

SUPPLEMENTAL COMMUNICATIONS AND REPORTS 2

BERKELEY CITY COUNCIL REGULAR MEETING

DATE OF MEETING: TUESDAY, JULY 11, 2023

TIME: 6:00 P.M.

The agenda packet for this meeting was distributed/posted on June 29, 2023. Communications in this supplement were received after 5pm on July 5, 2023. This communication packet was distributed/posted on July 10, 2023.

Consent Calendar

Each item in this supplement follows the corresponding item on the City Council Agenda for this date.

Item #29: Resolution Opposing Tokyo Electric Power Company and the Government of Japan's Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean

- 131. Seaver Wang, on behalf of The Breakthrough Institute
- 132. Diane Bohn
- 133. Miya Sommers

Action Calendar – New Business

Item #31: Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring

- 134. Supplemental material, submitted by the City Auditor

Item #32: Referral Response: Affordable Housing Preference Policy for Rental Housing Created Through the Below Market Rate and Housing Trust Fund Programs

- 135. Carole Marasovic

Item #33: Adoption – Civic Center Phase II – Design Concept

- 136. Chase Hommeyer
- 137. Michael Weber
- 138. Miranda Ewell
- 139. Ruth Morgan

140. Summer Brenner
141. Drew Goetting, on behalf of Restoration Design Group
142. Ann Harlow
143. Stefen
144. Sylvia Soriano
145. Mary Price
146. Irene Rice
147. Fredrica Drotos
148. Dick and Mariko Eastman
149. Carolyn Shoulders
150. Tom Miller
151. Sheila Himmel
152. Bernard Marszalek
153. Sally Nelson
154. Stephen Most
155. Margot Cunningham
156. Jennifer Ware
157. Kathleen Giustino
158. Toni Mester
159. Nancy Schimmel
160. Charles Enchill

Item #34: Dedicated Public Comment Time for City of Berkeley Unions

161. Supplemental material, submitted by Councilmember Humbert

Action Calendar

**Item #35: De-Prioritizing the enforcement of laws imposing criminal penalties for
Entheogenic/Psychedelic plants and fungi for personal use**

162. Camille MacDonald
163. Fran Haselsteiner
164. Clifton Ross
165. Karen Armstead

Benado, Tony

From: Seaver Wang <seaver@thebreakthrough.org>
Sent: Thursday, July 6, 2023 12:49 PM
To: All Council
Cc: Ted Nordhaus; Alex Trembath
Subject: Breakthrough Institute Comment Attached Regarding Item 29 Resolution Opposing Tokyo Electric
Attachments: BTI Letter to Berkeley City Council.pdf

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To Whom It May Concern,

I am Seaver Wang, Co-Director of the Climate and Energy team at the Breakthrough Institute, a US-based environmental nonprofit research center located in Berkeley, California. It has recently come to our attention that Berkeley City Councilmember Kate Harrison has recently proposed a new resolution calling for the city of Berkeley to formally oppose Japan's planned discharge of objectively harmless wastewater from the Fukushima Daiichi Nuclear Power Plant.

As a Berkeley-based environmental research institution with staff possessing special expertise in oceanography and nuclear power plant safety, we find this proposed resolution to be a senseless distraction for the city's public agenda that is at best political grandstanding, and at worst environmentally counterproductive and harmful to social justice.

As we establish in our attached letter, the proposed release of water poses zero risk to public health and environmental safety off the coast of Japan, and certainly for Berkeley residents and businesses. We show that a person drinking nothing but the treated water for an entire year would experience a fraction of the equivalent of a chest X-ray procedure. We emphasize that the International Atomic Energy Agency has determined in their final report, released this week, that the planned release will "have a negligible radiological impact" and is "consistent with relevant international safety standards."

We have attached our comment on Councilmember Harrison's proposed resolution to this email as a PDF document.

Yours sincerely,
Seaver Wang

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Seaver Wang, Ph.D. (he/him)
Co-Director, Climate and Energy Program
The Breakthrough Institute
seaver@thebreakthrough.org
Twitter: [@wang_seaver](https://twitter.com/wang_seaver)



July 06, 2023

To: Honorable Mayor and Members of the City Council

From: Dr. Seaver Wang and colleagues at the Breakthrough Institute

Subject: We Strongly Oppose Councilmember Harrison's Symbolic and Non-Scientific Proposed Resolution Criticizing the Government of Japan's Planned Discharge of Wastewater from the Fukushima Daiichi Nuclear Power Plant.

Any visitor walking along Berkeley's sunny streets will read the same message posted in front of house after house, in window after window: "In this house we believe science is real." With Berkeley hosting one of the nation's proudest public universities and a prestigious National Laboratory, this communal respect for the scientific method and for critical analysis should surprise nobody.

As such, we find it highly disappointing that Councilmember Kate Harrison has recently proposed a new resolution calling for the city of Berkeley to formally oppose Japan's planned discharge of objectively harmless wastewater from the Fukushima Daiichi Nuclear Power Plant.

Councilmember Harrison's resolution grossly overstates the negligible risks posed by the release of treated water from the Fukushima facility. If the average person were to drink 2 liters of water per day directly from the planned Fukushima releases (following desalination) for a full year at the planned upper limit concentration of 40,500 picocuries/liter (1500 bequerels/L)¹, their total added dose of radiation would be 0.0197 millisieverts (Sv)², the equivalent of less than one-fifth the dose of a medical chest X-ray (0.1 mSv)³, and approximately the added radiation exposure from a single 5-hour coast-to-coast airline flight (0.02 mSv).⁴ The planned Fukushima release is already around just one-seventh of the World Health Organization's threshold for tritium in drinking water.⁵

¹ International Atomic Energy Agency. "IAEA Review of Safety Related Aspects of Handling ALPS-Treated Water at TEPCO's Fukushima Daiichi Nuclear Power Station: Report 5: Review Mission to NRA." 2023.

² 730.5 liters × 1500 Bq/L × 1.8E-11 Sv/Bq (dose coefficient for tritium, in Sv/Bq, from *Radiological Aspects*. World Health Organization, 2022. <https://www.ncbi.nlm.nih.gov/books/NBK579448/>)

³ Harvard Health. "Radiation Risk from Medical Imaging," September 22, 2010. <https://www.health.harvard.edu/cancer/radiation-risk-from-medical-imaging>.

⁴ Friedberg, W; Copeland K (2011). "Ionizing Radiation in Earth's Atmosphere and in Space Near Earth" Civil Aerospace Medical Institute, Federal Aviation Administration, DOT/FAA/AM-11/9.

⁵ "Is Fukushima Wastewater Release Safe? What the Science Says." Nature 618, no. 7967 (June 22, 2023): 894–95. <https://doi.org/10.1038/d41586-023-02057-y>.



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Dilution of the Fukushima release by a little over a factor of two would put the release well below the U.S. Environmental Protection Agency's threshold for tritium in water of 20,000 pCi/L. Needless to say, the vast Pacific Ocean is approximately 700,000,000,000 times larger in volume than all the stored wastewater at Fukushima, which would in any event only be released gradually over the span of decades. Scientific measurements will struggle to detect any signal from the released water relative to naturally-occurring background radiation in seawater even within a few tens of kilometers of the release. In their final report reviewing the safety of water treated at the Fukushima power plant, the International Atomic Energy Agency determined that the planned release will "have a negligible radiological impact" and is "consistent with relevant international safety standards."⁶ My colleagues and I at the Breakthrough Institute would be happy to drink the treated water, if provided, at a future City Council meeting to publicly demonstrate that the water is entirely safe.

By the time any water molecules from the coast of Japan reach the coast of California, a oceanic circulation process requiring around 2-3 years,⁷ no scientific instrument on Earth will be able to distinguish any remaining additional radioactivity from the release. Clearly, Councilmember Kate Harrison's claim that the release "could impact millions of lives and livelihoods in the Pacific region" and "imposes considerable risks to environmental and human rights across the globe" amounts to nothing but sheer political theater. The risk to Berkeley "residents and businesses" is, quite literally, zero.

We further note that many of the experts and organizations that Councilmember Harrison has chosen to quote represent explicitly anti-nuclear advocacy groups, including Greenpeace International, Friends of the Earth, and No Nukes Action. These single-mindedly traditionalist activist organizations have remained ideologically opposed to the promise of clean nuclear energy for helping societies worldwide act against climate change. Their critique of the planned Fukushima release is primarily intended to stigmatize nuclear energy. Councilmember Harrison's draft resolution meanwhile ignores a vast array of scientifically rigorous and open-minded researchers, more forward-thinking advocates, and institutions that support clean nuclear power as a critical tool alongside wind, solar, batteries, and other low-carbon energy sources in decarbonizing the global energy system.⁸

In response to Councilmember Harrison's invocation of social justice, we assert that anti-nuclear misinformation represents the far larger and more real injustice faced by Japanese, Asian, and Pacific

⁶ International Atomic Energy Agency. "IAEA Finds Japan's Plans to Release Treated Water into the Sea at Fukushima Consistent with International Safety Standards." July 4, 2023. <https://www.iaea.org/newscenter/pressreleases/iaea-finds-japans-plans-to-release-treated-water-into-the-sea-at-fukushima-consistent-with-international-safety-standards>.

⁷ "Ocean Surface Currents | Manoa.Hawaii.Edu/ExploringOurFluidEarth." Accessed July 2, 2023. <https://manoa.hawaii.edu/exploringourfluidearth/physical/atmospheric-effects/ocean-surface-currents>.

⁸ Build Nuclear Now. "Build Nuclear Now." Accessed July 2, 2023. <https://www.buildnuclearnow.org>.



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peoples because of the exaggerated discourse on the Fukushima water release issue. Anti-nuclear activists, playing to radiation-related historical traumas and vastly inflating the public health and environmental risks posed by the release, have inflicted and continue to inflict undue anxiety upon communities across the Asia-Pacific, while threatening economic harm to the peoples of Fukushima, Miyagi, and Ibaraki Prefectures in Japan. These organizations would celebrate the shutdown of nuclear power stations across Asia, even if this prolongs the continued operation of fossil fuel power plants that contribute to climate change and would directly sicken more Japanese, Korean, or Taiwanese people from air pollution.

We strongly urge the other members of the Berkeley City Council to reject Councilmember Harrison's empty resolution in the most forceful terms. And we rebuke Councilmember Harrison for occupying the city's public agenda with a resolution that is at best political grandstanding, and at worst environmentally counterproductive and harmful to social justice.

Sincerely yours,

Seaver Wang, PhD. Earth and Ocean Sciences
Co-Director, Climate and Energy
The Breakthrough Institute
seaver@thebreakthrough.org

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Benado, Tony

From: Diana <nicca@igc.org>
Sent: Friday, July 7, 2023 1:15 PM
To: All Council
Subject: Please support Council member Harrison's resolution against dumping of radioactive Fukushima water

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please support Council member Harrison's resolution against dumping of radioactive Fukushima water .

Thank you!!
Diana Bohn
District 5

Benado, Tony

From: Miya Sommers <miyasommers@gmail.com>
Sent: Monday, July 10, 2023 10:41 AM
To: All Council; City Clerk
Cc: nikkeiresisters@gmail.com
Subject: Yes to Consent Item #29 - Oppose Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor Arreguin and members of the Berkeley City Council:

I am writing on behalf of Nikkei Resisters and as someone who lived and now works in the city of Berkeley, to urge you to adopt by consent the Resolution “Opposing Tokyo Electric Power Company and the Government of Japan’s Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean (Consent Item #29)” at tomorrow’s Council meeting.

The government of Japan and TEPCO (Tokyo Electric Power Company) plan to soon begin dumping 1.3 million tons of nuclear radioactive wastewater into the Pacific Ocean. Currents will bring it here and, eventually, around the world. A 2012 study found evidence that bluefin tuna had transported radionuclides from Fukushima across the Pacific to California. Moreover, traces of Fukushima radiation have been detected off the coast of California since 2015. 70% of the water supposedly “treated” with the ALPS (Advanced Liquid Processing System) which TEPCO claims to be safe does not meet International regulatory standards for discharge. Strontium-90, one of the radionuclides found in the “treated” water, is among the most hazardous radionuclides; once in the body, Strontium-90 acts like calcium and is readily incorporated into bones and teeth, where it can cause the cancers of bone, bone marrow, and soft tissues around the bone. TEPCO’s “safety” claim does not take into consideration the potential impact of OBT (Organically Bound Tritium) on a human body; once it enters the body, OBT can replace water in soft tissues, causing damage to DNA and cell mutations. Because of TEPCO’s inadequate sampling practices, lack of data on what the water actually contains, and lack of analysis on the transboundary issues, bioaccumulation and bioconcentration of the discharge, experts like Robert H. Richmond, director of the Kewalo Marine Laboratory at the University of Hawaii at Manoa, are calling the plan “ill-advised” and premature.

The people of Japan and neighboring nations such as Korea, China, the Philippines, as well as the Pacific Island nations, overwhelmingly oppose the dumping. The Pacific Islands Forum assembled a working group of international, independent, interdisciplinary scientists and experts to research alternatives and figure out the best solution, which is to solidify the contaminated water which will remain on site and, therefore, will have very little contact with humans. While it may not be the perfect solution, the cement encasement is far safer than dumping it in the ocean; the cement will contain the tritium and it will not be released.

The IAEA (International Atomic Energy Agency) which has approved the plan, has a contradictory dual purpose of regulating nuclear energy and promoting the nuclear energy industry at the same time. For this reason, the IAEA is often seen as biased. An internal IAEA document recently leaked by a whistleblower suggests that the agency has been colluding with the government of Japan by withholding certain data from the final report at the request of the Japanese government.

It is our moral obligation to leave our oceans in as pristine a condition as possible for future generations. I urge you to vote in support of the resolution “Opposing Tokyo Electric Power Company and the Government of Japan’s Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean” at an upcoming city council meeting on July 11th, on behalf of concerned citizens like myself.

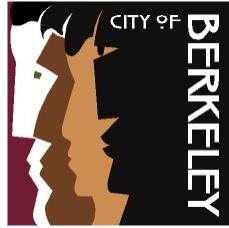
Thank you to Council Member Harrison for being the author on the consent item.

Sincerely,

Miya Sommers

Miya Sommers

miyasommers@gmail.com



Office of the City Manager

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: July 11, 2023

Item Number: 31

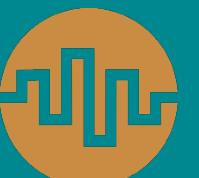
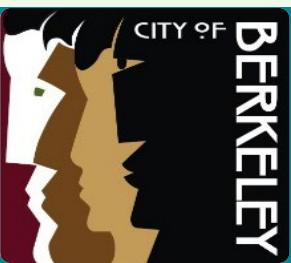
Item Description: Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring

Submitted by: Jenny Wong, City Auditor

This supplement is to add the presentation slides for this item.

Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring

Berkeley City Council Meeting
July 11, 2023



BERKELEY CITY AUDITOR

Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring

Overview

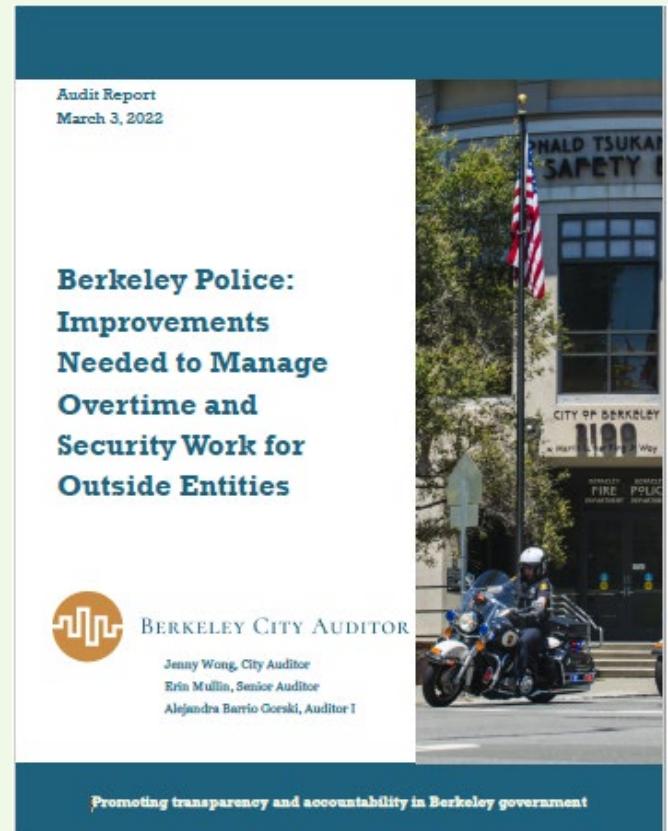
- Why we did this audit
- Objectives
- Findings
- Recommendations
- Management response



BERKELEY CITY AUDITOR

Why we did this audit:

- Staff shortages and employee retention issues in past audits.
- City staffing challenges impact almost everyone who lives in, works in, or visits Berkeley.
- Retaining employees is important in light of outside factors: increased retirements, Great Resignation.



An audit of police overtime found issues with vacancies in the Police department.



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Objectives, Scope, Methodology:

Objectives:

1. How do staff shortages affect city services?
2. What is the state of employee satisfaction?
3. What internal factors affect the City's ability to fill vacancies?
4. How does telework affect the City's ability to retain employees?
5. How does the City use data to address staff shortages?

Scope: Audit period of FY 2018 – FY 2022

Methodology:

- Analyzed available employee data
- Satisfaction survey (current employees)
- Exit survey (former employees)
- Interviewed all department directors
- Met with union representatives
- Reviewed best practices, data from other cities

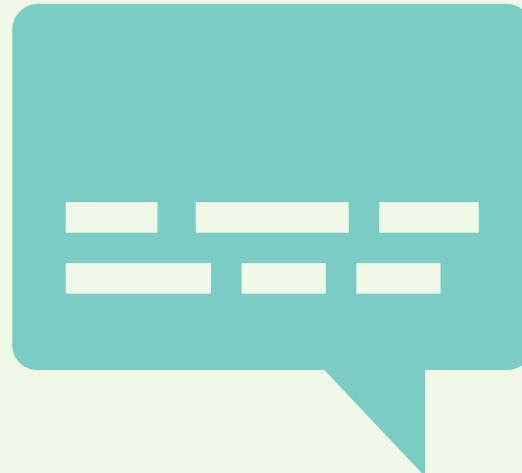


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High Response Rate for Employee Surveys:

Satisfaction survey of **2,094 active** employees: **771 responses (37%)**

Exit survey of **495 former** employees: **142 responses (29%)**



BERKELEY CITY AUDITOR

What we found:

Finding 1: Staff shortages constrained city services.

Finding 2: Some surveyed employees reported dissatisfaction and many have contemplated leaving.

Finding 3: Instability in Human Resources delayed hiring and impacted internal services.

Finding 4: Telework can benefit the City but the current policy is limited.

