when an individual is approaching overtime limits and an approval process for allowing individuals to exceed limits when deemed necessary according to the policy.

Management Response: BPD agrees that a staffing software solution could assist with overtime management and scheduling needs.

Proposed Implementation Plan: BPD is already heavily engaged in seeking a software solution. The RFP process is completed, and the vetting process is nearing completion to select the vendor. Following completion of a contract, the steps towards implementation will begin. The Department will have to rely on Information Technology for implementation, consequently timing will depend how this project fits the PD/IT workplan.

Proposed Implementation Date: Estimated completion within 24 months from date of audit response.

- 4.1** Update A.R. 2.10 and other department policies to explicitly include guidance around department agreements for work for outside entities, which is paid for by reimbursements to the City from the outside entities. Internal procedures should include appropriate criteria to identify and document the benefit to the City gained by work for outside entity agreements, and to allocate resources in a way that does not negatively impact City operations. Additionally, BPD should document their criteria for when officers are not available or eligible for work for outside entities.

Management Response: Agree.

Proposed Implementation Plan: BPD will work with the City Manager's Office to identify necessary adjustments to the CoB A.R.2.10, current BPD practices engaging in reimbursable service contract, and the overall administration of departmental agreements for work with outside entities.

The Department will create a webpage on the Department's website with information explaining the process for requesting services. This would include a point of contact to discuss criteria and evaluation of service requests, including staffing impacts. Also included will be clear language explaining that public safety response will be the highest priority.

Proposed Implementation Date: Estimated completion within 12 months from date of audit response.

- 4.2** In consultation with the City Attorney, create contracts with outside entities in compliance with City policies and applicable laws.

Management Response: Agree.

Proposed Implementation Plan: BPD will work with the City Manager's Office, and in consultation with the City Attorney, to determine appropriate contract(s) for reimbursable service contracts.

Proposed Implementation Date: Estimated completion within 24 months from date of audit response.

- 4.3** Develop an application for BPD's services that is publicly available and accessible online to any interested party. Set pay uniformly according to rank and hourly rate and include a reasonable fee that covers the expenses of administering work for outside entities including workers compensation, fuel, use of equipment, and any other actual or potential costs to the City.

Management Response: Agree.

Proposed Implementation Plan: We intend to create a webpage on the Department's website with information explaining the process for requesting services. This would include a point of contact to discuss criteria and evaluation of service requests, including staffing impacts. Also included will be clear language explaining that public safety response will be the highest priority.

Proposed Implementation Date: Estimated completion within 12-18 months from date of audit response.

- 4.4** BPD should reconcile invoices with the amounts received for work with outside entities at regular intervals. BPD should also implement procedures to check invoices for errors prior to billing outside entities.

Management Response: Agree.

Proposed Implementation Plan: BPD will discuss possible solutions with other city stakeholders, including the Finance Department.

Proposed Implementation Date: Estimated 12 months from date of audit completion.

- 4.5** Explore ways to clearly account for different funds to track revenues and expenses.

Management Response: Agree.

Proposed Implementation Plan: BPD will discuss possible solutions with other city stakeholders, including other city departments.

Proposed Implementation Date: Estimated 12 months from date of audit completion.

Methodology and Statement of Compliance

Methodology

We audited the Berkeley Police Department's (BPD) budget and operations for fiscal years (FY) 2015 through 2020. We assessed historic funding levels going as far back as FY 1970 when data was available. We performed a risk assessment of BPD's practices and procedures to identify potential internal control weaknesses, including fraud risks, within the context of our audit objectives. This included a review of selected policies and procedures, as well as interviews with subject matter experts and BPD staff.

To gain an understanding of BPD's operations and internal controls and to achieve our audit objectives, we reviewed the following:

- Biennial budget reports, financial reports, and census data summarizing historic trends in BPD's budget and staffing.
- State and federal laws governing police overtime, staffing, and work with outside entities.
- Previous audit recommendations, staffing assessments, and BPD's organization chart informing BPD's departmental structure and practices.
- General orders and protocols detailing BPD's limits on overtime and minimum staffing.
- Existing agreements for BPD's police services including grants, mutual aid, special events, and outside entities.
- Written procedures and common forms used by BPD supervisors to monitor and approve overtime.
- National media on police budgeting and reimagining policing.
- Professional literature on effective management of overtime and staffing in police operations.
- Other audits and police practices in comparison cities related to police budgeting, staffing and overtime.

We also conducted interviews with:

- BPD police officers in the Operations and Support Services departments spanning the ranks of police officer, sergeant, lieutenant, captain, and chief.
- Berkeley Police Association President and Vice President.
- BPD administrative staff including the Administrative and Fiscal Services Manager and the Department's payroll clerks.
- City leadership including the Manager of the Budget Office, the Berkeley City Attorney, and City Councilmembers.
- Peer auditors in the City of San Jose that conducted an audit on police staffing.

We analyzed:

- The City's financial system payroll data for BPD from FY 2019 to FY 2020.
- BPD budget and expenditures for each year from FY 2015 to FY 2021; BPD budgets for FY 1960, 1970, 1980, 1990, 2000, and 2010.
- BPD's record of invoices for work with outside entities.

Data Reliability

We assessed the reliability of payroll data by reviewing it for completeness, appropriateness, and consistency. We determined it is sufficient and reliable for the purposes of our work. The data captures that date of the hours, the staff member, authorized and actual position title, and hour code. We noted a limitation in the data in that the position title associated with individuals is their current title and does not necessarily reflect the title at the time the hours were earned. Additionally, the data does not capture adjustments made to correct labor distributions and project charges. These limitations do not significantly impact our use of the data.

Independence

Payroll Audit is a Division of the City Auditor's Office. Payroll Audit Division performs citywide payroll functions and is a module leader for the payroll/personnel module used to record payroll costs. BPD is solely responsible for identifying the payroll codes applicable to their staff's time reported on timesheets and overtime forms and for providing sufficient documentation to support those hours for payroll processing. Payroll Audit is not responsible for verifying the employee's time or the use of budget codes by the department. Payroll limits its review to ensuring that BPD payroll clerks provide the appropriate and sufficient documentation for the reported time.

To reduce the threat to our independence, we limited our work to exclude areas overseen by our office. We also selected data from closed payroll periods that was in read only status and we traced select data back to source documents to verify that the data is reliable.

We consulted with representatives from the Government Accountability Office to discuss the engagement and the safeguards we put in place. They determined that with the safeguards mentioned above we had reduced the identified threats to our independence to an acceptable level to proceed with the audit.

Statement of Compliance

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix I. BPD Funding Streams

City Funding

General Fund. The General Fund is the chief operating fund in the City. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

Parking Meter Fund. The Parking Meter Fund is one of the City's major enterprise funds. It accounts for the collection of coins from the City's parking meters and for the purchasing, leasing, installing, repairing, maintaining, operating, removing, and policing of the meters.

State Funding

State funding to BPD derives from a combination of grant funding and revenue from state ballot measures.

Alcohol and Beverage Control (ABC) Grant. This program focuses on reducing the number of alcohol related calls for service to BFD and reducing the availability of alcohol to underage persons. It includes a partnership with UC Berkeley to work with student groups in organized events involving alcohol, including "operation trapdoor" to identify students using fake IDs, and conducting patrol on house parties.

State Public Safety Sales Tax Proposition 172. Ballot measure approved in 1993, imposed a state sales tax to be used for local public safety activities. As of FY20-21, it formed 0.25 percent of the total sales tax rate in Alameda County. The state distributes Proposition 172 revenues to each county based on its proportionate share of statewide taxable sales.

Citizens' Option for Public Safety (COPS). The State Controller's Office allocates the Citizens' Option for Public Safety funds to law enforcement agencies according to the relative population for each county and city. In FY 2021, Berkeley was projected to be allocated \$186,209 COPS funding. The allocations may be slightly different from the projections made by the State Controller's Office due to rounding.

Asset Forfeiture Fund. Asset forfeiture is the process by which legal ownership of an asset is transferred to BPD. According to the Health and Safety Code Section 11495, the funds received by the law enforcement agencies are deposited into an account maintained by the controller, county auditor, or city treasurer. From there, they are distributed to law enforcement agencies at their request. Sixty-five percent of State asset forfeiture proceeds are distributed to state and/or local law enforcement agencies that participated in the seizure of the assets. Fifteen percent of those funds must be deposited in a special fund maintained by a council made up of local government entities. These funds are restricted to be used for the sole purpose of funding programs designed to combat drug abuse and divert gang activity (Health and Safety Code 11489). In FY 2019, Berkeley PD received \$127,629.88 in state asset forfeiture funds from Alameda, Contra Costa, and Solano County. There were no reported state asset forfeiture funds received by Berkeley PD in FY 2020.

Mutual Aid from State Agencies. Mutual aid costs are paid for by the state for instances when the state becomes involved. Otherwise, the cost of mutual aid is the responsibility of each agency participating. Five state agencies have specific responsibilities to support local law enforcement during emergency situations: California Highway Patrol, State Military Department, Department of Justice, Department of Corrections, and the Officer of the California State Police.

Federal Funding

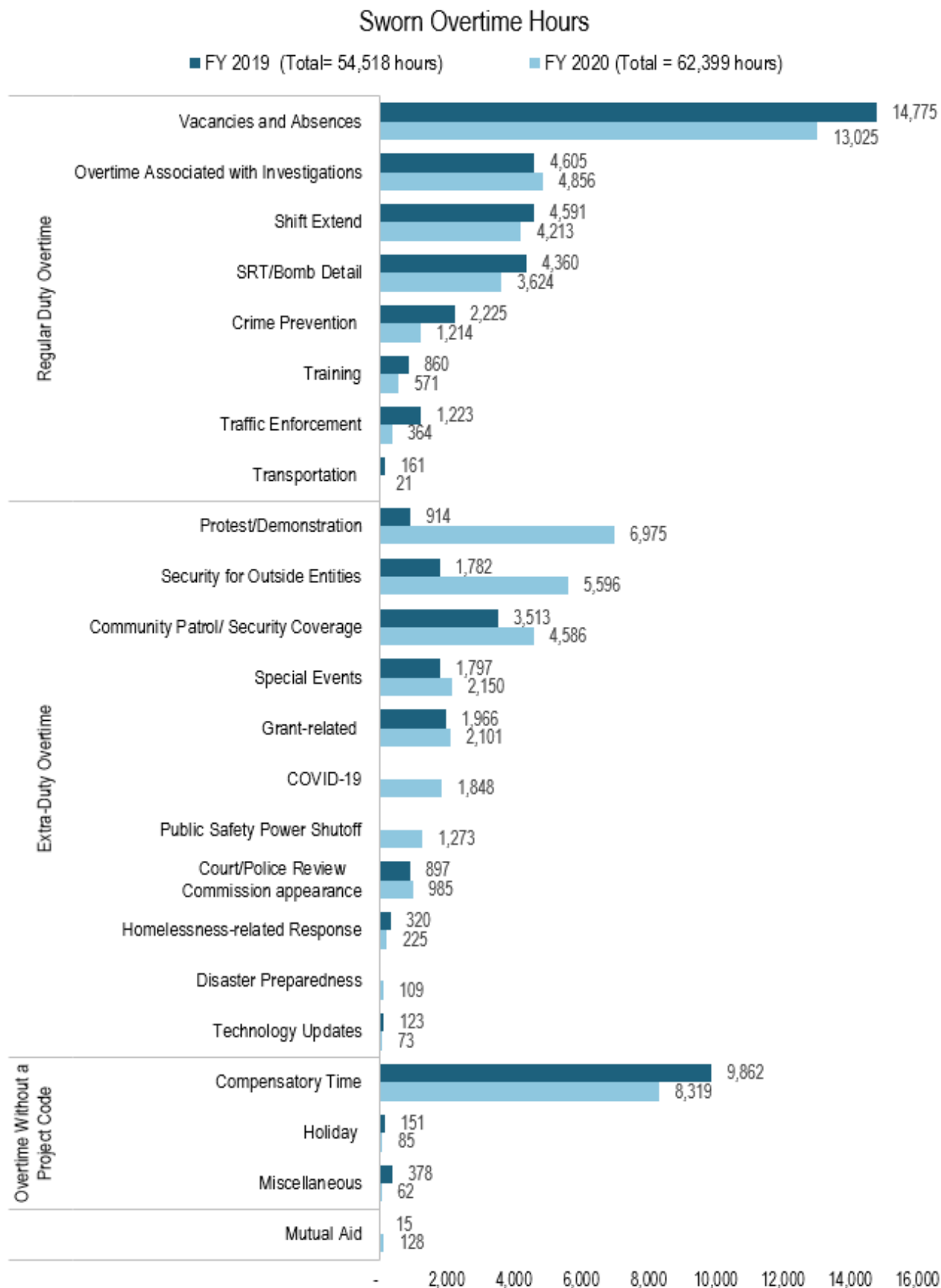
Federal funding for BPD derives exclusively from grants. BPD has received funding from the following grants:

Alameda County Justice Assistance Grant (JAG) Grant. JAG-funded projects address crime by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures. BPD receives funding from the JAG as a member of a consortium with the Alameda County Sheriff's office and other cities of Alameda County. As part of the JAG Consortium, BPD used funds to supplement overtime and benefits for sworn and non-sworn personnel engaged in targeted crime suppression activities.

Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP). The goal of the STEP program is to reduce the number of persons killed and injured in traffic crashes using "best practice" strategies. The grant funds strategies related to traffic enforcement including but not limited to: DUI checkpoints, DUI saturation patrols, warrant service operations, stakeout operations, educational presentations, court stings. There is also a media element to enhance deterrence.

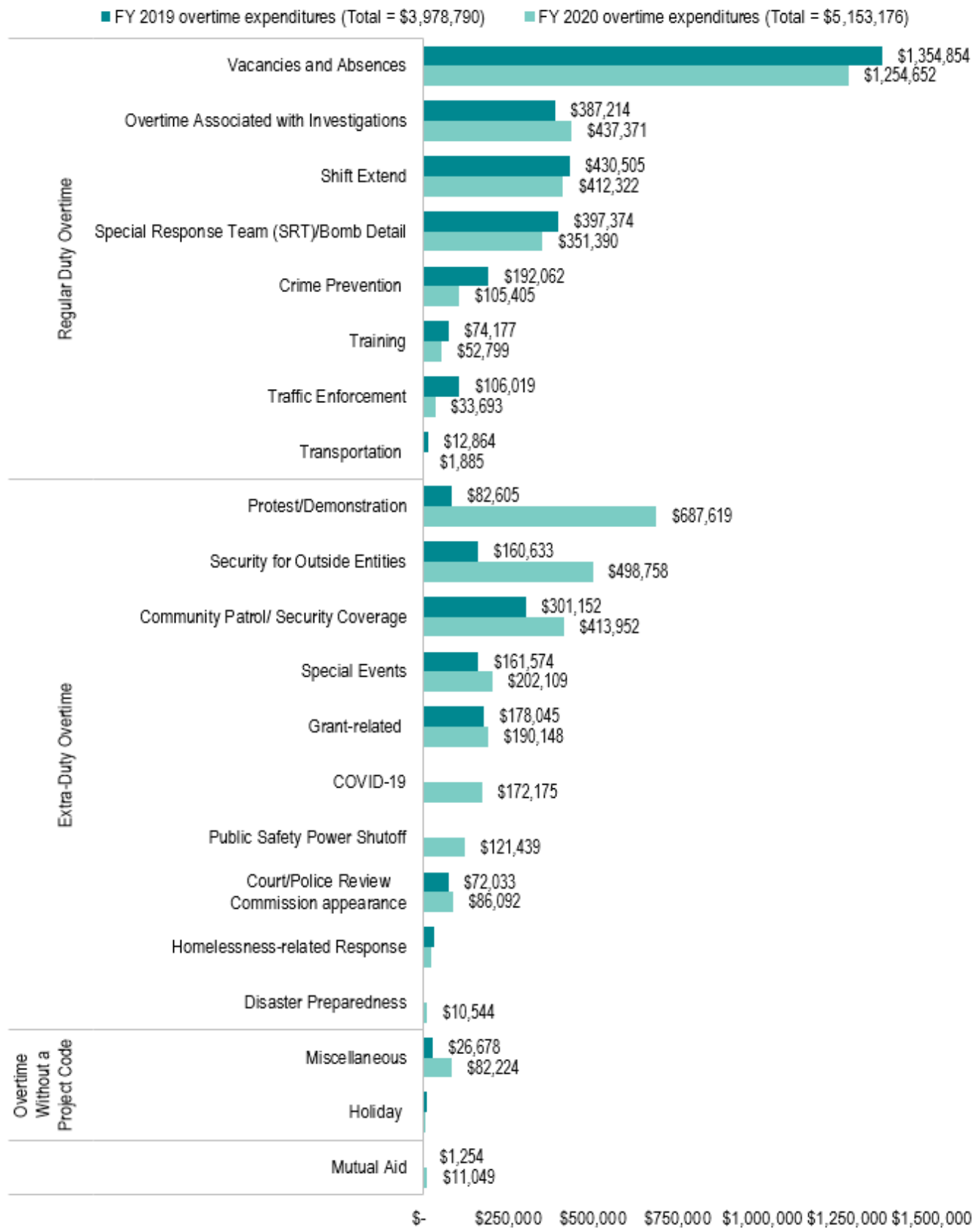
Office of Traffic Safety (OTS) Avoid the 21 Campaign. The grant activities target those who drink too much and get behind the wheel. DUI/Driver's License Checkpoints are a key component of the grant, being highly visible, highly publicized events. Officers staff DUI/Driver License Checkpoints, multi-agency DUI Task Force deployments, and local DUI saturation patrols for each partnering agency.

Appendix II. Reasons for Overtime: Hours and Expenditures



Source: BPD Payroll Data

Sworn Overtime Expenditures



Source: BPD Payroll Data

Appendix III. Extraordinary Duty Form



BERKELEY POLICE DEPARTMENT EXTRAORDINARY DUTY REPORT

Name _____ To _____
(Last) (Initials) (Badge #) (Rank) (Div/Team) (Regular duty hours)

Overtime worked _____
(Date) (Day of Week) (Beginning) (Ending) (Hours) (Minutes) (Days Off)

Reason:

Shift Extended _____ Pre-approved by: _____
(Case #) (Signature Mandatory) (Badge#)
 Special Detail _____
(Case #) (Explanation Mandatory)
 Backfill/Shortage _____
(For Badge #) (Explanation Mandatory)
 Court _____
(Attach Subpoena) (Case #) Did you testify? No Yes (Hours) (Minutes)

Premium Pay: SRT FTO EOD Phone Standby

On-duty _____ Off-duty _____ Comp time / Vacation time taken this week? Yes No
(Hours) (Minutes) (Hours) (Minutes)

Signed: _____ Prefer: Time / \$\$\$
(Signature) (Date) (Time) (Circle One)

Approval

Budget Code:	Activity Code:	Project Code:
<input type="checkbox"/> 1301 Regular OT	<input type="checkbox"/> 6901 Admin	<input type="checkbox"/> XX3069 SRT
<input type="checkbox"/> 1303 Hourly OT	<input type="checkbox"/> 6902 Media	<input type="checkbox"/> XX3070 Court (needed)
<input type="checkbox"/> 1311 Special Events	<input type="checkbox"/> 6903 IAB	<input type="checkbox"/> XX3071 Court (NOT needed)
<input type="checkbox"/> 1312 Training	<input type="checkbox"/> 7002 Prof. Standards	<input type="checkbox"/> XX3072 PRC Appearance
<input type="checkbox"/> 1313 Vacation Relief	<input type="checkbox"/> 7003 P&T / Court / PRC	<input type="checkbox"/> XX3A01 Workers Comp
<input type="checkbox"/> 1315 Misc.	<input type="checkbox"/> 7101 SS Admin	<input type="checkbox"/> XX3A02 Parental Leave
<input type="checkbox"/> 1316 Sick Time Relief	<input type="checkbox"/> 7004 Jail	<input type="checkbox"/> XX3A03 Military Leave
<input type="checkbox"/> 1317 Court / PRC	<input type="checkbox"/> 7206 Comm. Center	<input type="checkbox"/> XX3A04 Replace LD (on duty)
<input type="checkbox"/> 1338 Work Private Parties	<input type="checkbox"/> 7104 Records/Liaison/Warr	<input type="checkbox"/> XX3A05 Replace LD (off duty)
	<input type="checkbox"/> 7202 Operations	<input type="checkbox"/> XX3A06 Suspension
	<input type="checkbox"/> 7301 Investigations	<input type="checkbox"/> XX3A07 Administrative Leave
	<input type="checkbox"/> 7302 Traffic	<input type="checkbox"/> XX3A08 Leave w/o pay
	<input type="checkbox"/> 7303 Parking	<input type="checkbox"/> XX3A09 Under Strength
	<input type="checkbox"/> 7304 SEU	<input type="checkbox"/> XX3A10 Shift Extended
	<input type="checkbox"/> 7305 CAU	<input type="checkbox"/> XX3A11 Crime Prevention
	<input type="checkbox"/> 7306 ABC	<input type="checkbox"/> XX3A12 Community Events
	<input type="checkbox"/> 7307 Crime Scene	<input type="checkbox"/> XX3A13 Auto Theft
		<input type="checkbox"/> XX3A14 Fraud
		<input type="checkbox"/> XX3A15 Homicide
		<input type="checkbox"/> XX3A16 Property Crimes
		<input type="checkbox"/> XX3A17 Robbery
		<input type="checkbox"/> XX3A18 SVU / Sex Crimes
		<input type="checkbox"/> 15PO02 SVU / YSD
		<input type="checkbox"/> 15PO10 SVU / DV
		<input type="checkbox"/> 15PO01 Traffic / FAIT
		<input type="checkbox"/> XX3A19 SEU / Narcotics
		<input type="checkbox"/> XX3A20 SEU / Prostitution
		<input type="checkbox"/> XX3A21 Santa Rita Transportation
		<input type="checkbox"/> XX3A22 Hospital Transportation
		<input type="checkbox"/> XX3A23 Other Transportation
		<input type="checkbox"/> XX3A24 Telegraph (Fri / Sat)
		<input type="checkbox"/> XX3A25 City Council
		<input type="checkbox"/> XX3A26 Private Property (General)
		<input type="checkbox"/> XX3A72 DUI Checkpoint
		<input type="checkbox"/> XX3B74 Private Property (UCB)
		<input type="checkbox"/> XX3B75 Private Party (BUSD)
		<input type="checkbox"/> XX8P14 EOD
		<input type="checkbox"/> XX8P15 Range Training / FTU TTT
		<input type="checkbox"/> XX8P16 DT Training / DTU TTT
		<input type="checkbox"/> XX8P17 Demonstrations
		<input type="checkbox"/> XX8P18 Special Training
		<input type="checkbox"/> Other: _____

Time / \$\$\$* _____
(Circle One) *Grants \$\$\$ only

Total Hours _____
(Hours) (Minutes)

(Supervisor) (Date) (Commander) (Date) (Div. Commander) (Date)

Revised 9/2014

Overtime Reference Information – Overtime regulations are codified in General Order D-15 and Union Agreements between the City and the BPA or Local 1021. See referenced materials for more detail.

