



Office of the City Manager

CONSENT CALENDAR  
September 14, 2021

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Amendments to Berkeley Municipal Code Section 19.44.020 (Housing Advisory Commission)

RECOMMENDATION

Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 19.44.020 to include oversight of Measure O bond-funded housing initiatives as established by Resolution No. 68,703-N.S. and future voter-approved bonds and measures dedicated to affordable housing.

FISCAL IMPACTS OF RECOMMENDATION

Reorganizing the oversight of all housing-focused bonds and measures, including Measure O, under the purview of the Housing Advisory Commission (HAC) will reduce staffing costs associated with oversight committees dedicated to specific bonds and measures.

CURRENT SITUATION AND ITS EFFECTS

On June 15, 2021, City Council directed the City Manager and City Attorney to amend commissions' enabling legislation to support a phased reorganization of the existing commission structure. The first phase of the recommendation directs the City Manager to "prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions."

BMC Section 19.44.020.B.10 states, "the Housing Advisory Commission shall review and advise the City Council on housing policy, housing programs, and related issues. In particular, the Commission shall make recommendations on how and to what extent the City should establish and fund programs to increase the supply of affordable housing and protect residents of Berkeley from homelessness."

The Measure O Bond Measure was codified as Resolution No. 68,703-N.S. after its approval by the voters in Berkeley. The requirements set forth by Resolution No. 68,703-N.S. require oversight by an independent oversight committee to ensure funds are being allocated to affordable housing development. This duty is consistent with the

HAC's role as established by BMC Section 19.44.020.B. The HAC oversees and makes recommendations for the various funds that support the Housing Trust Fund (HTF) program consistent with the charge established by the BMC. The HTF program has multiple funding streams with unique requirements that require oversight including General Funds received pursuant to Measure U1, federal HOME, Community Development Block Grant (CDBG), and Emergency Shelter Grant (ESG) funds.

Measure O is the only local affordable housing source not under the oversight of the HAC. Measure O and HTF funds typically need to be combined due to the allowable uses of each funding source, federal match requirements and the amount and timing of funds. This requires staff to seek two different approvals for a single funding commitment or Notice of Funding Opportunity (NOFA). This was recently exhibited in the City Council's commitment of housing funds to Ashby and North Berkeley BART stations on April 27, 2021, which staff brought to both the HAC and Measure O Commissions.

The proposed amendments are to Section 19.44.020.B.10. This amendment will expand the HAC's oversight and recommendations to City funding for housing programs to include all voter-approved bonds and ballot measures dedicated to affordable housing. This includes Measure O and will apply to any future affordable housing focused bonds that require recommendations and oversight, so that any future housing bond funds can also be used in conjunction with existing sources. The BMC amendment will also require the City Manager to provide the Commission with copies of all reporting requirements required by measures under the Commission's purview.

Adopting amendments to BMC Section 19.44.020 is a Strategic Plan Priority Project, advancing our goal to provide an efficient and financially-health City government.

#### BACKGROUND

The HAC and its jurisdiction over local housing funding is established by BMC Chapter 19.44.020. The Measure O Bond Oversight Committee (MOBOC) is established by Council Resolution No. 68,703-N.S. Section 6(e) of said resolution states, "all expenditures [of the Measure O Bond proceeds] will be subject to oversight by an independent oversight committee, composed of individuals appointed by the City Council, to confirm that Bond expenditures are consistent with the intent of this Measure."

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Consolidating these commissions could reduce vehicle miles travelled and greenhouse gas emissions for staff, commissioners, and members of the public who travel to meetings via automobile.

RATIONALE FOR RECOMMENDATION

The Measure O Bond is dedicated to funding affordable housing. The MOBOC is charged with ensuring these funds are allocated in accordance with the bond's requirements. The HAC is charged with oversight of the City's other affordable housing funding sources, collectively known as the Housing Trust Fund program. Incorporating the MOBOC's charge into the HAC's duties will facilitate uniform analysis and decision making, better coordination of the City's various affordable housing funding sources, and an expedited review process. This recommendation is consistent with the Council's direction on June 15, 2021.

ALTERNATIVE ACTIONS CONSIDERED

No other actions were considered due to the Council's direction June 15, 2021.

