



Human Welfare and Community Action Commission

AGENDA

Wednesday, February 15, 2023

6:30 PM

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

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

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL –<https://zoom.us/j/4863098496>

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 1-669-900-6833 and Enter Meeting ID: 486 309 8496.** If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

Preliminary Matters

1. Roll Call
2. Agenda Approval
3. Public Comment

Update/Action Items

The Commission may take action related to any subject listed on the agenda, except where noted.

Berkeley Community Action Agency Board Business

4. Approve minutes from the 2/8/2023 Regular Meeting (Attachment A) – All
5. Elect Vice Chair
6. Review City of Berkeley funded agency Program and Financial reports (Attachment B) — Staff
 - a. Berkeley Free Clinic program and financial reports

Other Discussion Items

7. Presentation on the Hopkins Corridor Plan – Chair Freeman of the City of Berkeley Commission on Disability

8. Update and possible action regarding a mechanism for City employees and service providers to communicate (Attachment C)– Commissioner Behm-Steinberg
9. Discussion and possible action regarding draft Council item “Requirements for Contracted Non-Profit Service Providers and Transparency of Grant Reports” – Commissioner Behm-Steinberg (Attachment D)
10. Discussion and possible action regarding draft Council item “Eligibility for Service as a Representative of the Poor” – Commissioner Behm-Steinberg (Attachment E)
11. Discussion and possible action regarding draft Council item “Accessibility and Availability of Materials on City Website” – Commissioner Behm-Steinberg (Attachment F)
12. Discussion and possible action regarding draft Council item “Accessibility Quality Assessment program to handle non-conforming public facilities and complaints from seniors and disabled people over substandard services or services not provided” (Attachment G)
13. Review latest City Council meeting agenda
14. Announcements
15. Future Agenda Items

Adjournment

Attachments

- A. Draft Minutes of the 2/8/2023 Meeting
- B. Program and financial reports from Berkeley Free Clinic
- C. Draft Council item “Project Wiki for City Staff and contracted agencies to share information”
- D. Draft Council item “Requirements for Contracted Non-Profit Service Providers and Transparency of Grant Reports”
- E. Draft Council item “Eligibility for Service as a Representative of the Poor”
- F. Draft Council item “Accessibility and Availability of Materials on City Website”
- G. Draft Council item “Accessibility Quality Assessment program to handle non-conforming public facilities and complaints from seniors and disabled people over substandard services or services not provided”

Review City Council Meeting Agenda at City Clerk Dept. or
<http://www.cityofberkeley.info/citycouncil>

Communications

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. 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 Housing and Community Services Department located at 2180 Milvia Street, 2nd Floor.

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.**

Secretary:

Mary-Claire Katz
Health, Housing & Community Services Department
510-981-5414
mkatz@CityofBerkeley.info

Mailing Address:

Human Welfare and Community Action Commission
Mary-Claire Katz, Secretary
2180 Milvia Street, 2nd Floor
Berkeley, CA 94704



Human Welfare and Community Action Commission

DRAFT MINUTES

Wednesday, February 8, 2023

6:30 PM

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

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Preliminary Matters

1. Roll Call
Present: Behm-Steinberg, Sood, Zou.
Absent: Sim.
Quorum: 3 (Attended: 3).
Staff Present: Mary-Claire Katz.
Public Present: None.
2. Agenda Approval
No agenda changes were made.
3. Public Comment
None.

Update/Action Items

The Commission may take action related to any subject listed on the agenda, except where noted.

Berkeley Community Action Agency Board Business

4. Approve minutes from the 1/18/2023 Regular Meeting (Attachment A) – All
Action: M/S/C (Sood/Zou) to approve the minutes.
Vote: Ayes – Behm-Steinberg, Sood, Zou; Noes – None; Abstain – None; Absent – Sim.

5. Approve 2023 Community Services Block Grant (CSBG) Funding Contract (Attachment B)
Action: M/S/C (Sood/Behm-Steinberg) to approve the 2023 Community Services Block Grant (CSBG) Funding Contract.
Roll Call Vote: Ayes – Behm-Steinberg, Sood, Zou; Noes – None; Abstain – None; Absent – Sim.
6. Review City of Berkeley funded agency Program and Financial reports (Attachment C) — Staff
 - a. Bay Area Outreach & Recreation Program program and financial reports
 No action taken.