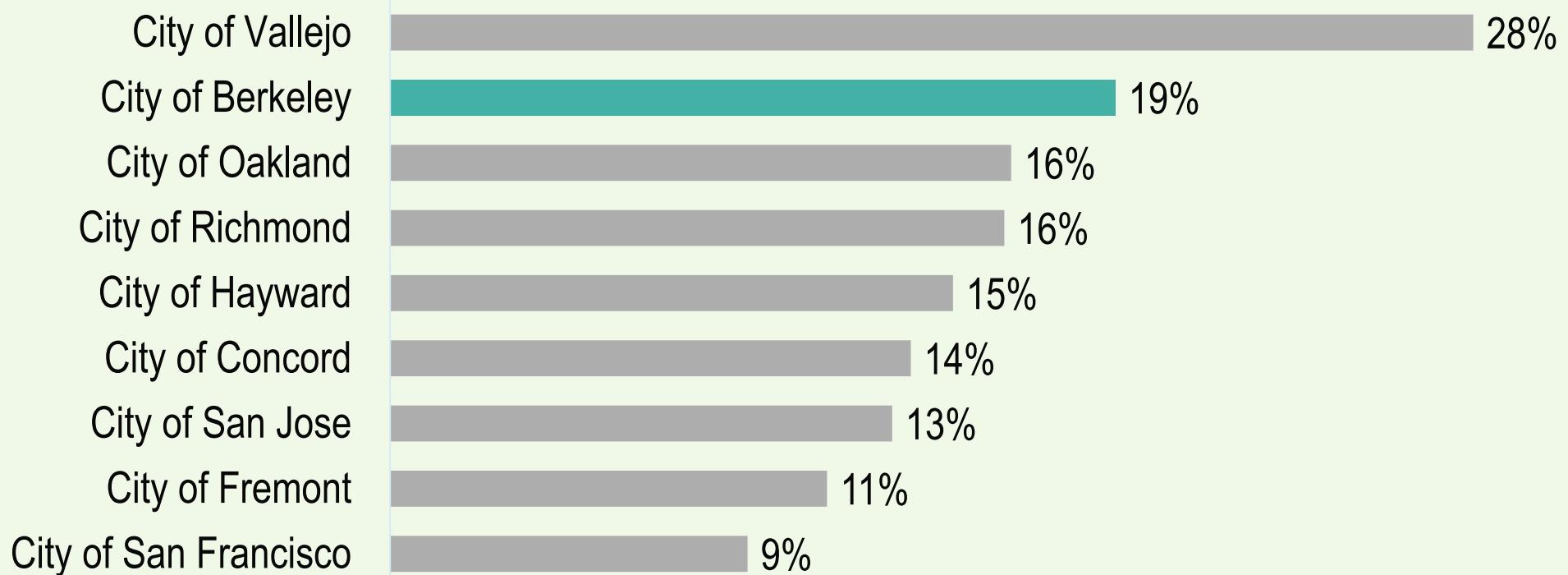
Finding 5: The City lacked reliable data to address staff shortages.



BERKELEY CITY AUDITOR

Berkeley's high vacancy rate reflected staff shortages.

Berkeley had the second highest vacancy rate compared to other Bay Area cities in 2022.



Source: City of Berkeley, City of San Francisco Human Resources, City of Oakland Human Resources. See page 7 of the report for more details.



BERKELEY CITY AUDITOR

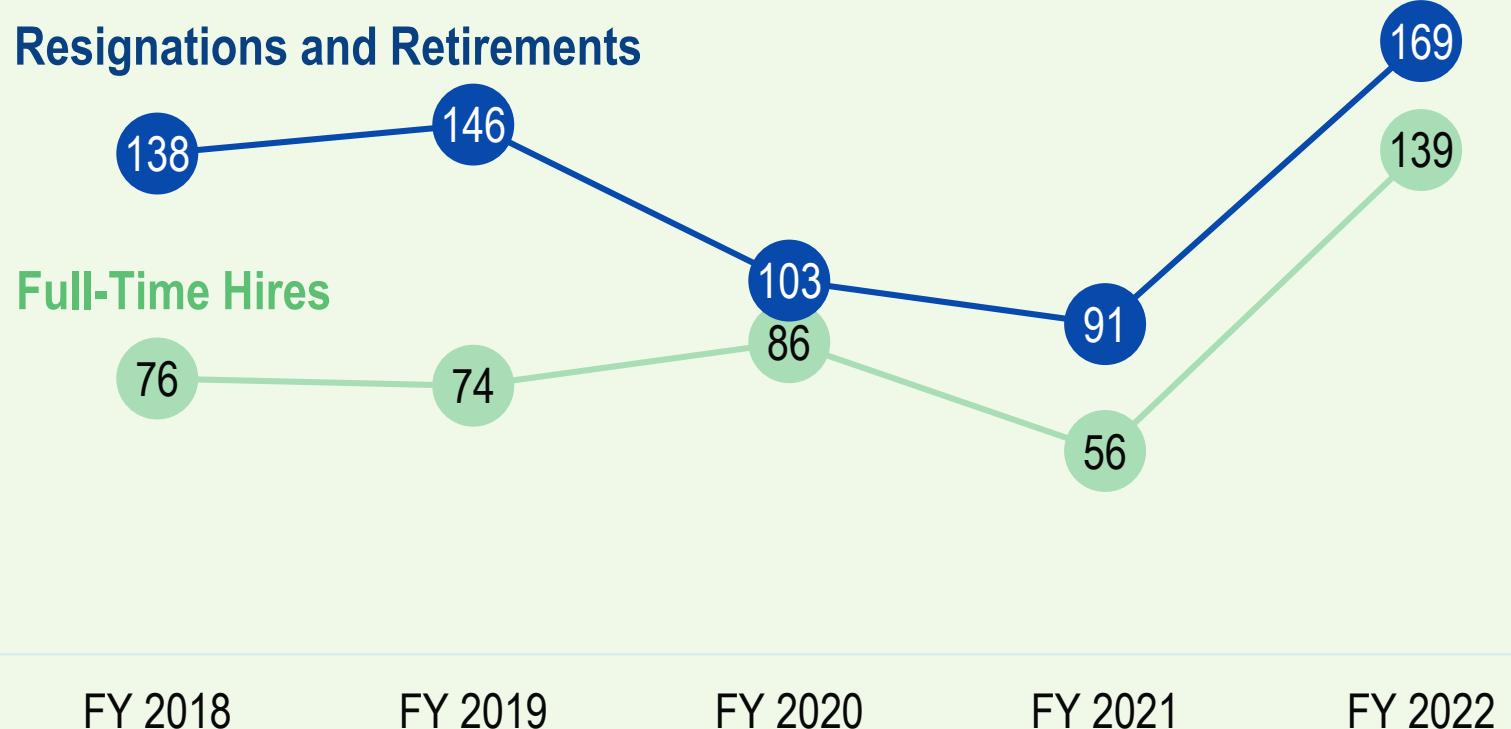
Berkeley's high vacancy rate reflected staff shortages.

The City did not hire enough employees to address the gap between voluntary separations (resignations and retirements), and new hires.

*Update: Hiring has exceeded separations every month since January 2023

Resignations and retirements outpaced full-time hires during the audit period.

Resignations and Retirements



Source: ERMA, FUND\$, and NEOGOV. See page 8 of the report for more details.



BERKELEY CITY AUDITOR

Staff shortages impaired services to the community and the City lacked a clear retention strategy.



Staff shortages impacted city services.

- Reduced services or hours of operation at clinics and senior centers.
- Temporary closures of some fire stations and increases in mandatory overtime.
- Increased risk of overpayments, missed payments, or fraud.



The City also lacked a clear and data-driven retention strategy during the audit period.

- Lack of clarity around strategy to reach strategic plan goal to attract and retain a talented and diverse city government workforce.
- No analysis of staffing levels for successful operations and services.



BERKELEY CITY AUDITOR

What we found:

Finding 1: Staff shortages constrained city services.

Finding 2: Some surveyed employees reported dissatisfaction and many have contemplated leaving.

Finding 3: Instability in Human Resources delayed hiring and impacted internal services.

Finding 4: Telework can benefit the City but the current policy is limited.

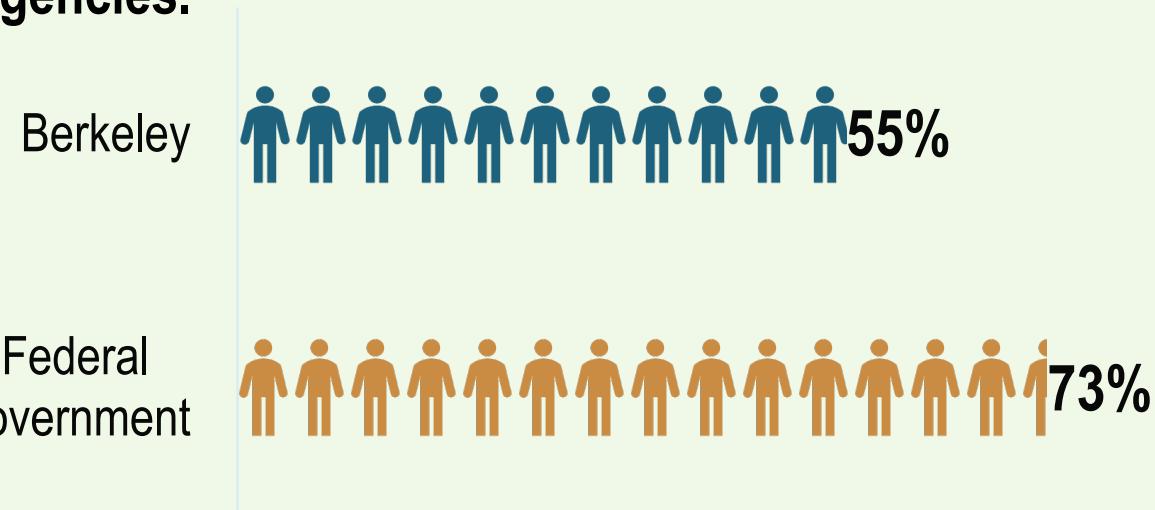
Finding 5: The City lacked reliable data to address staff shortages.



BERKELEY CITY AUDITOR

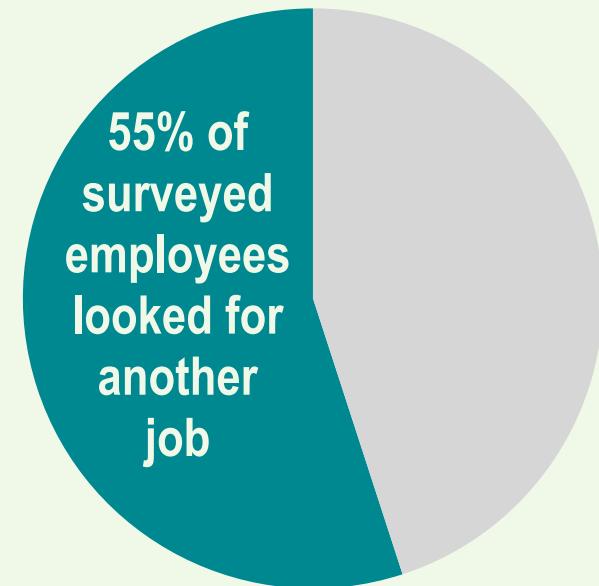
Some City of Berkeley employees reported low job satisfaction and over half have contemplated leaving.

Surveyed City of Berkeley employees reported lower job satisfaction than federal government employees in similar-sized agencies.



Source: 2022 City of Berkeley employee satisfaction survey and 2022 federal employee viewpoint survey. See page 12 of the report for more details.

Over half of surveyed employees reported looking for another job in the prior year.



Source: 2022 satisfaction survey. See page 12 of the report for more details.



BERKELEY CITY AUDITOR

Employee dissatisfaction made it harder for the City to retain staff.



Current employees:

- Workloads
- Professional development opportunities
- Pay
- Communication and support from city leadership



Former employees:

- Organizational culture problems
- Poor work environment
- Retirement
- Poor relationship with supervisor



BERKELEY CITY AUDITOR

What we found:

Finding 1: Staff shortages constrained city services.

Finding 2: Some surveyed employees reported dissatisfaction and many have contemplated leaving.

Finding 3: Instability in Human Resources delayed hiring and impacted internal services.

Finding 4: Telework can benefit the City but the current policy is limited.

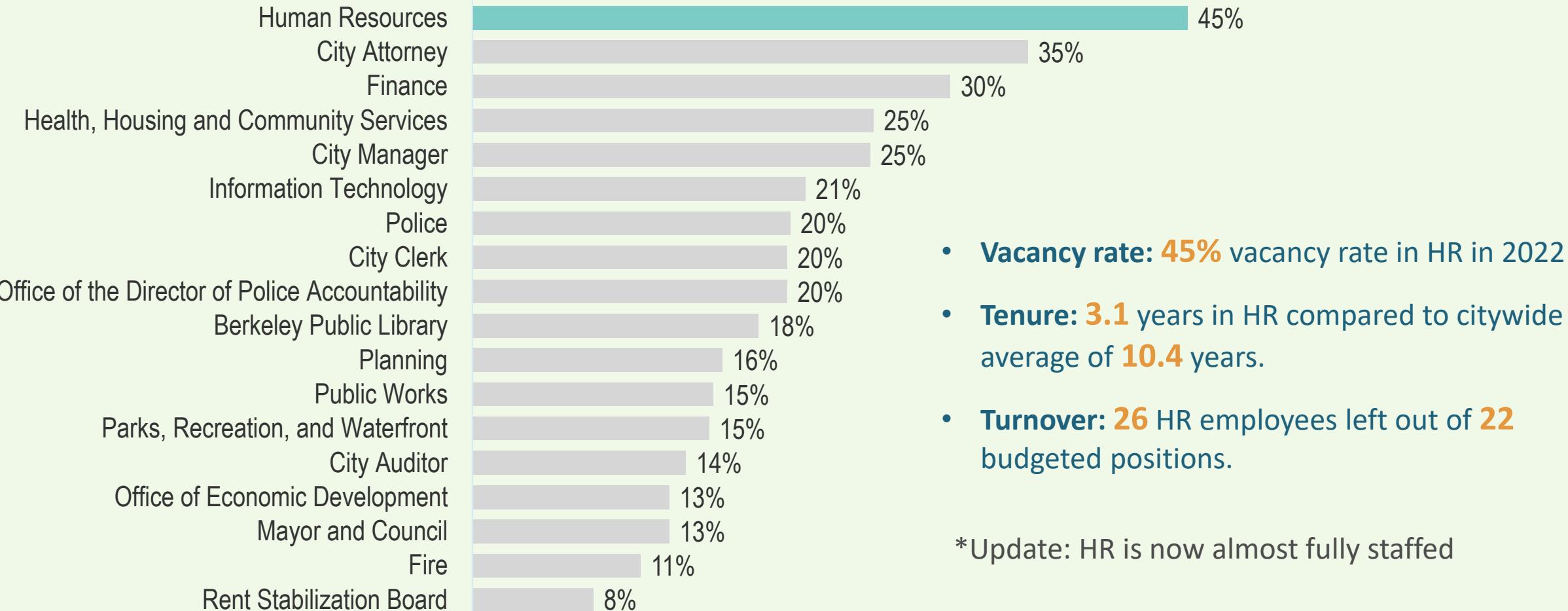
Finding 5: The City lacked reliable data to address staff shortages.



BERKELEY CITY AUDITOR

There was instability in the HR department during the audit period.

Human Resources had the City's highest vacancy rate in October 2022.



Source: Department directors. See page 25 of the report for more details.



BERKELEY CITY AUDITOR

Instability in HR contributed to challenges in the City.

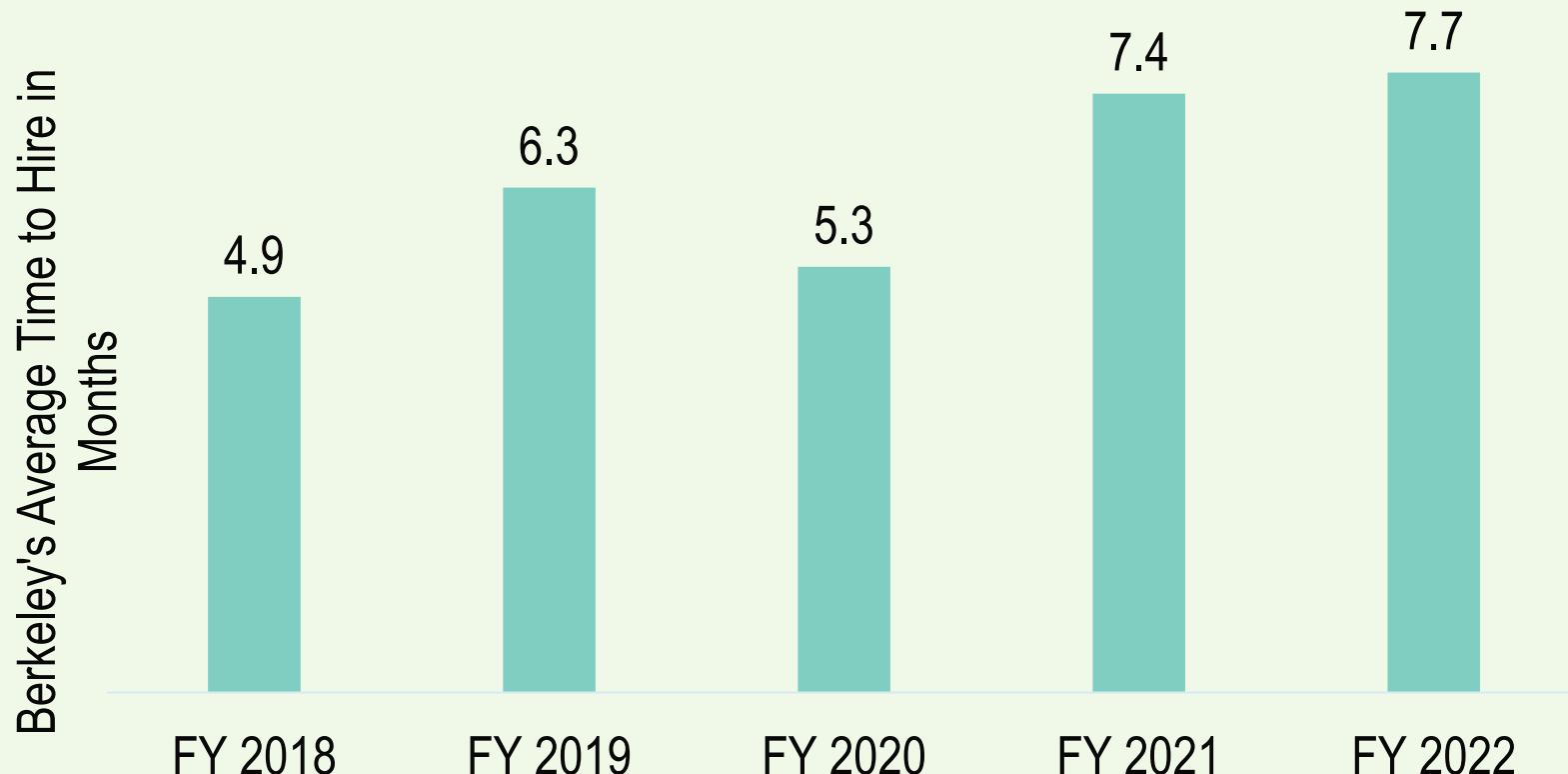
- **Training compliance:** City has been out of compliance since at least **2022**.
- **Performance evaluations:** **67%** of surveyed employees reported that they did not receive a performance evaluation in the year prior.
- **Exit surveys:** **75%** of surveyed former employees said they did not receive an exit survey upon leaving their position.



BERKELEY CITY AUDITOR

The average time to hire increased by almost three months.

The average time to hire increased since fiscal year 2018.

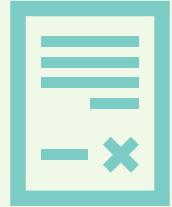


Source: NEOGOV. See page 24 of the report for more details.



BERKELEY CITY AUDITOR

Ineffective procedures may have contributed to challenges with hiring and internal services.



- HR did not generally use modern hiring processes during the audit period, and the management approval process was inefficient.