CONTACT PERSON

Mike Uberti, Community Development Project Coordinator, HHCS, 510-981-5114

Attachments:

- 1: Ordinance
- 2: June 15, 2021 Council Report
- 3: Resolution No. 68,703-N.S.

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTION 19.44.020 HOUSING  
ADVISORY COMMISSION

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

Section 1. That Berkeley Municipal Code Section 19.44.020, Paragraph B is amended to read as follows:

**Berkeley Municipal Code Section 19.44.020.B. Jurisdiction.**

- B. Jurisdiction. The jurisdiction of the Commission shall extend the following manners and proceedings, as well as to any other matter made subject to its jurisdiction by any other chapter of this code, or by the Zoning Ordinance.
1. The Commission shall hear and determine appeals of all matters respecting the abatement of substandard or deficient buildings pursuant to the provisions of Chapter 19.40 of this code.
  2. The Commission shall review and advise the Council on matters respecting the Community Development Block Grant and Emergency Shelter Grant Programs.
  3. The Commission shall serve as a General Appeals Board for tenants and landlords regarding the correction of code violations as provided in Chapter 12.48 of this code, providing for periodic inspection of residential rentals and hotels.
  4. The Commission shall make recommendations to the Council defining hardship categories and shall hear appeals concerning the designation of the hardship category. The Commission may grant time extensions for compliance in hardship cases, excepting those violations which pose a clear and present danger to human life, health and safety.
  5. The Commission shall make recommendations to the City Council regarding code enforcement priorities.
  6. The Commission shall monitor code enforcement procedures to ensure adherence to Council policies and shall make recommendations for changes in such procedures to the City Council.
  7. The Commission shall be the Board of Appeals for the Uniform Housing Code. In order to determine the suitability of alternative materials and methods of construction and to provide for reasonable interpretations of the provisions of this Code, the City's Code Review Task Force shall serve as the Technical Advisory Committee to the Commission. When serving in this

- capacity, the Technical Advisory Committee shall render all recommendations in writing to the Commission with a duplicate copy to the Building Official and the appellant and may recommend such new legislation as is consistent therein.
8. The Commission shall be the Relocation Appeals Board for purposes of Chapter 13.84.
  9. The Commission shall hear appeals brought by any person regarding actions taken by the Building Official pursuant to Division 13, Page 5.5 of the California Health and Safety Code, beginning with Section 19950 (Disabled Access).
  10. The Housing Advisory Commission shall review and advise the City Council on housing policy, housing programs, and related issues. In particular, the Commission shall make recommendations on how and to what extent the City should establish and fund programs to increase the supply of affordable housing and protect residents of Berkeley from homelessness. This includes and is not limited to oversight and recommendations for all voter-approved bonds and ballot measures dedicated to affordable housing to ensure that expenditures are consistent with the intent of the measures. The City Manager shall provide the Commission with copies of all reporting requirements required by measures under the Commission's purview. These recommendations may be made annually or biannually, as the Commission deems appropriate in light of the City's budget cycle and other relevant funding cycles. The Commission's recommendations shall be promptly published on the City's web-site and transmitted to the City Council. The City Council shall consider, but need not follow, the Commission's recommendations, and shall annually inform the Commission as to the extent to which it has implemented the recommendations.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Lori Droste  
Berkeley Vice Mayor

**ACTION CALENDAR**

June 15, 2021

*(Continued from May 25, 2021)*

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmember Lori Droste (Author), Councilmembers Rigel Robinson (Co-Sponsor), Rashi Kesarwani (Co-Sponsor) and Mayor Jesse Arreguín (Co-Sponsor)

**Subject:** Commission Reorganization for Post-COVID19 Budget Recovery

**RECOMMENDATION**

1. Refer to the City Manager and City Attorney to bring back changes to the enabling legislation to reorganize existing commissions as proposed below in a phased approach.

*Phase 1:* Prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions.

*Phase 2:* All other Commissions as proposed below.  
As staff is able to make recommendations on consolidation, they can bring those recommendations forward one by one.