- **Whether an employee shall be compensated for overtime by compensatory time off or by payment shall be at the sole discretion of the employee's department director. MOU BPA §19.1.1.2.**
- No employee may work overtime or extend his or her shift without express prior approval of his or her supervisor. General Order D-15 §17.
- For paid overtime to be credited, an employee is required to submit an Extraordinary Duty Report immediately following the overtime assignment. General Order D-15 §17.
- Unless specifically requested by a commanding officer, employees shall not work overtime on their regularly scheduled shift on days they would normally work. MOU BPA §19.1.
- On days when they have taken paid time off for any reason other than workers' compensation, they are not automatically restricted from working overtime during those same days on shifts other than their own. MOU BPA §19.1.
- An employee who is placed on emergency on-call status on his or her regularly scheduled day off shall be paid or be credited with compensatory time off at a one quarter (¼) time rate. General Order D-15 §40(a) / MOU BPA §19.3.1.
- If the emergency on-call status continues into a second day during the month, an employee placed on emergency on-call status shall be paid or be credited with compensatory time off at a one quarter (¼) time. General Order D-15 §40(b) / MOU BPA §19.3.2.
- Emergency Overtime - An employee is guaranteed at least three (3) hours overtime when called to emergency overtime duty from his or her residence. MOU BPA §19.7.
- Unless otherwise approved by a Commanding Officer, all court overtime shall be paid. General Order D-15 §27 / MOU BPA §20.1.2.
- A sworn employee who makes an off-duty court appearance shall receive a minimum of four (4) hours overtime unless his or her scheduled duty reporting time, regular shift or overtime shift is less than four hours after the scheduled court appearance in which case the employee will receive overtime in the lesser amount. General Order D-15 §28 / MOU BPA 20.1.3.
- For off-duty, out-of-town court appearances, travel constitutes court overtime and is determined by the round trip time from the Hall of Justice. General Order D-15 §31 / MOU BPA D-15 20.1.5.
- Sworn employees who are placed on telephone stand-by for the court will be compensated by earned compensatory time as follows: General Order D-15 §34 / MOU BPA 20.2.1-20.2.2.
 - Duty Day: One hour minimum compensatory time and hour for hour thereafter.
 - Day Off: Two hour minimum compensatory time and hour for hour thereafter.
- Subpoena should be attached and case number indicated if either or both are available. General Order D-15 §35(a) / MOU BPA 20.2.2.1.
- Report is to be completed by the officer and shall specify the case number and the name of the Deputy District Attorney placing him or her on telephone stand-by. General Order D-15 §35(b) / MOU BPA D-15 20.2.2.2.

SEIU Local 1021 Only

- Employees who are called into work outside their normal work schedule shall be paid overtime compensation for actual time worked. The minimum time for which such overtime compensation shall be paid shall be four (4) hours. If such overtime work is performed prior to the beginning of the regularly scheduled work period and overtime continues into the regularly scheduled work period without a break in service, compensation shall be paid only for the actual time worked. Memorandum Agreement SEIU Local 1021 §14.5.

Appendix IV. Sample BPD Patrol Timesheet

TIMESHEET – OPERATIONS DIVISION

Month, Day, 2021 – Month, Day, 2022 [Six-month period]

Team 1 – Lieutenant 1 0600-1600 M/T/W/T				Team 2 – Lieutenant 1 1100-2100 M/T/W/T					
Sergeant 1		Sergeant 2		Sergeant 3		Sergeant 4			
Officer 1	Badge #	Officer 6	Badge #	Officer 11	Badge #	Officer 16	Badge #		
Officer 2	Badge #	Officer 7	Badge #	Officer 12	Badge #	Officer 17	Badge #		
Officer 3	Badge #	Officer 8	Badge #	Officer 13	Badge #	Officer 18	Badge #		
Officer 4	Badge #	Officer 9	Badge #	Officer 14	Badge #	Officer 19	Badge #		
Officer 5	Badge #	Officer 10	Badge #	Officer 15	Badge #	Officer 20	Badge #		
Team 3 – Lieutenant 2 1530-0130 M/T/W/T				Team 4 – Lieutenant 2 2030-0630 M/T/W/T					
Sergeant 5		Sergeant 6		Sergeant 7		Sergeant 8			
Officer 21	Badge #	Officer 26	Badge #	Officer 30	Badge #	Officer 35	Badge #		
Officer 22	Badge #	Officer 27	Badge #	Officer 31	Badge #	Officer 36	Badge #		
Officer 23	Badge #	Officer 28	Badge #	Officer 32	Badge #	Officer 37	Badge #		
Officer 24	Badge #	Officer 29	Badge #	Officer 33	Badge #	Officer 38	Badge #		
Officer 25	Badge #			Officer 34	Badge #	Officer 39	Badge #		
Team 5 – Lieutenant 3 0600-1830				Team 6 A - Lieutenant 3 1130-Midnight		Team 6 B - Lieutenant 4 1400-0230			
Sergeant 9		Sergeant 10		Sergeant 11		Sergeant 12			
Officer 41	Badge #	Officer 46	Badge #	Officer 51	Badge #	Officer 56	Badge #		
Officer 42	Badge #	Officer 47	Badge #	Officer 52	Badge #	Officer 57	Badge #		
Officer 43	Badge #	Officer 48	Badge #	Officer 53	Badge #	Officer 58	Badge #		
Officer 44	Badge #	Officer 49	Badge #	Officer 54	Badge #	Officer 59	Badge #		
Officer 45	Badge #	Officer 50	Badge #	Officer 55	Badge #	Officer 60	Badge #		
Vacation Relief M-TH: Sergeant 15 M-TH: Officer 71 Sergeant 16 FSS Officer 77				Team 7 - Lieutenant 4 1800 - 0630				Bikes: Sergeant 17 Officer 72 Badge # Officer 73 Badge # Officer 74 Badge # Officer 75 Badge # Officer 76 Badge #	
				Sergeant 13		Sergeant 14			
				Officer 61	Badge #	Officer 66	Badge #		
				Officer 62	Badge #	Officer 67	Badge #		
				Officer 63	Badge #	Officer 68	Badge #		
				Officer 64	Badge #	Officer 69	Badge #		
				Officer 65	Badge #	Officer 70	Badge #		

Official [Date] Timesheet

Source: Berkeley Police Department

Mission Statement

Promoting transparency and accountability in Berkeley government.

Audit Team

Erin Mullin, Senior Auditor
Alejandra Barrio Gorski, Auditor I

City Auditor

Jenny Wong

Office of the City Auditor

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Copies of our audit reports are available at
www.cityofberkeley.info/Auditor/Home/Audit_Reports.aspx



BERKELEY CITY AUDITOR



Disaster and Fire Safety Commission

ACTION CALENDAR

April 12, 2022

To: Honorable Mayor and Members of the City Council
 From: Disaster and Fire Safety Commission
 Submitted by: Jose Bedolla, Chairperson, Disaster and Fire Safety Commission
 Subject: UC Berkeley Agreement

RECOMMENDATION

The University of California recently agreed to pay the City of Berkeley \$4.3 million¹ a year to cover cost expended by the City due to the University's expansion and cost on the City. The funding is intended to 'support fire and city services.' The DSFC recommends that the City administer the funds separately from the general funds and with public review under the DSFC similar to FF and GG for the duration of the agreement.

FISCAL IMPACTS OF RECOMMENDATION

There are no fiscal impacts to the recommendation since this is new money above and beyond the current budget allocation.

CURRENT SITUATION AND ITS EFFECTS

The University of California at Berkeley (Cal) is expected to increase its enrollment by as much as 33%. Even without the increase, the number of calls are driven in part by the college population without a defined revenue source for recovery. Any increase in student population will pull resources away from efforts funded by GG and FF such as inspections, vegetation management, and fire preparedness. To compensate the City for the increased impact, the University agreed to a \$4.3 million annually in compensation for 10 years. Under that agreement, the Fire Department is expected to get a boost of \$2.8 M. These funds are needed to increase personnel to service the expanding population. The spending should come under specific public review via the DSFC.

BACKGROUND

The DFSC oversees GG and FF in collaboration with the Fire Department and City Administration. The DSFC has requested the Fire Department provide budget statements that are publically reviewed on the following basis:

¹ <https://www.berkeleyside.org/2021/07/14/uc-berkeley-payment-settlement-agreement>

1. Quarterly: official document
2. Monthly: unofficial document status report
3. Annual: Formal annual report

In addition, each of these documents will track performance measures against targets and budget. The public is able to comment at a more minute level rather than a citywide level where some of the detail may be lost.

ENVIRONMENTAL SUSTAINABILITY

There is no environmental impact to this recommendation.

RATIONALE FOR RECOMMENDATION

The DFSC would like to ensure that the new funding does in fact go to the intended activity instead of general use.

ALTERNATIVE ACTIONS CONSIDERED

An alternative could be a line item in the general fund. This could serve a similar function. However, the public would not be able to comment as much or as freely given the size of the general budget and the volume of City business before it.

CITY MANAGER

See companion report.

CONTACT PERSON

Keith May, Secretary, Disaster and Fire Safety Commission, 510-981-5508



Commission on Labor

ACTION CALENDAR
April 12, 2022

To: Honorable Mayor and Members of the City Council

From: Commission on Labor

Submitted by: Michael Berne, Chairperson, Commission on Labor

Subject: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110

RECOMMENDATION

Adopt first reading of the proposed Fair Workweek Ordinance, adding Berkeley Municipal Code Chapter 13.110.

FISCAL IMPACTS OF RECOMMENDATION

This ordinance provides for both private enforcement and enforcement by the City. Comparable jurisdictions report a small number of complaints annually, but additional staffing may be required to investigate complaints and hold enforcement hearings. Temporary staffing and one-time mailing costs will be required to conduct outreach to covered employers. The Commission anticipates that these cost projections will be quantified in a companion staff report.

SUMMARY

Key features of the proposed ordinance include:

Scheduling Notification and Requests

- Schedules must be given 14 days in advance
- Employees must be provided with an initial estimate of hours
- Employees have the right to decline hours they are given with less than 14 days notice
- Employees shall have the right to request flexible and predictable schedules to accommodate childcare, education, second jobs etc.
- Employees have the right to decline any shift that either occurs less than 11 hours after the end of their previous shift; if accepting such a shift, will be compensated at 1½ times their regular rate of pay.

Predictability Pay

- Employees will receive predictability pay equal to a specified number of hours at their hourly rate of pay as compensation for schedule changes, ranging from 1 hour of pay for a shift scheduled less than 14 days in advance but at least 24

hours up to 4 hours of pay or hours equal to the amount of hours lost when a shift is canceled or reduced

Offer of Work to Existing Employees

- Before hiring new employees, employers must offer additional hours to existing part-time employees for any new hours available
- Employees shall have 24 hours to accept additional hours

Applicability

- In general, employers in Berkeley with 50 or more employees globally engaged in the following industry sectors: building services, healthcare, hotel, manufacturing, retail, or warehouse services;
- Restaurant employers with at least 100 employees globally and 10 or more in Berkeley;
- Franchisees associated with a network of franchises employing 100 or more employees globally and 10 or more; and
- The City of Berkeley as an employer.
- Specifically **excluded** are nonprofit organizations with fewer than 100 employees globally (which includes most arts organizations).

BACKGROUND

The City Council referred to the Commission on Labor in 2018 to draft an Ordinance to establish regulations governing the scheduling and hiring practices of qualifying businesses in Berkeley.

The City Council's referral observed that:

Even with sick pay and strong minimum wage laws, workers in Berkeley, particularly shift workers, still face unfair and exploitative work practices. Since the passage of the Affordable Care Act, a frequent issue that has arisen is the practice of businesses keeping their employees below 30 hours a week to avoid having to provide them health care. Workers may be forced to take "clopening" shifts, where an employee covers the closing shift one day and the opening shift the next day, giving them little time for rest. Shift workers frequently have shifts added or removed hours before they are set to begin, making scheduling impossible and creating financial difficulties for those with children who need child care.

At the time of the City Council's referral, multiple jurisdictions had introduced or enacted measures to address these inequitable conditions, including the Cities of Emeryville, San Jose, San Francisco, and New York, and the State of Oregon, with the strongest at the time being the City of Emeryville. The referral directed the ordinance to be based on the City of Emeryville, strengthened with the following principles:

Fair Workweek Ordinance

- The right to refuse “clopening” shifts, the right to request a flexible work arrangement, and a prohibition on refusing hours to prevent the application of benefits should apply to all employers and employees
- The right to at least two weeks notice of work schedule, to decline additional hours, and to “predictability pay” if changes are made to the schedule after the 2 two week deadline should apply to all businesses of at least 25 employees
- The requirement that new shifts first be offered to all qualified existing employees until they have at least 35 hours of work per week on average should apply to all Retail, Hotel, and Restaurant firms with at least 25 employees
- All requirements of the ordinance apply to the City of Berkeley and the Berkeley Rent Stabilization Board.

Since the referral, several of the above-mentioned jurisdictions passed the introduced ordinances, in addition to the City of Chicago. Sectoral coverage in the proposed ordinance is generally modeled after Chicago, while firm size is generally modeled after Emeryville.

After many deliberative meetings before the full Commission and a dedicated subcommittee, and considering input from stakeholders including affected employers and workers, the Commission developed a proposed ordinance taking into account the Council’s direction. By passing this ordinance, Berkeley has the opportunity to be at the forefront of worker protections and to support the essential workers that have gotten us through this pandemic.

The Commission found many of the workers employed in the retail, restaurant, and hospitality industries suffer from low wages and unpredictable schedules, while needing to work multiple jobs just to get by. Volatile scheduling leads to difficulty in managing multiple jobs, school work, and childcare. Following the model adopted by the City of Chicago, the proposed ordinance would cover building services (including janitorial and security), healthcare, manufacturing, and warehouse services.

In response to input received by stakeholders, the proposed ordinance applies only to employers employing fifty or more employees globally (similar to Emeryville), but for restaurants or franchises would apply if the employer employed at least ten employees in the City of Berkeley and at least one hundred globally. This attempts to balance an interest in achieving the broadest coverage of any ordinance or law in the United States, while avoiding coverage of locally owned businesses that do not have the human resources support of a franchisor.

The strengthening elements requested by the City Council are mostly incorporated, except for the applicability thresholds based on our deliberative process, compliance

Fair Workweek Ordinance

with federal laws as applicable, the requirement for new shift offers reflects a forty-hour workweek, and the Rent Stabilization Board employees are presumed incorporated within City of Berkeley employees.

The City Council may wish to consider a delayed effectiveness date, such as until the beginning of the following calendar year, for private sector employers to allow for the time necessary for staff to provide outreach and education to affected businesses. While private sector employers should be provided a reasonable amount of time to set up systems to ensure compliance with the ordinance, the subcommittee recommends that the City of Berkeley as an employer can and should implement the new procedures promptly.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This action is not expected to have any impact on the environment and is exempt from CEQA.

RATIONALE FOR RECOMMENDATION

Enactment of workplace protections. See background discussion.

ALTERNATIVE ACTIONS CONSIDERED

The Commission recognizes the labor standards benefits of applying the right to refuse “clopening” shifts, and refusal of hours to prevent employees from attaining thirty hours per week to all employers, and applying the two week notice and predictability pay to all sectors of the economy. The right to request a flexible working arrangement remains applicable to all employers that employ ten or more employees under the Berkeley Family Friendly and Environment Friendly Workplace Ordinance, adopted in 2017. The proposed ordinance’s focus on uniform application to the seven sectors covered in Chicago’s model reflects (a) the expected education and outreach required for compliance, (b) the sectors where working conditions require intervention the most, and (c) that the employers covered by the proposed ordinance are in the best position to comply with its provisions in the near term, and does not preclude broadening coverage in the future.

CITY MANAGER

See companion report.

CONTACT PERSON

Margot Ernst, Commission Secretary, 510-981-5427

Attachments:

1: Ordinance

Fair Workweek Ordinance

Exhibit A: Fair Workweek Ordinance

ORDINANCE NO. -N.S.

FAIR WORKWEEK EMPLOYMENT STANDARDS; ADDING BERKELEY MUNICIPAL CODE CHAPTER 13.110

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

Section 1. That Berkeley Municipal Code Chapter 13.110 is added to read as follows:

**CHAPTER 13.110
FAIR WORKWEEK EMPLOYMENT STANDARDS**

Sections:

- 13.110.010 Purpose and Intent**
- 13.110.020 Definitions.**
- 13.110.030 Applicability.**
- 13.110.040 Waiver through Collective Bargaining**
- 13.110.050 Advance Notice of Work Schedules.**
- 13.110.060 Notice, Right to Decline, and Compensation for Schedule Changes.**
- 13.110.070 Offer of Work to Existing Employees.**
- 13.110.080 Right to Rest.**
- 13.110.090 Right to Request a Flexible Working Arrangement.**
- 13.110.100 Notice and Posting.**
- 13.110.110 Implementation.**
- 13.110.120 Enforcement.**
- 13.110.130 Retaliation Prohibited**
- 13.110.140 Retention of Records.**
- 13.110.150 City Access.**
- 13.110.160 No Preemption of Higher Standards.**
- 13.110.170 Severability.**

13.110.010 Purpose and Intent

This chapter shall be known and may be cited as the “Berkeley Fair Workweek Ordinance”. It is the purpose of this chapter and the policy of the City: (i) to enact and enforce fair and equitable employment scheduling practices in the City of Berkeley; (ii) to provide the working people of Berkeley with protections that ensure employer scheduling practices do not unreasonably prevent workers from attending to their families, health, education, and other obligations; and (iii) to require Employers needing additional hours, whether temporary or permanent, to first offer those hours to current part-time Employees.

13.110.020 Definitions

Fair Workweek Ordinance

As used in this chapter, the following terms shall have the following meanings:

- (a) "Calendar week" shall mean a period of seven (7) consecutive days starting on Sunday.
- (b) "City" shall mean the City of Berkeley.
- (c) "Covered employer" shall mean an employer subject to the provisions of this chapter, as specified in Section 13.110.030.
- (d) "Department" shall mean the Department of Finance or other City department or agency as the City shall by resolution designate.
- (e) "Employee" shall mean any person who:
 - (1) In a calendar week performs at least two (2) hours of work within the geographic boundaries of the City of Berkeley for an employer;
 - (2) Qualifies as an employee entitled to payment of a minimum wage from any employer under the California minimum wage law, as provided under Labor Code Section [1197](#) and wage orders published by the California Industrial Welfare Commission. Employees shall include learners, as defined by the California Industrial Welfare Commission; and
 - (3) Is (i) not exempt from payment of an overtime rate of compensation pursuant to Labor Code Section 510; and (ii) is not paid a monthly salary equivalent to at least forty hours per week at a rate of pay of twice the minimum wage required by Berkeley Municipal Code Section 13.99.040.
- (f) "Employer" shall mean any person, including corporate officers or executives, as defined in Section [18](#) of the California Labor Code, who directly or indirectly through any other person, including through the services of a temporary employment agency, staffing agency, subcontractor or similar entity, employs or exercises control over the wages, hours or working conditions of any Employee, or any person receiving or holding a business license through Title [9](#) of the Berkeley Municipal Code.
- (g) "Firm" shall mean a business organization or entity consisting of one (1) or more establishments under common ownership or control. In the case of a franchise, the franchisor shall be considered the firm.
- (h) "Franchise" shall have the meaning in California Business and Professions Code Section [20001](#).
- (i) "Franchisee" shall have the meaning in California Business and Professions Code Section [20002](#).
- (j) "Franchisor" shall have the meaning in California Business and Professions Code Section [20003](#).
- (k) "Good faith" shall mean a sincere intention to deal fairly with others.
- (l) "Predictability pay" shall mean wages paid to an employee, calculated on an hourly basis at the employee's regular rate of pay as that term is used in [29](#) U.S.C. Section

Fair Workweek Ordinance

[207](#)(e), as compensation for schedule changes made by a covered employer to an employee's schedule pursuant to Section 13.110.060, in addition to any wages earned for work performed by that employee.