- HR did not provide hiring managers with trainings on the hiring process.



- Some employees reported inadequate onboarding.



BERKELEY CITY AUDITOR

What we found:

Finding 1: Staff shortages constrained city services.

Finding 2: Some surveyed employees reported dissatisfaction and many have contemplated leaving.

Finding 3: Instability in Human Resources delayed hiring and impacted internal services.

Finding 4: Telework can benefit the City but the current policy is limited.

Finding 5: The City lacked reliable data to address staff shortages.

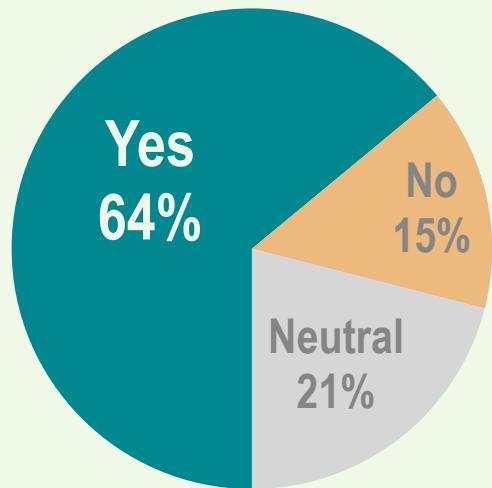


BERKELEY CITY AUDITOR

Most surveyed city employees reported being satisfied with telework.

Sixty-four percent of teleworking employees we surveyed were satisfied with their experience.

I am satisfied with my teleworking experience.



Source: 2022 satisfaction survey. See page 29 of the report for more details.

Surveyed employees reported some positive impacts of telework:

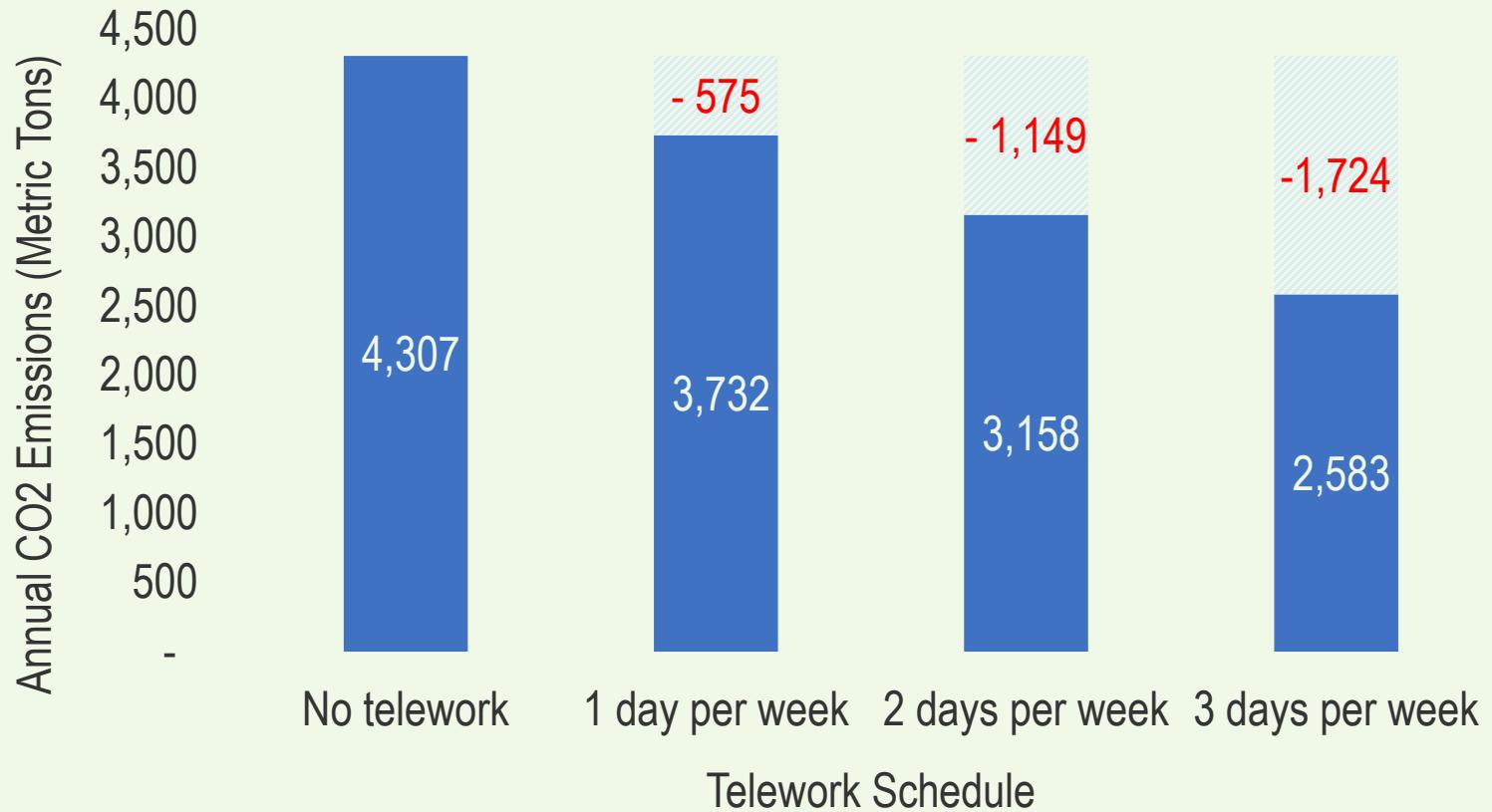
- Decreased commute time
- Improved job satisfaction
- Improved work-life balance
- Improved workplace safety



BERKELEY CITY AUDITOR

Telework may have additional benefits to the City.

Telework can reduce the amount of CO₂ produced by employee commutes.



Source: Berkeley City Auditor analysis. See page 32 of the report for more details.



BERKELEY CITY AUDITOR

The telework policy is not comprehensive and lacks accountability elements.

The City of Berkeley does not have a comprehensive telework policy.

Elements of a Comprehensive Policy	State of California	Alameda County	City and County of San Francisco	City of Berkeley
The policy requires employees to be available for contact while teleworking.	✓	✓	✓	✓
The policy states that employees must comply with health and safety requirements at their telework site.	✓	✓	✓	✓
The policy has specific eligibility guidance.	✓	✓	✓	✗
The policy has clear communication guidelines and expectations.	✓	✓	✗	✗
There is an accountability element for unresponsive employees.	✓	✓	✓	✗
There are clear instructions for requesting equipment.	✓	✓	✓	✗
There are training resources and requirements.	✓	✓	✓	✗
Supervisors must provide justification for denying telework requests.	✓	✓	✗	✗

Source: State of California telework guide, Alameda County telework policy, City and County of San Francisco's teleworking policy, City of Berkeley telework policy. See page 35 of the report for more details.



BERKELEY CITY AUDITOR

What we found:

Finding 1: Staff shortages constrained city services.

Finding 2: Some surveyed employees reported dissatisfaction and many have contemplated leaving.

Finding 3: Instability in Human Resources delayed hiring and impacted internal services.

Finding 4: Telework can benefit the City but the current policy is limited.

Finding 5: The City lacked reliable data to address staff shortages.



BERKELEY CITY AUDITOR

The City did not have reliable data on trends in retention, employee satisfaction, or diversity, equity, inclusion, and accessibility (DEIA).

Key Retention Data Was Unreliable

Data	Definition	Status
Vacancy rate	Percent of total positions that are vacant.	Unreliable
Turnover rate	Percent of employees to leave an organization during a given time period.	Unreliable

Source: Auditor conclusion. See page 36 of the report for more details.

- The City did not have reliable retention data.
- The City did not consistently send out exit surveys or collect satisfaction data.
- Berkeley has not reported sufficient data to track progress towards its diverse workforce goal and DEIA trends.



BERKELEY CITY AUDITOR

Recommendations

We recommend that the City:

- Establish retention goals, conduct an analysis of staff needed for city services and consider staff capacity around new legislation.
- Take steps to address employee satisfaction and improve the recruiting and hiring process.
- Expand the telework policy to align with best practices.
- Regularly collect data on employee satisfaction and on diversity, equity, inclusion, and accessibility.



BERKELEY CITY AUDITOR

Management Response

City management and Human Resources agreed with our audit findings, conclusions, and recommendations, and provided an action plan to address our recommendations.



BERKELEY CITY AUDITOR

Examples of management progress on addressing staff shortages:



- Hired twice as many new employees as the number who left the City in 2023.



- Filled vacancies and increased staff capacity in HR.



- Currently developing new trainings and hiring procedures.



BERKELEY CITY AUDITOR

We would like to thank city management and Human Resources for their cooperation with this audit.

We would also like to thank the employees and department directors who provided their perspectives through survey responses and interviews.



BERKELEY CITY AUDITOR

Benado, Tony

From: carole marasovic <daphnesflight@yahoo.com>
Sent: Monday, July 10, 2023 4:53 AM
To: All Council
Subject: Affordable housing preference

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor and City Council:

Please refer to the transcript below of this past Saturday, July 8, 2023 PBS interview which identifies the disproportionately high rate of California homelessness not only among those over 50, many of whom have worked physically demanding low-paying jobs, and the disproportionate rate of persons who are not only black but also Native American. Please consider the disparities of Native Americans in housing preference.

Thank you.

Carole Marasovic

<https://www.pbs.org/newshour/show/whos-most-likely-to-become-unhoused-in-california-new-study-provides-insights>

Benado, Tony

From: Chase H <chase.hommeyer@gmail.com>
Sent: Thursday, July 6, 2023 6:43 AM
To: All Council
Subject: Support FULL restoration of Strawberry Creek!

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Honorable Mayor and City Council,

On July 11, 2023 you will be considering the approval of the Civic Center Plan—please give your full support for the daylighting of Strawberry Creek in Civic Center Park!

I've lived in San Francisco and Berkeley for my whole life and doing a FULL restoration of Strawberry Creek is an issue I'm very passionate about.

I urge you to please advocate changing the description of the daylighting project from its current phrasing to this: "**Alternate plan with a daylighted Strawberry Creek, design and flow to be determined thru future study.**"

The way the Civic Center Plan is written to describe the daylighting of the Creek says it is an "alternate scenario" with just a "partial restoration". I request that the Plan not assume any limitations on the location and flow of the Creek. Please do a full planning and design study for the daylighting. The above phrasing can help to secure funding.

Thank you,
Chase Hommeyer

--
- Chase

Benado, Tony

From: Michael Weber <michaeljohnweber1@gmail.com>
Sent: Sunday, July 9, 2023 2:41 PM
To: All Council
Subject: Civic Center Plan

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Dear Honorable Mayor and City Council,

On July 11, 2023 you will be considering the approval of the Civic Center Plan. One of the most important elements of the Plan is the daylighting of Strawberry Creek in Civic Center Park. I ask for your full support.

The Civic Center Design Concept describes the daylighting of the Creek with an "alternate scenario" using the term "partial flow creek bed". I ask you to change the description of the "alternate design", from just a "partial flow" to **supporting a full flow restoration of Strawberry Creek in Civic Center Park**. It can be done while still supporting the other important park uses and activities." Thank you.

Michael Weber

1727 Addison street
Berkeley 94703

Benado, Tony

From: Miranda Ewell <mirandaewell@gmail.com>
Sent: Sunday, July 9, 2023 1:29 PM
To: All Council
Subject: Strawberry Creek

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Dear Mayor Arreguin and City Council Members:

I hope all of you will support the full flow restoration of Strawberry Creek in the plans for the new Civic Center Park. It promises to bring such delight - and wonderful environmental benefits - for all creatures of the natural world, including people! This will not block or detract from other planned uses at the park.

Thanks so much for all your hard work.

with gratitude.

Miranda Ewell
Berkeley resident

Benado, Tony

From: Ruth Morgan <morganruth397@gmail.com>
Sent: Sunday, July 9, 2023 9:46 AM
To: All Council
Subject: Subject: Restore Strawberry Creek! Item #33 - Civic Center Phase II - Design Concept Adoption

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Honorable Mayor and City Council,

On July 11, 2023 you will be considering the approval of the Civic Center Plan. One of the most important elements of the Plan is the daylighting of Strawberry Creek in Civic Center Park. I ask for your full support.

I ask you to change the description of the "alternate design", from just a "partial flow" to **supporting a full-flow restoration of Strawberry Creek in Civic Center Park**. It can be done while still supporting the other important park uses and activities." Thank you.

--
Ruth Morgan
510.701.4040
Founder, Community Works West
ruthmorganphotography.com

"Compassion without anger can become merely sentiment or pity. Knowledge without anger can stagnate into mere cynicism and apathy. Anger improves lucidity, persistence, audacity, and memory." Jack Newfield

Benado, Tony

From: Summer Brenner <summerbrenner@gmail.com>
Sent: Sunday, July 9, 2023 9:30 AM
To: All Council
Subject: Restore Strawberry Creek! Item #33 - Civic Center Phase II

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Honorable Mayor and City Council,

On July 11, 2023 you will be considering the approval of the Civic Center Plan.

One of the most important elements of the Plan is the daylighting of Strawberry Creek in Civic Center Park. This decisive move will bring more of the natural elements into the park, none so delightful as water. Also it will increase the biodiversity of the environs and lend an additional educational feature to the whole park.

Please change the description of the "alternate design", from just a "partial flow" to a **full flow restoration of Strawberry Creek in Civic Center Park.**

I ask for your full support.

Thank you,
Summer Brenner
DISTRICT 4

Benado, Tony

From: Berkeley Mayor's Office
Sent: Sunday, July 9, 2023 9:44 AM
To: City Clerk; Numainville, Mark L.
Subject: Fwd: Strawberry Creek at Civic Center Park - Right-of-way Planning Considerations
Attachments: Strawberry Creek ROW Letter.pdf

Communication for inclusion in Supp 2 packet

Get Outlook for iOS

From: Drew Goetting <drew@rdgmail.com>
Sent: Friday, July 7, 2023 5:18 PM
To: Harrison, Kate <KHarrison@berkeleyca.gov>
Cc: Garland, Liam <LGarland@berkeleyca.gov>; All Council <council@berkeleyca.gov>
Subject: Strawberry Creek at Civic Center Park - Right-of-way Planning Considerations

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Kate,

I am providing the attached letter with Strawberry Creek restoration right-of-way consideration in support of the Civic Center Park planning effort.

I hope you find this helpful. Please feel free to contact me should you have any questions.

Thank you.

Drew

Drew Goetting

CEO | Restoration Design Group Inc. | 510.644.2798 | 2332 5th Street Suite C Berkeley, CA 94710 | RestorationDesignGroup.com



7 July 2023

Councilmember Kate Harrison
City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

RE: Strawberry Creek at Civic Center Park and Right-of-way Evaluation and Key Considerations

Dear Councilmember Harrison;

I understand that a “required” right-of-way of 150’, taken from the 1999 Wolfe Mason report, is being used to evaluate the potential for daylighting Strawberry Creek at Civic Center Park. I am concerned that this value is far greater than what might actually be required for comprehensive ecological restoration, so I have prepared the following diagrams to provide a more realistic reference for evaluating the potential for restoring Strawberry Creek at Civic Center Park.

The first drawing is a conceptual cross section that assumes the existing culvert invert is 18’ below the surface. Based on this depth and empirical data of the Strawberry Creek channel geometry on the UC Berkeley campus, we prepared what I would consider a minimal creek corridor width. I included typical stream bank treatments such as armored “cut banks”, 2:1 slopes, small terracing walls, public access paths, and a small amount of floodplain.

The exercise produced a 76’ right-of-way width. The second drawing was prepared to show what that 76’ width would represent in plan-view when placed over Civic Center Park. Together, these drawings are intended to provide a more realistic depiction of a restored creek and right-of-way requirements.

I should add that the right-of-way I depicted is intended to represent a minimum width but could be further narrowed in locations if necessary to “fit” the restored channel into the site and accommodate other park uses. It may also be appropriate to widen the creek right-of-way in other locations to better integrate the resource into the broader park program.

I believe that at this time it is critical that the Berkeley City Council adopt language that emphasizes the need for “full restoration,” and that allows for the consideration of alternatives for ecologically viable alternatives at this site. I hope that these drawings provide a more credible starting point for such discussions and the evaluation of more specific design alternatives.

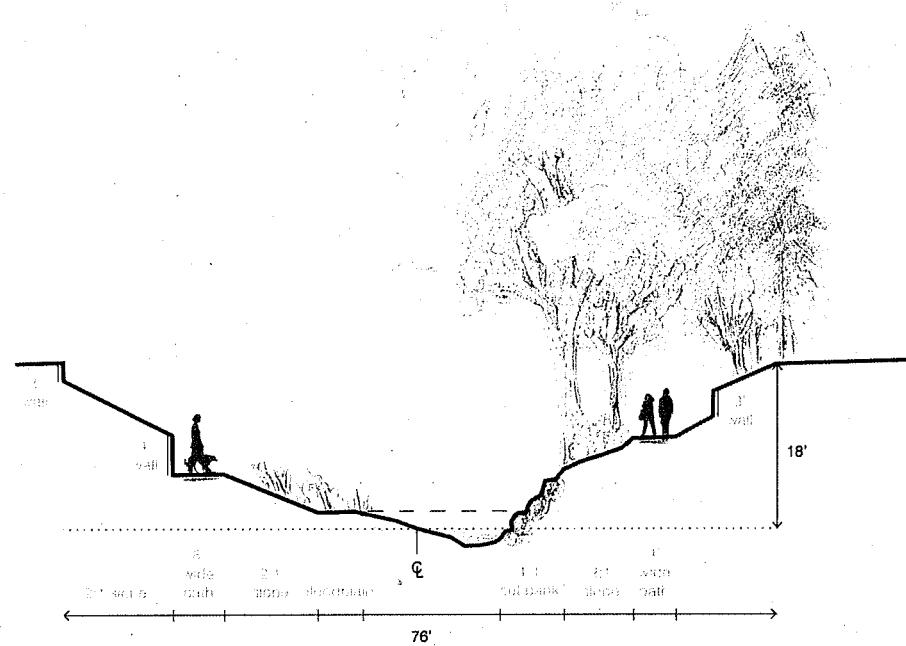
A full planning and design grant from a state agency for the restoration of Strawberry Creek would offer a quantitative series of alternatives that would conform to site conditions and offer a series of options for stream design.

RESTORATION
DESIGN
GROUP, INC

BERKELEY
2332 5th Street, Suite C
Berkeley
California 94710
510.644.2798

MEDFORD
1495 S Oakdale Avenue
Medford
Oregon 97501
541.238.2812

Drawing A Conceptual Section: Note that this drawing is only partially illustrated, and a restored creek would have native vegetation on both banks.