New Commission Name	Former Commissions to be Reorganized
Commission on Climate and the Environment	Zero Waste, Energy, Community Environmental Advisory, and Animal Care

Parks, Recreation, Waterfront (special Marina subcommittee)	Children, Youth, and Recreation and Parks and Waterfront
Peace, Justice, and Human Welfare <sup>1</sup>	Peace and Justice and Human Welfare, Community Action Commissions
Public Health Commission & Sugar Sweetened Beverage Panel of Experts	Community Health Commission and Sugar Sweetened Beverage Panel of Experts
Housing Advisory Commission	Measure O and Housing Advisory Commission
Homeless Services Panel of Experts	Homeless Commission and Measure P Homeless Services Panel of Experts
Public Works and Transportation	Public Works and Transportation
Planning	Planning and Cannabis
<p><b>All other commissions will maintain their current structure:</b> Aging, Library Board of Trustees, Civic Arts, Disability, Commission on the Status of Women, Design Review Committee, Disaster and Fire Safety, BIDs, Fair Campaign Practices and Open Government, Redistricting, Landmarks Preservation, Labor, Loan Adjustments Board, Personnel, Planning, Police Review/Accountability, Reimagining Public Safety, Mental Health, Zoning Adjustments Board, and Youth</p>	

2. Refer to staff to develop recommendations on the transition to new consolidated commissions and the effective date of the changes.
  
3. Consider establishing 18 members on the new Climate and Environment Commission and establishing specific subcommittees focused on the policy areas of the merged commissions.
  
4. The Peace, Justice and Human Welfare Commission will be composed of only Mayor and Council appointees.
  
5. Refer to City Manager and Commissions the following additional considerations:
  - Federal, state or other external mandates that might be impacted, and determine how to handle.
  - Whether charters of to-be-merged Commissions were adopted by City Council, through measures or initiatives passed by voters, or are by Charter, and by what means they might be merged/adjusted

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<sup>1</sup> Members will be appointed by Council and membership should adhere to Government Code Section 12736(e); 12750(a)(2) and 12751.

- What elements of each Commission to keep, update, or retire, as well as relevant topics/issues not currently covered that might be added to a more comprehensive and/or relevant merged Commission’s charter.
- Whether the merged Commission might include 9, or a greater number of members.
- The possibility of requiring specific qualifications for appointment to the merged Commission.
- The possibility of recommended or required Standing Committees of the Merged Commission
- Volunteer workload and capacity given scope of Commission’s charter

Policy Committee Oversight <sup>2</sup>	Commissions
Agenda and Rules	<ol style="list-style-type: none"> <li>1. Fair Campaign Practices/Open Government Commission</li> <li>2. Personnel Board</li> </ol>
Budget and Finance	(Any legislation that requires funding)
Public Safety	<ol style="list-style-type: none"> <li>1. Disaster and Fire Safety Commission</li> <li>2. Police Accountability Board/Police Review Commission</li> <li>3. Reimagining Public Safety Task Force</li> </ol>
Facilities, Infrastructure, Transportation and the Environment	<ol style="list-style-type: none"> <li>1. Commission on the Environment</li> <li>2. Parks, Recreation and Waterfront with Marina subcommittee</li> <li>3. Public Works and Transportation</li> </ol>
Land Use and Economic Development	<ol style="list-style-type: none"> <li>1. Measure O Housing Commission</li> <li>2. Planning Commission</li> <li>3. Labor</li> <li>4. Civic Arts Commission</li> </ol>
Health, Equity, Life Enrichment, and Community	<ol style="list-style-type: none"> <li>1. Peace, Justice, and Civil Rights</li> <li>2. Health and Sugar Sweetened Beverage Panel of Experts</li> <li>3. Homeless Services Panel of Experts</li> <li>4. Mental Health Commission (state/federal mandate)</li> <li>5. Commission on the Status of Women</li> <li>6. Disability Commission</li> </ol>

<sup>2</sup> Primary policy committee oversight but legislation may be referred to multiple policy committees.



**Other Commissions:** Zoning Adjustments Board (DRC), Landmarks Preservation, Board of Library Trustees, BIDs, Independent Redistricting Commission, Loan Administration Board

**POLICY COMMITTEE RECOMMENDATION**

On April 5, 2021, the Agenda and Rules Committee made a qualified positive recommendation to City Council to:

1. Refer to the City Manager and City Attorney to bring back changes to the enabling legislation to reorganize existing commissions as proposed below in a phased approach.

Phase 1: Prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions.