Other Discussion Items

7. Update and possible action regarding a mechanism for City employees and service providers to communicate (Attachment D)– Commissioner Behm-Steinberg
 No action taken.
8. Discussion and possible action regarding draft Council item “Requirements for Contracted Non-Profit Service Providers and Transparency of Grant Reports” – Commissioner Behm-Steinberg (Attachment E)
 No action taken.
9. Discussion and possible action regarding draft Council item “Eligibility for Service as a Representative of the Poor” – Commissioner Behm-Steinberg (Attachment F)
 No action taken.
10. Discussion and possible action regarding draft Council item “Accessibility and Availability of Materials on City Website” – Commissioner Behm-Steinberg (Attachment G)
 No action taken.
11. Discussion and possible action regarding draft Council item “Accessibility Quality Assessment program to handle non-conforming public facilities and complaints from seniors and disabled people over substandard services or services not provided” (Attachment H)
 No action taken.
12. Review latest City Council meeting agenda
 No action taken.
13. Announcements

No action taken.

14. Future Agenda Items

No action taken.

Adjournment

Action: M/S/C (Behm-Steinberg/Zou) to adjourn at 7:30PM.

Vote: Ayes – Behm-Steinberg, Sood, Zou; Noes – None; Abstain – None; Absent – Sim.

Attachments

- A. Draft Minutes of the 1/18/2023 Meeting
- B. 2023 CSBG Contract
- C. Program and financial reports from Bay Area Outreach & Recreation Program
- D. Draft Council item “Project Wiki for City Staff and contracted agencies to share information”
- E. Draft Council item “Requirements for Contracted Non-Profit Service Providers and Transparency of Grant Reports”
- F. Draft Council item “Eligibility for Service as a Representative of the Poor”
- G. Draft Council item “Accessibility and Availability of Materials on City Website”
- H. Draft Council item “Accessibility Quality Assessment program to handle non-conforming public facilities and complaints from seniors and disabled people over substandard services or services not provided”

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Secretary:

Mary-Claire Katz
 Health, Housing & Community Services Department

Mailing Address:

Human Welfare and Community Action Commission
 Mary-Claire Katz, Secretary

Draft Minutes – HWCAC
February 8, 2023
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**CITY OF BERKELEY
COMMUNITY AGENCY STATEMENT OF EXPENSE
01/01/2023 TO 03/31/2023**

Note: Any variation from the Approved Budget exceeding ten percent (10%) requires a Budget Modification Form.

Agency Name: [Berkeley Free Clinic](#) Contract #: [31900252](#)

Program Name: [Funding operational expenses for STI and TB screening of Berkeley Residents and Homeless at the Berkeley Free Clinic](#) PO #: [TBD](#)

Funding Source : [General Fund](#)

Expenditure Category	Staff Name	Approved Budget	Jul-Sep 2022	Oct-Dec 2022	Jan-Mar 2023	Apr-Jun 2023	Total Expenditure	Budget Balance
Operations Support 1	Kyle Gustafson	\$3,965.00	\$991.25	\$991.25	\$991.25		\$2,973.75	\$991.25
Operations Support 2	Suleiman Allen	\$3,965.00	\$991.25	\$991.25	\$991.25		\$2,973.75	\$991.25
Operations Support 3	John Day	\$3,964.00	\$991.00	\$991.00	\$991.25		\$2,973.25	\$990.75
Operations Support 4	Adam Woodruff	\$3,964.00	\$991.00	\$991.00	\$991.25		\$2,973.25	\$990.75
TOTAL		\$15,858.00	\$3,964.50	\$3,964.50	\$3,965.00		\$11,894.00	\$3,964.00

Advances Received [\\$3,965.00](#)
Underspent/(Overspent) [\(-\\$7,929.00\)](#)

Explain any staffing changes and/or spending anomalies that do not require a budget modification at this time:

Upload of Resumes for New Staff (required):

- Expenditures reported in this statement are in accordance with our contract agreement and are taken from our books of account which are supported by source documentation.
- All federal and state taxes withheld from employees for this reporting period were remitted to the appropriate government agencies. Furthermore, the employer's share or contributions for Social Security, Medicare, Unemployment and State Disability insurance, and any related government contribution required were remitted as well.

