

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

MONDAY, JANUARY 30, 2023

2:30 P.M.

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf
Alternate: Councilmember Ben Bartlett

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://cityofberkeley-info.zoomgov.com/j/1618949724>. 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 **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and Enter Meeting ID: **161 894 9724**. 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.

Roll Call: 2:36 p.m. Present: Bartlett (for Wengraf), Arreguin. Absent: Hahn

Public Comment – 6 speakers.

Review of Agendas

1. Approval of Minutes: January 17, 2023

Action: M/S/C (Arreguin/Bartlett) to approve the minutes of 1/17/23.

Vote: Ayes – Bartlett, Arreguin; Noes – None; Absent - Hahn.

2. Review and Approve Draft Agenda:

2/14/23 – 6:00 p.m. Regular City Council Meeting

Action: 6 speakers. M/S/C (Arreguin/Bartlett) to approve the 2/14/23 agenda with the changes noted below.

- *Item Added: Affordable Housing Mitigation (Harrison) – Action Calendar - Public Hearing, to be agendized with Item 1 on the agenda from the City Manager*
- *Item 1 Affordable Housing Mitigation (City Manager) – Scheduled for 2/14/23 Action Calendar - Public Hearing*
- *Item 12 Southside Impact Fee (Robinson) – Revised material submitted. Scheduled for 2/14/23 Consent Calendar*

Vote: Ayes – Bartlett, Arreguin; Noes – None; Absent - Hahn.

Order of Items on Action

Item 1 Affordable Housing Mitigation (City Manager)

Item Added: Affordable Housing Mitigation (Harrison)

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

- None Selected

4. Adjournments In Memory

1. Chimey Lee, Community Activist
2. Mel Martynn, Community Activist

Scheduling

- 5. Council Worksessions Schedule** – Mayor Arreguin noted that the special meeting to consider the Hopkins Corridor Plan has been rescheduled from February 2, 2023 to April 18, 2023.

6. Council Referrals to Agenda Committee for Scheduling

Action: (Arreguin/Bartlett) to schedule the Climate Action Plan and Resilience Update for the March 14, 2023 regular City Council meeting.

Vote: Ayes – Bartlett, Arreguin; Noes – None; Absent - Hahn.

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

Referred Items for Review

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

8b. Analysis of Return to In-Person Meetings of City Legislative Bodies

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

9a. Adding a Youth Member to the Environment and Climate Commission

From: Youth Commission

Referred: January 4, 2023

Due: June 5, 2023

Recommendation: That Council adds a seat on the Environment and Climate Commission for a person under 18 years of age; and that Student Director on the Berkeley Unified School Board nominates the new youth commissioner and that the full board confirms the appointment.

Financial Implications: None

Contact: Ginsi Bryant, Commission Secretary, (510) 981-6700

9b. Support for Youth Appointee to Environment and Climate Commission

From: Environment and Climate Commission

Referred: January 4, 2023

Due: June 5, 2023

Recommendation: Refer to the City Manager to evaluate the feasibility of, and subsequently prepare draft legal language to enable, a tenth voting Environment & Climate Commission (ECC) member, representing youth, nominated by a suitable body or individual and confirmed by a suitable board of elected officials.

If feasible, the ECC recommends that a youth representative be nominated by the BUSD Student Director and confirmed by the full BUSD Board of Directors, in alignment with the recommendation passed by the Youth Commission.

Financial Implications: See report

Contact: Billi Romain, Commission Secretary, (510) 981-7400

Referred Items for Review

9c. Adopt an Ordinance Amending Berkeley Municipal Code Chapter 3.82 Modifying Membership and Appointment Procedures for the Environment and Climate Commission

From: Councilmember Harrison (Author)

Referred: January 4, 2023

Due: June 5, 2023

Recommendation: Adopt an Ordinance Amending Berkeley Municipal Code Chapter 3.82 Modifying Membership and Appointment Procedures for the Environment and Climate Commission

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action: 7 speakers. M/S/C (Arreguin/Bartlett) to send the items from the Youth Commission, Environment and Climate Commission, and Councilmember Harrison to the City Council with a qualified positive recommendation that the item proposed by Councilmember Harrison be adopted as revised to state that the full City Council will appoint the members to the two youth seats on the Environment and Climate Commission, and that the Berkeley Unified School District Board of Directors will provide recommendations to the City Council on candidates for the youth seats.