Phase 2: All other Commissions as proposed below.  
As staff is able to make recommendations on consolidation, they can bring those recommendations forward one by one.

<b>New Commission Name (suggested)</b>	<b>Former Commissions to be Reorganized</b>
Commission on Climate and the Environment	Zero Waste, Energy, Community Environmental Advisory, and Animal Care
Parks, Recreation, Waterfront (special Marina subcommittee)	Children, Youth, and Recreation and Parks and Waterfront
Peace, Justice, and Human Welfare	Peace and Justice Commission and Human Welfare and Community Action Commission
Public Health Commission & Sugar Sweetened Beverage Panel of Experts	Community Health Commission and Sugar Sweetened Beverage Panel of Experts
Housing Advisory Commission	Measure O and Housing Advisory Commission
Homeless Services Panel of Experts	Homeless Commission and Measure P Homeless Services Panel of Experts

Public Works and Transportation	Public Works and Transportation
Planning	Planning and Cannabis
<p><b>All other commissions will maintain their current structure:</b> Aging, Library Board of Trustees, Civic Arts, Disability, Commission on the Status of Women, Design Review Committee, Disaster and Fire Safety, BIDs, Fair Campaign Practices and Open Government, Redistricting, Landmarks Preservation, Labor, Loan Adjustments Board, Personnel, Planning, Police Review/Accountability, Reimagining Public Safety, Mental Health, Zoning Adjustments Board, and Youth</p>	

2. Refer to the Commissions impacted a process to determine the charge/responsibilities of the newly merged commissions, and bring Commission input to the appropriate Policy Committees (as proposed by Vice-Mayor Droste in 4/5/21 submittal) for further recommendations to the City Manager on revised charge/responsibilities of merged commissions.
3. Refer to staff to develop recommendations on the transition to new consolidated commissions and the effective date of the changes.
4. Consider establishing 18 members on the new Climate and Environment Commission and establishing specific subcommittees focused on the policy areas of the merged commissions.
5. The Peace, Justice and Human Welfare Commission will be comprised of only Mayor and Council appointees.
6. Refer Councilmember Hahn questions to City Manager and Commissions: “Commissions to Combine/Merge - Suggested Considerations”
  - Federal, state or other external mandates that might be impacted, and determine how to handle
  - Whether charters of to-be-merged Commissions were adopted by City Council, through measures or initiatives passed by voters, or are by Charter, and by what means they might be merged/adjusted
  - What elements of each Commission to keep, update, or retire, as well as relevant topics/issues not currently covered that might be added to a more comprehensive and/or relevant merged Commission’s charter.
  - Whether the merged Commission might include 9, or a greater number of members.
  - The possibility of requiring specific qualifications for appointment to the merged Commission.
  - The possibility of recommended or required Standing Committees of the Merged Commission
  - Volunteer workload and capacity given scope of Commission’s charter

### **PROBLEM/SUMMARY STATEMENT**

Commissions provide an important mechanism for residents to shape public policy and provide input on City business. However, the City of Berkeley maintains far more commissions than other cities of similar size, with a significant investment of City resources to staff all 37 commissions. Some commission secretaries report spending upwards of 20+ hours per week on commission business, which takes valuable time away from addressing other pressing City priorities. The local public health emergency created by the global COVID-19 pandemic has required City staff to shift to new roles and maintain an Emergency Operations Center since January 2020; recovery from the pandemic will continue to demand the full attention of our City staff for the foreseeable future. Given the uncertainties that our City faces in recovering from the COVID-19 pandemic and the demands that this recovery places on our City staff, it is an appropriate time to consider how best to consolidate our commissions in a manner that helps the City to achieve its core mission.

### **REITERATION OF PRINCIPLES**

Commissions are a fundamental part of the City's policymaking process. Members of boards and commissions provide an invaluable service to our City. They advise the City Council on a wide variety of subjects by making recommendations on important policy matters. Without the assistance of the various boards and commissions, the City Council could give many complex and significant matters only a perfunctory review. The detailed studies and considered advice of boards and commissions are often catalysts for innovative programs and improved services. Serving on a board or commission can be a rewarding experience for community service-minded residents. It is an excellent way to participate in the functioning of local government and to make a personal contribution to the improvement of our community. Making local government effective and responsive is everybody's responsibility.