Prepared By: [Adam Woodruff](#) Email: funding@berkeleyfreeclinic.org Date: [12/28/2022](#)
 Authorized By: [Scott Carroll](#) Email: scott@berkeleyfreeclinic.org
 Name of Authorized Signatory with Signature on File

Approved By: Mary-Claire Katz 01/16/2023 Project Manager Date	Examined By: _____ CSA Fiscal Unit Date	Approved By: _____ CSA Fiscal Unit Date
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Initially submitted: Dec 28, 2022 - 08:32:03

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**City of Berkeley
Community Agency
CLIENT CHARACTERISTICS REPORT**

Contract No: 31900252

Agency:	Berkeley Free Clinic	Period of:	1st Half 2023
Program:	Funding operational expenses for STI and TB screening of Berkeley Residents and Homeless at the Berkeley Free Clinic	Report Prepared By:	Adam Woodruff
Phone:	925-528-8860	E-mail:	adamw@berkeleyfreeclinic.org

1. CLIENT SUMMARY - 1st Half

	1st Half	YTD
A. Total New Clients Served by the Program (Berkeley and Non-Berkeley)	412	412
B. Total New Berkeley Clients Served for Whom You Were Able to Gather Statistics on Age, Race/Ethnicity, and Income:	38	38
C. Total New Berkeley Clients Served for Whom You Were NOT Able to Gather Statistics on Age, Race/Ethnicity, and Income:	170	170
D. Total New Berkeley Clients Served:	208	208

2. DEMOGRAPHIC DATA

RACE - Unduplicated Count	Previous Periods		Report Period		Year-To-Date	
	Non-Hispanic	Hispanic Ethnicity	Non-Hispanic	Hispanic Ethnicity?	Non-Hispanic	Hispanic Ethnicity
Single Race Categories						
American Indian/Alaskan Native	0	0			0	0
Asian	0	0	8	1	8	1
Black/African American	0	0		4	0	4
Native Hawaiian/Pacific Islander	0	0			0	0
White	0	0		20	0	20
Combined Race Categories						
American Indian/Alaskan Native & White	0	0			0	0
Asian & White	0	0			0	0
Black/African American & White	0	0			0	0
American Indian/Alaskan Native & Black/African American	0	0			0	0
Other Combined Race Categories	0	0	1	4	1	4
TOTALS	0	0	9	29	9	29
TOTAL SERVED	0		38		38	

3. INCOME LEVEL

Income Level - Unduplicated Count	Previous Periods	This Period	YTD
Poverty	0	38	38
Poverty to 30% of AMI (Ex. Low)	0	0	0
31-50% of AMI (Low)	0		0
51-80% of AMI (Moderate)	0		0
Above 80% of AMI	0		0
TOTALS	0	38	38

4. AGE

Age - Unduplicated Count	Previous Periods	This Period	YTD
0-5	0		0
6-11	0		0
12-17	0		0
18-24	0	11	11
25-44	0	22	22
45-54	0	3	3
55-61	0	1	1
62 and Over	0	1	1
Unknown	0		0
TOTALS	0	38	38

5. OTHER CHARACTERISTICS

Other Characteristics - Unduplicated Count	Previous Periods	This Period	YTD
Female	0	136	136
Male	0	162	162
Other		26	
Disabled	0	18	18
Homeless	0	9	9
Chronically Homeless	0		0

6. SERVICE MEASURES

Service Measures	Annual Goal		1st Half		2nd Half		Served YTD		% Served		Total Clients
	UOS	New Clients	UOS	New Clients	UOS	# of Existing Clients	New Clients	Total UOS	Total New Clients	UOS	
**** Health Care Services - general ****											
1 Healthcare Detection/Screening Services	1,440	1,000	517	412				517	412	36%	41%
2 AOD Sessions	0	0						0	0		

1st Half Narrative

The first half of FY22-23 client totals and demographics are tracking similarly to our last program report submitted for the second half of FY21-22 despite reopening services that were closed during the pandemic due to volunteer attrition. This can be explained through the method of service delivery. Increasing in-person services led to the closure of some telehealth services, therefore, offsetting the total number of clients seen.

7. OUTCOMES

Outcomes	Annual Goal	1st Half Achieved Outcome	2nd Half Achieved Outcome	Achieved Outcome YTD	% Achieved Outcome of Annual Goal	% Achieved Outcome of Total Served
1 Participants enrolled in necessary treatment	1,000	100		100	10%	48%
2 Average length of time in program	0			0		0%
2 Clients completed AOD program	0			0		0%
2 Clients reduced/eliminated use of AOD substances	0			0		0%

1st Half Narrative

The Clinic outcomes are behind first and second-half totals reported in FY21-22 and annual goals for FY22-23. Similar to client totals and UOS, the Clinic is still experiencing volunteer attrition due to the pandemic. The Clinic's lay health medic volunteer training takes approximately 1-2 years to complete and therefore still lacking the needed skilled volunteers to increase capacity.