(m) "Shift" shall mean the consecutive hours an employer requires an employee to work including employer-approved meal periods and rest periods.

(n) "Work schedule" shall mean all of an employee's shifts, including specific start and end times for each shift, during a calendar week.

(o) "Building services" means the care and maintenance of property, including, but not limited to, janitorial services, building maintenance services, and security services.

(p) "Healthcare" shall mean either a Hospital, Medical Practitioner Office, Nursing Home, or Supportive Housing as defined in BMC Section 23F.04.10, or a facility that provides outpatient maintenance dialysis.

(q) "Hotel" shall mean Tourist Hotel as defined in BMC Section 23F.04.10.

(r) "Manufacturing" shall mean a Manufacturing Use as defined in BMC Section 23F.04.10.

(s) "Restaurant" shall mean a Food Service Establishment as defined in BMC Section 23F.04.10.

(t) "Retail" shall mean a Retail Products Store as defined in BMC Section 23F.04.10.

(u) "Warehouse services" shall mean Warehouse Based Non-Store Retail as defined in BMC Section 23F.04.10.

13.110.030 Applicability

(a) All sections of this chapter shall apply to: the City of Berkeley as an employer, and all employers in the City of Berkeley who are primarily engaged in any of the following industries:

- (1) building services;
- (2) healthcare;
- (3) hotel;
- (4) manufacturing;
- (5) restaurant;
- (6) retail; or
- (7) warehouse services.

(b) Notwithstanding subdivision (a), this chapter shall apply only to an employer that

- (1) is not a restaurant and employs fifty (50) or more employees globally;
- (2) is a restaurant operator employing ten (10) or more employees in the city of Berkeley and employs one hundred (100) or more globally; or

(3) is a franchisee employing ten (10) or more employees in the city of Berkeley and is associated with a network of franchises employing one hundred (100) or more employees globally.

(c) This chapter does not apply to a not-for-profit corporation organized under Section 501 of the United States Internal Revenue Code unless it employs one hundred (100) or more employees globally.

(d) In determining the number of employees performing work for a covered employer during a given week, all employees performing work for the covered employer for compensation on a full-time, part-time, or temporary basis, at any location, shall be counted, including employees made available to work through the services of a temporary services or staffing agency or similar entity.

(e) For the purposes of determining whether a nonfranchisee entity is a covered employer as defined by this chapter, separate entities that form an integrated enterprise shall be considered a single employer under this chapter. Separate entities will be considered an integrated enterprise and a single employer under this chapter where a separate entity controls the operation of another entity. The factors to consider in making this assessment include, but are not limited to:

- (1) Degree of interrelation between the operations of multiple entities;
- (2) Degree to which the entities share common management;
- (3) Centralized control of labor relations; and
- (4) Degree of common ownership or financial control over the entities.

There shall be a presumption that separate legal entities, which may share some degree of interrelated operations and common management with one another, shall be considered separate employers for purposes of this chapter as long as (i) the separate legal entities operate substantially in separate physical locations from one another, and (ii) each separate legal entity has partially different ultimate ownership.

13.110.040 Waiver through Collective Bargaining

To the extent permitted by law, all or any portion of the applicable requirements of this chapter may be waived in a bona fide collective bargaining agreement; provided, that such waiver is explicitly set forth in such agreement in clear and unambiguous terms that the parties thereto intend to and do thereby waive all of or a specific portion(s) of this chapter.

13.110.050 Advance Notice of Work Schedules.

(a) Initial Estimate of Minimum Hours.

(1) Prior to or on commencement of employment, a covered employer shall provide each employee with a good faith estimate in writing of the employee's work schedule.

(2) Prior to or on commencement of employment, the employee may request that the covered employer modify the estimated work schedule provided under subsection (a)(1) of this section. The covered employer shall consider any such request, and in its sole discretion may accept or reject the request; provided, that the covered employer shall notify the employee of covered employer's determination in writing prior to or on commencement of employment.

(b) Two (2) Weeks' Advance Notice of Work Schedule. A covered employer shall provide its employees with at least two (2) weeks' notice of their work schedules by doing one (1) of the following: (1) posting the work schedule in a conspicuous place at the workplace that is readily accessible and visible to all employees; or (2) transmitting the work schedule by electronic means, so long as all employees are given access to the electronic schedule at the workplace. For new employees, a covered employer shall provide the new employee prior to or on their first day of employment with an initial work schedule. Thereafter, the covered employer shall include the new employee in an existing schedule with other employees. If the covered employer changes an employee's work schedule after it is posted and/or transmitted, such changes shall be subject to the notice and compensation requirements set forth in this chapter.

(c) An Employee who is a victim of domestic violence or sexual violence may request that the Employee's Work Schedule not be posted or transmitted to other employees. An oral or written request shall be sufficient and implemented immediately and is sufficient until the Employee gives written permission to post the Employee's schedule. An Employer may request a written statement from the Employee that states that the Employee is a victim of domestic violence or sexual violence. The written statement shall constitute the documentation needed for the Employer to implement the request. The Employer may not require a written statement more than once in a calendar year from any Covered Employee for this purpose.

13.110.060 Notice, Right to Decline, and Compensation for Schedule Changes.

(a) A covered employer shall provide an employee notice of any change to the employee's posted or transmitted work schedule. The covered employer shall provide such notice by in-person conversation, telephone call, email, text message, or other electronic communication. If the Employee accepts the additional shift via a verbal conversation, the Employer shall immediately follow up with written confirmation to document the agreement and when it was accepted. This notice requirement shall not apply to any schedule changes the employee initiates, such as employee requested sick leave, time off, shift trades, or additional shifts.

Fair Workweek Ordinance

(b) Subject to the exceptions in subsection (d) of this section, an employee has the right to decline any previously unscheduled hours that the covered employer adds to the employee's schedule, and for which the employee has been provided advance notice of less than fourteen (14) days.

(c) Subject to the exceptions in subsection (d) of this section, a covered employer shall provide an employee with the following compensation per shift for each previously scheduled shift that the covered employer adds or subtracts hours, moves to another date or time, cancels, or each previously unscheduled shift that the covered employer adds to the employee's schedule: (1) with less than fourteen (14) days' notice, but twenty-four (24) hours or more notice to the employee: one (1) hour of predictability pay; (2) with less than twenty-four (24) hours to the employee, (i) four (4) hours or the number of hours in the employee's scheduled shift, whichever is less, when hours are canceled or reduced; (ii) one (1) hour of predictability pay for all other changes. The compensation required by this subsection shall be in addition to the employee's regular pay for working that shift.

(d) Exceptions. The requirements of this section shall not apply under any of the following circumstances:

- (1) Operations cannot begin or continue due to threats to covered employers, employees or property, or when civil authorities recommend that work not begin or continue;
- (2) Operations cannot begin or continue because public utilities fail to supply electricity, water, or gas, or there is a failure in the public utilities or sewer system;
- (3) Operations cannot begin or continue due to: acts of nature (including but not limited to flood, fire, explosion, earthquake, tidal wave, drought), war, civil unrest, strikes, or other cause not within the covered employer's control;
- (4) Mutually agreed-upon work shift swaps or coverage arrangements among employees.
- (5) Employee initiated voluntary shift modifications, such as voluntary requests to leave a scheduled shift prior to the end of the shift or to use sick leave, vacation leave, or other policies offered by the Employer. This paragraph shall apply only to the employee initiating the voluntary shift modification.
- (6) To accommodate the following transitions in shifts:
 - (i) If an employee works past the end of a scheduled shift to complete service to a customer, which service would entitle the employee to receive a commission, tip, or other incentive pay based on the completion of that service, provided the employee is compensated at their regular rate of pay for the additional work performed by the employee.
 - (ii) An employee begins or ends their scheduled shift no more than ten minutes prior to or after the scheduled shift, provided the employee is

compensated at their regular rate of pay for the additional work performed by the employee.

(7) When, in manufacturing, events outside of the control of the manufacturer result in a reduction in the need for Covered Employees, including, but not limited to, when a customer requests the manufacturer to delay production or there is a delay in the receipt of raw materials or component parts needed for production.

(8) With regard to healthcare employers, in (i) any declared national, State, or municipal disaster or other catastrophic event, or any implementation of an Employer's disaster plan, or incident causing a hospital to activate its Emergency Operations Plan, that will substantially affect or increase the need for healthcare services; (ii) any circumstance in which patient care needs require specialized skills through the completion of a procedure; or (iii) any unexpected substantial increase in demand for healthcare due to large public events, severe weather, violence, or other circumstances beyond the Employer's control.

(e) Nothing in this section shall be construed to prohibit a covered employer from providing greater advance notice of employee's work schedules and/or changes in schedules than that required by this section.

13.110.070 Offer of Work to Existing Employees.

(a) Subject to the limitations herein, before hiring new employees or contract employees, including hiring through the use of temporary services or staffing agencies, a covered employer shall first offer additional hours of work to existing part-time employee(s) who have worked on behalf of the employer for more than two weeks, and if the part-time employee(s) are qualified to do the additional work, as reasonably and in good faith determined by the covered employer. This section requires covered employers to offer to part-time employees only up to the number of hours required to schedule a part-time employee forty (40) hours of work in a calendar week. In order to facilitate communication with current employees who may be interested in additional work, an Employer may specify how employees may in advance communicate their interest of additional work and which positions and hours of work employees would be interested in covering.

(b) A covered employer has discretion to divide the additional work hours among part-time employees consistent with this section; provided, that: (1) the employer's system for distribution of hours must not discriminate on the basis of race, color, creed, religion, ancestry, national origin, sex, sexual orientation, gender identity or expression, disability, age, marital or familial status, nor on the basis of family caregiving responsibilities or status as a student; and (2) the employer may not distribute hours in a manner intended to avoid an increase in the number of employees working 30 or more hours per week, or with regard to the City of Berkeley, to avoid a the granting of any benefits that an employee earns based on hours worked.

Fair Workweek Ordinance

(c) A part-time employee may, but is not required to, accept the covered employer's offer of additional work under this section.

(1) A part-time employee shall have twenty-four (24) hours to accept an offer of additional hours of work under this section, after which time the covered employer may hire new employees to work the additional hours.

(2) The twenty-four (24) hour period referred to in this subsection begins either when the employee receives the written offer of additional hours, or when the covered employer posts the offer of additional hours as described in subsection (d) of this section, whichever is sooner. A part-time employee who wishes to accept the additional hours must do so in writing.

(d) When this section requires a covered employer to offer additional hours to existing part-time employees, the covered employer shall make the offer either in writing or by posting the offer in a conspicuous location in the workplace where notices to employees are customarily posted. Covered employers may post the notice electronically on an internal website in a conspicuous location and which website is readily accessible to all employees. The notice shall include the total hours of work being offered, the schedule of available shifts, whether those shifts will occur at the same time each week, and the length of time the covered employer anticipates requiring coverage of the additional hours, and the process by which part-time employees may notify the covered employer of their desire to work the offered hours.

(e) The covered employer shall retain each written offer no less than three (3) years as required under Section [13.110.140](#).

(f) This section shall not be construed to require any covered employer to offer employees work hours paid at a premium rate under California Labor Code Section [510](#) nor to prohibit any covered employer from offering such work hours.

13.110.080 Right to Rest.

(a) An employee has the right to decline work hours that occur:

- (1) Less than eleven (11) hours after the end of the previous day's shift; or
- (2) During the eleven (11) hours following the end of a shift that spanned two (2) days.

(b) An employee who agrees in writing to work hours described in this section shall be compensated at one and one-half (1-1/2) times the employee's regular rate of pay for any hours worked less than eleven (11) hours following the end of a previous shift.

13.110.090 Right to Request a Flexible Working Arrangement.

An employee has the right to request a modified work schedule, including but not limited to additional shifts or hours; changes in days of work or start and/or end times for the shift; permission to exchange shifts with other employees; limitations on availability; part-time employment; job sharing arrangements; reduction or change in work duties; or

part-year employment. A covered employer shall not retaliate against an employee for exercising their rights under this section or the rights outlined in the Berkeley Family Friendly and Environment Friendly Workplace Ordinance, Berkeley Municipal Code Chapter 13.101.

13.110.100 Notice and Posting.

(a) The Department shall publish and make available to covered employers, in English and other languages as provided in any implementing regulations, a notice suitable for posting by covered employers in the workplace informing employees of their rights under this chapter.

(b) Each covered employer shall give written notification to each current employee and to each new employee at time of hire of their rights under this chapter. The notification shall be in English and other languages as provided in any implementing regulations, and shall also be posted prominently in areas at the work site where it will be seen by all employees. Every covered employer shall also provide each employee at the time of hire with the covered employer's name, address, and telephone number in writing. Failure to post such notice shall render the covered employer subject to administrative citation, pursuant to the provisions of this chapter. The Department is authorized to prepare sample notices and covered employer use of such notices shall constitute compliance with this subsection.

13.110.110 Implementation.

(a) The Department shall be authorized to coordinate implementation and enforcement of this chapter and may promulgate appropriate guidelines or rules for such purposes. Any guidelines or rules promulgated by the City shall have the force and effect of law and may be relied on by covered employers, employees and other parties to determine their rights and responsibilities under this chapter. Any guidelines or rules may establish procedures for ensuring fair, efficient and cost-effective implementation of this chapter, including supplementary procedures for helping to inform employees of their rights under this chapter, for monitoring covered employer compliance with this chapter, and for providing administrative hearings to determine whether a covered employer has violated the requirements of this chapter.

(b) Reporting Violations. An aggrieved employee may report to the Department in writing any suspected violation of this chapter. The Department shall keep confidential, to the maximum extent permitted by applicable laws, the name and other identifying information of the employee reporting the violation; provided, however, that with the authorization of such employee, the Department may disclose their name and identifying information as necessary to enforce this chapter or other employee protection laws.

(c) Investigation. The Department may investigate any possible violations of this chapter by a covered employer. The Department shall have the authority to inspect

workplaces, interview persons and subpoena records or other items relevant to the enforcement of this chapter.

(d) **Informal Resolution.** If the Department elects to investigate a complaint, the City shall make every effort to resolve complaints informally and in a timely manner. The City's investigation and pursuit of informal resolution does not limit or act as a prerequisite for an employee's right to bring a private action against a covered employer as provided in this chapter.

13.110.120 Enforcement.

(a) **Enforcement by City.** Where prompt compliance with the provisions of this chapter is not forthcoming, the Department may take any appropriate enforcement action to ensure compliance, including but not limited to the following:

The Department may issue an administrative citation pursuant to Chapter 1.28 of the Berkeley Municipal Code. The amount of this fine shall vary based on the provision of this chapter violated, as specified below:

- (1) A fine may be assessed for retaliation by a covered employer against an employee for exercising rights protected under this chapter. The fine shall be one thousand dollars (\$1,000.00) for each employee retaliated against.
- (2) A fine of five hundred dollars (\$500.00) may be assessed for any of the following violations of this chapter:
 - (i) Failure to provide notice of employees' rights under this chapter.
 - (ii) Failure to timely provide an initial work schedule or to timely update work schedules following changes.
 - (iii) Failure to provide predictability pay for schedule changes with less than twenty-four (24) hours' advance notice.
 - (iv) Failure to offer work to existing employees before hiring new employees or temporary staff or to award work to a qualified employee.
 - (v) Failure to maintain payroll records for the minimum period of time as provided in this chapter.
 - (vi) Failure to allow the Department access to payroll records.
- (3) A fine equal to the total amount of appropriate remedies, pursuant to subsection (c) of this section. Any and all money collected in this way that is the rightful property of an employee, such as back wages, interest, and civil penalty payments, shall be disbursed by the Department in a prompt manner.

(f) **City Access.** Each covered employer shall permit access to work sites and relevant records for authorized City representatives for the purpose of monitoring compliance with this chapter and investigating employee complaints of noncompliance, including production for inspection and copying of its employment records, but without allowing Social Security numbers to become a matter of public record.

Fair Workweek Ordinance

(g) Any person aggrieved by a violation of this Chapter, any entity a member of which is aggrieved by a violation of this Chapter, or any other person or entity acting on behalf of the public as provided for under applicable state law, may bring a civil action in a court of competent jurisdiction against the Employer or other person violating this Chapter and, upon prevailing, shall be awarded reasonable attorneys' fees and costs and shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, the payment of any back wages unlawfully withheld, the payment of an additional sum as a civil penalty in the amount of \$50 to each Employee or person whose rights under this Chapter were violated for each day that the violation occurred or continued, reinstatement in employment and/or injunctive relief. Provided, however, that any person or entity enforcing this Chapter on behalf of the public as provided for under applicable state law shall, upon prevailing, be entitled only to equitable, injunctive or restitutionary relief to Employees, and reasonable attorneys' fees and costs.

(i) This Section shall not be construed to limit an Employee's right to bring legal action for a violation of any other laws concerning wages, hours, or other standards or rights nor shall exhaustion of remedies under this Chapter be a prerequisite to the assertion of any right.

(j) The remedies for violation of this chapter include but are not limited to:

1. Reinstatement, the payment of predictability pay unlawfully withheld, and the payment of an additional sum as a civil penalty in the amount of fifty dollars (\$50.00) to each employee whose rights under this chapter were violated for each day or portion thereof that the violation occurred or continued, and fines imposed pursuant to other provisions of this chapter or State law.
2. Interest on all due and unpaid wages at the rate of interest specified in subdivision (b) of Section 3289 of the California Civil Code, which shall accrue from the date that the wages were due and payable as provided in Part 1 (commencing with Section 200) of Division 2 of the California Labor Code, to the date the wages are paid in full.
3. Reimbursement of the City's administrative costs of enforcement and reasonable attorney's fees.
4. If a repeated violation of this chapter has been finally determined in a period from July 1 to June 30 of the following year, the Department may require the employer to pay an additional sum as a civil penalty in the amount of fifty dollars (\$50.00) to the City for each employee or person whose rights under this chapter were violated for each day or portion thereof that the violation occurred or continued, and fines imposed pursuant to other provisions of this Code or State law.

(k) The remedies, penalties and procedures provided under this chapter are cumulative and are not intended to be exclusive of any other available remedies, penalties and procedures established by law which may be pursued to address violations of this

chapter. Actions taken pursuant to this chapter shall not prejudice or adversely affect any other action, administrative or judicial, that may be brought to abate a violation or to seek compensation for damages suffered.

(l) No criminal penalties shall attach for any violation of this chapter, nor shall this chapter give rise to any cause of action for damages against the City.

13.110.130 Retaliation Prohibited.

An employer shall not discharge, reduce the compensation of, discriminate against, or take any adverse employment action against an employee, including discipline, suspension, transfer or assignment to a lesser position in terms of job classification, job security, or other condition of employment, reduction of hours or denial of additional hours, informing another employer that the person has engaged in activities protected by this chapter, or reporting or threatening to report the actual or suspected citizenship or immigration status of an employee, former employee or family member of an employee to a Federal, State or local agency, for making a complaint to the Department, participating in any of the Department's proceedings, using any civil remedies to enforce their rights, or otherwise asserting their rights under this chapter. Within one hundred twenty (120) days of an employer being notified of such activity, it shall be unlawful for the employer to discharge any employee who engaged in such activity unless the employer has clear and convincing evidence of just cause for such discharge.

13.110.140 Retention of Records.

Each employer shall maintain for at least three (3) years for each employee a record of their name, hours worked, pay rate, initial posted schedule and all subsequent changes to that schedule, consent to work hours where such consent is required by this chapter, and documentation of the time and method of offering additional hours of work to existing staff. Each employer shall provide each employee a copy of the records relating to such employee upon the employee's reasonable request.

13.110.150 City Access.

Each employer shall permit access to work sites and relevant records for authorized Department representatives for the purpose of monitoring compliance with this chapter and investigating employee complaints of noncompliance, including production for inspection and copying of its employment records, but without allowing Social Security numbers to become a matter of public record.

13.110.160 No Preemption of Higher Standards.

The purpose of this chapter is to ensure minimum labor standards. This chapter does not preempt or prevent the establishment of superior employment standards (including higher wages) or the expansion of coverage by ordinance, resolution, contract, or any

other action of the City. This chapter shall not be construed to limit a discharged employee's right to bring a common law cause of action for wrongful termination.