CONCEPTUAL SECTION

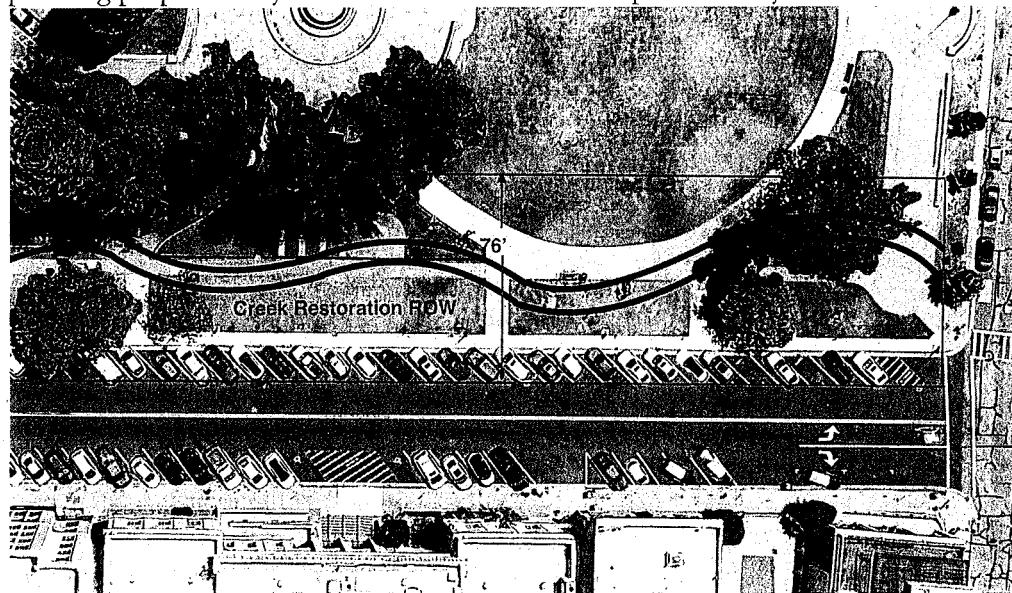
STRAWBERRY CREEK | City of Berkeley

06 July, 2023

Restoration Design Group, Inc.



Drawing B. Right-of-way Diagram illustrating a 76' wide creek corridor. This is for planning purposes only and does not consider other park and city land uses.



Key points:

- Drawing A represents a minimum Right of Way (ROW) necessary to provide significant ecological services associated with robust riparian ecosystems.
- Drawing B represents - and shows - the minimum ROW required in a plan view for informational and discussion purposes, but does *not* represent a specific design plan.
- Specific design plans and alternatives would be developed in a fully public, transparent planning and design process, which would incorporate the ecological requirements of a restored riparian corridor, as well as the adjacent conditions related to Civic Center Park, and the input of the community's many stakeholders.
- The grant program under which California Urban Streams Partnership (CUSP) has been selected to submit a full grant application, specifically builds in this public process as part of the grant parameters. Thus, design and planning alternatives - and the process through which these are developed - would be funded under this grant, if CUSP and the City were to receive it.

I hope that this is helpful to the City's planning process and please don't hesitate to contact me if you have any questions.

Sincerely,



Drew Goetting
Principal

Benado, Tony

From: Ann Harlow <annharlow77@gmail.com>
Sent: Monday, July 10, 2023 8:42 AM
To: All Council
Subject: Civic Center buildings (for 7/11 Council meeting)

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Council:

We at the Berkeley Historical Society and Museum (BHS) are pleased that the Civic Center planning has moved along this far, and we want to encourage you to vote to proceed to the next phase. It is important that BHS continue to have a large enough space in the downtown area to serve its mission: to foster appreciation and understanding of our city's unique history by residents and visitors alike through research, collection, preservation, exhibition and publication of historical records, photographs, artifacts and other media.

Although a first-floor location in the Maudelle Shirek Building would have more prominence, there are advantages to the current plan, which gives us the ground floor of the existing building plus wall space for exhibits on the other levels. We would like to see renovation of the Shirek Building take place first so that we can move there before operations in the Veterans Building need to be shut down. We understand that we will need to raise funds for the interior finishes, furnishings and equipment for BHS spaces.

As you may know, the Berkeley Historical Society was established in 1978 in conjunction with Berkeley's centennial. (There had been some earlier efforts toward a city history museum in the City Hall and the Acheson Building, and at one point in the 1980s we almost moved into the former City Hall.) We are now approaching the Society's 50th anniversary and the city's sesquicentennial in 2028. Since 1992 the Society has leased space in the Veterans Memorial Building. It is thirty years this month since we opened our first exhibit there in July 1993, and it seems the building has received minimal maintenance by the City since then. The main floor is overheated in the winter, the second floor has no heat, and the public restrooms are in pitiful condition.

The Shirek Building has also been inadequately maintained; for example, peeling paint on its exterior woodwork will cause further damage. While efforts continue toward planning major seismic work and renovations to take place at some point in the future, we hope the City staff can find a way to attend to some of these two buildings' sore needs in the meantime.

For several years we have been sending each of you our quarterly newsletter containing articles about Berkeley history. (If you would like it to go to your home address, please let me know.) We hope you have been able to read at least some issues and visit some of our exhibits and events. We also encourage you to explore our new website, berkhistory.org.

We look forward to working in partnership with the City and the Community for a Cultural Civic Center on bringing an exciting new vision for the Civic Center complex into reality. Please feel free to contact me if you have any questions.

Sincerely,

Ann Harlow

President, Berkeley Historical Society and Museum, on behalf of its Board of Directors

Benado, Tony

From: stefen STEFEN <stefen@stefenart.com>
Sent: Sunday, July 9, 2023 9:28 PM
To: All Council
Subject: Restore Strawberry Creek in Civic Center

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please support a **full flow restoration** of Strawberry Creek in Civic Center Park. It can be done while still supporting other identified park uses and activities. Return the riparian corridors to the way they were before the arrival of Europeans. Give back to the land and its native people. STEFEN

Benado, Tony

From: Sylvia Soriano <sylviana286@gmail.com>
Sent: Saturday, July 8, 2023 9:47 PM
To: All Council
Subject: Item #33 - Adoption - Civic Center Phase II - Design Concept

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor and Berkeley City Council,

Please support a **full flow restoration** of Strawberry Creek in Civic Center Park. It can be done while still supporting other identified park uses and activities.

Thank you!
Sylvia Soriano

Benado, Tony

From: MaryRPrice <maryrprice@gmail.com>
Sent: Saturday, July 8, 2023 6:27 PM
To: All Council
Subject: Item #33-Adoption-Civic Center Phase II-Design Concept

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please support a full flow restoration of Strawberry Creek in Civic Center Park. The restoration can be done while still supporting other identified park uses and activities.

Thank you. Mary Price, 303-931-9400

Benado, Tony

From: Irene Rice <ir07441@gmail.com>
Sent: Saturday, July 8, 2023 12:13 PM
To: All Council
Subject: Item #33: Adoption-Civic Center Phase II- Design Concept

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please support a Full Flow Restoration of Strawberry Creek in Civic Center Park. This improvement can be accomplished while still supporting other park uses and activities.

Thank you,
Irene Rice, Berkeley Resident

Benado, Tony

From: F D <fadrot@gmail.com>
Sent: Saturday, July 8, 2023 12:04 PM
To: All Council
Subject: Item #33 - Adoption - Civic Center Phase II - Design Concept

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor and Council,

I have been a supporter of daylighting our creeks for decades; and I urge you to please support a **full flow restoration** of Strawberry Creek in Civic Center Park.

I believe it can be done while still supporting other identified park uses and activities.

Other cities have undertaken creek restoration and daylighting projects and found they greatly enhance the surrounding areas in ways skeptics assured would never occur.

This project promises to be a wonderful change to our beleaguered downtown

Thank you,

Fredrica Drotos
16 Mosswood Road

Benado, Tony

From: Dick Eastman <adzuma.otoko@protonmail.com>
Sent: Saturday, July 8, 2023 9:53 AM
To: All Council
Cc: mariko
Subject: Item #33 - Adoption - Civic Center Phase II - Design Concept

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Dear Berkeley City Council Members

Please support a **full flow restoration** of Strawberry Creek in Civic Center Park! It can be done while still supporting other identified park uses and activities.

Dick and Mariko Eastman
1806 San Antonio Avenue
Berkeley CA 94707

Sent with Proton Mail secure email.

Benado, Tony

From: Carolyn Shoulders <cashou360@gmail.com>
Sent: Saturday, July 8, 2023 9:04 AM
To: All Council
Subject: Item #33 - Adoption - Civic Center Phase II - Design Concept"

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I'm a Berkeley resident. I want to live in a place that has more than just dense housing. Please vote to daylight Strawberry Creek at its full flow.

It is the right thing to do to give us back a natural feature that supports other life.

Thank you, Carolyn Shoulders



Benado, Tony

From: Tom Miller <milltom@gmail.com>
Sent: Friday, July 7, 2023 9:54 PM
To: All Council
Subject: Item 33 - Restoration of Strawberry Creek in Civic Center Park

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I urge the Council to support the daylighting of Strawberry Creek as part of the Civic Center Park design. The city's growing forest of tall buildings most without setback make humanizing the downtown even more important. I remember what a tremendous impact occurred when a waterfall park was built in mid Manhattan. While not (yet) a Manhattan, Berkeley needs to do all it can to make the downtown a place people will want to visit. The sound of water attracts people as well much as birds.

Tom Miller, President
Green Cities Fund

--
PLEASE CONSIDER THE ENVIRONMENT AND ONLY PRINT THIS E-MAIL IF YOU REALLY MUST.

Miller & Washington PLC. Attorneys at Law

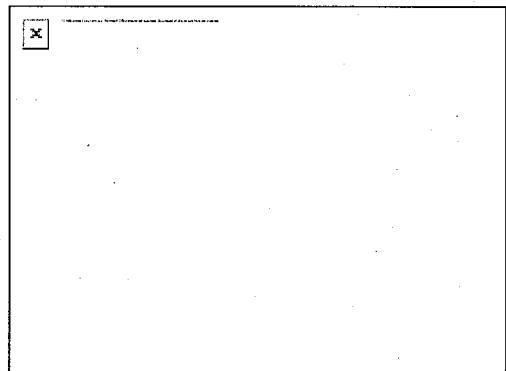
www.millerwashington.com

MAIL ADDRESS:

162 Panoramic Way,
Berkeley, California 94704

Tel: 510 891-0616 Fax: 510 839-9857

EIN: 84-4806459



Green Cities Fund

www.greencitiesfund.org



Green Cities Fund, Inc. was established in 2005 as a California public benefit corporation, and is tax exempt under Section 501(c)(3) of the Internal

Revenue Code. EIN: 20-3911647

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are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this e-mail message in error, please e-mail the sender at: milltom@gmail.com. Thank you.

Benado, Tony

From: sheila himmel <sheila.himmel@gmail.com>
Sent: Friday, July 7, 2023 9:28 PM
To: All Council
Subject: Item #33 - Adoption - Civic Center Phase II - Design Concept

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please support a **full flow restoration** of Strawberry Creek in Civic Center Park. It can be done while still supporting other identified park uses and activities.

Sheila Himmel
1460 Lincoln St
Berkeley CA 94702

Benado, Tony

From: Bernard Marszalek <ztangi@lmi.net>
Sent: Friday, July 7, 2023 9:17 PM
To: All Council
Subject: Please daylight Strawberry Creek

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Greetings Council Members,

Daylighting Strawberry Creek will bring a bit of respite for the senses and offer the possibility for urban conviviality.

Please support this project.

-bernard

--
Bernard Marszalek • **510-693-5760** • Berkeley, CA 94703

Benado, Tony

From: Sally Nelson <sallynels7@gmail.com>
Sent: Friday, July 7, 2023 8:50 PM
To: All Council
Subject: Item #33: Adoption: Civic Center Phase II- Design Concept

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Members of Berkeley's City Council,

As you discuss the high-level design concept of Civic Center Phase II, please support a **full flow restoration** of Strawberry Creek in Civic Center Park. This can be done while supporting other identified park uses and activities. This will greatly benefit Berkeley's entire community.

With sincere thanks,

Sally Nelson
2200 McGee Avenue
Berkeley, CA 94703
sallynels7@gmail.com

Benado, Tony

From: Most Stephen <smost@earthlink.net>
Sent: Friday, July 7, 2023 7:45 PM
To: All Council
Subject: Item #33 - Adoption - Civic Center Phase II - Design Concept"

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Dear City Council,

Please support a **full flow restoration** of Strawberry Creek in Civic Center Park. It can be done while still supporting other identified park uses and activities.

Stephen Most

1815 Grant Street
Berkeley, CA 94703

Benado, Tony

From: Margot Cunningham <bunchgrassmarg@gmail.com>
Sent: Friday, July 7, 2023 5:41 PM
To: All Council
Subject: Restore Strawberry Creek! Item #33 - Civic Center Phase II - Design Concept Adoption

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Honorable Mayor and City Council Members,

On July 11 please support the daylighting of Strawberry Creek in Civic Center Park in the Civic Center Plan.

The Civic Center Design Concept describes the daylighting of the Creek with an "alternate scenario" using the term "partial flow creek bed". The proposed Design for the creek should not assume any limitations on the location and flow of the creek. A full planning and design study would give the Council a better sense of what's possible and would be more likely to secure funding.

Therefore, please change the description of the "alternate design" from just a "partial flow" to supporting a full flow restoration of Strawberry Creek in Civic Center Park. This can be done while still supporting the other important park uses and activities.

Thank you,

Margot Cunningham
Richmond, CA

Benado, Tony

From: Jennifer Ware <jenniferware@gmail.com>
Sent: Friday, July 7, 2023 5:05 PM
To: All Council
Subject: Item #33 - Adoption - Civic Center Phase II - Design Concept

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Please support a **full flow restoration** of Strawberry Creek in Civic Center Park. It can be done while still supporting other identified park uses and activities.

Thank you!
Jennifer Ware
2123 Russell Street
Berkeley 94705

Sent from my iPhone

Benado, Tony

From: Kathleen Giustino <kathleeng@a1suninc.net>
Sent: Friday, July 7, 2023 3:11 PM
To: All Council
Cc: Kathleen Giustino
Subject: "Item #33 - Adoption - Civic Center Phase II - Design Concept"

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An underground creek is a dead creek. Please daylight Strawberry Creek!

"Please support a **full flow restoration** of Strawberry Creek in Civic Center Park. It can be done while still supporting other identified park uses and activities."

Kathleen
I live and work in Berkeley!!!

--
Kathleen Giustino
CFO, A1 Sun, Inc.


kathleeng@a1suninc.com
office: (510) 526-5715 ext 6
<http://www.a1suninc.com>


Benado, Tony

From: Toni Mester <tonispann@comcast.net>
Sent: Friday, July 7, 2023 12:02 PM
To: All Council; Garland, Liam
Subject: Civic Center Plan

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To: Berkeley City Council

From: Toni Mester D2

July 7, 2023

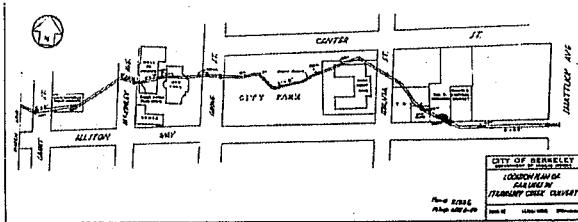
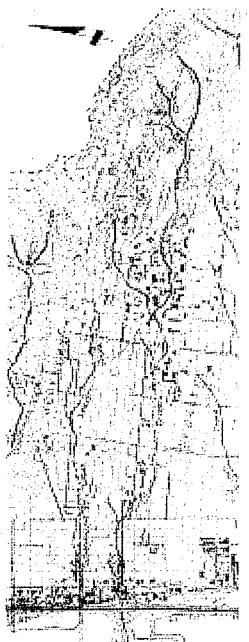
RE: Civic Center Plan, July 11 Consent calendar item #33

The Civic Center Plan is excellent and should be accepted with one addendum: the condition of the Strawberry Creek culvert has not been sufficiently explored including the options of what to do with this aging infrastructure that runs under the Maudelle Shirek Building (Old City Hall). There are at least three maps that show its course, and they are attached. In the Plan, the map is on page 107.

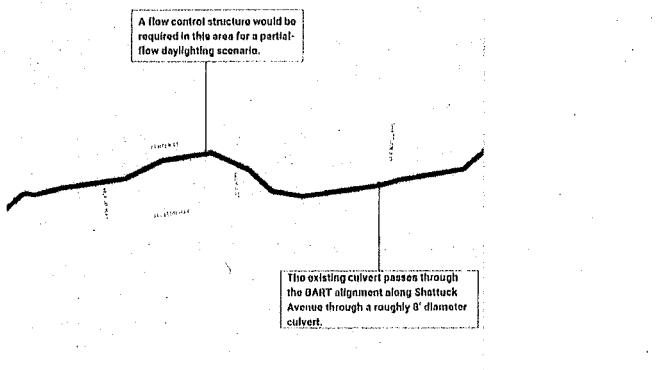
Since Old City Hall was built in 1909, the concrete composing the 9 foot in diameter culvert would be at least that old, and has already failed in several places, as the City map attached shows. Rebuilding on top of this ancient aqueduct is unthinkable given the potential for extreme downpours and flooding due to climate change.

No thought has been given in this plan to the options for reinforcing or rerouting the culvert north of the Shirek Building between it and the public safety building and the costs involved.

Any consideration of a water feature such as partial daylighting of the creek is premature and should wait on the recommendations of a study of the culvert's condition and available options.



A 1968 map shows the path the culvert still takes through part of downtown as well as historic leaks of the pipe. Credit: City of Berkeley



Existing Strawberry Creek culvert location in Downtown Berkeley
Date: 1/20/04 Drawn by: [unclear]

Benado, Tony

From: Nancy Schimmel <nancy@sisterschoice.com>
Sent: Thursday, July 6, 2023 4:31 PM
To: All Council
Subject: Strawberry Creek downtown daylighting

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Honorable Mayor and City Council,

On July 11, 2023 you will be considering the approval of the Civic Center Plan. One of the most important elements of the Plan is the daylighting of Strawberry Creek in Civic Center Park. I ask for your full support.

I've lived in Berkeley most of my life. As a child, I loved visiting Live Oak Park with its creek. Now I love visiting Strawberry Creek Park, looking at the creek bouncing over the stones and watching the children enjoy themselves there. We all need nature for our mental health—birds, creeks, trees. I would love to see a fully daylighted creek downtown.

The Civic Center Plan describes the daylighting of the Creek as an "alternate scenario" with just a "partial restoration". I ask that the Plan not assume any limitations on the location and flow of the Creek. A full planning and design study would give you a better sense of what's possible and would be more likely to secure funding. Therefore, I ask you to change the description of the "alternate plan", from just a "partial flow" to this: **"Alternate plan with a daylighted Strawberry Creek, design and flow to be determined thru future study."**

Thank you,

Nancy Schimmel
1639 Channing Way
Berkeley

Benado, Tony

From: Charles Enchill <enchill.charles@gmail.com>
Sent: Monday, July 10, 2023 9:23 AM
To: All Council
Cc: Alfred Twu (alfredtwu@gmail.com)
Subject: LPC Letter on Berkeley Civic Center Vision and Implementation Plan
Attachments: Berkeley Civic Center Planning.pdf

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please see attached, Charles Enchill, LPC Chairperson.