Uploaded Attachments:8. PROGRAM SATISFACTION SURVEY

Question		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Does Not Apply	I Do Not Understand This Question	Total Number of responses
1. I am satisfied with the services I have received from this program.	This Period			1	1	36			38
	Prior Periods								0
	Total	0	0	1	1	36	0	0	38
	% of Total	0%	0%	3%	3%	95%	0%	0%	100%
2. This program's staff treated me with respect.	This Period		0	1		37			38
	Prior Periods								0
	Total	0	0	1	0	37	0	0	38
	% of Total	0%	0%	3%	0%	97%	0%	0%	100%

3. This program helped me make progress towards my goals.	This Period	1	2	5	2	28		ATTACHMENT B	38
	Prior Periods								0
	Total	1	2	5	2	28	0	0	38
	% of Total	3%	5%	13%	5%	74%	0%	0%	100%
4. This program met my needs.	This Period			1	1	33	3		38
	Prior Periods								0
	Total	0	0	1	1	33	3	0	38
	% of Total	0%	0%	3%	3%	87%	8%	0%	100%

Additional Questions:

5. Additional comments from consumers completing the survey	
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Date Signed 01/23/2023

Approved By Mary-Claire Katz
 Date Signed 02/10/2023

Initially submitted: Jan 23, 2023 - 20:20:05



Human Welfare and Community Action Commission (HWCAC)

ACTION CALENDAR

February 8, 2023

To: Honorable Mayor and Members of the City Council

From: Human Welfare and Community Action Commission (HWCAC)

Submitted by: Mary Behm-Steinberg, Chair, HWCAC

Subject: Collaborative software for City staff and contracted agencies to share information.

RECOMMENDATION

Establish a collaborative software system that allows for nimble information sharing and troubleshooting on major projects.

CURRENT SITUATION AND ITS EFFECTS

Recent and continuing experience with the Pathways facility have underscored major problems that keep arising in the City regarding one department or agency being unaware of what another department or agency is doing on a given project. This results in a lack of clarity and transparency, as well as accountability when things go wrong, and makes the fact that often there is a lack of awareness on the part of the major players for who is responsible for what, and makes finding the simplest, most cost-effective solutions impossible.

Other problems include agencies not giving out correct information on critical programs needed by the community in emergency situations, such as the Hub and the City giving out conflicting information on whether or when emergency shelter locations would be open for unhoused people during the recent freezing rain. The system should include emergency alerts on up to the minute system failures or available services during an emergency, including public input on where, when, and how systems are unavailable.

We are recommending that the City implement a collaborative software program, such as Google Docs or a Wiki, on major projects which outlines not only which employee

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names and contact information for a given project, but is updated and sent to interested parties whenever there is a change in plan or methodology that could affect the project as a while. The wiki should be updated as situations arise, as well as provide a template for future broader future applications (such as an overhaul of the coordinated entry system (CES)), which currently has all the problems extensively documented by numerous news outlets in San Francisco's CES. We believe that this will streamline the process for clients and employees alike, avoid duplication of efforts, and expose any gaps in service.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

None

RATIONALE FOR RECOMMENDATION

The City is already struggling to provide basic services for which it is requesting further bonds. Having to do the same job multiple times at a greatly increased cost fails clients and taxpayers alike, and is another unnecessary source of frustration for already overtaxed employees. Better coordination should help alleviate some of thos issues.

CITY MANAGER

The City Manager has not taken a position on this item

CONTACT PERSON

Mary-Claire Katz

City of Berkeley

Housing and Community Services

(510) 981-5414 (tel)

mkatz@ci.berkeley.ca.us

COORDINATION BETWEEN INTERNAL DEPARTMENTS AND EXTERNAL CONTRACTORS

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

1. The City of Berkeley shall create a wiki system to ensure that city employees and contractors on specific projects have a reliable, accurate means of coordinating efforts.
2. Said wiki shall be available to public via the City's website on demand, without a public information request.

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.



Human Welfare and Community Action Commission (HWCAC)

ACTION CALENDAR

February 8, 2023

To: Honorable Mayor and Members of the City Council

From: Human Welfare and Community Action Commission (HWCAC)

Submitted by: Mary Behm-Steinberg, Chair, HWCAC

Subject: Requirements for Contracted Non-Profit Service Providers and Transparency of Grant Reports

RECOMMENDATION

Adopt first reading of an Ordinance to require improved documentation of clients who are served and turned down as part of their grant reporting narrative with results posted on the City's website.

CURRENT SITUATION AND ITS EFFECTS

When it comes to agencies serving individual clients, Commissioners in several City commissions have received numerous complaints about non-profit service providers not providing services which the City has contracted for to eligible clients, and the City currently has no mechanism for ensuring that the needs of clients are met. While the HWCAC is tasked with reviewing grants, we often have insufficient information to assess the relative success or failure of individual programs.