13.110.170 Severability.

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

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 the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Rashi Kesarwani
Councilmember District 1

CONSENT CALENDAR

April 12, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author), Councilmembers Lori Droste and Terry Taplin (Co-sponsor)

SUBJECT: Resolution Reaffirming the City of Berkeley's Commitment to Transgender Rights

RECOMMENDATION

Adopt a Resolution reaffirming the City of Berkeley's commitment to Transgender and Gender Expansive Rights

CURRENT SITUATION AND ITS EFFECTS

On February 22, 2022, Texas Governor Greg Abbott authored a letter to Texas's Department of Family and Protective Services saying that medical treatments provided to transgender adolescents should be classified as child abuse under existing state law.¹ This was in response to an opinion issued the week earlier by Texas Attorney General Ken Paxton stating that medical treatments such as puberty-suppressing drugs and hormones provided to transgender teens for gender-affirming care should be investigated as child abuse. This letter sowed fear among transgender youth and their families. Several families are already being unjustly investigated for supposed child abuse under this standard. On March 1, 2022, a lawsuit was filed by the American Civil Liberties Union and Lambda Legal Defense to secure a temporary restraining order and permanent injunction against both Governor Abbott and Jaime Masters, Commissioner of the Texas Department of Family Protective Services.² On March 11, Judge Amy Clark Meachum issued an injunction, declaring the Governor's order to be

¹ See NYTimes March 1, 2022 article: [Texas Investigates Parents Over Care for Transgender Youth, Suit Says](#)

² See NYTimes March 1, 2022 article: [Texas Investigates Parents Over Care for Transgender Youth, Suit Says](#)

unconstitutional.³ Within hours of Judge Meachum’s ruling, however, Attorney General Paxton tweeted that his office had filed an appeal to the ruling, thus freezing the injunction and allowing the investigations to continue.⁴ At the time of this writing, the legal landscape remains murky and it is uncertain whether these persecutory investigations will continue.

Transgender and gender expansive rights have recently come under direct attack in state legislatures across the country, and these individuals are especially vulnerable due to a lack of federal legal protections—with no comprehensive non-discrimination law inclusive of gender identity currently in place. As of March 2022, 15 states have sought to restrict access to gender-affirming care or are currently considering laws to do so. According to the Williams Institute at the UCLA School of Law, these bills carry severe penalties for health care providers and sometimes families who provide or seek out gender-affirming care for minors.⁵ In light of these bills and laws that seek to deny gender-affirming care to minors, it is critically important to reaffirm Berkeley’s commitment to the transgender and gender expansive community and their rights.

BACKGROUND

Acts of violence and discrimination against transgender and gender expansive individuals continue to be on the rise, despite the June 15, 2020, U.S. Supreme Court ruling in *Bostock v. Clayton County* which declared that discrimination based on transgender status counts as discrimination based on sexual orientation or gender identity (falling under discrimination due to sex prohibited in Title VII of the 1964 Civil Rights Act). Although this decision has become one of the most important for LGBTQ legal rights, transgender and gender expansive individuals have historically been oppressed and continue to face challenges—particularly in the workplace, healthcare, and education. The transgender community continues to grapple with violence as demonstrated by the at least 46 transgender and gender expansive individuals murdered in 2021—most of them Black or Latinx, according to the Human Rights Campaign Fund—marking the deadliest year on record.⁶

Berkeley is the first city in the United States to provide domestic partnership benefits to city and school district employees and has historically safeguarded the rights of the LGBTQ community. In 2018, Berkeley’s Commission on the Status of Women announced a resolution providing \$2,400 from the General Fund to fund a half-day Transgender Health Access Training for its Public Health staff. In 2015, Berkeley also added a provision to the Municipal Code requiring

³ See NYTimes March 11, 2022 article: [Texas Court Halts Abuse Inquiries into Parents of Transgender Children](#)

⁴ See Washington Post March 17, 2022 article: [Dreading the Knock at the Door: Parents of Trans Kids in Texas are Terrified for Their Families](#)

⁵ “Prohibiting Gender-Affirming Medical Care for Youth,” UCLA School of Law Williams Institute, March 2022, <https://williamsinstitute.law.ucla.edu/publications/bans-trans-youth-health-care/>

⁶ See the November 17, 2021 Human Rights Campaign Fund press release: [Marking the Deadliest Year on Record, Human Rights Campaign Fund Announces Release of Annual Report on Violence Against Transgender and Gender expansive People.](#)

that single-occupancy bathrooms in businesses and other places of public accommodation be designated as gender-neutral.

The state of California has also continued to support the transgender and gender expansive community and their rights. In 2014, AB 1577, the Respect After Death Act, requires any official who completes a transgender person's death certificate to record the deceased individual's sex to reflect their gender identity. In 2015, California became the first state to grant transgender prison inmates the right to have access to gender affirmation surgeries. Additionally, under AB 1732, California became the first state to require single-occupancy restrooms in businesses, government buildings, and places of public accommodation to be indicated as gender-neutral. In 2016, California passed AB 1887, which banned state-funded travel to states enacting laws that discriminated against or removed protections for individuals based on sex, gender identity, or sexual orientation.

Let this resolution reaffirm the City of Berkeley's strong history of commitment to upholding and protecting the rights of members of the LGBTQ community, including transgender and gender-expansive individuals.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

None

CONTACT PERSON

Rashi Kesarwani, Council District 1, 510-981-7110

Attachments:

1. Resolution

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

REAFFIRMING THE CITY OF BERKELEY'S COMMITMENT TO TRANSGENDER AND GENDER EXPANSIVE RIGHTS

WHEREAS, June 28, 2022 will mark the 53rd anniversary of the Stonewall Riots, which were a pivotal series of events that invigorated the modern movement for LGBTQ rights and served as the catalyst for the formation of LGBTQ activist organizations and pride marches.

WHEREAS, Even with the landmark Supreme Court decision *Bostock v. Clayton County* (2020), which prohibited employers from discriminating based on sexual orientation, transgender individuals still lack legal protection on the federal level since no comprehensive non-discrimination law inclusive of gender identity currently exists.

WHEREAS, More than 100 anti-transgender bills have been introduced in 33 states in an attempt to dismantle fundamental transgender rights and transgender identity.⁷

WHEREAS, Individual states are passing laws restricting access to medical care and sports participation for transgender youth, for example: Tennessee banned doctors from prescribing transition hormone treatments for transgender children; Arkansas prohibited doctors from providing gender-affirming medical treatment to transgender minors; and Alabama barred transgender girls and women from playing on female teams.

WHEREAS, The transgender and gender expansive community, especially the most marginalized transgender people such as trans women and trans people of color, experience daily challenges due to a lack of healthcare coverage, greater likelihood of living in poverty, and ongoing violence, harassment, and discrimination.

WHEREAS, the overwhelming majority of Americans believe transgender people should be guaranteed federal anti-discrimination protections and rights to participate in opportunities through the Equality Act, a bill that passed in the House of Representatives but is currently stalled in the Senate.

WHEREAS, In December 1984, the City of Berkeley was the first to extend health benefits to domestic partners who served as City and school district employees; Berkeley's Domestic Partner Task Force conceived the term "domestic partner"; and the City's policy set a precedent for domestic partner policies in the rest of the country.

NOW THEREFORE, BE IT RESOLVED by the City of Berkeley that it hereby reaffirms its commitment to assuring transgender and gender expansive rights, regardless of

⁷ See KQED's June 6, 2021 article [Pride: 2021 has Set a Record in Anti-Trans Bills in America](#)

socioeconomic, ethnic, racial, cultural, or religious background, and to opposing any laws or regulations that pose a threat to the well-being, identity, and advancement of the transgender and gender expansive community.



CONSENT CALENDAR
April 12, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: Crisis Stabilization Center

RECOMMENDATION

Refer to the City Manager to develop a Crisis Stabilization Center based on the Deschutes County Health Services model, and to identify and index potential sites in the City of Berkeley available for Crisis Stabilization Center operations.

FINANCIAL IMPLICATIONS

Staff time.

In September 2021, Deschutes County Health Services estimated in a correspondence with the District 2 Council office that the Crisis Stabilization Center in Bend, Oregon was saving approximately \$51,000 in Law Enforcement time and approximately \$430,280-815,040 in Emergency Room costs per year.

In 2021, an estimated \$2.4 million from Measure P funds were allocated annually for 5150 response & transports due to the lack of a Berkeley-based location to transport persons in mental health crises.¹

CURRENT SITUATION AND ITS EFFECTS

In April 2021, the US Justice Department announced that its investigations had found violations of the Americans with Disabilities Act (ADA) and potential Constitutional violations in Alameda County's mental health services, including facilities at John George Psychiatric Hospital and Santa Rita Jail.² The City of Berkeley is one of two local jurisdictions in the state of California with its own Mental Health Division separate from the County.

RDA Consulting issued its Mental Health Crisis Responses and Stakeholder Perspectives Report³ in October 2021 as part of the Reimagining Public Safety process. The report highlights that Berkeley has "an overall insufficient level of resources to meet the volume and types of mental health crisis needs across the city." According to a qualitative analysis by the Berkeley City Auditor, roughly 40% of BPD's welfare check

¹ <https://www.cityofberkeley.info/uploadedFiles/Clerk/Item%204%20Measure%20P%20Memo.pdf>

² <https://www.justice.gov/opa/pr/justice-department-finds-alameda-county-california-violates-americans-disabilities-act-and-us>

³ <https://drive.google.com/file/d/1Ink4P-SLna-HPaNp4WBcfv07knmpTNTy/view>

calls involved a mental health issue; 20% of disturbance calls, and 10% of calls regarding suspicious circumstances also involved mental health.

Berkeley's Mental Health Division offers a variety of crisis response services including the Mobile Crisis Team (MCT), Crisis Assessment and Triage (CAT), Transitional Outreach Team (TOT), and the Homeless Full Service Partnership replacing the Homeless Outreach and Treatment Team (HOTT). The MCT is not fully staffed and is unable to provide services even 5 days a week. These programs currently do not provide 24-hour services, and providing transports to longer-term care facilities can incur substantial costs, aforementioned Constitutional issues notwithstanding.

Berkeley contracts out with many community-based organizations to provide drop-in, shelter and other services. These organizations provide a different role than a crisis stabilization center, which would provide linkage to the network of the other Berkeley-based organizations as needed for the person in a mental health crisis. There are currently no Berkeley programs that provide 24/7 crisis stabilization services. Transports to jail or to hospitalization, for persons who would be better served in a community-based alternative, comes at substantial cost to the City in addition to presenting possible constitutional violations earlier cited.

Alameda County operates a 24-hour crisis phone line under Crisis Support Services (CSS) that is available to Berkeley residents, and Alameda County Behavioral Health Care Services refers callers to CSS after-hours. These phone lines do not provide the services that a locally-based crisis stabilization center would provide.

In short, the City of Berkeley does not currently offer 24/7 in-person crisis stabilization, and the County's services are severely under-resourced. A 24/7 crisis stabilization center would help provide part of a round-the-clock mental health support system.

Crisis Stabilization is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city.

BACKGROUND

The Deschutes County Stabilization Center (DCSC) opened in Bend, Oregon in June 2020 with state and federal grant funding for opening and operations. In 2020, Deschutes County Health Services (DCHS) in Oregon was awarded a second two-year grant from the Substance Abuse & Mental Health Services Administration (SAMHSA), under the U.S. Department of Health & Human Services, and funding from the Oregon Criminal Justice Commission for 24-hour operations. Future funding has not yet been secured⁴ but is likely to be renewed: DCHS reports to the District 2 Council office that they expect to receive another two-year grant from the Oregon Criminal Justice Commission, and will receive \$500,000 annually in Medicaid funding.

⁴ Hernandez, R. (2022). The Bend stabilization center's future is unknown. *OPB*. Retrieved from <https://www.opb.org/article/2022/01/12/the-bend-stabilization-centers-future-is-unknown/>

In the first year of operations, Deschutes County reported an 8% reduction in emergency room referrals from law enforcement, averaging 30 emergency room diversions per month and saving approximately \$431,280-\$815,040 per year (Attachment 1). The average length of stay in respite was 10 hours. The observation unit offers 23-hour stays, because 24-hour and longer periods would constitute “residential” treatment.

Crisis receiving and stabilization services offer the community a no-wrong-door access to mental health and substance use care, operating much like a hospital emergency department that accepts all walk-ins, ambulance, fire and police drop-offs.

Some considerations for operating a Crisis Stabilization service include:

1. Accept all referrals, regardless of insurance;
2. Offer walk-in and first responder drop-off options;
3. Not require medical clearance prior to admission but rather assessment and support for medical stability while in the program;
4. Design their services to address mental health and substance abuse crisis issues and provide linkage to related services if needed beyond the 23-hour crisis stabilization period;
5. Employ the capacity to assess physical needs and accommodate persons with physical disabilities while identifying additional medical needs, and provide linkage to those medical services, if needed;
6. Provide respite;
7. Provide intensive case management, if needed;
8. Be fully staffed 24/7/365 with a multidisciplinary team of clinicians and peers capable of meeting the needs of individuals experiencing all levels of crisis in the community, providing access to other community resources including extended case management, psychiatric evaluation, medical resources and housing/shelter navigation;
9. Provide full assessments, including screening for suicide and violence risk;
10. Provide follow-up, following the crisis stabilization stay, to ensure that the person who stayed at the crisis stabilization center is now receiving the proper resources so as to minimize the risk of returning to crisis.

SAMHSA defines crisis stabilization services as:

- Direct service that assists with de-escalating the severity of a person’s level of distress.
- Providing support for urgent care associated with a substance use or mental health disorder.
- Preventing or ameliorating a mental or behavioral health crisis.
- Reducing acute symptoms of mental illness by providing continuous observation and supervision for people who do not require inpatient services.

On November 15, 2021, following a discussion on October 13, the City's Homeless Commission voted "to request City Council refer to the City Manager to develop a crisis stabilization program based on the Bend, Oregon crisis stabilization model tailored to Berkeley, and that this report be incorporated into the Homeless Commission's recommendation." (See Attachment 4.) On February 2, 2022, the Homeless Services Panel of Experts voted to support the Homeless Commission's recommendation.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Possible reduction in Vehicle Miles Traveled (VMT) from transport diversions.

CONTACT PERSON

Councilmember Taplin Council District 2 510-981-7120

Attachments:

- 1: Deschutes County Stabilization Center One-Year Operations Report
- 2: Deschutes County Stabilization Center Prospectus
- 3: Homeless Commission 10/13/21 Agenda
- 4: Homeless Commission 11/15/21 Meeting Minutes
- 5: Homeless Services Panel of Experts 2/2/22 Meeting Minutes



STABILIZATION CENTER

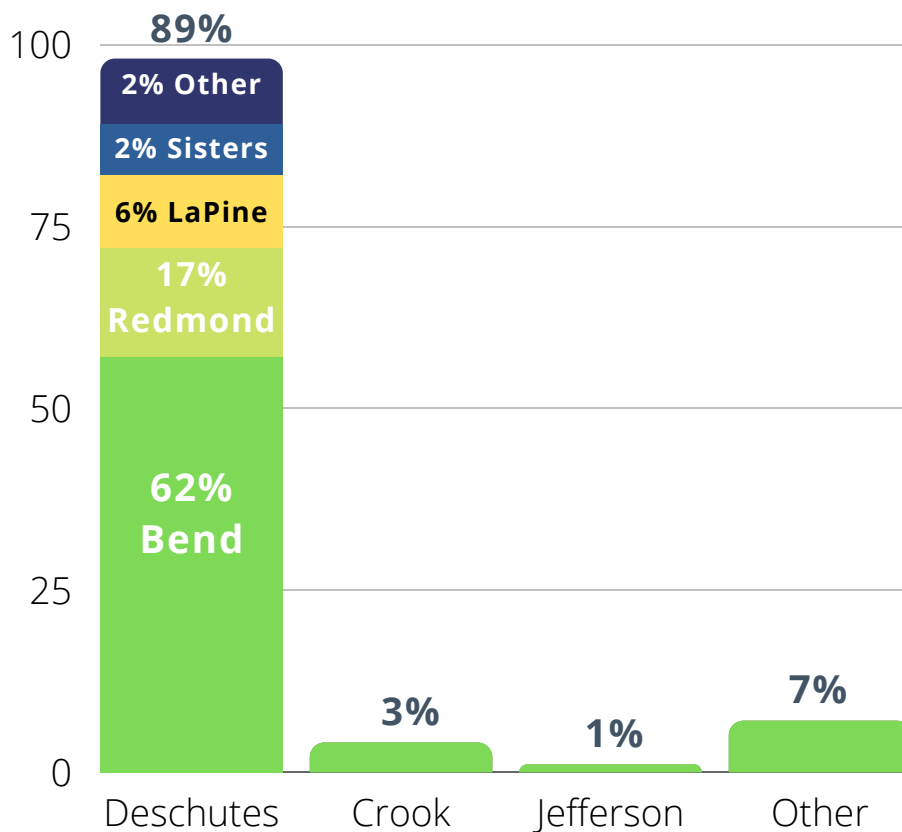
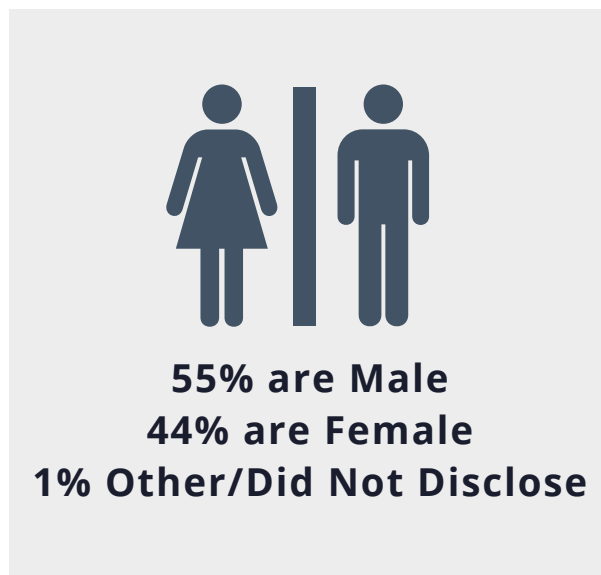
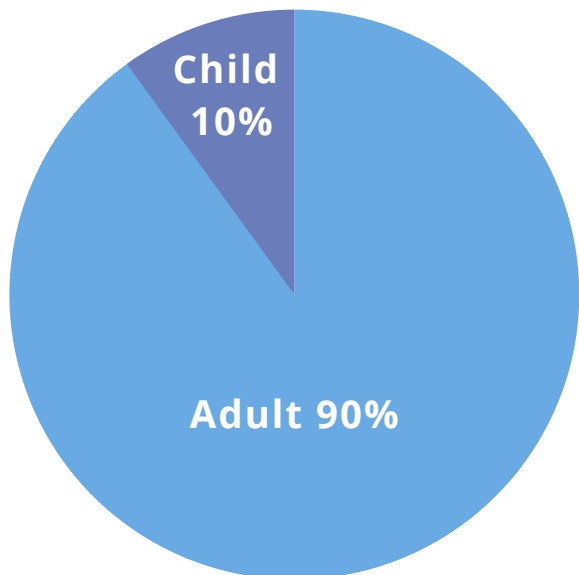
One Year Operations Report

OPENED JUNE 1 2020

24/7 OPERATIONS BEGAN 10/19/2020



DEMOGRAPHICS



31% of DCSC clients experience homelessness

STATISTICS

The Stabilization Center averages

8.5

visits per day

2,808 visits since opening

4.7

is the average number of minutes Law Enforcement spends at DCSC per drop off

1,609

The number of crisis evaluations

309

Brought in by Law Enforcement

20% of clients have utilized respite.

Reductions and Cost Savings

- 8% reduction in Emergency Department (ED) visits from Law Enforcement to St. Charles Medical Center since opening.
- DCSC averages 30 ED diversions/month. Saving approx. \$431,280-\$815,040 per year.

12% of people served self-reported they would have gone to the ED if not for the Stabilization Center.

- 33% reported they didn't know where they would go.
- 1% reported they would have taken their life.

27%

Have a psychotic disorder



24/7 STATISTICS

10/19/2020 - 6/01/2021

1113

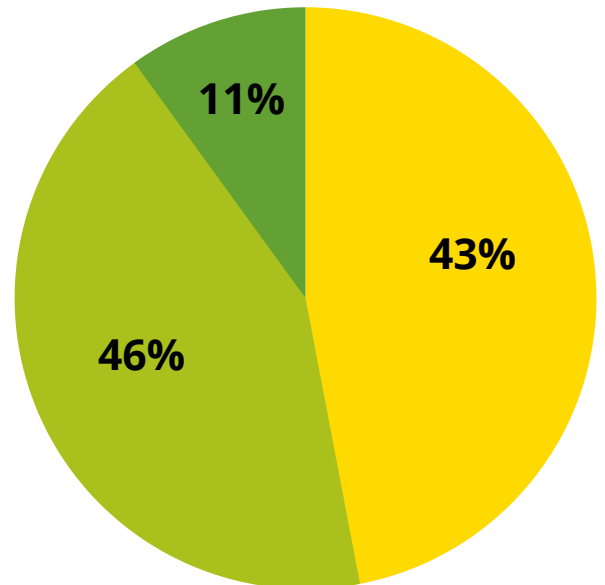
Crisis evaluations since being open 24/7.

When are clients arriving to DCSC?