Thank you,

Charles Enchill
California State Polytechnic University, Pomona
B.S., Urban and Regional Planning, 2013
408.702.5352

July 10, 2023

To: City Council

From: Chairperson Enchill on behalf of the Landmarks Preservation Commission (LPC) -

Vote: 8-0-0-1

Regarding: **Berkeley Civic Center Planning**

Members of the City Council:

The Landmarks Preservation Commission has watched with interest, periodic participation, and encouragement the lengthy planning process for renovation of Berkeley's Civic Center. By and large, from a preservation standpoint, the process has worked and the direction of the recommendations by consultants is generally sensitive to historic issues. We provide the following comments as context for your deliberations on next steps. The Landmarks Preservation Commission specifically:

1. Calls for and supports, as a general principle, the **restoration, refurbishment, and sensitive adaptive re-use of the two historic buildings in the Civic Center and the park**, rather than their radical replacement, demolition, or alteration;
2. supports **continuation of a joint subcommittee of Commission representatives connected to the Civic Center** (including the LPC, Civic Arts, Parks & Waterfront, Disability, and Transportation / Public Works). The ongoing subcommittee has been, and should remain, a useful place to cooperatively discuss civic center issues, interact with staff, consultants, and the public, and advise the Council on planning proposals and projects for the Civic Center. The subcommittee can particularly serve as a sounding board and anchor for the proposed 2024-2027 "*research, schematic design and approvals funding plan, design development*" phase;
3. supports, and **strongly urges the Council to actively prioritize and proceed with further planning and identification of funding for the renovation of the Shirek Building and the Veterans Building, particularly funding for seismic strengthening.** There should be no substantial pause in planning. These are highly important structures that are both historic and useful, and the City should make it a high priority to bring both of them back into full use. Both buildings are currently living on borrowed time, given the high and growing likelihood of a major earthquake in the Bay Area;

4. supports **full accessibility for the buildings, with a design approach that also minimizes impacts / alterations to the main facades.** If the zig-zag ramp on the front of the Veterans Building were to be redesigned / modified or replaced use of the State Historic Building Code should be utilized to the greatest extent possible to better harmonize with the historic front steps / facade;
5. supports **recommendations of the consultant / staff reports that emphasize restoration and refurbishment of the historic buildings, both inside and out, including original finishes, details, and maintaining general historic interior layout.** The two buildings should be sensitively renovated and for full use through adaptive design, as opposed to insensitive gutting and replacement of the interiors. Use of the State Historic Building Code should be used to the greatest extent possible.
6. supports, in concept, the **addition of infill structures placed behind the two buildings to expand their useable square footage.** Additions should be designed and detailed so they follow the Secretary of the Interior's Standards and do not detract from, compete with, or alter the principal facades of the historic buildings;
7. supports **study and planning that would add maximum sized infill structures to one or both courtyards of the Veterans Building.** Courtyard infill would considerably expand the useable space within the building and its functionality for a large number of simultaneous arts events and activities, and is also best constructed in conjunction with overall building renovations. The courtyards are near-ideal locations for infill structures since new construction there would not have an impact on the visible exterior appearance of the building;
8. supports **the consultant suggestion of adding a deck / event space to the roof of the Veterans Building**, so long as it is designed in such a way that it is concealed behind the roof parapet and recedes above and behind the historic facade, especially when seen from across the park;
9. supports **primary use of the Veterans Building for civic arts uses, including performing arts and visual arts. Supports the broadest possible access of arts and community groups to the building,** rather than exclusive or extensive use of the building for / by a small number of groups / organizations;

10. supports primary use of the **Maudelle Shirek Building** (Berkeley's original town hall) for City and civic meeting and educational use, including maximizing the provision of flexible meeting spaces suitable for gatherings of many sizes, so several meetings can take place at the same time in different parts of the building, and so facilities are provided for hybrid meetings that seamlessly combine virtual and in-person participation;
11. supports **inclusion of facilities in the Shirek Building for use by Berkeley Community Media and the Berkeley Historical Society & Museum (BHSM)**. Both uses are compatible with the history / use of the building. Berkeley Community Media also provides support for civic meetings (such as broadcast of Council and Commission meetings), while BHSM's proposed operation of a museum and history research center would bring users to the building;
12. supports **City encouragement for a variety of community groups and city programs interested in local history** (such as the History Room in the Public Library) to work cooperatively to make the **Shirek Building** a "one-stop" center of local historical education, research, display, and archives;
13. supports, in particular, the **preservation and re-use of specific key historic spaces in both buildings including: within the Veterans Building, the fine auditorium, and four lodge / meeting rooms, and extensive lobby; within the Maudelle Shirek Building, the interior halls and grand staircase, and the historic Council Chambers on the upper floor** (the Council Chamber room is currently proposed as a large hearing room for civic and other meetings such as Commissions that expect a considerable audience).
14. supports the **creation of a new, large, multipurpose room addition to the rear of the Shirek Building that can accommodate City Council meetings and large Commission meetings**, as well as serve as space for other types of meeting use and activities. The room should be designed flexibly without fixed / built-in seating or furniture, so it can be easily and quickly adapted to multiple uses;
15. encourages **consideration of moving Berkeley's Visitor Center to the Shirek Building** to bring more users, tourists, and visitors to the Civic Center;

16. encourages **providing both buildings with ‘catering kitchens’ and support infrastructure** so appropriate spaces within them can be used flexibly for civic and rental events such as receptions, social gatherings, and even meals / dinner events;
17. calls for, and supports creation of, **a comprehensive interpretive signage and website program that would educate the public about the history and development of the Civic Center;**
18. **opposes transferring any substantial amount of existing City office space from elsewhere in the Civic Center to the Shirek Building or Veterans Building.** This would do little or nothing to activate the Civic Center with additional uses / users, and would reduce the availability and usability of the buildings for broader active uses. In addition, an approach that emphasizes “more city staff offices” will simply not resonate with the general public and voters whose support will be essential to future Civic Center renovations; discourages any pre-reservation or design of space in the buildings for programs that do not currently exist;
19. notes that the Veterans Building was specifically constructed for the use of local veterans organizations, which were large and active at the time it was built.
Permanent reuse plans should recognize that origin and history and provide a means for remaining or future Berkeley veterans organizations to have ongoing and affordable access to meeting / event space in the Civic Center;
20. encourages the City to **plan, renovate, and manage the Civic Center buildings so they can be rented**—when not in civic uses such as public meetings or community arts events—for uses, both small and large, from concerts, festivals, and fairs to meetings, conventions, and conferences. If effectively designed and managed the Civic Center overall can be the location Berkeley has long needed to hold conferences and events, while also producing income for the City;
21. encourages the City and the Berkeley Unified School District to work together so the **Community Theater on the Berkeley High School campus, which is the largest indoor theater space in Berkeley, can be restored and integrated into Civic Center activities and use;**
22. generally supports a **design of the park** that prioritizes maintaining maximum green spaces and existing trees, provides unobtrusive infrastructure (bathrooms, power

sources, lighting, etc.) to support multiple uses, emphasizes not only event use, but supports active day to day use of the park spaces by a wide variety of users, reuses rather than unnecessarily demolishes, existing hardscape, emphasizes the park as a harmonious, historic, and generally symmetrical civic space, and brings water back to the fountain; discourages any redesign or physical renovation of the park that unnecessarily detracts from its historic character or is not important for future functionality;

23. Emphatically supports **removal of the intrusive and non-historic parking lot behind 2180 Milvia**, at the east end of the park, and supports integration of this area into the park space overall. A portion of this area could (as plans currently propose) remain hardscape, not for daily parking, but for use as a staging area for larger events within the park;
24. supports **park design that provides facilities and infrastructure for large gatherings, festivals, and similar events.** Opposes construction of new permanent structures (particularly buildings) in the park space, and encourages event facilities to be designed unobtrusively (for example, it should be planned and possible for temporary event stages to be erected in the park, but building big outdoor permanent stage is not desirable since it could displace everyday uses / users. The consultant recommendations do not propose any permanent stages.)
25. Urges that **all existing historic markers and features within the Civic Center (including memorial trees, and memorials incorporated in or affixed to the buildings) be fully identified, maintained, and protected**, particularly memorials to veterans. Damaged memorials should be restored and maintained.
26. **Reserves judgment on the possibility of “daylighting” Strawberry Creek within the Civic Center until specific design concepts are further explored and vetted.** The LPC looks forward with interest to any specific studies / proposals for daylighting the Creek and will need to evaluate such proposals for their potential impact on the historic design and character of the park in particular. **The LPC encourages all, including the City and private groups, studying daylighting to take into account two key issues:** preserving the overall physical framework / historic character / design of the Civic Center; ensuring ample and adequate access for the public, especially for disabled users, to the buildings and outdoor spaces of the Civic Center.



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SUPPLEMENTAL AGENDA MATERIAL

for Supplemental Packet 2

Meeting Date: July 11, 2023

Item Number: 34

Item Description: Dedicated Public Comment Time for City of Berkeley Unions and Student Representatives

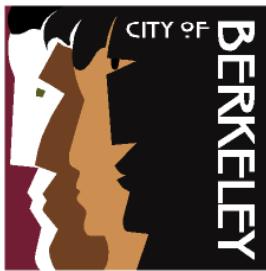
Submitted by: Councilmember Mark Humbert

The attached version of Item 34 revises the original Item 34 and proposes additional changes to the Berkeley City Council Rules of Procedure and Order to create dedicated monthly speaking time for both: 1) City of Berkeley union representatives and 2) student representatives.

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E-Mail: ldroste@CityofBerkeley.info

ACTION CALENDAR

July 11, 2023



Sophie Hahn
District 5 Councilmember

To: Honorable Mayor and Members of the City Council
From: Councilmember Mark Humbert
Subject: Dedicated Public Comment Time for City of Berkeley Unions and
Student Representatives

RECOMMENDATION

Adopt a Resolution (Attachment 3 + Exhibits A and B) revising the City Council Rules of Procedure and Order: Section IV. Conduct of the Meeting to:

1. Create a period of public comment reserved for officially designated representatives of City of Berkeley employee unions and designated representatives of elected student bodies in Berkeley, immediately following the existing initial ten-minute period of public comment on non-agenda items.
2. Rescind Resolution No. 70,725–N.S.

CURRENT SITUATION

The City of Berkeley is experiencing a high staff vacancy rate across the entire organization. Over the long-term, high vacancy rates decrease the efficiency of services provided to the community and have a substantial impact on the morale of staff members asked to take on additional tasks working beyond their expected capacity.

On February 22, 2023, to help combat this trend, the City Council adopted the City Manager's Employer of Choice Roadmap. Among many priorities, it states a target goal of no more than 5 percent staff vacancies, recognizing the status quo needs to change. The roadmap states:

“The City of Berkeley is at a crucial point in its need to both retain our valued staff and attract the best candidates for positions within the organization. To this end,

we must transform our processes and implement new tools to be an Employer of Choice.”

The initiative funds additional HR professionals to accelerate hiring and new communications efforts to brand the City as an Employer of Choice. It also states that the retention of current employees is as important as hiring new employees, and that employees feeling seen and heard is key to retention:

“A comprehensive employee retention program can play a vital role in both attracting and retaining key employees, as well as in reducing turnover and its related costs. Retaining employees starts during the onboarding and socialization process to the organization. *Recognition, appreciation, and employee engagement are central to building culture and having employees feel seen, heard, and valued.* (Emphasis added).”

First-hand knowledge of the circumstances driving staff turnover and retention and impacting staff morale and success is crucial to fully understand the current situation, and for long term management of the organization. Towards these ends, the City of Berkeley should create a dedicated comment time at regular City Council meetings to hear from unions representing City employees. In adopting this practice, the City will follow the lead of the Berkeley Unified School District (BUSD) and the Berkeley Board of Library Trustees (BOLT), which already provide dedicated Union comment periods as part of their standing agendas.

City of Berkeley employees are currently represented by seven unions which would be eligible to participate in Union Comment Periods.

SEIU Local 1021 • Community Services and Part-Time Recreation Activity Leaders

SEIU Local 1021 • Maintenance and Clerical Chapters.

Berkeley Chief Fire Officers Association • IAFF • Local 1227

Berkeley Fire Fighters Association • I.A.F.F. • Local 1227"

Berkeley Police Association

IBEW • Local 1245

Public Employees Union • Local 1

Additionally, student voices are underrepresented at all levels of government, and Berkeley is not exception. Although high-school, college, and graduate students make up roughly one-quarter to one-third of Berkeley's population, only rarely has a current student served on the Berkeley City Council and the City Council has never featured a number of current students proportional to their population within the City.

At the same time, students and young people are the ones who will be most impacted by policy choices made by the Council, since they will be among those who face the greatest consequences over the long term. Notable among such policy choices are those related to climate change, which will impact young people the most. Given that Berkeley has declared a climate emergency, it makes sense to hear from those most affected—especially since young people are particularly active on climate change.

Students are also among those most impacted by housing scarcity and public safety issues in Berkeley. Because most incoming students move from elsewhere to Berkeley for their studies, they are not able to enjoy the advantages of pre-existing or long-term housing security like most other Berkeley residents. As recently as 2019, 10 percent of UC Berkeley students reported experiencing homelessness¹ and a state report found that nearly 20 percent of community college students reported experiencing homelessness.² Meanwhile, UC Berkeley ranks as the third most dangerous college campus in the US³ and public safety has become such a concern that UC Berkeley has hired private security for the Southside neighborhood.⁴

Additionally, increasing political engagement of young people is an important approach for encouraging youth voting, maintaining the health of democracy, and recruiting future leaders and elected officials.

BACKGROUND

Dedicated comment times for Unions representing agency workers are already standard operating procedure for BUSD and BOLT.

BOLT Policy (see Attachment 4) establishes a reserved 15-minute comment period for union members as part of the public comment period, shared proportionally between any unions representing library employees present at meetings to provide comment:

“For regular meetings of the BOLT, representatives from the three unions representing Library employees may address BOLT, with a total time limit of 15 minutes. If all three (3) unions have representatives present and wish to speak, each union shall receive 5 minutes to address BOLT. If only two (2) unions have representatives present and wishing to speak, each union shall receive 7.5

¹ <https://www.dailycal.org/2019/02/28/legislators-local-activists-work-to-alleviate-student-housing-crisis>

²

<https://abgt.assembly.ca.gov/sites/abgt.assembly.ca.gov/files/FINAL%20Sub%202%20Nov%208%20Agenda.pdf>

³ <https://www.degreechoices.com/blog/most-dangerous-college-campuses/>

⁴ <https://www.latimes.com/california/story/2022-10-21/uc-berkeley-hires-private-security-firm-after-fatal-shooting-near-campus-stirs-safety-concerns>

minutes to address BOLT, for a total of 15 minutes. If only one (1) union has representatives present and wishing to speak, that union shall receive 15 minutes to address BOLT.”

The BUSD Board of Trustees similarly provides a dedicated Union Comment Period on each of their agendas (see Attachment 5):

“9. Union Comments The chair (or designee) of each District union that includes members of the public is given the opportunity to address the Board on any issue. 5 minutes per union.”

Similar to the City of Berkeley's staffing problems, the severity of Berkeley's housing and public safety issues and their disparate impact on students indicate the need for a dedicated time for student representatives to report on these issues and offer constructive feedback on avenues for policy changes. This action would also be consistent with past City Council actions to create student seats on commissions, as well as the BUSD board and UC Regents having student representation.

The City of Berkeley should adopt ~~a~~ similar policies.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Sophie Hahn Council District 5 510-981-7150

ATTACHMENTS

1. Exhibit A: Revised City Council Rules of Procedure and Order (for adoption)
2. Exhibit B: Existing City Council Rules of Procedure and Order
3. Resolution
4. BOLT Meeting Policies
5. BUSD Agenda

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The Berkeley City Council Rules of Procedure and Order

Adopted by Resolution No. 70,725 —N.S.

Effective March 14, 2023July 11, 2023

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I. DUTIES

A. Duties of Mayor

The Mayor shall preside at the meetings of the Council and shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. In the Mayor's absence, the Vice President of the Council (hereafter referred to as the Vice-Mayor) shall preside.

B. Duties of Councilmembers

Promptly at the hour set by law on the date of each regular meeting, the members of the Council shall take their regular stations in the Council Chambers and the business of the Council shall be taken up for consideration and disposition.

C. Motions to be Stated by Chair

When a motion is made, it may be stated by the Chair or the City Clerk before debate.

D. Decorum by Councilmembers

While the Council is in session, the City Council will practice civility and decorum in their discussions and debate. Councilmembers will value each other's time and will preserve order and decorum. A member shall neither, by conversation or otherwise, delay or interrupt the proceedings of the Council, use personal, impertinent or slanderous remarks, nor disturb any other member while that member is speaking or refuse to obey the orders of the presiding officer or the Council, except as otherwise provided herein.

All Councilmembers have the opportunity to speak and agree to disagree but no Councilmember shall speak twice on any given subject unless all other Councilmembers have been given the opportunity to speak. The Presiding Officer may set a limit on the speaking time allotted to Councilmembers during Council discussion.

The presiding officer has the affirmative duty to maintain order. The City Council will honor the role of the presiding officer in maintaining order. If a Councilmember believes the presiding officer is not maintaining order, the Councilmember may move that the Vice-Mayor, or another Councilmember if the Vice-Mayor is acting as the presiding officer at the time, enforce the rules of decorum and otherwise maintain order. If that motion receives a second and is approved by a majority of the Council, the Vice-Mayor, or other designated Councilmember, shall enforce the rules of decorum and maintain order.

E. Voting Disqualification

No member of the Council who is disqualified shall vote upon the matter on which the member is disqualified. Any member shall openly state or have the presiding officer announce the fact and nature of such disqualification in open meeting, and shall not be subject to further inquiry. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the member affected, be

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decided by the other members of the Council, by motion, and such decision shall determine such member's right and obligation to vote. A member who is disqualified by conflict of interest in any matter shall not remain in the Chamber during the debate and vote on such matter, but shall request and be given the presiding officer's permission to recuse themselves. Any member having a "remote interest" in any matter as provided in Government Code shall divulge the same before voting.

F. Requests for Technical Assistance and/or Reports

A majority vote of the Council shall be required to direct staff to provide technical assistance, develop a report, initiate staff research, or respond to requests for information or service generated by an individual council member.

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II. MEETINGS

A. Call to Order - Presiding Officer

The Mayor, or in the Mayor's absence, the Vice Mayor, shall take the chair precisely at the hour appointed by the meeting and shall immediately call the Council to order. Upon the arrival of the Mayor, the Vice Mayor shall immediately relinquish the chair. In the absence of the two officers specified in this section, the Councilmember present with the longest period of Council service shall preside.

B. Roll Call

Before the Council shall proceed with the business of the Council, the City Clerk shall call the roll of the members and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes.

C. Quorum Call

During the course of the meeting, should the Chair note a Council quorum is lacking, the Chair shall call this fact to the attention of the City Clerk. The City Clerk shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the meeting shall be deemed automatically adjourned.

D. Council Meeting Conduct of Business

The agenda for the regular business meetings shall include the following: Ceremonial Items (including comments from the City Auditor if requested); Comments from the City Manager; Comments from the Public; Consent Calendar; Action Calendar (Appeals, Public Hearings, Continued Business, Old Business, New Business); Information Reports; and Communication from the Public. Presentations and workshops may be included as part of the Action Calendar. The Chair will determine the order in which the item(s) will be heard with the consent of Council.

Upon request by the Mayor or any Councilmember, any item may be moved from the Consent Calendar or Information Calendar to the Action Calendar. Unless there is an objection by the Mayor or any Councilmember, the Council may also move an item from the Action Calendar to the Consent Calendar.

A public hearing that is not expected to be lengthy may be placed on the agenda for a regular business meeting. When a public hearing is expected to be contentious and lengthy and/or the Council's regular meeting schedule is heavily booked, the Agenda & Rules Committee, in conjunction with the staff, will schedule a special meeting exclusively for the public hearing. No other matters shall be placed on the agenda for the special meeting. All public comment will be considered as part of the public hearing and no separate time will be set aside for public comment not related to the public hearing at this meeting.

Except at meetings at which the budget is to be adopted, no public hearing may commence later than 10:00 p.m. unless there is a legal necessity to hold the hearing or make a decision at that meeting or the City Council determines by a two-thirds vote that there is a fiscal necessity to hold the hearing.

E. Adjournment

1. No Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific agenda items to be covered and shall specify in which order these items shall be handled.
2. Any items not completed at a regularly scheduled Council meeting may be continued to an Adjourned Regular Meeting by a two-thirds majority vote of the Council.