Individual clients often claim that they feel safe reporting problems to commissioners, but that they fear reprisals or losing what little services they get if they allow us to use their names and dates of alleged incidents, which precludes both us and any agency in question from addressing the problem in a constructive way.

As such, we recommend that Council require service providers to expand intake records to include the following:

February 8, 2023

1. a section detailing requested services;
2. reasons for rejection, if applicants did not receive requested services; and
3. commentary on actions taken by the agency in either case (services provided or referrals given where applicants are rejected, such as referral to a case worker, where appropriate).

These reports would then be summarized on the grant report with minimum effort, and duplicate services between agencies, as well as holes in services, could be easily assessed and addressed.

Moreover, in the event that there any unmet needs were because of inadequate funding and/or staffing, the new records will provide detailed, documentary, data-driven evidence that will inform the next funding period, as well as allow agencies to address core program procedures in a more nuanced, effective way. It will also allow for better oversight of programs that are not currently fully meeting their mandates, and make a detailed grant narrative much simpler and less time-consuming to produce.

All agencies contracted by the City of Berkeley shall also post eligibility requirements under the 2008 ADAAA, so that both employees and clients remain aware of expanded eligibility for inclusion in programs.

An ongoing, anonymized account of this information should be freely available to the public on the City's website to ensure maximum transparency.

We recommend that these changes be enacted immediately with current contractors, or at the very least, incorporated into amendments to be made on contracts that were extended for an additional fiscal year without an RFP. We would also like them included on all future RFPs.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

None

RATIONALE FOR RECOMMENDATION

February 8, 2023

The City is currently paying for services that are not being rendered to all eligible applicants.

ALTERNATIVE ACTIONS CONSIDERED

Several commissioners in a variety of different commissions have already tried speaking with non-profit service providers about these issues, without a high degree of success. Information regarding these grants, which currently are not overseen in terms of actual services rendered, are difficult or impossible to find.

CITY MANAGER

The City Manager has not taken a position on this item

CONTACT PERSON

Mary-Claire Katz

City of Berkeley

Housing and Community Services

(510) 981-5414 (tel)

mkatz@ci.berkeley.ca.us

ORDINANCE NO. 3.78.010

REQUIREMENTS FOR CITY NON-PROFIT SERVICE PROVIDERS AND
TRANSPARENCY OF SERVICES PROVIDED

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

1. The City of Berkeley's ATTACHMENT B: REQUIRED CITY OF BERKELEY INTAKE ELEMENTS (https://berkeleyca.gov/sites/default/files/2022-02/AttachmentB_RequiredIntakeElementsFY2022.pdf) be updated to include a section detailing requested services, as well as reasons for rejection, if applicants did not receive requested services. Section should also include commentary on actions taken by the agency in either case (services provided or referrals given where applicants are rejected). A summary of those results is required as part of the grant reporting narrative and may affect eligibility for future City contracts, and will be listed on RFPs from this point forward. An amendment of existing contracts carried through for an additional year will also reflect these changes.
2. Failure to serve eligible applicants will be met with a warning, which, if unremedied, may result in ineligibility for future City contracts.
3. Grant reporting for any non-profit or for-profit service provider engaged in providing affordable housing must provide full accounting of any affordable unit sold or rented at market rate to cover overhead costs.
4. Grant reports will be uploaded to the City's website to ensure maximum transparency.

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.



Human Welfare and Community Action Commission (HWCAC)

ACTION CALENDAR

February 6, 2023, 2022

To: Honorable Mayor and Members of the City Council

From: Human Welfare and Community Action Commission (HWCAC)

Submitted by: Mary Behm-Steinberg, Chair, HWCAC

Subject: Eligibility for Service as a Representative of the Poor

RECOMMENDATION

Adopt first reading of an Ordinance to allow Representatives of the Poor to come from any location in Berkeley, and requiring them to be in a low-income category.

CURRENT SITUATION AND ITS EFFECTS

City code currently mandates that six representatives of the poor be included on the commission, as follows:

“B. Six of the members shall be representatives of the poor, to be elected two from each of three districts as established by the City Council and shown on the map attached hereto, made a part hereof and marked "Exhibit A" (see Ch. 3.999).

C. The community service block grant (CSBG) target area shall comprise the total area from which three election districts are drawn. Each district will have approximately equal numbers of poverty families utilizing data from the 1980 Census.”

The Commission is responsible for review of CSBG grants, and one of the terms of that review is participation of the aforementioned representatives of the poor.