7AM-2:59PM

3PM-11:59PM

12AM-6:55AM



THE AVERAGE LENGTH OF STAY IN RESPITE IS 10 HOURS.





Deschutes County Health Services



STABILIZATION CENTER Prospectus 2020



PROJECT PURPOSE



Data show that nearly half of all individuals arrested for low-level crimes sought mental health services either in the jail or following their release. In hospital emergency departments in Central Oregon, one in three patients receives or has previously received behavioral health services. In both instances, these individuals are often repeat visitors to the jail or the emergency department. Collaboration between the Deschutes County Health Services Department and the Sheriff’s Office seeks to address the burden on the jail and emergency departments while providing needed behavioral health services to individuals with mental health conditions.

With the establishment of the Deschutes County Stabilization Center (DCSC), which includes crisis stabilization and a sobering station, individuals apprehended by law enforcement can be brought to the center instead of being arrested or taken to the emergency department. Once clients arrive at the DCSC, they can receive direct services from behavioral health professionals.

PROJECT GOALS



Provide crisis stabilization services to individuals suffering from mental illness, not fit for the jail or Emergency Department.



Offer a solution to a critical need which has been identified as a top priority within the community



Connect individuals with available community resources within Deschutes County.

PROJECT STAFFING

Core Project Team (Clinical Program)

Deschutes County Health Services

- (LEAD) Holly Harris, Crisis Program Manager
- Katie Pineda, Project Manager
- Melissa Thompson, Crisis Program Supervisor
- Jill Kaufmann, Forensic Diversion Supervisor
- Adam Goggins, Crisis Program Supervisor
- Kimberly Bohme, Administrative Support
- Dr. Wil Berry, Behavioral Health Medical Director

Deschutes County Sheriff's Office

- Captain Mike Shults, Jail Captain
- Lieutenant Mike Gill, Admin Lieutenant
- Eden Aldrich, FNP, Medical Director

Design Team (Construction)

Deschutes County Facilities

- Lee Randall, Director of Facilities
- Dan Hopper, Project Manager

Deschutes County Health Services

- Holly Harris, Crisis Program Manager
- Katie Pineda, Project Manager

PROJECT LEADERSHIP

Executive Project Leadership

- Dr. George A. Conway, Deschutes County Health Services Director
- Sheriff L. Shane Nelson, Deschutes County Sheriff's Office

PROJECT GOVERNANCE

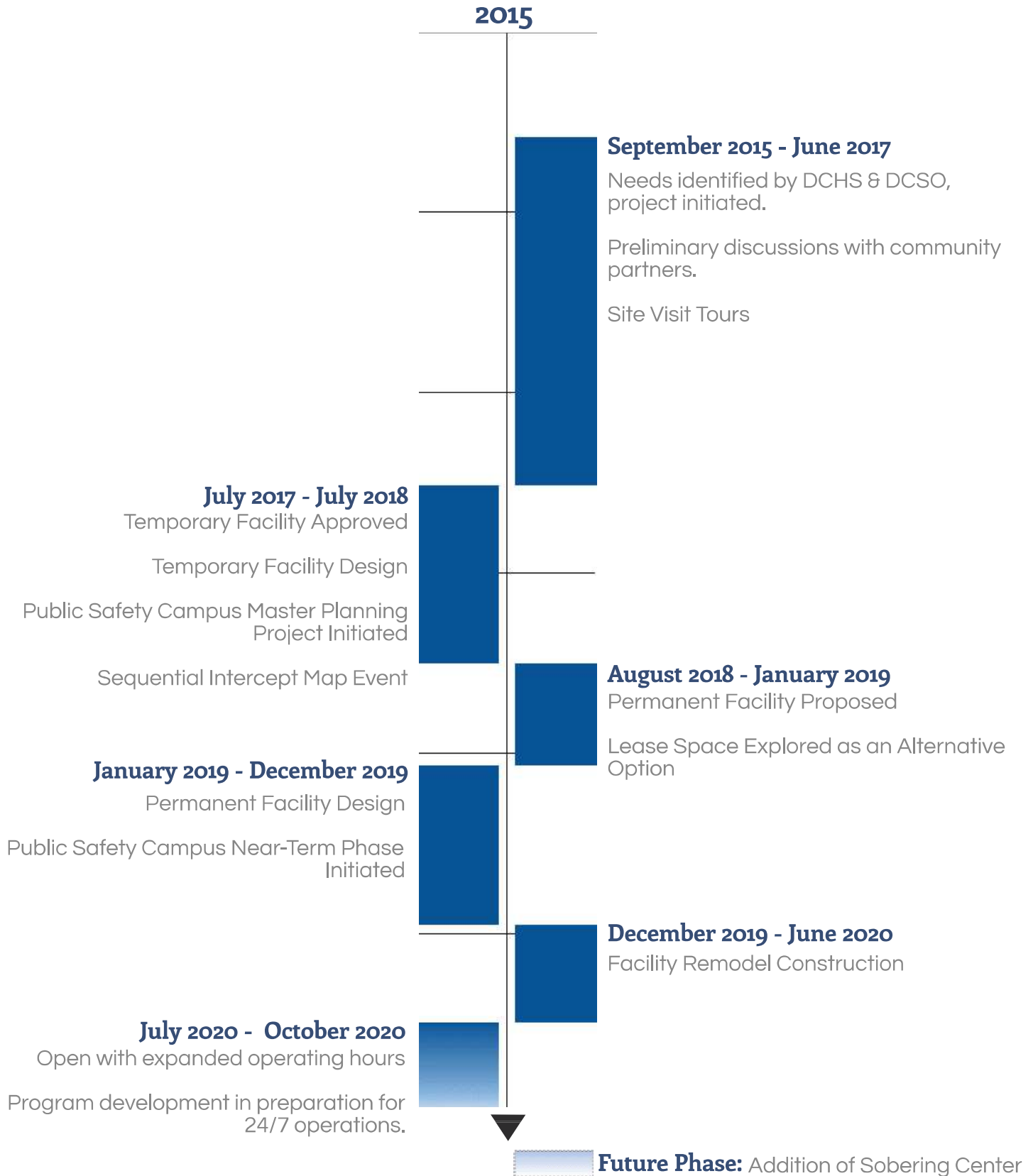
Deschutes County Board of County Commissioners (BOCC)

Crisis Intervention Team (CIT) Steering Committee

Behavioral Health Advisory Board (BHAB)

CHRONOLOGY

Summary of project activities to-date



ENHANCED SERVICES



Walk-in Crisis Services

Phone or face to face intervention. Brief stabilization.



Critical Care Coordination for Hospitalized Individuals & Pre-Commitment Services

Determining if individuals placed on involuntary holds are a danger to self or others and in need of commitment.



Mobile Crisis Assessment Team (MCAT)

Crisis response in community (primarily with law enforcement).



Family Drug Court Partnership with Deschutes County District Court

Treatment for adults with substance use disorder who have committed a crime and whose children are at risk of removal.



Co-Responder Program

Clinician rides with Bend PD officers to respond to mental health related calls for service.



Law Enforcement Partnership including Crisis Intervention Training (CIT)

CIT steering committee includes a large number of key stakeholders who provide a 40 hour training for law enforcement on how to better respond to people experiencing a mental health crisis.



Forensic Diversion Program

Reducing recidivism and entry to state hospital.



23-hour Respite

Low-stimulation and peaceful milieu environment for individuals so they are able to stabilize from a mental health crisis and connect to the appropriate community services



Sobering Station (future phase)

A safe place for people to sleep off the effects of alcohol and other substances.

EMERGENCY DEPARTMENT DATA

The following data has been provided by St. Charles

Among Emergency Department arrivals with a mental health or substance use disorder chief complaint, but without a hold order between 04/07/2018 - 12/03/2019, there have been 7996 arrivals for 5448 patients. The information and visualization below apply to this specified population unless otherwise noted.

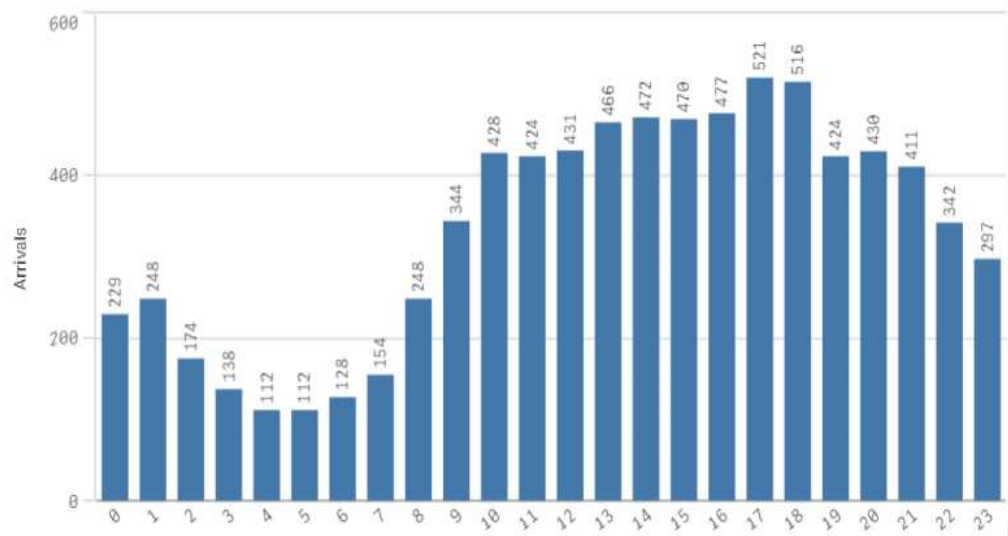
Adult Arrivals

7,148^{11.8}
Per Day

Child Arrivals

848^{1.4}
Per Day

Arrivals By Hour



72 Hour Bounceback Rate

8.0%^{4.3%}
All others

SERVICE PROJECTIONS

- Estimated additional 3,592 total individuals served by Crisis programs annually.
- Estimated 110 individuals per year diverted from jail.

Thus preliminary estimates suggest that DCSC will serve 5,849 individuals or approximately 16 individuals per day (24/7).

CLIENT PROFILE

Example Candidate for Stabilization

- Single mother of an adolescent girl.
- Diagnosed with Bipolar Disorder.
- Daughter has been removed from her care by DHS due to her mental health diagnosis causing her to be unable to care for her child's needs.
- Engaged in services with several DCHS teams in the past and at the present.
- Over the past year, has lived at the Bethlehem Inn.



With the help of the DCHS, she was able to stabilize on medication, consistently attend therapy, qualify for a grant which awarded her a year's rent paid for, obtain custody back of her daughter and obtain employment.

As individuals with Severe and Persistent Mental Illness do at times, she stopped taking her medication a few months ago and started to decompensate. She became floridly psychotic and was involuntarily hospitalized. She was evicted from her apartment, lost custody of her daughter again to DHS and is now homeless.

Due to the strict nature of the civil commitment laws, she did not qualify for a civil commitment and although she began taking medication again while in the hospital, she is not currently taking it as prescribed while living on the street. It is very difficult for her treatment team to find her to ensure that she has the correct medication or attends her appointments. Because of her complete disorganization due to her mental illness, she did not attend a court hearing and was arrested on a warrant for failure to appear. She is extremely vulnerable to being taken advantage of by others and she does not have a place that she can go each day to ensure that she can connect with her treatment providers, which ultimately would get her back on the path to recovery.

The Stabilization Center would provide a place that she could come to see her treatment providers, ensure that her basic needs are being cared for, assess as to whether she meets criteria for hospitalization, begin to case plan as to how to move forward and ultimately get well.

CLIENT PROFILE

Example Candidate for Stabilization

- Diagnosed with schizophrenia
- Refuses medication due to the belief that he is not mentally ill
- Homeless
- Has a good relationship with law enforcement



Individual was evicted at the completion of his allotted time living in a supported housing unit. He believes he is the owner of the housing facility from which he was evicted and therefore refused to leave the premises. He had to be physically removed and would not assist in planning for alternative housing due to the belief that he owned the facility.

There are no friends or family to help with care taking and meeting basic needs. He does not meet the required criteria to be involuntarily committed to the hospital and is unwilling to admit himself voluntarily. Upon contact with his support specialist at DCHS, he reported that he had paid for one night at a local motel and would have nowhere to go after that time.

The Stabilization Center would provide a resource within the community for this individual to have his basic needs met and engage in treatment including psychiatric services. He would have the ability to socialize with treatment team, peer support specialists, staff and others, as loneliness and isolation are a significant trigger for this individual. It would provide opportunities to engage with peers that can help to support him through re-engagement with his team and allow him to work with case management to develop a plan for housing solutions.



Homeless Commission

**MEETING AGENDA
October 13, 2021 – 7:00 PM**

Join Zoom Meeting:

<https://zoom.us/j/96645301465>

To join by phone: Dial 1-669-900-6833 and enter Meeting ID: 966 4530 1465

Commission Secretary: Josh Jacobs (jjacobs@cityofberkeley.info; 510-225-8035)

All agenda items are for Discussion and Possible Action.

1. Roll Call.
2. Public Comment.
3. Approval of minutes from September 8, 2021. [Attachment 1].

Updates/Action Items:

4. Agenda Approval.
5. Staff to report on current numbers of persons receiving housing through Shelter Plus certificates, Section 8 vouchers for homeless, flex subsidies under Measure P and other subsidies; number of people placed in permanent housing from Project Roomkey motels and hotels; and number of people currently at Horizon.
6. Chair and vice-chair update.
7. Q&A with Peter Radu, or his designee, from City Manager's office, on enforcement of sidewalk ordinance and RV ordinance.
8. Presentation update on COVID vaccine from Healthcare for the Homeless.
9. Recommendation for crisis stabilization program in Berkeley.
10. Discussion, and possible action, regarding the RV lot on Grayson.
11. Discussion of shelter designated expressly for seniors.

Attachments:

1. Minutes from Meeting of September 8, 2021.
2. Development of Crisis Stabilization Program in Berkeley.

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place 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.

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.

A Vibrant and Healthy Berkeley for All

To join by phone: Dial 1-669-900-6833 and enter Meeting ID: 938 4539 3201. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

Correspondence and Notice of Decision Requests:

Deadlines for Receipt:

- A) Supplemental Materials must be received by 5 PM the day before the meeting.
- B) Supplemental Communications must be received no later than noon the day of the meeting.

Procedures for Distribution:

- A) Staff will compile all Supplemental Materials and Supplemental Communications received by the deadlines above into a Supplemental Packet, and will print 15 copies of this packet for the Commission meeting.
- B) For any Supplemental Material or Communication from a Commissioner received after these deadlines, it is the Commissioner's responsibility to ensure that 15 printed copies are available at the meeting. Commissioners will not be reimbursed for any printing or materials expenses.
- C) Staff will neither print nor distribute Supplemental Communications or Materials for subcommittee meetings.

Procedures for Consideration:

- A) The Commission must make a successful motion to accept and receive all Supplemental Materials and Communications into the record. This includes the Supplemental Packet compiled by staff.
- B) Each additional Supplemental Material or Communication received by or before the meeting that is not included in the Supplemental packet (i.e., those items received after the respective deadlines above) must be individually voted upon to be considered by the full Commission.
- C) Supplemental Materials subject to a Commission vote that are not accepted by motion of the Commission, or for which there are not at least 15 paper copies (9 for each Commission seat, one for staff records, and 5 for the public) available by the scheduled start of the meeting, may not be considered by the Commission.

***Supplemental Materials** are defined as any items authored by one or more Commissioners, pertaining to an agenda item but available after the agenda and packet for the meeting has been distributed, on which the Commission is asked to take vote at the meeting. This includes any letter to Council, proposed Council report, or other correspondence on behalf of the Commission for which a full vote of the Commission is required.

****Supplemental Communications** are defined as written emails or letters from members of the public or from one or more Commissioners, the intended audience of which is the full Commission. Supplemental Communications cannot be acted upon by the Commission, and they may or may not pertain to agenda items.

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at Health, Housing & Community Services Department located at 2180 Milvia Street, 2nd Floor.

Public Comment Policy:

Members of the public may speak on any items on the Agenda and items not on the Agenda during the initial Public Comment period. Members of the public may not speak more than once on any given item. The Chair may limit public comments to 3 minutes or less.

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at Health, Housing & Community Services Department located at 2180 Milvia Street, 2nd Floor.

COMMUNITY ACCESS INFORMATION

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least 3 business days before the meeting date. Please refrain from wearing scented products to this meeting.

Communications to Berkeley boards, commissions or committees 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 a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. 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 secretary to the relevant board, commission or committee for further information. The Health, Housing & Community Services Department does not take a position as to the content. Communications to Berkeley boards, commissions or committees 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 a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. 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 secretary to the relevant board, commission or committee for further information. The Health, Housing & Community Services Department does not take a position as to the content.

ADA Disclaimer "This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting."



Berkeley Homeless Commission

MEETING MINUTES

September 8, 2021

1. Roll Call: 7:05 PM

Present: Kealoha-Blake, Marasovic, Behm-Steinberg.

Absent: Andrew, Gomez.

Staff: Jacobs, Carnegie.

Council: None.

Public: 6.

2. Public Comment: 1

3. Approval of minutes from July 14, 2021.

Action: M/S/C Kealoha-Blake/Marasovic move to approve the minutes from July 14, 2021 as written.

Vote: Ayes: Kealoha-Blake, Marasovic, Behm-Steinberg.

Noes: None. Abstain: None. Absent: Andrew, Gomez.

Updates/Action Items:

4. Agenda Approval

Action: M/S/C Marasovic/Behm-Steinberg move to move item 6 above item 5 and to approve the agenda.

Vote: Ayes: Kealoha-Blake, Marasovic, Behm-Steinberg,

Noes: None. Abstain: None. Absent: Andrew, Gomez.

5. Presentation from Women's Daytime Drop-In Center on new system of transitioning placement of family homelessness in Albany, Berkeley and Emeryville, from Family Front Door to the Women's Daytime Drop-In Center and challenges in addressing family homelessness.

Discussion; no action taken.

6. Chair and Vice-Chair Update.

Discussion; no action taken.

7. Presentation from Neighborhood Services in City Manager's office on sidewalk ordinance, RV ordinance, disposition of persons displaced from the freeway

encampments and other encampments following notice, plans in process for alternative shelter and housing placement.

Discussion; no action taken.

8. Statistics on COVID vaccination and testing of persons experiencing homelessness, sheltered and unsheltered, and outreach being conducted to promote vaccinations among persons experiencing homelessness. Staff to report data and outreach practices on COVID vaccination.

Discussion; no action taken.

9. Staff to report number of current, and recent, COVID positive cases for persons in Berkeley shelters and encampments/streets and on current protocol followed when COVID-positive cases are identified in shelters.

Discussion; no action taken.

10. Explanation of how HMIS data is used on a day-to-day basis, how it is used to set priorities and how it can be used to create system-wide reports to track progress on homelessness.

Discussion; no action taken.

Meeting adjourned at 9:00 PM

Minutes Approved on: _____

Josh Jacobs, Commission Secretary: _____



Berkeley Homeless Commission

To: Mayor and Members of the Berkeley City Council
From: Homeless Commission
Submitted by: Paul Kealoha-Blake, Chair, Homeless Commission
Carole Marasovic, Vice-Chair, Homeless Commission
Subject: Development of Crisis Stabilization Program in Berkeley

RECOMMENDATION: That City Council refer to the City Manager to develop a crisis stabilization program based on the Bend, Oregon crisis stabilization model, tailored to Berkeley, consistent with Councilmember Terry Taplin's proposal for same.

FISCAL IMPACTS: The exact fiscal impact will have to be determined by the City Manager's office. However, the costs will be substantially offset by the costs that will be saved by reducing the number of 5150 transports for which the City of Berkeley currently allocates 2.4 million annually from Measure P monies. Grants are also available that will fund the crisis stabilization program.

CURRENT SITUATION and ITS EFFECTS: Currently, Berkeley has no options to transport persons in mental health crisis except to the County John George mental health facility or the Santa Rita Jail. As such, the City absorbs the cost of transporting persons which are not covered by insurance and persons, in mental health crisis, are at best, generally, brought to an inpatient facility that stigmatizes them and warehouses them briefly, only to discharge them back to the same situation from where they came, and at worst, acts punitively in placing them into a correctional setting without needed mental health treatment and linkage to resources in their own community.

The United States Department of Justice recently released a scathing investigative report on the lack of community mental health models in Alameda County.

[Justice Department Finds that Alameda County, California, Violates the Americans with Disabilities Act and the U.S. Constitution](#)

Disability Rights California has filed litigation based on the same premise. <https://www.disabilityrightsca.org/press-release/disability-rights-california-files-lawsuit-against-alameda-county-for-its-failed>

Berkeley is one of two mental health divisions in the state that has its own mental health division, independent from the County, with its own mental health streams of funding. Thus, Berkeley is responsible, in large part, for establishing its own community mental health programs. Yet, Berkeley has provided no alternative for persons in mental health crisis to seek stabilization, on a voluntary basis, nor an alternative for law enforcement to transport persons in mental health crisis, when the Berkeley Police Department is actively engaging with a person in mental health crisis, other than the same County facilities, being John George and the Santa Rita Jail, that the Department of Justice has found to be deficient in providing needed mental health services, and as overly restrictive and punitive.