Vote: Ayes – Bartlett, Arreguin; Noes – None; Absent - Hahn.

Referred Items for Review

10. **Bureaucratic Effectiveness and Referral Improvement and Prioritization Effort (BE RIPE)**

From: Councilmember Droste (Author)

Referred: January 4, 2023

Due: June 5, 2023

Recommendation: In order to ensure that the City focuses on high-priority issues, projects, and goals and affords them the resources and funding such civic efforts deserve, the City Council should consult with the City Manager's Office to develop and adopt a suite of revisions to the City Council Rules of Procedure and Order that would implement the following provisions:

1. Beginning in 2023, Councilmembers shall submit no more than one major legislative proposal or set of amendments to any existing ordinance per year, with the Mayor permitted to submit two major proposals, for a maximum of ten major Council items per year.
2. In 2023 and all future years, Councilmembers shall be required to submit major items before an established deadline. Council shall then prioritize any new legislative items as well as any incomplete major items from the previous year using the Reweighted Range Voting (RRV) process. This will help establish clear priorities for staff time, funding, and scheduling Council work sessions and meetings. For 2023 alone, the RRV process should include outstanding/incomplete Council items from all previous years. In 2024 and thereafter, the RRV process should only incorporate outstanding/incomplete major items from the prior year. However, Councilmembers may choose to renominate an incomplete major policy item from an earlier year as their single major item.
3. During deliberations at a special worksession, Council retreat, and/or departmental budget presentations, Council and the City Manager should develop a work plan that establishes reasonable expectations about what can be accomplished by staff given the list of priorities as ranked by RRV. Council should also consult with the City Manager and department heads, particularly the City Attorney's office, Planning Department, and Public Works Department on workload challenges (mandates outside Council priorities, etc.), impacts, reasonable staff output expectations, and potential corrective actions to ensure that mandated deadlines are met, basic services are provided, and policy proposals are effectively implemented.
4. Budget referrals and allocations from City Council must be explicitly related to a previously established or passed policy/program, planning/strategy document, and/or an external funding opportunity related to one of these. As a good government practice, councilmembers and the Mayor may not submit budget referrals which direct funds to a specific organization or event. Organizations which receive City funding must submit at least annually an application detailing, at a minimum: the civic goal(s)/purpose(s) for which City funds are used, the amount of City funding received for each of the preceding five years, and quantitative or qualitative accounting of the results/outcomes for the projects that made use of those City funds. Organizations receiving more than \$20,000 in City funds should be required to provide quantitative data regarding the number of individuals served and other outcomes.
5. Ensuring that any exceptions to these provisions are designed to ensure flexibility in the face of an emergency, disaster, or urgent legal issue/liability and narrowly tailored to be consistent with the goals of enhanced efficiency, effectiveness, fairness, and focus.

Financial Implications: See report

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

Action: Item continued to the next meeting.

Referred Items for Review

11. Reforms to Public Comment Procedures at meetings of the Berkeley City Council

From: Councilmember Droste (Author)

Referred: January 4, 2023

Due: June 5, 2023

Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order: Section IV. Conduct of the Meeting and Appendix C Temporary Rules for The Conduct of City Council Meetings Through Video Conference During The Covid-19 Emergency to:

1. Consolidate non-agenda public comment, public comment on the Consent Calendar, and public comment on Action Items into a single public comment period toward the start of the Council meeting (consistent with the Berkeley Unified School District's public comment procedure), and continue to provide for additional time for public comment at the end of meetings;
2. Adopt reasonable limits on the overall number of public speakers (consistent with rulings from the Second District Court of Appeal) with a mechanism for the City Council to extend public comment; and
3. Rescind Resolution No. 70,091– N.S

Financial Implications: See report

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

Action: 6 speakers. M/S/C (Arreguin/Bartlett) to send the item to the City Council with a negative recommendation that no action be taken on the item.

Vote: Ayes – Bartlett, Arreguin; Noes – None; Absent - Hahn.

12. Discussion of Potential Changes and Enhancements to the City Council Legislative Process

Action: Item continued to the next meeting.

Unscheduled Items

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

14. Discussion Regarding Design and Strengthening of Policy Committee Process and Structure (Including Budget Referrals)

Items for Future Agendas

- None

Adjournment

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

Vote: Ayes – Bartlett, Arreguin; Noes – None; Absent – Hahn.

Adjourned at 4:29 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on January 30, 2023.

Rose Thomsen, Deputy 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.