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In spite of the best efforts of commission members, the commission is down to a single representative of the poor. Moreover, while CSBG grant target areas have traditionally been in the current poverty districts, projects such as Project Homekey have shifted potential projects to other areas of the City.

Whereas participation of representatives of the poor is essential for compliance with the terms of grants that the City depends on; and

Whereas homeless and low-income individuals are now being placed in areas outside of the traditional poverty districts; and

Whereas representatives of the poor have been significantly underrepresented on the commission, potentially putting City funding at risk; and

Whereas there are low-income community members residing outside of the poverty districts who have an interest in serving in these positions

We recommend that membership as a representative of the poor be opened up to community members from anywhere in Berkeley who also qualify as low-income or below, to be grandfathered in so that any current representatives of the poor who qualified under the old guidelines and wish to continue may serve out their terms.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

None

RATIONALE FOR RECOMMENDATION

The Commission needs a larger pool of potential candidates in order to fill the seats as legally mandated.

ALTERNATIVE ACTIONS CONSIDERED

We have already recruited under the current guidelines, without success. There are willing low-income participants outside the poverty districts, so this appears to be the

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most logical course of action to ensure that the needs of the poor are represented and the City is in compliance with the law.

CITY MANAGER

The City Manager has not taken a position on this item

CONTACT PERSON

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ORDINANCE NO. 3.78.010

ELIGIBILITY FOR SERVICE AS A REPRESENTATIVE OF THE POOR IN THE
HUMAN WELFARE AND COMMUNITY ACTION COMMISSION

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

Section 1. That Berkeley Municipal Code Section **3.78.010 sections B and C** are amended to read as follows:

B. Six of the members shall be representatives of the poor, to be elected ~~two from each of three districts as established by the City Council and shown on the map attached hereto, made a part hereof and marked "Exhibit A"~~ from below Berkeley median income individual residing anywhere within City limits, while allowing any current representatives of the poor who qualified under the old guidelines to serve out their terms.

~~C. The community service block grant (CSBG) target area shall comprise the total area from which three election districts are drawn. Each district will have approximately equal numbers of poverty families utilizing data from the 1980 Census. The CSBG target area is no longer limited to the former poverty districts drawn according to the 1980 census because the community of individuals in poverty are now spread into a wider area of the community as a result of placement of homeless individuals into residence hotels and RV parking, along with other programs, into other geographical areas.~~

Section [Number. Single-click and type]. 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.

ACTION CALENDAR

February 6, 2023, 2022

To: Honorable Mayor and Members of the City Council

From: Human Welfare and Community Action Commission (HWCAC)

Submitted by: Mary Behm-Steinberg, Chair, HWCAC

Subject: Accessibility and Availability of Materials on City Website

RECOMMENDATION

Currently, many disabled people are unable to fully exercise their rights in the City because many of the documents on the City's website are inaccessible, including blurry photocopies which are not readable by screen readers. This is especially difficult for people trying to make a positive contribution to the City, including employees who may not be able to be fully informed about longstanding issues, as well as Commissioners, activists, and members of the general public. Requests for accommodation to the appropriate sources have not been met on numerous occasions, and it would both save staff a lot of work to fulfill that legal requirement and allow private citizens to do necessary research at will. It also becomes difficult for commissioners, activists, and members of the general public to coordinate efforts and collaborate with the wider community and with Council when they are unable to attend meetings if said meetings are not available to review online. These factors can be a barrier to employment, which makes them discriminatory.

Recorded meetings with a note indicating when in the recording a given agenda item comes up, would allow for more fact-based, decision-making, as well as giving a broader understanding of the wide variety of needs and perspectives that need to be addressed. The automatically captioned transcripts offered from the Disabilities Commission do not readily recognize speech impediments or accents that aren't "standard US broadcast English," rendering them useless.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS None

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) None

RATIONALE FOR RECOMMENDATION Full participation in the City's decision-making processes and advocacy for oneself and one's community are fundamental rights of every citizen. Without access to the same factual information available to every other citizen, advocacy for all disabled people, buy all disabled people becomes impossible.

ALTERNATIVE ACTIONS CONSIDERED We see no alternative to ensuring that every citizen has access to documents and the processes by which decisions which directly effect the ability of citizens to live their best lives here is available to all.

CITY MANAGER The City Manager has not taken a position on this item

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ACCESSIBILITY AND AVAILABILITY OF MATERIALS ON CITY WEBSITE

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

- 1. The City of Berkeley shall make all materials on it's website ADA compliant.**
- 2. All Commission and Committee meetings shall be uploaded to the City's website, with a note indicating where on the recording each agenda item begins.**
- 3. All City contracts, grant reporting, inspection reports, and other business of interest to the general public shall be available online to the public without a public information request.**

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.