It has been estimated that 40%-50% of Berkeley's 5150 transports are homeless. Thus, the unhoused are greatly impacted by the inappropriate and punitive transports to John George and Santa Rita because of the lack of community mental health models. The unhoused are also greatly impacted by the lack of models so that they are frequently returned to the streets, in the same situation, instead of facilitating linkage to resources in the Berkeley community. The substantial number of unhoused persons that receive 5150 transport has resulted in 2.4 million of Measure P monies, allocated for homeless services, directed towards this transport.



Berkeley Homeless Commission

BACKGROUND: On October 13, 2021, the Homeless Commission passed a motion as follows:

That City Council refer to the City Manager to develop a crisis stabilization program based on the Bend, Oregon crisis stabilization model tailored to Berkeley, consistent with Councilmember Terry Taplin's proposal for same and that this report be incorporated into the Homeless Commission's recommendation.

M/S:

Yes:

Noes:

Abstentions:

ENVIRONMENTAL SUSTAINABILITY and CLIMATE IMPACT: Following the implementation of a crisis stabilization program, a substantial number of persons in mental health crisis will be diverted away from transport to farther away unnecessary institutionalization and incarceration into a community-based model in their own Berkeley community.

RATIONALE for RECOMMENDATION: As an independent mental health division, Berkeley has a responsibility to step up and establish appropriate treatment community mental health models that are community-based. At this juncture, persons in mental health crisis have no local place to stabilize and voluntarily seek assistance, to take respite and to intensively linked up with other services on a 24/7 model. The Berkeley Police Department has no location to bring persons in mental health crisis other than the inappropriate ones provided by the County.

Bend, Oregon has successfully implemented a 23 hour crisis stabilization program that is an excellent model for Berkeley to tailor to Berkeley needs.

There are multiple reasons that the Bend model would work in Berkeley. First, Bend's population, at 93,917, is similar to Berkeley's in numbers. The Bend program is a 24/7 program with recliners where people rest while they are provided intensive mental health support and linkage to community resources as needed. Unlike some crisis stabilization programs elsewhere, Bend's crisis stabilization program is focused on mental health needs. It is not a program directed exclusively towards sobriety or a homeless shelter as are some programs elsewhere. Albeit that they have behavioral health clinicians on staff, Bend's focus is not a medical model. With Bend's current increasing homelessness, they estimate that 30% of persons in mental health crisis utilizing their crisis stabilization program are of homeless status.

Bend's program takes walk-ins unlike some programs. Any person seeking mental health crisis stabilization can walk in voluntarily on a 24/7 basis. There are no financial eligibility requirements. Thus, whether or not a person is medically insured, they will be easily welcomed and accepted into Bend's mental health crisis stabilization program. Persons can come in from any source as long as they voluntarily choose to do so.

When law enforcement engages with a person in mental health crisis in Bend, they present them with three options: the inpatient mental health facility, the jail or the crisis stabilization program. The choice is that of the person in crisis. They will not otherwise be involuntarily directed into the program but provided the three options where they can be transported. Persons in mental health crisis frequently choose the crisis stabilization program. Doing so not only allows them to receive respite and linkage to resources within their own community, it frees them from the stigma of being involuntarily committed or incarcerated.

A survey of participants in the Bend crisis stabilization program revealed that 3% of persons in mental health crisis who had come to the program (37 persons) had stated that had they not come to the



Berkeley Homeless Commission

program, they would have taken their lives. There is no greater cost-effectiveness than the cost of saving human lives.

Bend also found that when there was a transport from law enforcement, law enforcement spent only an average of four minutes transitioning persons into the crisis stabilization program as opposed to far longer time required of law enforcement when a person in mental health crisis was directed towards institutionalization or incarceration.

Berkeley's direction will have one distinction in that the Bend program is operated by their County which has an elaborate crisis system. Berkeley's program would be based in Berkeley and contracted out to a nonprofit provider competent to provide 24/7 crisis stabilization program services.

The issues that will have to be addressed by the City Manager's office, which, in part, will be within Councilmember Terry Taplin's proposal, will be funding issues, staffing (both numbers and qualifications) and location.

ALTERNATIVE ACTIONS CONSIDERED: The only alternative is to do nothing and to be complicit with the County in providing a lack of appropriate community-based mental health services for persons in mental health crisis.

CITY MANAGER:

CONTACT: Josh Jacobs, Homeless Services Coordinator, (510) 981-5435

Attachment: Powerpoint presentation from Bend, Oregon

Practical Tips to Open a Crisis Stabilization Unit: A medium-sized county perspective

Holly Harris, M.Ed., LPC – Program Manager, Crisis Services

Adam Goggins, MA, LPC – Crisis Team Supervisor

Deschutes County, Oregon

Population: 200K

County Seat: Bend

Area: 3018 miles²

Person's per

Square Mile: 52

Topography: High Desert











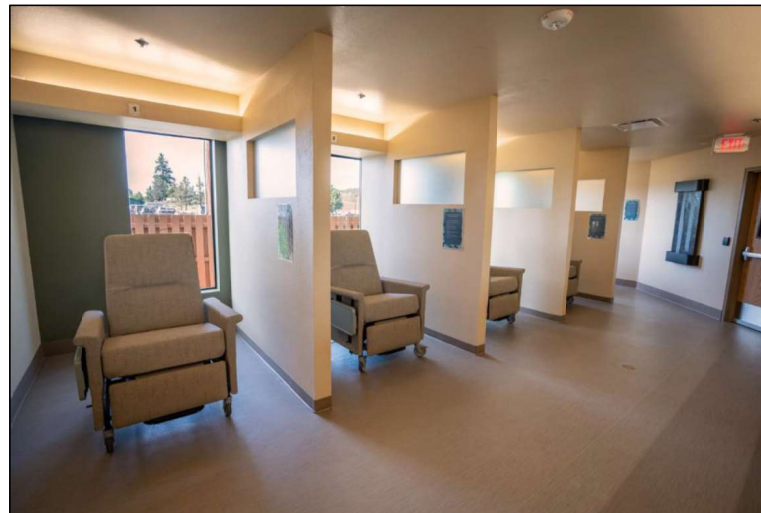
Deschutes County
Stabilization
Center (DCSC)

Est. June 2020

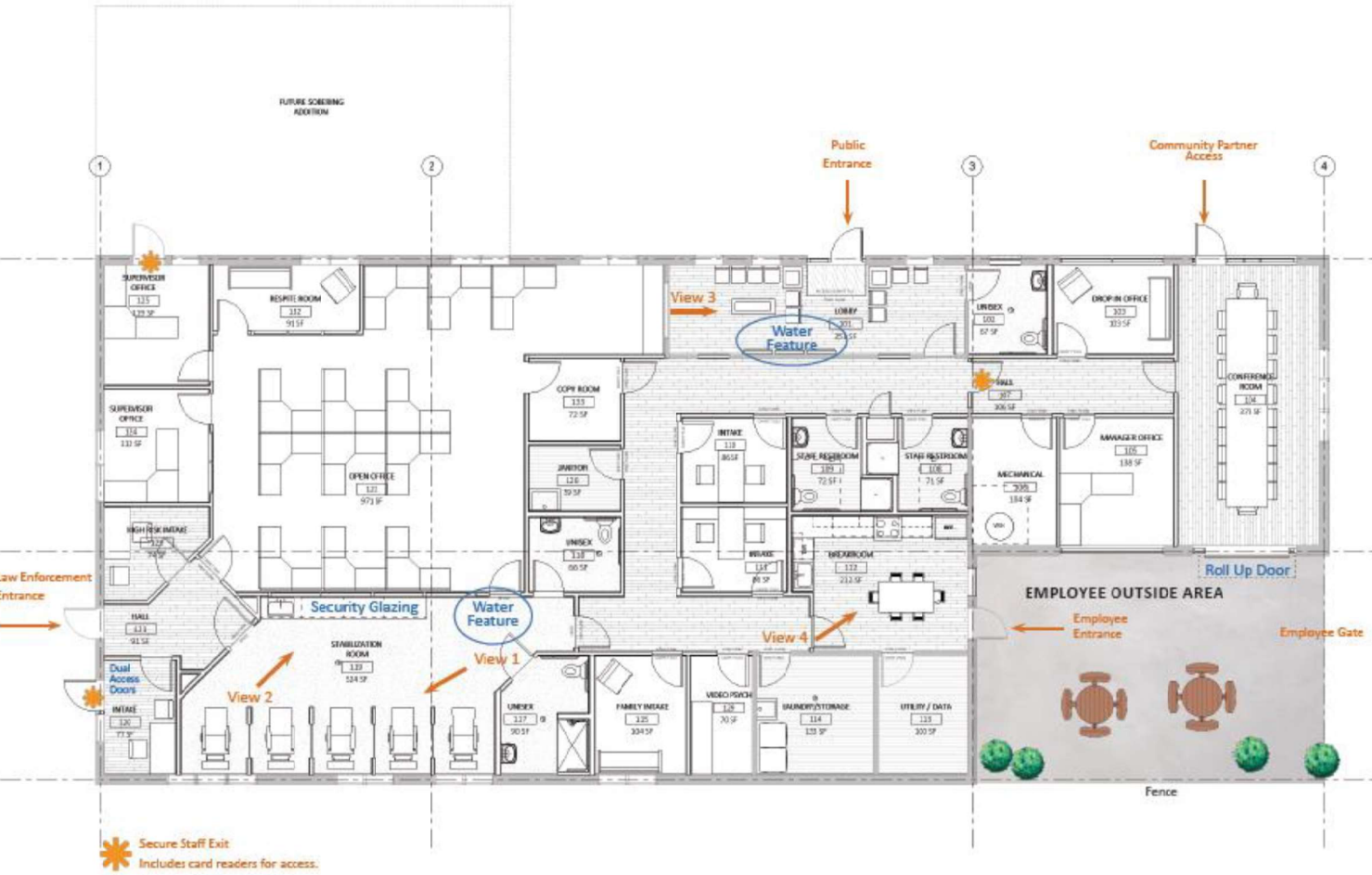


Quick Facts:

- Voluntary facility
- Treats children and adults
- Accepts walk in's and law enforcement drop off
- 23-hour respite unit



PROPOSED FLOORPLAN



3D VIEWS

View 1 (Stabilization Room 119)



Client seating area for comfort. Partitions for privacy.

View 2 (Stabilization Room 119)



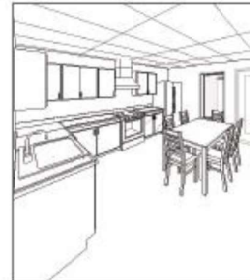
Security glazing allows staff to view the stabilization room through two-way windows (clients cannot see into the office) for monitoring and observation.

View 3 (Lobby)



The lobby includes comfortable seating and an enclosed water feature to create a calm environment for visitors.

View 4 (Break Room)



An equipped employee break room provides a reprieve for staff with access to an outdoor fenced patio.

INSPIRATION



Example of an enclosed water feature.

Goals of the Stabilization Center



- To reduce the number of individuals with Serious Mental Illness who end up in the criminal justice system.

Goals of the Stabilization Center

- To provide a place for law enforcement to quickly bring someone in a crisis so they can get back to their duties



Goals of the Stabilization Center

- To reduce the number of individuals going to the Emergency Department for mental health crisis.



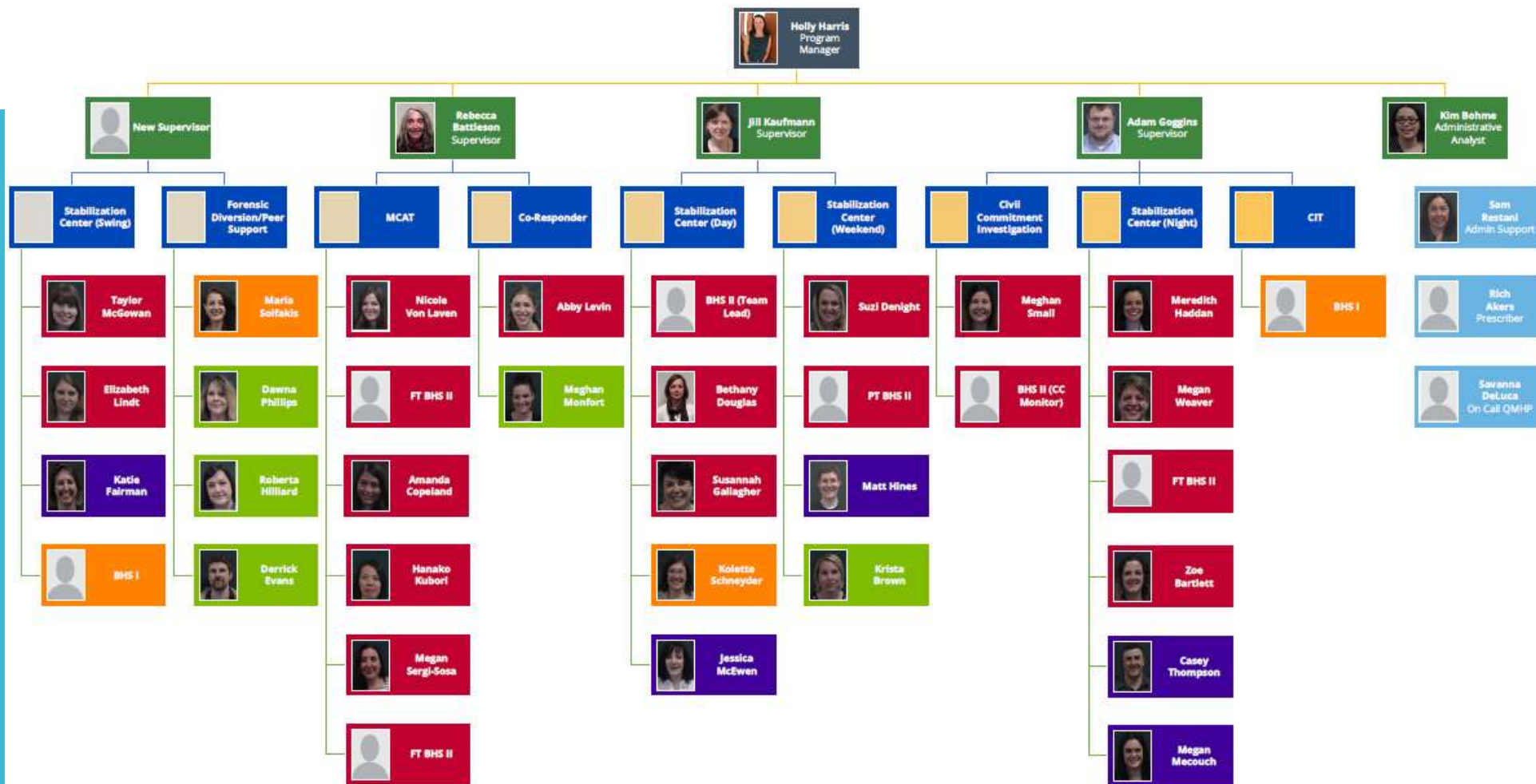
Goals of the Stabilization Center



- To help people experiencing a mental health crisis stabilize in their community and become connected to resources so they engage in mental health treatment to regain a better quality of life.

Services
Provided at
the
Stabilization
Center

Crisis Intervention
Case Management
Peer Support
Medication management
Respite
Civil Commitment Investigations
Jail Diversion Program
Crisis Line



Peer Support Specialist
 Individuals with lived life experience who offer support and encouragement to individuals struggling with a mental health condition

Behavioral Health Specialist II (BHS II)
 Master's level clinician who assess the needs of client's and make referrals to appropriate resources and to levels of care. All BHS II's have the ability to refer individuals into respite, schedule prescriber appointments, and utilize other services at the DCSC.

Behavioral Health Tech (BHT)
 A mental health technician runs front desk operations, performs administrative tasks, and provides supportive services to individuals receiving services at the crisis center.

Case Managers (BHS I)
 Bachelor's level clinician who provides direct case management services and with navigating resource systems.

Practical Tips to Open a Crisis Stabilization Unit



Practical Tip: Actively Use Sequential Intercept Mapping

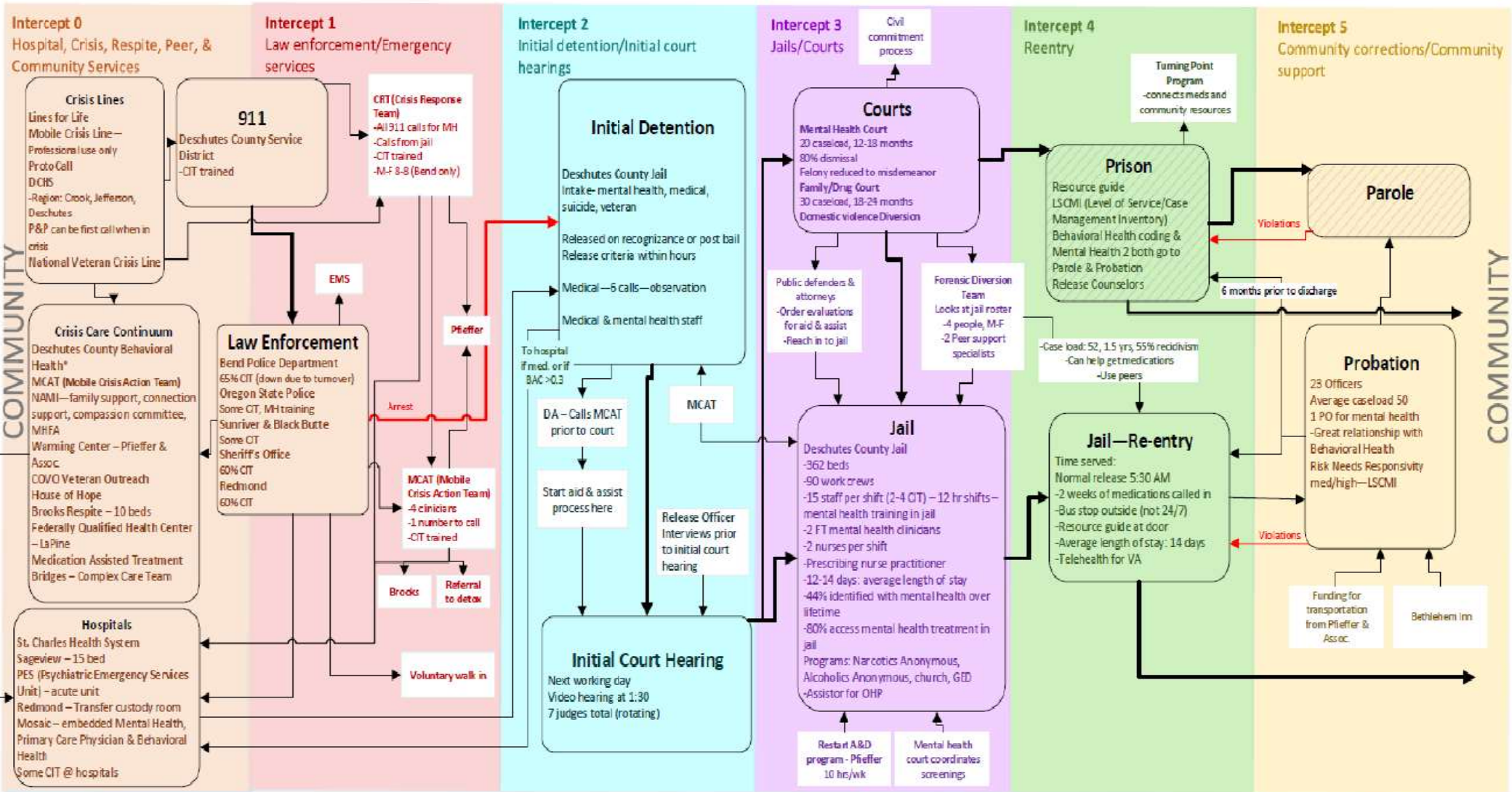
SEQUENTIAL INTERCEPT MAPPING

2012 Top Priorities

- Focus on High Criminal Justice Utilizers
- Expand Detoxification Services
- Hire Court Release Officer
- Enhancement of Jail Mental Health Services

2018 Top Priorities

- 24 hour Stabilization Center/23-hour respite
- Increase the number of Peer Support Specialist
- 100% of officers trained in CIT or MHFA
- Increase the number of LE agencies with a mental health unit



*Walk-in clinic M-F 8-4 -immediate assessment
 *Law enforcement agency average wait 2.5-3 hrs for police officer hold.
 Mosaic Mobile Clinic -Families can contact for help
 *Community Health Workers at hospitals and clinics

Practical Tip: Leverage Relationships Through a Robust CIT Program



Deschutes County has an active CIT Program with dedicated individuals and agencies who show up and contribute. We discuss difficult cases and ongoing systems issues. The meeting is solution focused and is based on mutual respect, trust, and accountability.

Cisco Webex Meetings | Meeting Info | Hide Menu Bar ^

File Edit Share View Audio & Video Participant Meeting Help

Speaking: Melissa Thompson

Layout

Megan (Me)

Kim Boh... (Host)

Cory Darling

Brandi S

AbbyL

Chris Perry

Melissa Thomps...