- The Public Works Commission, for example, develops the City's five year paving plan which they then present to City Council for approval. Through extensive community outreach and research, the Commission identifies the streets most in need of repaving.
- With the passage of Measure D in 2014, a Panel of Experts on Sugar-Sweetened Beverages has guided the City's spending of over \$5 million in revenue generated from the Measure. Those dollars have bolstered local public campaigns and education initiatives.

These are merely two examples of the powerful role that Commissions play in City policymaking.

## **CURRENT SITUATION AND ITS EFFECTS**

### *Current Commission Structure*

The City of Berkeley has approximately thirty-seven commissions overseen by city administration, most of which have at least nine members and who are appointed by individual councilmembers. These commissions were intended to be a forum for public participation beyond what is feasible at the City Council, so that issues that come before the City Council can be adequately vetted.

Some commissions are required by charter or mandated by voter approval or state/federal mandate. Those commissions are the following:

1. Board of Library Trustees (charter)
2. Business Improvement Districts (state mandate)
3. Civic Arts Commission (charter)
4. Community Environmental Advisory Commission (state/federal mandate--CUPA)
5. Fair Campaign Practices Commission/Open Government (ballot measure)
6. Homeless Services Panel of Experts (ballot measure)
7. Housing Advisory Commission (state/federal mandate)
8. Human Welfare and Community Action (state/federal mandate)
9. Measure O Bond Oversight Committee (ballot measure)
10. Mental Health Commission (state/federal mandate)
11. Personnel (charter) Police Review Commission (ballot measure)
12. Sugar-Sweetened Beverages (ballot measure)

Berkeley must have its own mental health commission because of its independent Mental Health Division. In order to receive services, the City needs to have to have an advisory board. Additionally, Berkeley's Community Environmental Advisory Commission is a required commission in order to oversee Certified Unified Program Agency (CUPA) under California's Environmental Protection Agency. Additionally, some commissions serve other purposes beyond policy advisories. The Children, Youth and Recreation Commission, Housing Advisory Commission, and the Human Welfare and Community Action Commission advise Council on community agency funding. However, some of the aforementioned quasi-judicial and state/federal mandated commissions do not need to stand independently and can be combined to meet mandated goals.

### *The Importance of Commissions*

Commissions serve a vital role in the City of Berkeley’s rich process of resident engagement. An analysis of agendas over the past several years shows that the commissions have created policy that have benefited the community in meaningful and important ways. In 2020, 14 of the 16 commission items submitted to Council passed. From 2016-2020, an average of 34 items were submitted by commissions to Council for consideration.

The City’s Health, Housing and Community Development department serves an important role in addressing COVID-19, racial disparities, inequitable health outcomes, affordable housing, and other important community programs. Additionally, Health, Housing, and Community Development also staffs ten commissions, more than many cities of Berkeley’s size. Council needs to wrestle with these tradeoffs to ensure that we seek the maximum benefit for *all* of the Berkeley community, particularly our most vulnerable.

*Commission Structures in Neighboring Jurisdictions*

In comparison to neighboring jurisdictions of similar size, Berkeley has significantly more commissions. The median number of commissions for these cities is 12 and the average is 15.

Comparable Bay Area City	Population (est.)	Number of Commissions	Links
Berkeley	121,000	37	<a href="https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/External%20Roster.pdf">https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/External%20Roster.pdf</a>
Antioch	112,000	6	<a href="https://www.antiochca.gov/government/boards-commissions/">https://www.antiochca.gov/government/boards-commissions/</a>
Concord	130,000	14	<a href="https://www.cityofconcord.org/264/Applications-for-Boards-Committees-Commi">https://www.cityofconcord.org/264/Applications-for-Boards-Committees-Commi</a>
Daly City	107,000	7	<a href="http://www.dalycity.org/City_Hall/Departments/city_clerk/Commissions_Information/boards.htm">http://www.dalycity.org/City_Hall/Departments/city_clerk/Commissions_Information/boards.htm</a>
Fairfield	117,000	7	<a href="https://www.fairfield.ca.gov/gov/comms/default.asp">https://www.fairfield.ca.gov/gov/comms/default.asp</a>
Fremont	238,000	15	<a href="https://www.fremont.gov/76/Boards-Commissions-Committees">https://www.fremont.gov/76/Boards-Commissions-Committees</a>
Hayward	160,000	12	<a href="https://www.hayward-ca.gov/your-government/boards-commissions">https://www.hayward-ca.gov/your-government/boards-commissions</a>