Human Welfare and Community Action Commission (HWCAC)

ACTION CALENDAR

February 8, 2023

To: Honorable Mayor and Members of the City Council

From: Human Welfare and Community Action Commission (HWCAC)

Submitted by: Mary Behm-Steinberg, Chair, HWCAC

Subject: Accessibility Quality Assessment program to handle non-conforming public facilities and complaints from seniors and disabled people over substandard services or services not provided

RECOMMENDATION

Establish an Accessibility Quality Assessment program that allows vetted individuals unfettered access to all City facilities, starting with emergency facilities that aren't compliant with the Americans with Disabilities Act (ADA) and its 2008 update, the ADAAA, along with the power to make binding recommendations for any necessary changes, ensuring that non-conforming facilities are still safe. Said positions should be paid through an independent third source, which will empower residents and other users of said facilities to make complaints without fear of reprisals, and should be occupied by people with lived experience with a variety of common severely disabling conditions (including invisible disabilities, which are frequently illegally excluded from programming) as well as experience working with City bureaucracy. This program would also be responsible for overseeing City contractors who are improperly executing their contracts for this population; are excluding eligible individuals; and/or not executing some of the provisions of their contracts at all.

The City would pay for CAS-p certification for these individuals, as well as requiring that they take free online W3C training (for digital accessibility), ensuring that they could not only bring lived experience to the position(s), but also the necessary technical expertise to ensure the best possible results where the City has declared full compliance with the updated ADA to be impossible or has continued using substandard contractors.

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Ideally, the City would hire a principle oversight officer who would oversee additional officers with a broad spectrum of lived experience as necessary.

CURRENT SITUATION AND ITS EFFECTS

Recent and continuing experience with the Pathways facility have underscored major problems that keep arising in the City regarding inadequate facilities and facility management as they impact disabled people and seniors. The result of this situation has been especially egregious at the Pathways Stair Center, where facilities marked as accessible contained no accessible bathrooms; no accessible showers; doors that were heavy enough to repeatedly break electric wheelchair controls, trapping residents in their own waste; improper ramps; and improper storage of prescriptions and hypodermic needles, making transmission of any existing communicable diseases not only more likely, but probable.

These discoveries were a direct result of complaints from a commissioner who toured with the Homeless Commission in 2020, and having had issues with access at the facility herself with her own mobility device, an interview with a resident in wheelchair. That resident stated that broken wheelchair controls as a result of overly heavy, non-conforming doors, left staff mocking him, carrying him back to his bed, and left him being forced to sleep in his own waste. There were other problems as well, owing to very poor project design, which left even able-bodied clients feeling vulnerable, such as assaults (including allegations of sexual assault), which likely had to do with integrating people with violent histories into a co-ed dorm space with no privacy.

As a result, the City hired private consultants who verified over \$300,000 worth of violations, but failed to address the issue with pharmaceuticals at all (please see attachment 1). ¹What the abovementioned commissioner noted as far as pharmaceuticals were concerned included no safe storage, accessible 24/7, for

¹ Please see attachment. Note that this only deals with physical accessibility and does not address pharmaceutical issues, which the Chair of the Homeless Panel of Experts cited as a “program” issue rather than an infrastructure issue. The City is still paying rent on trailers at Pathways more than two and a half years after these violations were found, without having done anything. A former Homeless Commissioner and current HWCAC commissioner found and priced ADA porta-potties, and was able to convince a staff member at BACS to order it, but none of the access issues (egress to get there, for example) were addressed, nor were the pharma issues, nor the City paying for unsafe administration by the majority of BACS employees nor the inadequate trailers. As of this writing, to our knowledge, no attempt has been made to recoup the monies paid for said facility, and BACS continues to accumulate new contracts, such as the iteration of Project Homekey at the Golden Bear Motel at Cedar and San Pablo.

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hypodermic needles in a facility where drug addicts were also permitted to use; open storage of pharmaceuticals in a common refrigerator, where anyone might mistakenly reuse one of their needles in someone else's bottle; and no safe storage and use areas for pharma products that some might need for health reasons but others might be interested in coercing patients over for recreational purposes (cannabinoids; opiates; benzodiazepines; etc.). Said commissioner initially spoke with Bay Area Community Services (BACS, who manages the facility) staff, who categorically stated that there were no problems and then contradicted themselves when the client who was interviewed (and gave permission to use his name) was mentioned.