F. Unfinished Business

Any items not completed by formal action of the Council, and any items not postponed to a date certain, shall be considered Unfinished Business. All Unfinished Business shall be referred to the Agenda & Rules Committee for scheduling for a Council meeting that occurs within 60 days from the date the item last appeared on a Council agenda. The 60 day period is tolled during a Council recess.

G. City Council Schedule and Recess Periods

Pursuant to the Open Government Ordinance, the City Council shall hold a minimum of twenty-four (24) meetings, or the amount needed to conduct City business in a timely manner, whichever is greater, each calendar year.

Regular meetings of the City Council shall be held generally two to three Tuesdays of each month except during recess periods; the schedule to be established annually by Council resolution taking into consideration holidays and election dates.

Regular City Council meetings shall begin no later than 6:00 p.m.

A recess period is defined as a period of time longer than 21 days without a regular meeting of the Council.

When a recess period occurs, the City Manager is authorized to take such ministerial actions for matters of operational urgency as would normally be taken by the City Council during the period of recess except for those duties specifically reserved to the Council by the Charter, and including such emergency actions as are necessary for the immediate preservation of the public peace, health or safety; the authority to extend throughout the period of time established by the City Council for the period of recess.

The City Manager shall have the aforementioned authority beginning the day after the Agenda & Rules Committee meeting for the last regular meeting before a Council recess and this authority shall extend up to the date of the Agenda & Rules Committee meeting for the first regular meeting after the Council recess.

The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required and confirm said actions of the City Manager.

H. Pledge of Allegiance to the Flag

At the first meeting of each year following the August recess and at any subsequent meeting if specifically requested before the meeting by any member of the Council in order to commemorate an occasion of national significance, the first item on the Ceremonial Calendar will be the Pledge of Allegiance.

I. Ad Hoc Subcommittees

From time to time the Council or the Mayor may appoint several of its members but fewer than the existing quorum of the present body to serve as an ad hoc subcommittee. Only Councilmembers may be members of the ad hoc subcommittee; however, the subcommittee shall seek input and advice from residents, related commissions, and other groups, as appropriate to the charge or responsibilities of such subcommittee. Ad hoc subcommittees must be reviewed annually by the Council to determine if the subcommittee is to continue.

Upon creation of an ad hoc subcommittee, the Council shall allow it to operate with the following parameters:

1. A specific charge or outline of responsibilities shall be established by the Council.
2. A target date must be established for a report back to the Council.
3. Maximum life of the subcommittee shall be one year, with annual review and possible extension by the Council.

Subcommittees shall conduct their meetings in locations that are open to the public and meet accessibility requirements under the Americans with Disabilities Act. Meetings may be held at privately owned facilities provided that the location is open to all that wish to attend and that there is no requirement for purchase to attend. Agendas for subcommittee meetings must be posted in the same manner as the agendas for regular Council meetings except that subcommittee agendas may be posted with 24-hour notice. The public will be permitted to comment on agenda items but public comments may be limited to one minute if deemed necessary by the Committee Chair. Agendas and minutes of the meetings must be maintained and made available upon request.

Ad hoc subcommittees will be staffed by City Council legislative staff. As part of the ad hoc subcommittee process, City staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item(s) under consideration. Staff analysis at ad hoc subcommittees is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

Subcommittees must be comprised of at least two members. If only two members are appointed, then both must be present in order for the subcommittee meeting to be held. In other words, the quorum for a two-member subcommittee is always two.

Ad hoc subcommittees may convene a closed session meeting pursuant to the conditions and regulations imposed by the Brown Act.

III. AGENDA

A. Declaration of Policy

No ordinance, resolution, or item of business shall be introduced, discussed or acted upon before the Council at its meeting without prior thereto its having been published on the agenda of the meeting and posted in accordance with Section III.D.2. Exceptions to this rule are limited to circumstances listed in Section III.D.4.b and items continued from a previous meeting and published on a revised agenda.

B. Definitions

For purposes of this section, the terms listed herein shall be defined as follows:

1. "Agenda Item" means an item placed on the agenda (on either the Consent Calendar or as a Report For Action) for a vote of the Council by the Mayor or any Councilmember, the City Manager, the Auditor, or any board/commission/committee created by the City Council, or any Report For Information which may be acted upon if the Mayor or a Councilmember so requests. For purposes of this section, appeals shall be considered action items. All information from the City Manager concerning any item to be acted upon by the Council shall be submitted as a report on the agenda and not as an off-agenda memorandum and shall be available for public review, except to the extent such report is privileged and thus confidential such as an attorney client communication concerning a litigation matter. Council agenda items are limited to a maximum of four Authors and Co-Sponsors, in any combination that includes at least one Author.

Authors must be listed in the original item as submitted by the Primary Author. Co-Sponsors may only be added in the following manner:

- In the original item as submitted by the Primary Author
- In a revised item submitted by the Primary Author at the Agenda & Rules Committee
- By verbal request of the Primary Author at the Agenda & Rules Committee
- In a revised item submitted by the Primary Author in Supplemental Reports and Communications Packet #1 or #2
- By verbal or written request of the Mayor or any Councilmember at the Policy Committee meeting or meeting of the full Council at which the item is considered

2. Agenda items shall contain all relevant documentation, including the information listed below:

- a) A descriptive title that adequately informs the public of the subject matter and general nature of the item or report;
- b) Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;

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- c) Recommendation of the report's Primary Author that describes the action to be taken on the item, if applicable;
 - d) Fiscal impacts of the recommendation;
 - e) A description of the current situation and its effects;
 - f) Background information as needed;
 - g) Rationale for recommendation;
 - h) Alternative actions considered;
 - i) For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items);
 - j) Person or persons to contact for further information, with telephone number;
 - k) Additional information and analysis as required. It is recommended that reports include the points of analysis in Appendix B - Guidelines for Developing and Writing Council Agenda Items.
3. "Author" means the Mayor or other Councilmembers who actually authored an item by contributing to the ideas, research, writing or other material elements.
4. "Primary Author" means the Mayor or Councilmember listed first on the item. The Primary Author is the sole contact for the City Manager with respect to the item. Communication with other Authors and Co-Sponsors, if any, is the responsibility of the Primary Author.
5. "Co-Sponsor" means the Mayor or other Councilmembers who wish to indicate their strong support for the item, but are not Authors, and are designated by the Primary Author to be co-sponsors of the council agenda item.
6. "Agenda" means the compilation of the descriptive titles of agenda items submitted to the City Clerk, arranged in the sequence established in Section III.E hereof.
7. "Packet" means the agenda plus all its corresponding agenda items.
8. "Emergency Matter" arises when prompt action is necessary due to the disruption or threatened disruption of public facilities and a majority of the Council determines that:
- a) A work stoppage or other activity which severely impairs public health, safety, or both;
 - b) A crippling disaster, which severely impairs public health, safety or both.
- Notice of the Council's proposed consideration of any such emergency

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matter shall be given in the manner required by law for such an emergency pursuant to Government Code Section 54956.5.

9. "Continued Business" Items carried over from a prior agenda of a meeting occurring less than 11 days earlier.
10. "Old Business" Items carried over from a prior agenda of a meeting occurring more than 11 days earlier.

C. Procedure for Bringing Matters Before City Council

1. Persons Who Can Place Matters on the Agenda.

Matters may be placed on the agenda by the Mayor or any Councilmember, the City Manager, the Auditor, or any board/commission/committee created by the City Council. All items are subject to review, referral, and scheduling by the Agenda & Rules Committee pursuant to the rules and limitations contained herein. The Agenda & Rules Committee shall be a standing committee of the City Council.

The Agenda & Rules Committee shall meet 15 days prior to each City Council meeting and shall approve the agenda of that City Council meeting. Pursuant to BMC Section 1.04.080, if the 15th day prior to the Council meeting falls on a holiday, the Committee will meet the next business day. The Agenda & Rules Committee packet, including a draft agenda and Councilmember, Auditor, and Commission reports shall be distributed by 5:00 p.m. four days before the Agenda & Rules Committee meeting.

The Agenda & Rules Committee shall have the powers set forth below.

a) Items Authored by the Mayor, a Councilmember, or the Auditor.

As to items authored by the Mayor, a Councilmember, or the Auditor, the Agenda & Rules Committee shall review the item and may take the following actions:

- i. Refer the item to a commission for further analysis (Primary Author may decline and request Policy Committee assignment).
- ii. Refer the item to the City Manager for further analysis (Primary Author may decline and request Policy Committee assignment).
- iii. Refer the item back to the Primary Author for adherence to required form or for additional analysis as required in Section III.B.2 (Primary Author may decline and request Policy Committee assignment).
- iv. Refer the item to a Policy Committee.
- v. Schedule the item for the agenda under consideration or one of the next three full Council agendas.

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For referrals under Chapter III.C.1.a.i, ii, or iii, the Primary Author must inform the City Clerk within 24 hours of the adjournment of the Agenda & Rules Committee meeting whether they prefer to:

- 1) re-submit the item for a future meeting with modifications as suggested by the Agenda & Rules Committee; or
- 2) pull the item completely; or
- 3) re-submit the item with revisions as requested by the Agenda & Rules Committee within 24 hours of the adjournment of the Agenda & Rules Committee meeting for the Council agenda under consideration; or
- 4) accept the referral of the Agenda & Rules Committee in sub paragraphs III.C.1.a. i, ii, or iii, or request Policy Committee assignment.

If the Primary Author requests a Policy Committee assignment, the item will appear on the next draft agenda presented to the Agenda & Rules Committee for assignment.

In the event that the City Clerk does not receive guidance from the Primary Author of the referred item within 24 hours of the Agenda & Rules Committee's adjournment, the item will appear on the next draft agenda for consideration by the Agenda & Rules Committee.

Items held for a future meeting to allow for modifications will be placed on the next available Council meeting agenda at the time that the revised version is submitted to the City Clerk.

- b) **Items Authored by the City Manager.** The Agenda & Rules Committee shall review agenda descriptions of items authored by the City Manager. The Committee can recommend that the matter be referred to a commission or back to the City Manager for adherence to required form, additional analysis as required in Section III.B.2, or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

If the City Manager determines that the matter should proceed notwithstanding the Agenda & Rules Committee's action, it will be placed on the agenda as directed by the Manager. All City Manager items placed on the Council agenda against the recommendation of the Agenda & Rules Committee will automatically be placed on the Action Calendar.

- c) **Items Authored by Boards and Commissions.** Council items submitted by boards and commissions are subject to City Manager review and must follow procedures and timelines for submittal of reports as described in the Commissioners' Manual. The content of commission items is not subject to review by the Agenda & Rules Committee unless referred for policy review to the Agenda & Rules Committee.
- i) For a commission item that does not require a companion report from the City Manager, the Agenda & Rules Committee may act on an agendized commission report in the following manner:
1. Move a commission report from the Consent Calendar to the Action Calendar or from the Action Calendar to the Consent Calendar.
 2. Re-schedule the commission report to appear on one of the next three regular Council meeting agendas that occur after the regular meeting under consideration. Commission reports submitted in response to a Council referral shall receive higher priority for scheduling.
 3. Refer the item to a Policy Committee for review.
 4. Allow the item to proceed as submitted.
- ii) For any commission report that requires a companion report, the Agenda & Rules Committee may schedule the item on a Council agenda. The Committee must schedule the commission item for a meeting occurring not sooner than 60 days and not later than 120 days from the date of the meeting under consideration by the Agenda & Rules Committee. A commission report submitted with a complete companion report may be scheduled pursuant to subparagraph c.i. above.
- d) The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in Chapter III, Section E.
2. **Scheduling Public Hearings Mandated by State, Federal, or Local Statute.** The City Clerk may schedule a public hearing at an available time and date in those cases where State, Federal or local statute mandates the City Council hold a public hearing.
3. **Submission of Agenda Items.**
- a) **City Manager Items.** Except for Continued Business and Old Business, as a condition to placing an item on the agenda, agenda items from departments, including agenda items from commissions, shall be furnished to the City Clerk at a time established by the City Manager.

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- b) **Council and Auditor Items.** The deadline for reports submitted by the Auditor, Mayor and City Council is 5:00 p.m. on Monday, 22 days before each Council meeting.
- c) **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 Councilmember is received by the City Clerk after established deadlines and is not included on the Agenda & Rules Committee's published agenda.

The Primary Author of the report shall bring any reports submitted as Time Critical to the meeting of the Agenda & Rules Committee. Time Critical items must be accompanied by complete reports and statements of financial implications. If the Agenda & Rules Committee finds the matter to meet the definition of Time Critical, the Agenda & Rules Committee may place the matter on the Agenda on either the Consent or Action Calendar.

- d) The City Clerk may not accept any agenda item after the adjournment of the Agenda & Rules Committee meeting, except for items carried over by the City Council from a prior City Council meeting occurring less than 11 days earlier, which may include supplemental or revised reports, and reports concerning actions taken by boards and commissions that are required by law or ordinance to be presented to the Council within a deadline that does not permit compliance with the agenda timelines in BMC Chapter 2.06 or these rules.

4. Submission of Supplemental and Revised Agenda Material.

Berkeley Municipal Code Section 2.06.070 allows for the submission of supplemental and revised agenda material. Supplemental and revised material cannot be substantially new or only tangentially related to an agenda item. Supplemental material must be specifically related to the item in the Agenda Packet. Revised material should be presented as revised versions of the report or item printed in the Agenda Packet. Supplemental and revised material may be submitted for consideration as follows:

- a) Supplemental and revised agenda material shall be submitted to the City Clerk no later than 5:00 p.m. seven calendar days prior to the City Council meeting at which it is to be considered. Supplemental and revised items that are received by the deadline shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. five calendar days prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for citizen review or City Councilmember evaluation.

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- b) Supplemental and revised agenda material submitted to the City Clerk after 5:00 p.m. seven days before the meeting and no later than 12:00 p.m. one day prior to the City Council meeting at which it is to be considered shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. one day prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for citizen review or City Council evaluation.
- c) After 12:00 p.m. one calendar day prior to the meeting, supplemental or revised reports may be submitted for consideration by delivering a minimum of 42 copies of the supplemental/revised material to the City Clerk for distribution at the meeting. Each copy must be accompanied by a completed supplemental/revised material cover page, using the form provided by the City Clerk. Revised reports must reflect a comparison with the original item using track changes formatting. The material may be considered only if the City Council, by a two-thirds roll call vote, makes a factual determination that the good of the City clearly outweighs the lack of time for citizen review or City Councilmember evaluation of the material. Supplemental and revised material must be distributed and a factual determination made prior to the commencement of public comment on the agenda item in order for the material to be considered.

5. Submission of Late Urgency Items Pursuant to Government Code Section 54954.2(b)

Late Urgency Items are items proposed for submission to the Council Agenda pursuant to Government Code Section 54954.2(b)

All items to be submitted for consideration for addition to an agenda as Late Urgency Items shall be accompanied by a cover sheet that includes 1) boxes to check for the Author to affirm whether the item is submitted under the Emergency or Immediate Action Rule (and a short explanation of what is required to meet each rule, as well as the vote threshold required for the item to be placed onto the agenda by the City Council); 2) a disclaimer in **BOLD 14pt. CAPS** stating that the item is not yet agendized and may or may not be accepted for the agenda as a Late Urgency Item, at the City Council's discretion according to Brown Act rules; 3) a prompt requiring the author to list the facts which support consideration of the item for addition to the agenda as either an Emergency or Immediate Action item; and 4) a copy of the City Attorney memo on Late Urgency Items.

Late Items must be submitted to the City Clerk no later than 12:00 p.m. (noon) the day prior to the meeting.

All complete Late Items submitted by the deadline will be distributed with Supplemental Communication Packet #2 by 5:00 p.m. the day before the Council meeting. A Late Item is not considered "complete" and will not be distributed unless submitted with the required cover sheet, filled out in a complete manner.

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Very Late Urgency Items of an extremely urgent nature (e.g., earthquake, severe wildfire, pandemic) may be submitted for addition to the agenda after the deadline of 12:00 p.m. the day before the meeting to accommodate unforeseeable, extreme and unusual circumstances. A Very Late Urgency Item will be distributed at the Council meeting prior to any vote to add it to the agenda and the Presiding Officer may provide an appropriate break to allow Councilmembers and the public to review the item before voting on whether to add it to the agenda and possibly again, at the Presiding Officer's discretion, before the item is voted on.

The required cover sheet should be included with the Very Late Urgency Item unless extremely exigent circumstances underlie the Very Late Urgency Item submission and a written cover sheet could not be prepared (for example, power is out and printing or emailing is not possible), in which case the individual "walking in" the item should be ready to provide all required information verbally at the meeting before a vote is taken to add or not add the item to the Agenda.

6. Scheduling a Presentation.

Presentations from staff are either submitted as an Agenda Item or are requested by the City Manager. Presentations from outside agencies and the public are coordinated with the Mayor's Office. The Agenda & Rules Committee may adjust the schedule of presentations as needed to best manage the Council Agenda. The Agenda & Rules Committee may request a presentation by staff in consultation with the City Manager.

D. Packet Preparation and Posting

1. Preparation of the Packet.

Not later than the thirteenth day prior to said meeting, the City Clerk shall prepare the packet, which shall include the agenda plus all its corresponding agenda items. No item shall be considered if not included in the packet, except as provided for in Section III.C.4 and Section III.D.4.

2. Distribution and Posting of Agenda.

- a) The City Clerk shall post each agenda of the City Council regular meeting no later than 11 days prior to the meeting and shall post each agenda of a special meeting at least 24 hours in advance of the meeting in the official bulletin board. The City Clerk shall maintain an affidavit indicating the location, date and time of posting each agenda.
- b) The City Clerk shall also post agendas and annotated agendas of all City Council meetings and notices of public hearings on the City's website.
- c) No later than 11 days prior to a regular meeting, copies of the agenda shall be mailed by the City Clerk to any resident of the City of Berkeley who so requests in writing. Copies shall also be available free of charge in the City Clerk Department.

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3. Distribution of the Agenda Packet.

The Agenda Packet shall consist of the Agenda and all supporting documents for agenda items. No later than 11 days prior to a regular meeting, the City Clerk shall:

- a) distribute the Agenda Packet to each member of the City Council;
- b) post the Agenda Packet to the City's website;
- c) place copies of the Agenda Packet in viewing binders in the office of the City Clerk and in the main branch of the Berkeley Public Library; and
- d) make the Agenda Packet available to members of the press.

4. Failure to Meet Deadlines.

- a) The City Clerk shall not accept any agenda item or revised agenda item after the deadlines established.
- b) Matters not included on the published agenda may be discussed and acted upon as otherwise authorized by State law or providing the Council finds one of the following conditions is met:
 - A majority of the Council determines that the subject meets the criteria of "Emergency" as defined in Section III.B.8.
 - Two thirds of the Council determines that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the agenda as required by law.
- c) Matters listed on the printed agenda but for which supporting materials are not received by the City Council on the eleventh day prior to said meeting as part of the agenda packet, shall not be discussed or acted upon.

E. Agenda Sequence and Order of Business

The Council agenda for a regular business meeting is to be arranged in the following order:

1. Preliminary Matters: (Ceremonial, Comments from the City Manager, Comments from the City Auditor, Non-Agenda Public Comment, Public Comment by Employee Unions, Public Comment by Student Representatives)
2. Consent Calendar
3. Action Calendar
 - a) Appeals
 - b) Public Hearings
 - c) Continued Business
 - d) Old Business

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- e) New Business
- 4. Information Reports
- 5. Non-Agenda Public Comment
- 6. Adjournment
- 7. Communications

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

The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in this section.