Christy

Drew Norris

Jake Chandler

Michael Gill

polela

Rachel Gerken

Call-in User_2

Call-in User_3

Dustyn Putzier

Holly Harris

Rachel Gerken

Unmute

Stop video

Share

Participants

Chat

Practical Tip:
Harness Existing
Collaborations
and Garner
Leadership Buy-
In



- Advocacy groups (NAMI)
- CIT steering committee
- Acute Care Advisory Board
- Behavioral Health Advisory Board
- Coordinated Care Organizations
- Commissioners
- Local City Councils
- Local Public Safety Coordinating Council (LPSCC)

**Present, present,
present....to anyone
who will listen!**

Practical Tip:
Have a Good
Referral
System in
Place BEFORE
You Open



Mobile Crisis Team and Co-responder

- Operational since approximately 2004
- Currently consists of 2 teams of 3 Masters level clinicians
- They operate in 24 hour shifts where one clinician is the primary on-call clinician for 12 hours with the other two positions serving as back up. They rotate primary
- Recently implemented response without police to certain call types



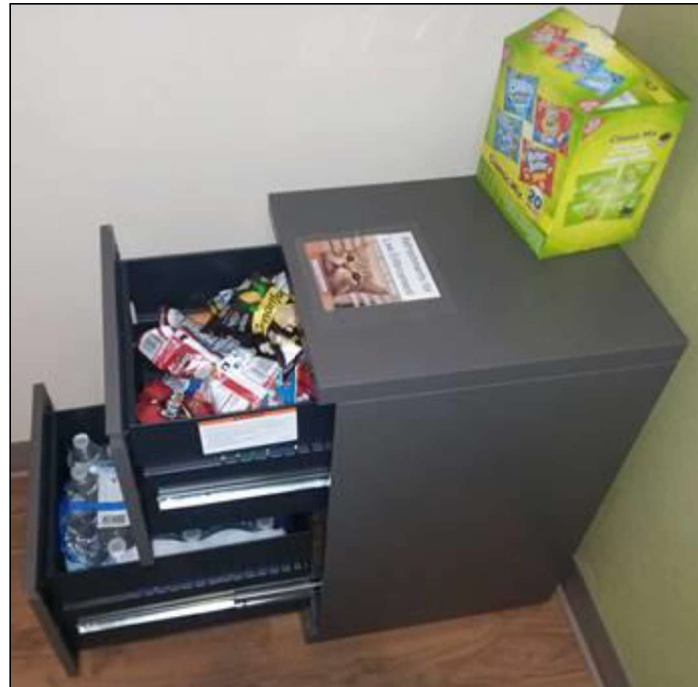
National initiative to reduce the number of individuals with mental illness in jails

Jail Diversion

Deschutes County Forensic Diversion Program

- Established in 2015 through a State grant that later became ongoing funding
- 2 peer support specialist and a case manager
- In reach to the jail, follow up from mobile team contacts
- Consistent reduced the recidivism of the people served
- We Stay involved until the individual achieves four clinical contacts in 60 days

Practical Tip:
Maintain a
Good Referral
System Place
AFTER You
Open



Practical Tip:
Do Your
Research





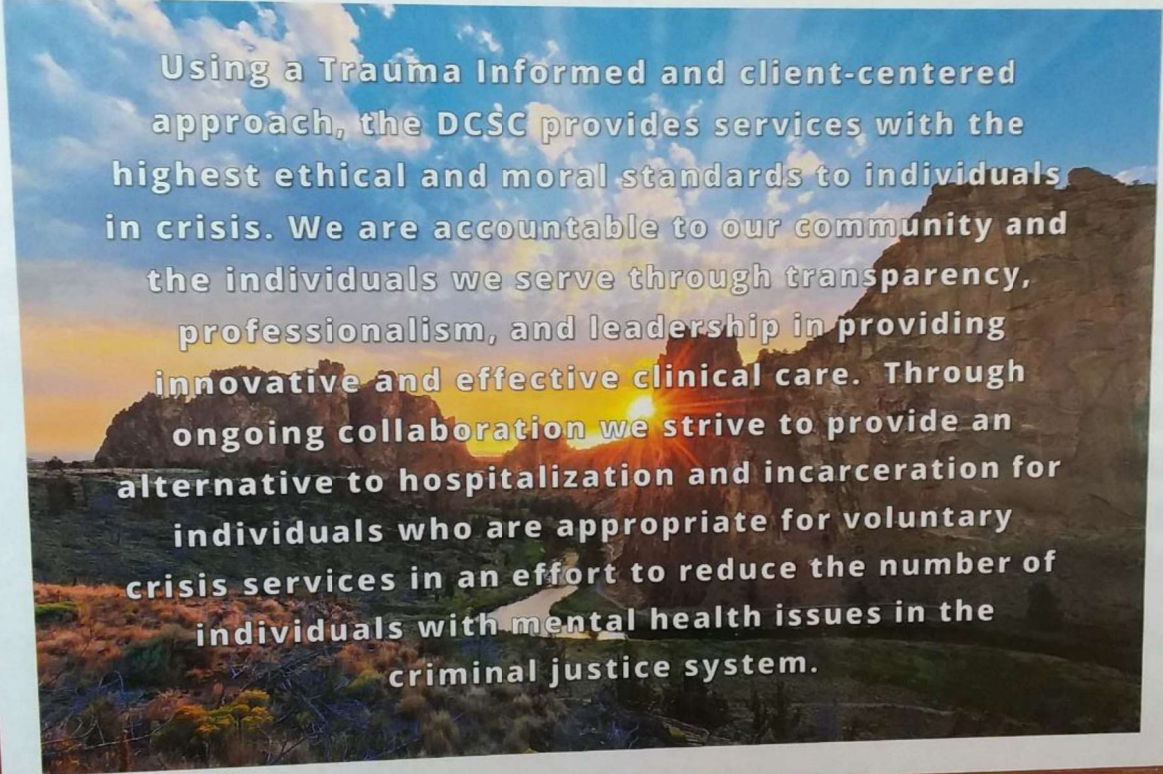
Researching other programs:

- Policies and procedures
- Services provided
 - Respite
 - Sobering
 - Case Management
 - Peer Support
 - Medication Management
- Staffing models
- Forms and paperwork
- Referral Sources
 - Police
 - Walk-Ins
 - Both
- Budgets and funding models
- Site reviews
- Hours and days of operation

Practical Tip: Have Consistent Messaging

- Set Goals Early (in collaboration with key stakeholders) and stick with them
 - Stick to your mission
- Build the program around the goals
- Stay on message
- Garner Media Support when possible





Using a Trauma Informed and client-centered approach, the DCSC provides services with the highest ethical and moral standards to individuals in crisis. We are accountable to our community and the individuals we serve through transparency, professionalism, and leadership in providing innovative and effective clinical care. Through ongoing collaboration we strive to provide an alternative to hospitalization and incarceration for individuals who are appropriate for voluntary crisis services in an effort to reduce the number of individuals with mental health issues in the criminal justice system.

Goals of the Deschutes County Stabilization Center

To reduce the number of individuals with serious mental illness who end up in the criminal justice system

To reduce the number of individuals going to the emergency department to address their crisis

To help people experiencing a crisis stabilize in their community and become connected to resources so they can engage in appropriate treatment to regain a better quality of life

To provide a place for law enforcement to quickly bring someone in a crisis so law enforcement can get back to their duties

The Bulletin Local & State Coronavirus Sports Business Opinion Lifestyle Obituaries Explore Classifieds e-Edition

Deschutes County appears to be moving forward with mental health crisis center

\$1 million in grant funding no longer in jeopardy

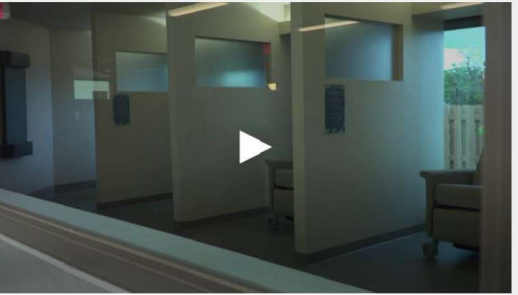
By Brenna Visser
The Bulletin May 23, 2019

Central Oregon **daily** News COVID-19 News Weather Live Contests Weekly Features TV

Monkless
DELIVERY & TAKE OUT
DAYS A WEEK 12PM-6PM

VIEW OUR NEW MONTHLY SPECIALS

Big Price Drop TEAM ALFA ROMEO



Stabilization Center a new tool for mental health professionals
6/17/2020

It puts a strain on emergency rooms and law enforcement - people in the middle of a mental health crisis.

Last year, there were 3,000 calls to the crisis line.

The Bulletin Local & State Coronavirus Sports Business Opinion Lifestyle Obituaries Explore Classifieds e-Edition

In Bend, mental health worker teams with police

Counselor rides with cops to keep mentally ill people out of jail

By Garrett Andrews • The Bulletin Jun 9, 2019



Ally Lewis, a licensed professional counselor with the Deschutes County Health Department, talks with Bend Police officer Jake Chandler while working a shift together. (Ryan Brennecker/Bulletin photo)

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Long-sought Deschutes County Stabilization Center set to open Monday



Deschutes County Sheriff visits Stabilization Center

Deschutes County Health Services

iter off Highway 20 in Bend. Deschutes County Health Services

SOURCE! CULTURE NEWS & FEATURE FOOD & DRINK OUTSIDE CALENDAR SHOP

Decriminalizing Mental Illness

Deschutes County is set to open a stabilization center this spring. With a 17-fold increase in mental health calls over the past decade, it's a welcome addition

BY LAUREL BRAUNS

Calls to the Bend Police Department involving people who were "allegedly mentally ill" increased by 172% from 2010 to 2017. People affected by mental illness end up in prisons and jail at a much higher rate than people without a diagnosis. In response to the increase in calls, Deschutes County has created a number of innovative programs—backed by federal grants—aimed at intervening early to connect people with the resources they need to stay out of jail and the emergency room.



During these difficult times, create a calendar you can feel more

SOURCE! CULTURE NEWS & FEATURE FOOD & DRINK OUTSIDE

Deschutes County Stabilization Center Opens

People experiencing a mental health crisis finally have a place to go that's not jail or the emergency room

BY LAUREL BRAUNS

Central Oregon has gained a national reputation for trying out progressive mental health approaches that cost less and help people more. Some of these innovative programs—such as the new Deschutes County Stabilization Center—demonstrate cooperation between local law enforcement, behavioral health agencies and emergency response teams.



The Deschutes County Stabilization Center welcomed its first clients this week.

City and county governments across the U.S. are currently discussing new partnerships and programs to overhaul the criminal justice system and defund the police. This comes in response to worldwide protests against the killing of George Floyd by a police officer in Minneapolis and other incidents of police brutality. Some people in the reform movement believe that it would make more sense for someone in distress to work with a mental health professional rather than an armed police officer who could potentially hurt them or may be perceived as threatening, according to Vox.

In Deschutes County, the new stabilization center adopts this philosophy by providing a place for people to go besides jail when they have mental breakdowns or commit petty crimes.

SOURCE! CULTURE NEWS & FEATURE FOOD & DRINK OUTSIDE CALENDAR SHOP

NEWS » LOCAL NEWS December 03, 2019

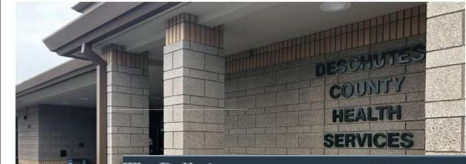
A Progressive Approach To Health

An inside look at Deschutes County Behavioral Health

BY LAUREL BRAUNS

Last week, the Source Weekly published a piece about the county's efforts to decriminalize mental illness. Local crisis experts told stories of working within jails and police departments to identify and assist people coping with chronic mental health disorders.

This week, Deputy Director Janice Garceau of Deschutes County Behavioral Health provides an inside look at the organization's progressive approach to mind/body health, its ability to win competitive national grants and its team of peer support specialists who bring hope to those suffering in the community.



Deschutes County Health Services

TODAY | THU | FRI | SAT | SUN | MON | TUE

ASK AMY ABOUT EVs

PICK Who Drives Electric Vehicles? Live Q&A with EV Driver, Amy Mitchell
Tue., June 30, 12-1 p.m.

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Submitting an event is free and easy.

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The Bulletin Local & State Coronavirus Sports Business Opinion Lifestyle Obituaries Explore Classifieds e-Edition

Deschutes County wants to build mental health, sober center

Center would relocate current crisis services, extend hours

By Alia Colby
The Bulletin Jan 22, 2018



An architectural drawing of the proposed Deschutes County stabilization center. (Submitted photo)

Central Oregon **daily** News COVID-19 News Weather Live Contests Weekly Features TV

ASK AMY ABOUT EVs

PICK Who Drives Electric Vehicles? Live Q&A with EV Driver, Amy Mitchell
Tue., June 30, 12-1 p.m.

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SUBMIT AN EVENT

Submitting an event is free and easy.

DIY?

HOOKER CREEK Community Center

Crisis training program helping local law enforcement with some of their toughest calls

11/1/2019

Crisis training program helping local law enforcement with some of their toughest calls

11/1/2019

Living with a mental illness is challenging.

For law enforcement, responding to a call involving someone in crisis is equally tough.

Just this year, in a 9-month period, Deschutes County's Crisis Team fielded an average of 155 calls a month from law enforcement.

City of Bend will daily water use more at basco

NEWSLETTER SIGN UP

CASCADES

OSU-Cascades to host conversation about racial unrest in nation

BPRD to open jumper kids' pool July 6th

OSU-Cascades to host conversation about racial unrest in nation

Practical Tip: Develop Creative Approaches to Funding

- Existing Resources
- Grants
- Coordinated Care Organizations
- Phased in approach
- Sustained funding through county general fund & community partner contributions



Initial Funding for the Deschutes County Stabilization Center

- \$504,606 – Pacific Source Strategic Investment Dollars (Capital)
- \$510,428 – WEBCO Dissolution Payment (Capital)
- \$70,000 – Bend Police Department
- \$570,000/annually – Deschutes County Sherriff's Office
- \$700,000 – Bureau of Justice Assistance Grant
 - Case manager, 20 hours of psychiatric services, contract with OHSU for program evaluation and data collection
- \$350,000 – SAMHSA (CCBHC Extension)
- \$584,000 – Central Oregon Health Council
- 2.4 million - IMPACTS Grant/Oregon Criminal Justice Commission

Practical Tip: Think outside the 9 to 5

- 2 Master's level clinicians/1 Behavioral Health Technician (front desk)
- Day shift M-F 7 am – 3:30 pm
- Swing Shift M-F 3:00 pm – 11:30 pm
- Night Shift M-W, W-F 8:00pm to 8:30 am
- Saturday/Sunday Day 7am to 7pm
- Saturday/Sunday Night 7pm to 7 am
- 30 min change of shift



Developing a Schedule

- Look at many alternatives as possible
 - Unique scheduling options
 - 12 hour shifts
 - 10 hour shifts
 - Redundancy in scheduling
 - Backup plans
 - On-call
 - Stipend pay
 - Exempt vs non-exempt
 - Full staffing vs. minimum staffing
- Look at other 24-hour scheduled agencies in your area
 - Jails
 - Law enforcement agencies
 - Hospitals

Practical Tip: Work Towards Continuous Growth and Improvement

- Stay Solution Focused
 - Do not avoid difficult topics
 - Do not take things personally or dogmatically
 - Leave your ego at the door and work collaboratively
- Be Flexible
 - Avoid rigidity
 - Get creative with solutions
- Be Responsive (not reactive)
 - Tackling problems as they arise
 - Not tackling problems too “quickly”
 - Solicit feedback
 - Staff, Consumer, and Community Partners
 - Follow through with changes



The Results are In!

Monthly Totals	# of Walk-Ins	# of LEA drop offs	# of ED Diversions-Client	# of ED Diversions-LEA	# of Respite	# of ED referrals	# of Children	# of adults 18+
June 2020	46	6	3	1	9	6	4	42
July 2020	91	15	10	4	21	5	8	83
August 2020	128	22	19	6	22	4	7	121
September 2020	131	21	23	11	25	8	13	118
October 2020	195	36	28	19	28	22	18	177
November 2020	146	26	30	7	33	18	11	135
December 2020	156	41	19	12	37	7	14	142
January 2021	140	32	16	8	16	14	12	128
February 2021	113	27	11	9	28	3	16	97
March 2021	144	32	10	10	35	11	21	123
April 2021	150	20	20	8	34	2	16	134
May 2021	169	31	16	9	37	9	15	154
June 2021	173	34	27	19	44	7	21	152
July 2021	173	39	18	10	45	12	16	157
Yearly Grand Total	1955	382	250	133	414	128	192	1763

Ongoing Grand Totals 1955
 Unduplicated Grand Totals 1154

Total Visits

3742

Data

YTD Quick Stats June 2020- July 2021


- ❖ Average of 9.5 visits per day
- ❖ 20% brought in by LE (average 4.7 min per drop off)
- ❖ 21% utilize respite
- ❖ 20% diverted from the ED
- ❖ 90% adults and 10% children
- ❖ 3% said they would have ended their life if the Stabilization Center were not here (37 people)
- ❖ 3% were sent to the ED involuntarily

Central Oregon **daily** News


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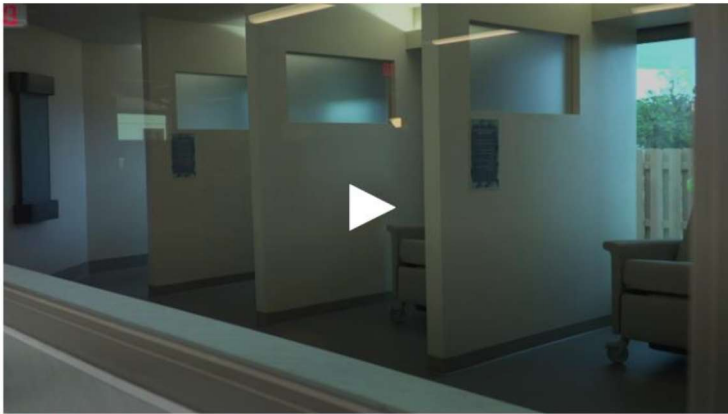
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 SALES EVENT
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NEW 2020 Ford Edge
0% APR + \$4,250
 Bonus Cash
60 mos + **\$1,000**
 Ford Credit Financing Trade Assist



▶ Stabilization Center a new tool for mental health professionals



BY TED TAYLOR | Wednesday, June 17th 2020


It puts a strain on emergency rooms and law enforcement – people in the middle of a mental health crisis. Last year, there were 3,000 calls to the crisis line. That's a 42% jump – including a 67% jump in calls from law enforcement. Central Oregon Daily Photojournalist Steve Kaufmann shows us a new facility in Deschutes County set up to break the cycle.

If you or someone you know is in crisis, you can walk into the crisis stabilization center at 6311 Jamison St. in Bend, Monday through Friday from 8 a.m. to 4 p.m.

You can also call the Deschutes County Crisis Line at 541-322-7500 ext. 9.

[f](#) [t](#) [v](#)

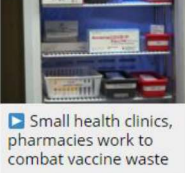
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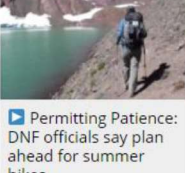
Morning Headlines

SUBSCRIBE

TOP LOCAL STORIES



▶ Small health clinics, pharmacies work to combat vaccine waste



▶ Permitting Patience: DNF officials say plan ahead for summer hikes



Berkeley Homeless Commission

MEETING MINUTES

November 15, 2021

1. Roll Call: 7:00 PM

Present: Kealoha-Blake (absent until 7:07), Marasovic, Andrew, Gomez.

Absent: Behm-Steinberg.

Staff: Jacobs, McCormick.

Council: None.

Public: 5.

2. Public Comment: 0

3. Approval of minutes from September 8, 2021 and October 13, 2021.

Action: M/S/C Andrew/Marasovic move to approve the minutes as written.

Vote: Ayes: Marasovic, Andrew, Gomez.

Noes: None. Abstain: None. Absent: Behm-Steinberg, Kealoha-Blake

Action: M/S/C Marasovic/Gomez move to approve the minutes as written.

Vote: Ayes: Marasovic, Andrew, Gomez.

Noes: None. Abstain: None. Absent: Behm-Steinberg, Kealoha-Blake

Updates/Action Items:

4. Agenda Approval

Action: M/S/C Marasovic/Gomez move to approve the agenda as written.

Vote: Ayes: Marasovic, Andrew, Gomez, Kealoha-Blake.

Noes: None. Abstain: None. Absent: Behm-Steinberg.

5. HOME ARP Application Review.

Action: M/S/C Marasovic/Gomez move to strongly support the staff recommendation for the HOME ARP Application for Home Key.

Vote: Ayes: Marasovic, Andrew, Gomez, Kealoha-Blake.

Noes: None. Abstain: None. Absent: Behm-Steinberg.

6. Chair and Vice-Chair Update.

Discussion; no action taken.

7. Staff update explaining stats on crisis queue and housing queue.

Discussion; no action taken.