Richmond	110,000	29	<a href="https://www.ci.richmond.ca.us/256/Boards-and-Commissions">https://www.ci.richmond.ca.us/256/Boards-and-Commissions</a>
San Mateo	105,000	7	<a href="https://www.cityofsanmateo.org/60/Commissions-Boards">https://www.cityofsanmateo.org/60/Commissions-Boards</a>
Sunnyvale	153,000	10	<a href="https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=22804">https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=22804</a>
Vallejo	122,000	17	<a href="http://www.ci.vallejo.ca.us/cms/one.aspx?pagelid=22192">http://www.ci.vallejo.ca.us/cms/one.aspx?pagelid=22192</a>

To understand the impact on various departments and staffing capacity, the following table shows which departments are responsible for overseeing various commissions.

*Staffing and Resources Supporting Berkeley’s Current Commission Structure*

Commission Name	Overseeing Department (Total Commissions in Department)
Animal Care Commission	City Manager (8)
Civic Arts Commission	City Manager (8)
Commission on the Status of Women	City Manager (8)
Elmwood BID Advisory Board	City Manager (8)
Loan Administration Board	City Manager (8)
Peace and Justice Commission	City Manager (8)
Solano Ave BID Advisory Board	City Manager (8)
Cannabis Commission	Planning (7)
Community Environmental Advisory Commission	Planning (7)
Design Review Committee	Planning (7)
Energy Commission	Planning (7)
Landmarks Preservation Commission	Planning (7)
Planning Commission	Planning (7)
Zoning Adjustments Board	Planning (7)

Children, Youth, and Recreation Commission	Parks (3)
Parks and Waterfront Commission	Parks (3)
Youth Commission	Parks (3)
Commission on Aging	Health, Housing, and Community Services (HHCS) (10)
Commission on Labor	HHCS (10)
Community Health Commission	HHCS (10)
Homeless Commission	HHCS (10)
Homeless Services Panel of Experts	HHCS(10)
Housing Advisory Commission	HHCS (10)
Human Welfare & Community Action Commission	HHCS (10)
Measure O Bond Oversight Committee	HHCS (10)
Mental Health Commission	HHCS (10)
Sugar-Sweetened Beverage Product Panel of Experts	HHCS (10)
Disaster and Fire Safety Commission	Fire (1)
Commission on Disability	Public Works (4)
Public Works Commission	Public Works (4)
Transportation Commission	Public Works (4)
Zero Waste Commission	Public Works (4)
Fair Campaign Practices Commission/Open Government Commission	City Attorney (1)
Personnel Board	Human Resources (1)

Police Review Commission/Police Accountability Board	Police Review Commission/Police Accountability Board Staff
Reimagining Public Safety Task Force	City Manager *(8) and BPD (2)
Board of Library Trustees	Library (1)

Gray=charter  
 Red=state/federal mandate  
 Yellow=quasi-judicial  
 Blue=ballot initiative  
 Orange=state/federal mandate and quasi-judicial  
 Green=quasi-judicial and ballot initiative

The departments that staff more than five commissions are Health, Housing, and Community Services (10 commissions), Planning (7 commissions), and the City Manager’s department (8 commissions). At the same time, some smaller departments (e.g. the City Attorney’s office) may be impacted just as meaningfully if they have fewer staff and larger individual commission workloads.

*Policy Committee Structure Expands Opportunities for Public Input*

With the recent addition of policy committees, proposed legislation is now vetted by councilmembers in these forums. Each policy committee is focused on a particular content area aligned with the City of Berkeley’s strategic plan and is staffed and an advisory policy body to certain city departments. Members of the public are able to provide input at these committees as well. The policy committees currently have the following department alignment:

**Department and Policy Committee alignment**

1. **Agenda and Rules**—all departments
2. **Budget and Finance**—City Manager, Clerk, Budget, and Finance
3. **Land Use and Economic Development**—Clerk, Planning, HHCS, City Attorney, and City Manager (OED)
4. **Public Safety**—Clerk, City Manager, Police, and Fire
5. **Facilities, Infrastructure, Transportation, Environment and Sustainability** (Clerk, City Manager, Planning, Public Works, and Parks)
6. **Health, Equity, Life Enrichment, and Community** (Clerk, City Manager, HHCS)

*Staffing Costs*

Based upon preliminary calculations of staff titles and salary classifications, the average commission staff secretary makes roughly \$60-\$65/hour. Based upon recent interviews with secretaries and department heads, individual commission secretaries work



anywhere from 8-80 hours a month staffing and preparing for commission meetings. To illustrate this example, a few examples are listed below.