A single cooperative employee at BACS, who was found after a complaint was made to CARF, a non-profit accreditation agency forced BACS to choose someone to talk to said commissioner, proposed what sounded like an innovative and workable solution, but as of this writing, we have been unable to ascertain if it has been done at all, let alone correctly. As noted above, the service provider actively covered up the problems until the complainant living at the facility was named (as he was willing to be), which has contributed to a strong lack of trust in the community about leaving the City's contractors to do the work without reasonable oversight.

Sadly, the situation at Pathways is just one piece of the problem. Many of the City's agencies have serious complaints against them. These include refusal to serve people who fit the legal definition of "severely disabled" because they aren't in wheelchairs. Among the offenders are Bay Area Outreach and Recreation Program (BORP) and Easy Does It (whose board has actively tried to change the definition of severe disability to cut more people out) among others. In addition, Legal Assistance to Seniors (LAS) has multiple credible claims against them for profiteering off people who sometimes don't even need their services by manipulating the conservatorship court system.ⁱ One Berkeley resident had to stand trial for kidnapping her own mother out of an unlicensed care facility that LAS was using to warehouse her while attempting to liquidate the family's home, all the while feeding her an inappropriate diet for her kidney failure that was killing her.

This means that the very people the City is relying on for advice aren't always reliable, and an independent oversight program as described would serve as a bridge between the City, service providers, and clients. There are also a number of infrastructure issues which the City and its providers have ignored or refused to address, such as lack of heat in the emergency shelter run by Dorothy Day House at Old City Hall discovered by a second commissioner.

While we recognize the enormity of the problems and the lack of adequate staffing, we remain convinced that an oversight program would alleviate strain on overworked staff and provide an essential missing component in how to solve these problems in a compassionate and equitable way, and that having them be an integral part of the planning process would save clients and their families from fear, a lack of basic dignity,

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and further risk of serious bodily and mental harm. In addition, this program would save the City from potentially millions of dollars in costly, avoidable mistakes (as at Pathways), as well as reduce costly risks of lawsuits against the City, its subcontractors, and its employees.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Ensuring adequate sanitation would greatly reduce public health risks associated with defecation and urination on City streets.

ALTERNATIVES CONSIDERED

The Commission also considered having these positions be volunteer, but determined that the work was deserving of compensation. We would be happy allowing the work to be volunteer initially in order to allow it to commence immediately (or work could be paid retroactively, after approval), and would also be satisfied doing this with the provision that qualified candidates be paid on a pro rata basis for writing grants to support the paid positions.

RATIONALE FOR RECOMMENDATION

The City is already struggling to provide basic services for which it is requesting further bonds. Having to do the same job multiple times at a greatly increased cost fails clients and taxpayers alike, and is another unnecessary source of frustration for already overtaxed employees. As the situation currently stands, clients don't make complaints directly to either the City or service providers for fear of reprisals. Having CAS-p and, in the case of digital programming, W3C certified individuals vet City programs, will take a large burden off individuals not qualified to do the work while saving clients humiliation and injury and the City money and liability, and will empower clients to speak up about gaps and potentially dangerous lapses in service.

CITY MANAGER

The City Manager has not taken a position on this item

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ACCESSIBILITY QUALITY ASSESSMENT PROGRAM TO HANDLE NON-CONFORMING PUBLIC FACILITIES AND COMPLAINTS FROM SENIORS AND DISABLED PEOPLE OVER SUBSTANDARD SERVICES OR SERVICES NOT PROVIDED

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

1. The City of Berkeley shall create multiple independent, flexible, non-exempt part to full-time positions to be filled on a pro-rata basis at a starting pay rate equivalent to \$100,000 a year plus benefits.
2. Said employees shall complete CAS-p certification at City expense within a 6 month time-frame, as well as free W3C certification within a year.
3. Said positions shall only be filled by persons with an array of severe disabilities. Work experience shall not be considered in lieu of lived experience, but work experience shall be considered as an enhancement in employee recruitment.
4. Experience working within the City's structure for a minimum of 3 years is required.

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.

ⁱ <http://www.coalition4rights.com/civil-death-of-katherine-carter//civil-death-of-katherine-carter-part-3> The documentation has links to related stories in the Oakland Tribune, but is a more detailed source from a non-profit fighting conservatorship abuse. Please note: the "trusted professionals" that the court refused to rein in placed Katherine Gist in an unlicensed care facility while attempting to liquidate her estate to pay themselves outrageous fees. The facility was killing her with the wrong diet, and the family had to defy court orders and kidnap her.

More information about Legal Assistance for Seniors: <http://www.coalition4rights.com/legal-assistance-for-seniors//alleged-elder-abuse-by-oakland-non-profit-legal-assistance-for-seniors-part-4>