8. Crisis stabilization program proposed recommendation.

Action: M/S/C Marasovic/Gomez move to request City Council refer to the City Manager to develop a crisis stabilization program based on the Bend, Oregon crisis stabilization model tailored to Berkeley, consistent and that this report be incorporated into the Homeless Commission's recommendation.

Vote: Ayes: Marasovic, Gomez, Kealoha-Blake.

Noes: None. *Abstain:* Andrew. *Absent:* Behm-Steinberg.

9. Staff update on incorporating stakeholders into planning for Point-in-Time Count, per April, 14, 2020 Council Consent Calendar acting on Homeless Commission recommendation, and coordination with the County.

Discussion; no action taken.

10. Discussion and possible action item on South Berkeley Homeless Outreach Coordinator on November 16, 2021 Council Agenda.

Action: M/S/C Marasovic/Gomez move to support the submission of a letter to Council, as written, opposing the establishment of a Homeless Outreach Coordinator limited to South Berkeley and recommends that those \$200,000. in proposed monies be directed towards housing homeless persons.

Vote: Ayes: Marasovic, Andrew, Gomez, Kealoha-Blake.

Noes: None. *Abstain:* None. *Absent:* Behm-Steinberg.

11. Discussion and possible action on extending date and scope of storm shelter to other emergencies.

Action: M/S/C Marasovic/Kealoha-Blake move to extend the meeting by 10 minutes.

Vote: Ayes: Marasovic, Gomez, Kealoha-Blake.

Noes: Andrew. *Abstain:* None. *Absent:* Behm-Steinberg.

Action: M/S/C Marasovic/Kealoha-Blake move that City Council refer to the City Manager to expand the emergency storm shelter program to emergencies not otherwise covered including outside the dates of the current contract with Dorothy Day House.

Homeless Commission Meeting Draft Minutes
November 15, 2021

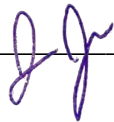
Vote: Ayes: Marasovic, Andrew, Gomez, Kealoha-Blake.
Noes: None. *Abstain:* None. *Absent:* Behm-Steinberg.

12. Discussion Update from City Manager's office or designee on RV lot and Eighth and Harrison residents.

Discussion; no action taken.

Meeting adjourned at 9:10 PM

Minutes Approved on: 1.12.22

Josh Jacobs, Commission Secretary:  _____



Berkeley Homeless
Services Panel of Experts

MEETING MINUTES

February 2, 2022

1. **Roll Call:** 7:00 PM
Present: Marasovic, Bookstein, Kealoha-Blake, Scheider (absent until 7:04), De la Guardia, Carrasco (absent until 7:04).
Absent: None.
Staff: Jacobs, McCormick.
Council: None.
Public: 7
2. Comments from the Public: 0

Update/Action Items

3. Approval of Minutes from January 5, 2021.

Action: M/S/C Marasovic/Kealoha-Blake move to approve the minutes as amended to change item 8 to include that zero dollars were spent in this fiscal year and to include on item 9 that 600,000k has been spent for 5150 transport.

Vote: Ayes: Marasovic, Bookstein, Kealoha-Blake, De la Guardia,
Noes: None. *Abstain:* None. *Absent:* Scheider, Carrasco.

4. Agenda Approval.

Action: M/S/C Marasovic/Kealoha-Blake move to approve the agenda as written.

Vote: Ayes: Marasovic, Bookstein, Kealoha-Blake, Scheider, De la Guardia,
Carrasco.
Noes: None. *Abstain:* None. *Absent:* None.

5. Chair update.

Discussion; no action taken.

6. Presentation on crisis stabilization program model in Bend, Oregon with Q&A and Commission discussion.

Action: M/S/C Marasovic/Bookstein move to support the Homeless Commission recommendation to the City Manager to consider establishing a 24/7 crisis stabilization program based on the Bend, Oregon model tailored to Berkeley with

A Vibrant and Healthy Berkeley for All

Measure P funding that partners with medical, police, and community-based organizations.

Vote: Ayes: Marasovic, Bookstein, Kealoha-Blake, Scheider, De la Guardia, Carrasco.
Noes: None. Abstain: None. Absent: None.

7. Presentation on family homelessness with Q&A and Commission discussion.

Discussion; no action taken.

Action: M/S/C Scheider/Marasovic move to extend the meeting to 9:20 pm and to agenda this for next month's meeting.

Vote: Ayes: Marasovic, Bookstein, Kealoha-Blake, Scheider, De la Guardia, Carrasco.
Noes: None. Abstain: None. Absent: None.

8. Staff to provide presentation of all streams of City funding allocated for services, across divisions, provided to the homeless population.

Discussion; no action taken.

9. Staff to update on homeless Point-in-Time Count.

Discussion; no action taken.

10. Chair and Vice-Chair election.

Action: M/S/C Marasovic/Kealoha-Blake move to elect Carole Marasovic as Chair and Michael de la Guardia as Vice Chair.

Vote: Ayes: Marasovic, Bookstein, Kealoha-Blake, Scheider, De la Guardia, Carrasco.
Noes: None. Abstain: None. Absent: None.

Action: M/S/C Marasovic/Bookstein move to elect Michael de la Guardia as Vice Chair.

Vote: Ayes: Marasovic, Bookstein, Kealoha-Blake, Scheider, De la Guardia, Carrasco.
Noes: None. Abstain: None. Absent: None.

11. Adjourn.

Meeting adjourned at 9:08 PM.

Homeless Services Panel of Experts
February 2, 2022

Minutes Approved on: _____

Josh Jacobs, Commission Secretary: _____

Upcoming Worksessions – <i>start time is 6:00 p.m. unless otherwise noted</i>	
Scheduled Dates	
April 19	<ol style="list-style-type: none"> 1. Fire Department Standards of Coverage Study 2. BART Station Planning
June 21	<ol style="list-style-type: none"> 1. Ballot Measure Development/Discussion (tentative)
July 19	

There are no Worksessions scheduled for Fall 2022 due to limited meeting dates and cultural/religious holidays.

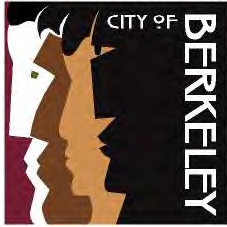
Unscheduled Workshops <ol style="list-style-type: none"> 1. Cannabis Health Considerations 2. Alameda County LAFCO Presentation
--

Unscheduled Presentations (City Manager) <ol style="list-style-type: none"> 1. Civic Arts Grantmaking Process & Capital Grant Program 2. Mid-Year Budget Report FY 2022 (April 2022) 3. Berkeley Strategic Transportation Plan Update

	City Council Referrals to the Agenda & Rules Committee and Unfinished Business for Scheduling
1.	<p>25. Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers <i>(Continued from February 25, 2020. Item contains revised and supplemental materials) (Referred from the May 12, 2020 agenda.)</i></p> <p>From: City Manager</p> <p>Recommendation: Adopt a Resolution accepting the Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers submitted pursuant to Chapter 2.99 of the Berkeley Municipal Code.</p> <p>Financial Implications: None</p> <p>Contact: Andrew Greenwood, Police, (510) 981-5900; Dave White, City Manager's Office, (510) 981-7000</p> <p>Note: <i>Referred to Agenda & Rules for future scheduling.</i></p>

CITY CLERK DEPARTMENT			
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL			
Address	Board/ Commission	Appeal Period Ends	Public Hearing
NOD – Notices of Decision			
Public Hearings Scheduled			
1643-47 California St (new basement level and second story)	ZAB		4/26/2022
Remanded to ZAB or LPC			
1205 Peralta Avenue (conversion of an existing garage)	ZAB		
Notes			

2/24/2022



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)

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.

Boards and Commissions	Meetings Held Under COVID March - Oct	Regular Mtg. Date	Secretary	Dept.	Resume Regular Schedule in January 2021?	Note
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.

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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 Attorney

Date: March 3, 2021
 To: Agenda and Rules Committee
 From: Office of the City Attorney
 Re: Continuing Use of Teleconferencing for Public Meetings

Assembly Bill 361 amended the Ralph M. Brown act to authorize the City to continue to hold teleconferenced meetings during a Governor-declared state of emergency without complying with a number of requirements ordinarily applicable to teleconferencing. For example, under AB 361, the City may hold teleconferenced meetings without:

1. Posting agendas at all teleconference locations
2. Listing each teleconference location in the notice and agenda for the meeting
3. Allowing the public to access and provide public comment from each teleconference location
4. Requiring a quorum of the body to teleconference from locations within City boundaries

(Cal. Gov. Code § 549539(b)(3) & (e)(1).)

Under AB 361, the City can continue to hold teleconferenced meetings without adhering to the above practices as long as the state of emergency continues and either (1) “state or local officials have imposed or recommended measures to promote social distancing,” or (2) the City determines that “meeting in person would present imminent risks to the health or safety of attendees.” (Cal. Gov. Code § 54953(e)(1).)

Every thirty days, the City must review and determine that either of the above conditions continues to exist. (Cal. Gov. Code § 54953(e)(3).) Since September 28, 2021, the City Council has passed a recurring resolution every thirty days determining that both of the above conditions continue to exist and therefore teleconferencing under AB 361 is warranted. The Council may continue to renew the teleconferencing resolution every thirty days, and thereby continue to hold teleconferenced meetings under the procedures it has used throughout the pandemic, until the state of emergency ends. (See Cal. Gov. Code § 54953(e)(3)(A).)

The state of emergency for COVID-19 has been in effect since it was issued by the Governor on March 4, 2020. There is no clear end date for the state of emergency at this time. As recently as February 17, 2022, the Governor stated that, for now, the state will continue to operate under the state of emergency, but that his goal is “to unwind the state

March 2, 2022

Page 2 Re: Continuing Use of Teleconferencing for Public Meetings

of emergency as soon as possible.”¹ Additionally, per a February 25, 2022 *Los Angeles Times* article, Newsom administration officials have indicated that the state of emergency is necessary for the State’s continued response to the pandemic, including measures such as waiving licensing requirements for healthcare workers and clinics involved in vaccination and testing.²

On March 15, 2022, the California State Senate Governmental Organization Committee will consider a resolution (SCR 5) ending the state of emergency.³ Some reporting suggests that the Republican-sponsored resolution is unlikely to pass. Notably, Senate Leader Toni Atkins’ statement on the Senate’s consideration of SCR 5 articulates strong support for the state of emergency.⁴

The Governor has issued an executive order (N-1-22) which extends to March 31, 2022 sunset dates for teleconferencing for state legislative bodies (under the Bagley-Keene Open Meeting Act) and student body organizations (under the Gloria Romero Open Meetings Act).⁵ Executive Order N-1-22 does not affect the Brown Act teleconferencing provisions of AB 361, which have a sunset date of January 1, 2024. Therefore, until January 1, 2024, the City may utilize the teleconferencing provisions under AB 361 as long as the state of emergency remains in effect.

¹ *New York Times*, California Lays Out a Plan to Treat the Coronavirus as a Manageable Risk Not an Emergency (Feb. 17, 2022), <https://www.nytimes.com/2022/02/18/us/california-lays-out-a-plan-to-treat-the-coronavirus-as-a-manageable-risk-not-an-emergency.html>.

² *Los Angeles Times*, Newsom scales back some special pandemic rules, but not California’s state of emergency (Feb. 25, 2022), <https://www.latimes.com/california/story/2022-02-25/newsom-scales-back-special-pandemic-rules-but-not-california-state-of-emergency>.

³ Text of SCR 5 available at: https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SCR5.

⁴ Press release: Senator Toni G. Atkins, Senate Leader Atkins Issues Statement on SCR 5 and the State of Emergency (Feb. 17, 2022), <https://sd39.senate.ca.gov/news/20220217-senate-leader-atkins-issues-statement-scr-5-and-state-emergency>.

⁵ Text of Executive Order N-1-22 available at: <https://www.gov.ca.gov/wp-content/uploads/2022/01/1.5.22-Bagley-Keene-waiver-EO.pdf>.

Hybrid Meeting Procedures for BUSD Boardroom (~~November 2021~~February 2022)

The policy below covers the conduct of hybrid City Council meetings (in-person and remote participation) held in accordance with the Government Code and any relevant Executive Orders or State declared emergencies.

I. **Vaccination Status**

Prior to entry, all in-person attendees at the meeting location must present valid proof of “up-to-date” COVID-19 vaccination or a verified negative test conducted within one day prior for an antigen test or two days prior for a PCR test. An attendee is “up-to-date” with their vaccinations if:

- It has been less than 2 months after receiving the initial dose of their Johnson & Johnson Vaccine.
- It has been less than 5 months after receiving the second dose of their two-dose Pfizer or Moderna initial series.
- The attendee has received a booster.

~~No requirement for vaccination to attend a Council meeting. Staff and Officials will not inquire about vaccination status for any attendees.~~

II. **Health ~~Check~~Status Precautions**

If an in-person attendee is feeling sick, including but not limited to, cough, shortness of breath or difficulty breathing, fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell they will be advised to attend the meeting remotely.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they will be advised to attend the meeting remotely.

Close contact is defined as being within approximately 6 feet for greater than 15 minutes over 24 hours within 2 days before symptoms appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment relative to employees’ duties and responsibilities).

~~A walk-up temperature check device will be located at the entry to the in-person meeting location. All persons entering the in-person meeting location are required to perform a temperature check upon entering. A handheld non-touch thermometer will be available for individuals with disabilities. Private security personnel will be at the entry location for the duration of the meeting to monitor the temperature check station and mask requirement.~~

~~Attendees showing a fever will be directed to attend the meeting via remote participation (Zoom). If an attendee refuses to have their temperature~~

Hybrid Meeting Procedures for BUSD Boardroom (~~November 2021~~February 2022)

~~checked, guidance will be provided to the attendee on the requirement and their options for attending remotely and in-person.~~

~~Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.~~

III. **Face Coverings/Mask**

Following the State of California and Local Health Officer Guidance, face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting.

If an attendee at a Council Meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Members of the City Council, city staff, and the public are required to wear a mask at all times, including when speaking publicly at the meeting.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

IV. **Physical Distancing**

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a council meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons with a medical status that requires distancing and for those that choose to distance for personal health reasons.

~~Relevant CalOSHA requirements for the workplace will be followed as is feasible. Capacity in the audience seating area (including members of the media and staff) at the BUSD Boardroom is limited to 40 persons due to~~

Hybrid Meeting Procedures for BUSD Boardroom (~~November 2021~~February 2022)

~~uncertainty about vaccination status of attendees and limiting attendance at indoor events to ensure the comfort and safety of attendees.~~ Conference room capacity is limited to ~~42-15~~ persons. The relevant capacity limits will be posted on the city council agenda and at the meeting location.

City staff will present remotely in order to reduce the number of persons in the Boardroom and back conference area.

V. **Protocols for Remote Participation by Mayor or Councilmembers**

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status and testing requirements, health status precautions, temperature checks, and masking requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

VI. **Hand Washing/Sanitizing**

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

VII. **Air Flow/Circulation/Sanitizing**

BUSD Facilities Staff performs a vigorous cleaning process after each use of the Boardroom. BUSD upgraded all HVAC filtration to MERV13, and with the inclusion of Needlepoint BiPolar Ionization, is achieving a rating that is closer to MERV18. Additionally, BUSD installed indoor air quality monitoring sensors in all facilities that constantly monitor VOC's CO2, Relative Humidity, and Temperature. The sensors and alarms allow BUSD to ensure that all systems are working properly and as designed. If a sensor trips an alarm, a work order request is generated immediately to ensure the system is repaired expeditiously.

Hybrid Meeting Procedures for BUSD Boardroom (~~November 2021~~February 2022)

VIII. Overflow in Gymnasium

An overflow indoor seating area will be available at the West Campus Gymnasium for every meeting. The capacity of the gymnasium is ~~100~~200 persons. The overflow area will have a broadcast of the meeting in progress to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. The broadcast audio and video will be provided to attendees in the overflow area. This area will be monitored by the BUSD security personnel.

IX. Food Provided for Elected Officials and Designated Staff

- No buffet dinner provided.
- Box lunches only. Maximum of 16 (Mayor & Council [9], City Manager, City Attorney, City Clerk [2], Deputy City Managers [2], BCM Staff)
- Individually packaged snacks will be provided on a common table and drinks will be available in the refrigerator.

Hybrid Meeting Procedures for BUSD Boardroom (November 2021)

The policy below covers the conduct of hybrid City Council meetings (in-person and remote participation) held in accordance with the Government Code and any relevant Executive Orders or State declared emergencies.

I. Vaccination Status

No requirement for vaccination to attend a Council meeting. Staff and Officials will not inquire about vaccination status for any attendees.

II. Health Check

A walk-up temperature check device will be located at the entry to the in-person meeting location. All persons entering the in-person meeting location are required to perform a temperature check upon entering. A handheld non-touch thermometer will be available for individuals with disabilities. Private security personnel will be at the entry location for the duration of the meeting to monitor the temperature check station and mask requirement.

Attendees showing a fever will be directed to attend the meeting via remote participation (Zoom). If an attendee refuses to have their temperature checked, guidance will be provided to the attendee on the requirement and their options for attending remotely and in-person.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

III. Face Coverings/Mask

Following the State of California and Local Health Officer Guidance, face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting.

If an attendee at a Council Meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Members of the City Council, city staff, and the public are required to wear a mask at all times, including when speaking publicly at the meeting.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

Hybrid Meeting Procedures for BUSD Boardroom (November 2021)

IV. Physical Distancing

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a council meeting. Relevant CalOSHA requirements for the workplace will be followed as is feasible. Capacity in the audience seating area (including members of the media and staff) at the BUSD Boardroom is limited to 40 persons due to uncertainty about vaccination status of attendees and limiting attendance at indoor events to ensure the comfort and safety of attendees. Conference room capacity is limited to 12 persons. The relevant capacity limits will be posted on the city council agenda and at the meeting location.

V. Protocols for Remote Participation by Mayor or Councilmembers

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status, temperature checks, and mask requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

VI. Hand Washing/Sanitizing

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

VII. Air Flow/Circulation/Sanitizing

BUSD Facilities Staff performs a vigorous cleaning process after each use of the Boardroom. BUSD upgraded all HVAC filtration to MERV13, and with the inclusion of Needlepoint BiPolar Ionization, is achieving a rating that is closer to MERV18. Additionally, BUSD installed indoor air quality monitoring sensors in all facilities that constantly monitor VOC's CO2, Relative Humidity, and Temperature. The sensors and alarms allow BUSD to ensure that all systems are working properly and as designed. If a sensor trips an alarm, a work order request is generated immediately to ensure the system is repaired expeditiously.

VIII. Overflow in Gymnasium

An overflow indoor seating area will be available at the West Campus Gymnasium for every meeting. The capacity of the gymnasium is 100 persons. The overflow area will have a broadcast of the meeting in progress

Hybrid Meeting Procedures for BUSD Boardroom (November 2021)

to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. The broadcast audio and video will be provided to attendees in the overflow area. This area will be monitored by the BUSD security personnel.

IX. Food Provided for Elected Officials and Designated Staff

- No buffet dinner provided.
- Box lunches only. Total of 18 (Mayor & Council [9], City Manager, City Attorney, City Clerk [2], Deputy City Managers [2], BCM Staff, Extras [2])
- Individually packaged snacks will be provided on a common table and drinks will be available in the refrigerator.



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

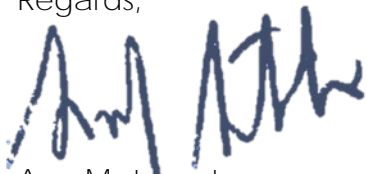
Dear Mr. Knaus, Ms. Miller, Ms. Hurst, Ms. Preston, Ms. Heaton, Ms. King, Ms. Coleman, Ms. Blacet-Hyden, Mr. McCormick, Mr. Anderson, and colleagues,

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, (510) 286-1161.

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

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.

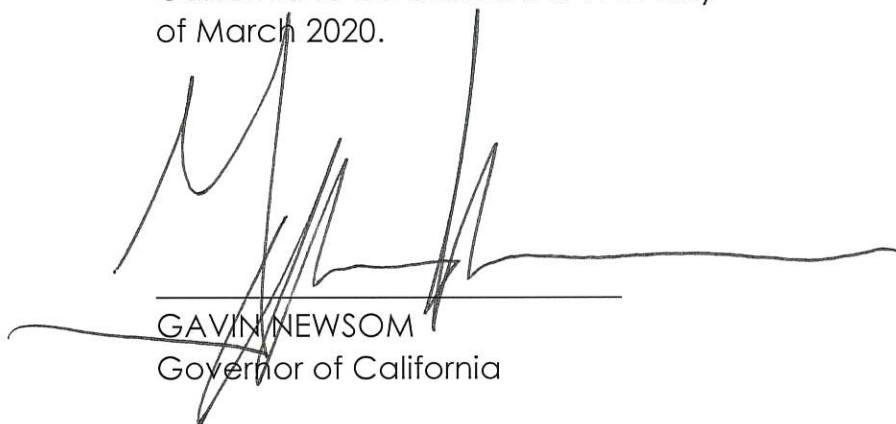
All of the foregoing provisions concerning the conduct of public meetings shall apply only during the period in which state or local public health officials have imposed or recommended social distancing measures.

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.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