F. Closed Session Documents

This section establishes a policy for the distribution of, and access to, confidential closed session documents by the Mayor and members of the City Council.

- 1. Confidential closed session materials shall be kept in binders numbered from one to nine and assigned to the Mayor (#9) and each Councilmember (#1 to #8 by district). The binders will contain confidential closed session materials related to Labor Negotiations, Litigation, and Real Estate matters.
- 2. The binders will be maintained by City staff and retained in the Office of the City Attorney in a secure manner. City staff will bring the binders to each closed session for their use by the Mayor and Councilmembers. At other times, the binders will be available to the Mayor and Councilmembers during regular business hours for review in the City Attorney's Office. The binders may not be removed from the City Attorney's Office or the location of any closed session meeting by the Mayor or Councilmembers. City staff will collect the binders at the end of each closed session meeting and return them to the City Attorney's Office.
- 3. Removal of confidential materials from a binder is prohibited.
- 4. Duplication of the contents of a binder by any means is prohibited.
- 5. Confidential materials shall be retained in the binders for at least two years.
- 6. This policy does not prohibit the distribution of materials by staff to the Mayor and Councilmembers in advance of a closed session or otherwise as needed, but such materials shall also be included in the binders unless it is impracticable to do so.

G. Regulations Governing City Council Policy Committees

1. Legislative Item Process

All agenda items begin with submission to the Agenda & Rules Committee.

Full Council Track

Items under this category are exempt from Agenda & Rules Committee discretion to refer them to a Policy Committee. Items in this category may be submitted for the agenda of any scheduled regular meeting pursuant to established deadlines (same as existing deadlines). Types of Full Council Track items are listed below.

- a. Items submitted by the City Manager and City Auditor
- b. Items submitted by Boards and Commissions
- c. Resolutions on Legislation and Electoral Issues relating to Outside Agencies/Jurisdictions
- d. Position Letters and/or Resolutions of Support/Opposition
- e. Donations from the Mayor and Councilmember District Office Budgets
- f. Referrals to the Budget Process
- g. Proclamations
- h. Sponsorship of Events
- i. Information Reports
- j. Presentations from Outside Agencies and Organizations
- k. Ceremonial Items
- l. Committee and Regional Body Appointments

The Agenda & Rules Committee has discretion to determine if an item submitted by the Mayor or a Councilmember falls under a Full Council Track exception or if it will be processed as a Policy Committee Track item.

Policy Committee Track

Items submitted by the Mayor or Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts will go first to the Agenda & Rules Committee on a draft City Council agenda.

The Agenda & Rules Committee must refer an item to a Policy Committee at the first meeting that the item appears before the Agenda & Rules Committee. The Agenda & Rules Committee may only assign the item to a single Policy Committee.

For a Policy Committee Track item, the Agenda & Rules Committee, at its discretion, may either route item directly to 1) the agenda currently under consideration, 2) one of the next three full Council Agendas (based on completeness of the item, lack of potential controversy, minimal impacts, etc.), or 3) to a Policy Committee.

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Time Critical Track

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 Mayor or Councilmember is received by the City Clerk after established deadlines and is not included on the Agenda & Rules Committee's published agenda.

The Agenda & Rules Committee retains final discretion to determine the time critical nature of an item.

- a) Time Critical items submitted on the Full Council Track deadlines, that would otherwise be assigned to the Policy Committee Track, may bypass Policy Committee review if determined to be time critical. If such an item is deemed not to be time critical, it may be referred to a Policy Committee.
- b) Time Critical items on the Full Council Track or Policy Committee Track that are submitted at a meeting of the Agenda & Rules Committee may go directly on a council agenda if determined to be time critical.

2. Council Referrals to Committees

The full Council may refer any agenda item to a Policy Committee by majority vote.

3. Participation Rules for Policy Committees Pursuant to the Brown Act

- a. The quorum of a three-member Policy Committee is always two members. A majority vote of the committee (two 'yes' votes) is required to pass a motion.
- b. Two Policy Committee members may not discuss any item that has been referred to the Policy Committee outside of an open and noticed meeting.
- c. Notwithstanding paragraph (b) above, two members of a Policy Committee may be listed as Authors or Co-Sponsors on an item provided that one of the Authors or Co-Sponsors will not serve as a committee member for consideration of the item, and shall not participate in the committee's discussion of, or action on the item. For purposes of the item, the appointed alternate, who also cannot be an Author or Co-Sponsor, will serve as a committee member in place of the non-participating Author or Co-Sponsor.
- d. All three members of a Policy Committee may not be Authors or Co-Sponsors of an item that will be heard by the committee.
- e. Only one Author or Co-Sponsor who is not a member of the Policy Committee may attend the committee meeting to participate in discussion of the item.

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- f. If two or more non-committee members are present for any item or meeting, then all non-committee members may act only as observers and may not participate in discussion. If an Author who is not a member of the committee is present to participate in the discussion of their item, no other non-committee member Councilmembers, nor the Mayor, may attend as observers.
- g. An item may be considered by only one Policy Committee before it goes to the full Council.

4. Functions of the Committees

Committees shall have the following qualities/components:

- a. All committees are Brown Act bodies with noticed public meetings and public comment. Regular meeting agendas will be posted at least 72 hours in advance of the meeting.
- b. Minutes shall be available online.
- c. Committees shall adopt regular meeting schedules, generally meeting once or twice per month; special meetings may be called when necessary, in accordance with the Brown Act.
- d. Generally, meetings will be held at 2180 Milvia Street in publicly accessible meeting rooms that can accommodate the committee members, public attendees, and staff.
- e. Members are recommended by the Mayor and approved by the full Council no later than January 31 of each year. Members continue to serve until successors are appointed and approved.
- f. Chairs are elected by the Committee at the first regular meeting of the Committee after the annual approval of Committee members by the City Council. In the absence of the Chair, the committee member with the longest tenure on the Council will preside.
- g. The Chair, or a quorum of the Committee may call a meeting or cancel a meeting of the Policy Committee.
- h. Committees will review items for completeness in accordance with Section III.B.2 of the City Council Rules of Procedure and Order and alignment with Strategic Plan goals.
- i. Reports leaving a Policy Committee must adequately include budget implications, administrative feasibility, basic legal concerns, and staff resource demands in order to allow for informed consideration by the full Council.
- j. Per Brown Act regulations, any revised or supplemental materials must be direct revisions or supplements to the item that was published in the agenda packet.

Items referred to a Policy Committee from the Agenda & Rules Committee or from the City Council must be agendized for a committee meeting within 60 days of the referral date.

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Within 120 days of the referral date, either (1) the committee Chair may accept the Primary Author's request, either in writing, or in person at a meeting of the committee, that the item remain in committee until a date certain (more than one extension may be requested by the Primary Author); or (2) the committee may vote to send the item to the Agenda & Rules Committee to be placed on a Council Agenda with a Committee recommendation consisting of one of the four options listed below. The Committee Chair shall report any extension granted outside of a meeting to the Committee by email or verbally at the next Committee meeting.

1. Positive Recommendation (recommending Council pass the item as proposed),
2. Qualified Positive Recommendation (recommending Council pass the item with some changes),
3. Qualified Negative Recommendation (recommending Council reject the item unless certain changes are made) or
4. Negative Recommendation (recommending the item not be approved).

The Policy Committee's recommendation will be included in a separate section of the report template for that purpose.

A Policy Committee may not refer an item under its consideration to a city board or commission.

The Primary Author of an item referred to a Policy Committee is responsible for revisions and resubmission of the item back to the full Council. Items originating from the City Manager are revised and submitted by the appropriate city staff. Items from Commissions are revised and resubmitted by the members of the Policy Committee. Items and recommendations originating from the Policy Committee are submitted to the City Clerk by the members of the committee.

If a Policy Committee does not take final action by the 120-day deadline, the item is returned to the Agenda & Rules Committee and appears on the next available Council agenda. The Agenda & Rules Committee may leave the item on the agenda under consideration or place it on the next Council agenda. Items appearing on a City Council agenda due to lack of action by a Policy Committee may not be referred to a Policy Committee and must remain on the full Council agenda for consideration.

Policy Committees may add discussion topics that are within their purview to their agenda with the concurrence of a majority of the Committee. These items are not subject to the 120-day deadline for action.

Once the item is voted out of a Policy Committee, the final item will be resubmitted to the agenda process by the Primary Author, and it will return to the Agenda & Rules Committee

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on the next available agenda. The Agenda & Rules Committee may leave the item on the agenda under consideration or place it on the following Council agenda. Only items that receive a Positive Recommendation can be placed on the Consent Calendar.

The Primary Author may request expedited committee review for items referred to a committee. Criteria for expedited review is generally to meet a deadline for action (e.g. grant deadline, specific event date, etc.). If the committee agrees to the request, the deadline for final committee action is 45 days from the date the committee approves expedited review.

5. Number and Make-up of Committees

Six committees are authorized, each comprised of three Councilmembers, with a fourth Councilmember appointed as an alternate. Each Councilmember and the Mayor will serve on two committees. The Mayor shall be a member of the Agenda and Rules Committee. The committees are as follows:

1. Agenda and Rules Committee
2. Budget and Finance Committee
3. Facilities, Infrastructure, Transportation, Environment, and Sustainability
4. Health, Life Enrichment, Equity, and Community
5. Land Use, Housing, and Economic Development
6. Public Safety

The Agenda & Rules Committee shall establish the Policy Committee topic groupings, and may adjust said groupings periodically thereafter in order to evenly distribute expected workloads of various committees.

All standing Policy Committees of the City Council are considered "legislative bodies" under the Brown Act and must conduct all business in accordance with the Brown Act.

6. Role of City Staff at Committee Meetings

Committees will be staffed by appropriate City Departments and personnel. As part of the committee process, staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item. Staff analysis at the Policy Committee level is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

IV. CONDUCT OF MEETING

A. Comments from the Public

Public comment will be taken in the following order:

- An initial ten-minute period of public comment on non-agenda items, after the commencement of the meeting and immediately after Ceremonial Matters and City Manager Comments.
- At the first regular meeting of the month, A period of public comment reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.
- At the first regular meeting of the month, a period of public comment reserved for officially designated representatives of high-school, college, community college, and/or graduate students, with five minutes allocated per student body if representatives of three or fewer student bodies wish to speak and up to three minutes if representatives of four or more student bodies wish to speak.
- Public comment on the Consent and Information Calendars.
- Public comment on the Action Calendar at the onset of the Action calendar with the exception of appeals, public hearings, and quasi-judicial matters requiring public comment for due process purposes.
- Public comment on action items by those who did not speak in the earlier Action Calendar public comment period, any appeals, public hearings, and/or other quasi-judicial matters requiring extended public comment for due process purposes as they are taken up under procedures set forth in the sections governing each below.
- Public comment on non-agenda items from any speakers who did not speak during the first round of non-agenda public comment at the beginning of the meeting.

Except in the case of public comment by employee unions or student representatives, speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. A speaker wishing to yield their time shall identify themselves, shall be recognized by the chair, and announce publicly their intention to yield their time. Disabled persons shall have priority seating in the front row of the public seating area.

With respect to public comment by employee unions and student representatives, each union's or student body's allocated time may be shared between more than one representative, and representatives, and other members of unions, students, and student representatives may speak during other public comment periods in the same manner as members of the public.

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A member of the public may only speak once at public comment on any single item, unless called upon by the Mayor or a Councilmember to answer a specific inquiry, or unless the individual is speaking with respect to a public hearing, a quasi-judicial matter, and/or any other item requiring extended public comment as a matter of due process.

1. Public Comment on Consent Calendar and Information Items.

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." 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."

The Council will then take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. A speaker may only speak once during the period for public comment on Consent Calendar and Information items. 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, the Mayor or 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.

2. Public Comment on Action Items.

After the initial ten minutes of public comment on non-agenda items, reserved public comment by employee unions and student representatives, public comment on consent and information items, and adoption of the Consent Calendar, the public may comment on each remaining item listed on the agenda for action. Public comment will occur for each Action item—excluding public hearings, appeals, and/or quasi-judicial matters—in separate but consecutive public comment periods before the Action Calendar is discussed by Council and staff and as the item is taken up. The Presiding Officer will open and close the public comment period for each Action Item, and each period will occur based on the order of the items on the agenda, or based on the discretion of the Presiding Officer.

During the public comment period for each Action Item, the Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking on an individual Action Item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking on an item, the Presiding Officer may limit the public

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comment for all speakers on the item 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.

This procedure also applies to public hearings except those types of public hearings specifically provided for in this section, below.

3. Appeals Appearing on Action Calendar.

With the exception of appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission, appeals from decisions of City commissions appear on the "Action" section of the Council Agenda. Council determines whether to affirm the action of the commission, set a public hearing, or remand the matter to the commission. Appeals of proposed special assessment liens shall also appear on the "Action" section of the Council Agenda. Appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission are automatically set for public hearing and appear on the "Public Hearings" section of the Council Agenda.

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have seven minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment. In the case of an appeal of proposed special assessment lien, the appellant shall have seven minutes to comment.

After the conclusion of the seven-minute comment periods, members of the public may comment on the appeal. Comments from members of the public regarding appeals shall be limited to one minute per speaker. Any person that addressed the Council during one of the seven-minute periods may not speak again during the public comment period on the appeal. Speakers may yield their time to one other speaker, however, no speaker shall have more than two minutes. Each side shall be informed of this public comment procedure at the time the Clerk notifies the parties of the date the appeal will appear on the Council agenda.

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4. Public Comment on Non-Agenda Matters.

Immediately following Ceremonial Matters and the City Manager Comments and prior to reserved public comment by employee unions and student representiatves, the Consent Calendar, persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, 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. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting.

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.

Persons submitting speaker cards are not required to list their actual name, however they must list some identifying information or alternate name in order to be called to speak.

For the second round of public comment on non-agenda matters, the Presiding Officer retains the authority to limit the number of speakers by subject. The Presiding Officer will generally request that persons wishing to speak, line up at the podium to be recognized to determine the number of persons interested in speaking at that time. Each speaker will be entitled to speak for two minutes each unless the Presiding Officer determines that one-minute is appropriate given the number of speakers.

Pursuant to this document, no Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items. If any agendized business remains unfinished at 11:00 p.m. or the expiration of any extension after 11:00 p.m., it will be referred to the Agenda & Rules Committee for scheduling pursuant to Chapter II, Section F. In that event, the meeting shall be automatically extended for up to fifteen (15) minutes for public comment on non-agenda items.

5. Ralph M. Brown Act Pertaining to Public Comments.

The Brown Act prohibits the Council from discussing or taking action on an issue raised during Public Comment, unless it is specifically listed on the agenda. However, the Council may refer a matter to the City Manager.

B. Consent Calendar

There shall be a Consent Calendar on all regular meeting agendas on which shall be included those matters which the Mayor, Councilmembers, boards, commissions, City Auditor and City Manager deem to be of such nature that no debate or inquiry will be necessary at the Council meetings. Ordinances for second reading may be included in the Consent Calendar.

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It is the policy of the Council that the Mayor or Councilmembers wishing to ask questions concerning Consent Calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for discussion of consent calendar items can be minimized.

Consent Calendar items may be moved to the Action Calendar by the Council. Action items may be reordered at the discretion of the Chair with the consent of Council.

C. Information Reports Called Up for Discussion

Reports for Information designated for discussion at the request of the Mayor or any Councilmember shall be added to the appropriate section of the Action Calendar and may be acted upon at that meeting or carried over as pending business until discussed or withdrawn. The agenda will indicate that at the request of Mayor or any Councilmember a Report for Information may be acted upon by the Council.

D. Written Communications

Written communications from the public will not appear on the Council agenda as individual matters for discussion but will be distributed as part of the Council agenda packet with a cover sheet identifying the author and subject matter and will be listed under "Communications." All such communications must have been received by the City Clerk no later than 5:00 p.m. fifteen days prior to the meeting in order to be included on the agenda.

In instances where an individual forwards more than three pages of email messages not related to actionable items on the Council agenda to the Council to be reproduced in the "Communications" section of the Council packet, the City Clerk will not reproduce the entire email(s) but instead refer the public to the City's website or a hard copy of the email(s) on file in the City Clerk Department.

All communications shall be simply deemed received without any formal action by the Council. The Mayor or a Councilmember may refer a communication to the City Manager for action, if appropriate, or prepare a consent or action item for placement on a future agenda.

Communications related to an item on the agenda that are received after 5:00 p.m. fifteen days before the meeting are published as provided for in Chapter III.C.4.

E. Public Hearings for Land Use, Zoning, Landmarks, and Public Nuisance Matters

The City Council, in setting the time and place for a public hearing, may limit the amount of time to be devoted to public presentations. Staff shall introduce the public hearing item and present their comments.

Following any staff presentation, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Members shall also submit a report of such contacts in writing prior to the commencement of the hearing. Such reports shall include a brief statement

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describing the name, date, place, and content of the contact. Written reports shall be available for public review in the office of the City Clerk prior to the meeting and placed in a file available for public viewing at the meeting.

This is followed by five-minute presentations each by the appellant and applicant. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have five minutes to comment and the applicant shall have five minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have five minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have five minutes to comment and the persons supporting the action of the board or commission on appeal shall have five minutes to comment. In the case of a public nuisance determination, the representative(s) of the subject property shall have five minutes to present.

The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking, each speaker 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. Any person that addressed the Council during one of the five-minute periods may not speak again during the public comment period on the appeal. 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.

F. Work Sessions

The City Council may schedule a matter for general Council discussion and direction to staff. Official/formal action on a work session item will be scheduled on a subsequent agenda under the Action portion of the Council agenda.

In general, public comment at Council work sessions will be heard after the staff presentation, for a limited amount of time to be determined by the Presiding Officer.

The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking, each speaker 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.

After Council discussion, if time permits, the Presiding Officer may allow additional public comment. During this time, each speaker will receive one minute. Persons who spoke during the prior public comment time may be permitted to speak again.

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G. Protocol

People addressing the Council may first give their name in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No one other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked of a Councilmember except through the Presiding Officer.

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V. PROCEDURAL MATTERS

A. Persons Authorized to Sit at Tables

No person, except City officials, their representatives and representatives of boards and commissions shall be permitted to sit at the tables in the front of the Council Chambers without the express consent of the Council.

B. Decorum

No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council Dais without consent. Any written communications addressed to the Council shall be delivered to the City Clerk for distribution to the Council.

C. Enforcement of Decorum

When the public demonstrates a lack of order and decorum, the presiding officer shall call for order and inform the person(s) that the conduct is violating the Rules of Order and Procedure and provide a warning to the person(s) to cease the disruptive behavior. Should the person(s) fail to cease and desist the disruptive conduct, the presiding officer may call a five (5) minute recess to allow the disruptions to cease.

If the meeting cannot be continued due to continued disruptive conduct, the presiding officer may have any law enforcement officer on duty remove or place any person who violates the order and decorum of the meeting under arrest and cause that person to be prosecuted under the provisions of applicable law.

D. Precedence of Motions

When a question or motion is before the Council, no motion shall be entertained except:

1. To adjourn;
2. To fix the hour of adjournment;
3. To lay on the table;
4. For the previous question;
5. To postpone to a certain day;
6. To refer;
7. To amend;
8. To substitute; and
9. To postpone indefinitely.

These motions shall have precedence in order indicated. Any such motion, except a motion to amend or substitute, shall be put to a vote without debate.

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E. Robert's Rules of Order

Robert's Rules of Order have been adopted by the City Council and apply in all cases except the precedence of motions in Section V.D shall supersede.

F. Rules of Debate

1. Presiding Officer May Debate.

The presiding officer may debate from the chair; subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Council by reason of that person acting as the presiding officer.

2. Getting the Floor - Improper References to be avoided.

Members desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine themselves to the question under debate.

3. Interruptions.

A member, once recognized, shall not be interrupted when speaking unless it is to call a member to order, or as herein otherwise provided. If a member, while speaking, were called to order, that member shall cease speaking until the question of order is determined, and, if in order, the member shall be permitted to proceed.

4. Privilege of Closing Debate.

The Mayor or Councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the debate. When a motion to call a question is passed, the Mayor or Councilmember moving adoption of an ordinance, resolution or other action shall have three minutes to conclude the debate.

5. Motion to Reconsider.

A motion to reconsider any action taken by the Council may be made only during the same session such action is taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by a member on the prevailing side, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or other motion at a subsequent meeting of the Council.

6. Repeal or Amendment of Action Requiring a Vote of Two-Thirds of Council, or Greater.

Any ordinance or resolution which is passed and which, as part of its terms, requires a vote of two-thirds of the Council or more in order to pass a motion pursuant to such an ordinance or resolution, shall require the vote of the same percent of the Council to repeal or amend the ordinance or resolution.

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G. Debate Limited

1. Consideration of each matter coming before the Council shall be limited to 20 minutes from the time the matter is first taken up, at the end of which period consideration of such matter shall terminate and the matter shall be dropped to the foot of the agenda, immediately ahead of Information Reports; provided that either of the following two not debatable motions shall be in order:
 - a) A motion to extend consideration which, if passed, shall commence a new twenty-minute period for consideration; or
 - b) If there are one or more motions on the floor, a motion for the previous question, which, if passed by a 2/3 vote, shall require an immediate vote on pending motions.
2. The time limit set forth in subparagraph 1 hereof shall not be applicable to any public hearing, public discussion, Council discussion or other especially set matter for which a period of time has been specified (in which case such specially set time shall be the limit for consideration) or which by applicable law (e.g. hearings of appeals, etc.), the matter must proceed to its conclusion.
3. In the interest of expediting the business of the City, failure by the Chair or any Councilmember to call attention to the expiration of the time allowed for consideration of a matter, by point of order or otherwise, shall constitute unanimous consent to the continuation of consideration of the matter beyond the allowed time; provided, however, that the Chair or any Councilmember may at any time thereafter call attention to the expiration of the time allowed, in which case the Council shall proceed to the next item of business, unless one of the motions referred to in Section D hereof is made and is passed.

H. Motion to Lay on Table

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion of a member voting with the majority and with consent of two-thirds of the members present.

I. Division of Question

If the question contains two or more propositions, which can be divided, the presiding officer may, and upon request of a member shall, divide the same.

J. Addressing the Council

Under the following headings of business, unless the presiding officer rules otherwise, any interested person shall have the right to address the Council in accordance with the following conditions and upon obtaining recognition by the presiding officer:

1. Written Communications.

Interested parties or their authorized representatives may address the Council in the form of written communications in regard to matters of concern to them by

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submitting their written communications at the meeting, or prior to the meeting pursuant to the deadlines in Chapter III.C.4.

2. Public Hearings.

Interested persons or their authorized representatives may address the Council by reading protests, petitions, or communications relating to matters then under consideration.

3. Public Comment.

Interested persons may address the Council on any issue concerning City business during the period assigned to Public Comment.

K. Addressing the Council After Motion Made

When a motion is pending before the Council, no person other than the Mayor or a Councilmember shall address the Council without first securing the permission of the presiding officer or Council to do so.

L. Use of Cellular Phones and Electronic Devices

The use of cell phones during City Council meetings is discouraged for the Mayor and Councilmembers. While communications regarding Council items should be minimized, personal communications between family members and/or caregivers can be taken outside in the case of emergencies. In order to acknowledge differences in learning styles and support tactile learners, note-taking can continue to be facilitated both with a pen and paper and/or on electronic devices such as laptop computers and tablets.

The use of cell phones during Closed Session Meetings is explicitly prohibited for the Mayor and Councilmembers.

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VI.FACILITIES

A. Meeting Location Capacity

Attendance at council meetings shall be limited to the posted seating capacity of the meeting location. Entrance to the meeting location will be appropriately regulated by the City Manager on occasions when capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the meeting room except to address the Council, and sitting on the floor shall not be permitted.

B. Alternate Facilities for Council Meetings

The City Council shall approve in advance a proposal that a Council meeting be held at a facility other than the School District Board Room.

If the City Manager has reason to anticipate that the attendance for a meeting will be substantially greater than the capacity of the Board Room and insufficient time exists to secure the approval of the City Council to hold the meeting at an alternate facility, the City Manager shall make arrangements for the use of a suitable alternate facility to which such meeting may be recessed and moved, if the City Council authorizes the action.

If a suitable alternate facility is not available, the City Council may reschedule the matter to a date when a suitable alternate facility will be available.

Alternate facilities are to be selected from those facilities previously approved by the City Council as suitable for meetings away from the Board Room.

C. Signs, Objects, and Symbolic Materials

Objects and symbolic materials such as signs which do not have sticks or poles attached or otherwise create any fire or safety hazards will be allowed within the meeting location during Council meetings.

D. Fire Safety

Exits shall not be obstructed in any manner. Obstructions, including storage, shall not be placed in aisles or other exit ways. Hand carried items must be stored so that such items do not inhibit passage in aisles or other exit ways. Attendees are strictly prohibited from sitting in aisles and/or exit ways. Exit ways shall not be used in any way that will present a hazardous condition.

E. Overcrowding

Admittance of persons beyond the approved capacity of a place of assembly is prohibited. When the meeting location has reached the posted maximum capacity, additional attendees shall be directed to the designated overflow area.

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APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

Purpose

To establish a uniform policy regarding the naming and renaming of existing and future parks, streets, pathways and other public facilities.

Objective

- A. To ensure that naming public facilities (such as parks, streets, recreation facilities, pathways, open spaces, public building, bridges or other structures) will enhance the values and heritage of the City of Berkeley and will be compatible with community interest.

Section 1 – Lead Commission

The City Council designates the following commissions as the 'Lead Commissions' in overseeing, evaluating, and ultimately advising the Council in any naming or renaming of a public facility. The lead commission shall receive and coordinate comment and input from other Commissions and the public as appropriate.

Board of Library Trustees

Parks and Recreation Commission –Parks, recreation centers, camps, plazas and public open spaces

Public Works Commission –Public buildings (other than recreation centers), streets and bridges or other structures in the public thoroughfare.

Waterfront Commission –Public facilities within the area of the City known as the Waterfront, as described in BMC 3.36.060.B.

Section 2 – General Policy

- A. Newly acquired or developed public facilities shall be named immediately after acquisition or development to ensure appropriate public identity.
- B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
- C. Public facilities that are renamed must follow the same criteria for naming new facilities. In addition, the historical significance and geographical reference of the established name should be considered when weighing and evaluating any name change.
- D. The City encourages the recognition of individuals for their service to the community in ways that include the naming of activities such as athletic events, cultural presentations, or annual festivals, which do not involve the naming or renaming of public facilities.
- E. Unless restricted by covenant, facilities named after an individual should not necessarily be considered a perpetual name.

Section 3 – Criteria for Naming of Public Facilities

When considering the naming of a new public facility or an unnamed portion or feature within an already named public facility (such as a room within the facility or a feature within an established park), or, the renaming of an existing public facility the following criteria shall be applied:

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- A. Public Facilities are generally easier to identify by reference to adjacent street names, distinct geographic or environmental features, or primary use activity. Therefore, the preferred practice is to give City-owned property a name of historical or geographical significance and to retain these names.
- B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
- C. The naming of a public facility or any parts thereof in recognition of an individual posthumously may only be considered if the individual had a positive effect on the community and has been deceased for more than 1 year.
- D. When a public facility provides a specific programmatic activity, it is preferred that the activity (e.g. skateboard park, baseball diamond) be included in the name of the park or facility.
- E. When public parks are located adjacent to elementary schools, a name that is the same as the adjacent school shall be considered.
- F. When considering the renaming of an existing public facility, in addition to applying criteria A-E above, proper weight should be given to the fact that: a name lends a site or property authenticity and heritage; existing names are presumed to have historic significance; and historic names give a community a sense of place and identity, continuing through time, and increases the sense of neighborhood and belonging.

Section 4 –Naming Standards Involving a Major Contribution

When a person, group or organization requests the naming or renaming of a public facility, all of the following conditions shall be met:

- A. An honoree will have made a major contribution towards the acquisition and/or development costs of a public facility or a major contribution to the City.
- B. The honoree has a record of outstanding service to their community
- C. Conditions of any donation that specifies that name of a public facility, as part of an agreement or deed, must be approved by the City Council, after review by and upon recommendation of the City Manager.

Section 5 –Procedures for Naming or Renaming of Public Facilities

- A. Any person or organization may make a written application to the City Manager requesting that a public facility or portion thereof, be named or renamed.
 - 1. Recommendations may also come directly of the City Boards or Commissions, the City Council, or City Staff.
- B. The City Manager shall refer the application to the appropriate lead commission as defined in Section 1 of the City's policy on naming of public facilities, for that commission's review, facilitation, and recommendation of disposition.
 - 1. The application shall contain the name or names of the persons or organization making the application and the reason for the requested naming or renaming.
- C. The lead commission shall review and consider the application, using the policies and criteria articulated to the City Policy on Naming and Renaming to make a recommendation to Council.
 - 1. All recommendations or suggestion will be given the same consideration without regard to the source of the nomination
- D. The lead commission shall hold a public hearing and notify the general public of any discussions regarding naming or renaming of a public facility.

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1. Commission action will be taking at the meeting following any public hearing on the naming or renaming.
- E. The commission's recommendation shall be forwarded to Council for final consideration.

The City of Berkeley Policy for Naming and Renaming Public Facilities was adopted by the Berkeley City Council at the regular meeting of January 31, 2012.

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APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide "additional analysis" if the item as submitted evidences a "significant lack of background or supporting information" or "significant grammatical or readability issues."

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt Authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. Agenda items shall contain all relevant documentation, including the following as Applicable:
 - a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
 - b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
 - c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
 - d. Fiscal impacts of the recommendation;
 - e. A description of the current situation and its effects;
 - f. Background information as needed;
 - g. Rationale for recommendation;
 - h. Alternative actions considered;
 - i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
 - j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

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Guidelines for City Council Items:

1. Title
2. Consent/Action/Information Calendar
3. Recommendation
4. Summary Statement/Current situation and its effects
5. Background
6. Review of Existing Plans, Programs, Policies and Laws
7. Actions/Alternatives Considered
8. Consultation/Outreach Overview and Results
9. Rationale for Recommendation
10. Implementation, Administration and Enforcement
11. Environmental Sustainability
12. Fiscal Impacts
13. Outcomes and Evaluation
14. Contact Information
15. Attachments/Supporting Materials

1. Title

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. Consent/Action/Information Calendar

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. Recommendation

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options include:

- Adopt first reading of ordinance
- Adopt a resolution
- Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
- Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
- Referral to a Commission or to a Standing or Ad Hoc Council Committee
- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

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4. Summary Statement/ “Current situation and its effects”

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):
Winter rains are lasting longer than expected. Berkeley's winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley's winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.

5. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. Review of Existing Plans, Programs, Policies and Laws

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan

Internal
APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

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- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

7. Actions/Alternatives Considered

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations?**
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

8. Consultation/Outreach Overview and Results

- Review/list external and internal stakeholders that were consulted
 - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
 - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, Clerk, etc.
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

9. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented,

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but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

10. Implementation, Administration and Enforcement

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

11. Environmental Sustainability

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. Fiscal Impacts

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs.

13. Outcomes and Evaluation

State the specific outcomes expected, if any (i.e., "*it is expected that 100 homeless people will be referred to housing every year*") and what reporting or evaluation is recommended.

14. Contact Information

15. Attachments/Supporting Materials

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APPENDIX C. TEMPORARY RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS THROUGH VIDEO CONFERENCE DURING THE COVID-19 EMERGENCY

Mayor and Councilmember Speaking Time on Agenda Items

For the Consent Calendar, the Mayor and Councilmembers will initially have up to five minutes each to make comments. After all members of the Council have spoken (or passed) and after public comment, members will each have two additional minutes to discuss the Consent Calendar.

For non-Consent items, the Mayor and Councilmembers will have two minutes each to make initial comments on an agenda item, except for the author of an agenda item who will have five minutes to initially present the item. After every Councilmember has spoken or declined and after public comment, Councilmembers will each have another five minutes per person to address an item. Debate may be extended beyond a second round of Council comments by a majority vote (5 votes).

Time will toll during staff answers to questions; Councilmembers are urged to ask their questions of city staff before the meeting or in writing.

Procedure for Pulling Items from Consent or Information Calendar

Three (3) members of the City Council must agree to pull an item from the Consent or Information Calendar for it to move to Action. Absent three members concurring, the item will stay on Consent or Information Calendar and, with respect to Consent items, the Mayor or Councilmembers will be allowed to record their aye, nay or abstain votes on individual items or the entire Consent Calendar.

Moving an item from the Action Calendar to the Consent Calendar requires the unanimous consent of the entire City Council.

Public Comment Speaking Time

With the exception of prescribed times in the Rules of Procedure for public hearings and public comment by employee unions, the amount of time for each speaker during public comment is limited to two minutes maximum and that speakers can only address an agenda item once, however the Presiding Officer has the discretion to reduce speaker time if needed in order to allow the orderly conduct of the meeting, subject to the consent of a majority of the City Council. Speakers may yield their time for a maximum of four minutes per individual. If a speaker wishes to yield their time, they must indicate so when called on by the Presiding Officer and state who they are yielding their speaker time to. The Presiding Officer will keep a list with the names and amount of time yielded to individuals.

In order to inform members of the public of their place in the speaker's queue, the Presiding Officer will call the names of 5 speakers at a time.

Public Comment on Non-Agenda Matters will be conducted in the order of hands raised on the Zoom platform, and will be limited to either the first 10 speakers during the initial round of Non-Agenda public comment, as well as all hands raised during the closing round of Non-Agenda public comment at the conclusion to the meeting, until such time that the

meeting adjourns. If there are five or fewer speakers with hands raised for Public Comment on Non-Agenda Matters, each speaker will have two minutes to address the City Council. If there are more than five speakers with their hands raised then speaker time will be limited to one minute per person. The procedure for selection of Non-Agenda speakers prescribed in the Rules of Procedure by random draw is suspended for videoconference meetings where there is no physical meeting location.

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RESOLUTION #####-N.S.

**RE-ADOPTING THE CITY COUNCIL RULES OF PROCEDURE AND ORDER AND
RESCINDING RESOLUTION NO. 70,725-N.S.**

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the revised City Council Rules of Procedure and Order attached hereto as Exhibit A shall replace wholesale the existing City Council Rules of Procedure and Order attached hereto as Exhibit B.

BE IT FURTHER RESOLVED that the revised City Council Rules of Procedure and Order (Exhibit B as amended by Exhibit A) shall govern all proceedings of the City Council therein described, subject to the exceptions and deviations provided for in such rules.

BE IT FURTHER RESOLVED that violation of these rules shall not be construed as a penal offense, except as provided for by the adopted Rules of Procedure and Order.

BE IT FURTHER RESOLVED that the Council shall review its Rules of Procedure and Order in March of each odd-numbered year per April 26, 2016 City Council action.

BE IT FURTHER RESOLVED that Resolution No 70,725-N.S. is hereby rescinded.

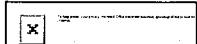
Benado, Tony

From: Camille MacDonald <camillemacd@berkeley.edu>
Sent: Saturday, July 8, 2023 12:25 PM
To: All Council
Subject: Vote to approve Agenda Item #35

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I am writing in support of De-Prioritizing the enforcement of laws imposing criminal penalties for Entheogenic/Psychedelic plants and fungi for personal use. I hope that you will vote to support this measure on the 11th, as it is imperative for the safety and well-being of Berkeley's residents and community. Thank you for your consideration.

Best,
Camille MacDonald



Camille MacDonald (They / Them)
Student / UC Berkeley / Society & Environment / Justice & Sustainability
Intern / UC Agriculture & Natural Resources Extension / Food Policy Program
Liaison / UC Berkeley Center for Restorative Justice
camillemacd@berkeley.edu
510 . 332 . 5466

Benado, Tony

From: Fran Haselsteiner <franhaselsteiner@gmail.com>
Sent: Saturday, July 8, 2023 11:39 AM
To: All Council
Subject: Please vote no on psychedelics

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Clearly the intent is to legalize psychedelics for recreational use in Berkeley. Sorry, I don't understand. What is driving this proposal? We already have ample crazy in the city of Berkeley. Don't we already have enough alcohol poisoning during Pledge Week? People are trying to live, work, and raise their families in our city; this isn't Party City. Please do not pass this ill-considered proposal.

Thank you.

Fran Haselsteiner
District 2

Benado, Tony

From: Clifton Ross <clifross@gmail.com>
Sent: Sunday, July 9, 2023 10:35 AM
To: All Council
Subject: Please decriminalize our sacraments

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Berkeley City Council,

I'm grateful to you for hearing the matter to decriminalize (deprioritize) entheogenic plants and fungi. I am a former English instructor at Berkeley City College (2001-2011), an Oakland Pen award-winning poet and filmmaker who resides here in Berkeley. I am also a member of Psychedelics in Recovery, a 12-step based fellowship whose members use psychedelics in their personal work to recover from maladaptive behaviors, such as addiction. I am also a member in good standing of Sacred Garden Community Church, an entheogenic church based in Oakland, CA.

I am asking for your support for this resolution on entheogenic plants and fungi, and for removal of restrictions on sharing in the second resolved statement. In my church the sharing of sacraments is a sacred act, equivalent of the sharing of the Host in Christian churches, or the sharing of the Seder plate in Judaism. This second resolved statement will complicate, if not prohibit, that practice and infringe on our rights to practice our faith in the full freedom granted to us under our Constitution. I therefore plead with you to remove that clause to allow our members to practice their faith without undue complications.

Thank you for considering the decriminalization of these sacred plants and removing restrictions on their use. Hundreds of thousands, and historically, millions, have found healing with these sacred medicines, and your courage in allowing people to work with these plants as they feel need will add to the growing movement to bring this unspeakably inhumane, infantilizing and destructive, even criminal, "War on Drugs" under which the country has suffered for far too long.

Sincerely,
Clifton Ross
Berkeley, CA

My political memoir, Home from the Dark Side of Utopia, is now available from AK Press. See more of my work at my website: films, books and blog.

Benado, Tony

From: Karen Armstead <prunedoggie@gmail.com>
Sent: Friday, July 7, 2023 8:47 AM
To: All Council
Subject: Item #5 on July 11 Agenda

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor and Councilmembers:

I am writing to urge your support of Item #35 on the July 11 Agenda. This would eliminate criminal penalties for personal use of entheogenic/psychedelic plants and fungi.

Criminalizing these substances since the 1970s hasn't diminished their prevalence. Rather, criminalization has marginalized these substances socially, encouraging their abuse and associated personal and social costs.

By eliminating criminal penalties for personal use of psychedelic plants and fungi, you promote a culture of responsible use and you reduce the need for expensive governmental drug enforcement.

Please do the right thing and support Item #35 next Tuesday.

Sincerely,

Karen Armstead
2550 Dana St.
Berkeley, CA 94704
(resident of District 3)