Commission	Step 5 Rate of Pay	Reported Hours a Month	Total <b>Direct</b> Cost of Commission <b>per Month</b>
Animal Care	\$70.90	8	\$567.20
Landmarks Preservation Commission	\$57.96	80	\$4,636.80
Design Review Commission	\$52.76	60	\$3,165.60
Peace and Justice	\$60.82	32	\$1,946.24

It is extremely challenging to estimate a specific cost of commissions in the aggregate because of the varying workload but a safe estimate of salary costs dedicated to commissions would be in the six-figure range.

Many commissions--particularly quasi-judicial and land use commissions-- require more than one staff member to be present and prepare reports for commissions. For example, Zoning Adjustment Board meetings often last five hours or more and multiple staff members spend hours preparing for hearings. The Planning Department indicates that *in addition* to direct hours, additional commission-related staff time adds an extra 33% staff time. Using the previous examples, this means that the Landmarks Preservation Commission would cost the city over \$6,000 in productivity while the Design Review Commission would cost the City over \$4,000 a month.

*Productivity Losses and Administrative Burden*

Current productivity losses are stark because of the sheer amount of hours of staffing time dedicated to commissions. As an example, in 2019 one of the City of Berkeley’s main homeless outreach workers staffed a commission within the City Manager’s department. She spent approximately 32 hours a month working directly on commission work. While this is not a commentary on a particular commission, this work directly impacted her ability to conduct homeless outreach.

**RATIONALE FOR RECOMMENDATION**

At a time when the City needs to demonstrate efficiency and fiscal restraint, the current commission structure is costly and duplicative. At the same time, civic engagement and commission work absolutely deserve an important role in Berkeley. Consequently, this legislation retains commissions but centers on overall community benefit, staff productivity, and associated costs. This is imperative to address, especially in light of COVID-19 and community demands for reinvestment in important social services.

**FISCAL IMPACTS**

Significant savings associated with reduced staffing.

**CONTACT**

Vice Mayor Lori Droste 510-981-7180

RESOLUTION NO. 68,703-N.S.

AUTHORIZING THE CITY OF BERKELEY TO ISSUE GENERAL OBLIGATION BONDS TO FINANCE AFFORDABLE HOUSING PROJECTS

SECTION 1. Findings.

WHEREAS, the City Council of the City of Berkeley recognizes the existence of a housing crisis in the City that has caused housing to become increasingly scarce and expensive, to the point that housing is out of reach for many extremely low-, very low-, low-, median-, and middle-income and working families and individuals, including, but not limited to, teachers, seniors, veterans, the homeless, students, people with disabilities, and other vulnerable populations; and

WHEREAS, the City Council has adopted a goal of achieving at least 10% reserved affordable housing by 2030; and

WHEREAS, the housing crisis is causing displacement of long-time communities, impacting local businesses' ability to retain workers, and leading to an increase in homelessness and housing insecurity among Berkeley residents, threatening the public health, peace and safety; and

WHEREAS, homelessness in the City has been increasing, and recent estimates project that there are approximately 1,000 homeless people in the City, almost 1% of the City's population, on any given night; and

WHEREAS, shelter beds are inadequate, and people experiencing homelessness are left to sleep in public spaces throughout the City; and

WHEREAS, providing additional affordable housing options will allow people to live in safe, decent, affordable homes and still have enough money for groceries, medicine, transportation and other basic necessities; and

WHEREAS, improving housing stability and security has been demonstrated to improve health, education, and employment outcomes; and

WHEREAS, the City is in need of safe and affordable housing for Berkeley residents to help extremely low-, very low-, low-, median-, and middle-income and working families and individuals purchase or rent homes and stay in the community, and provide supportive housing for people experiencing homelessness; and

WHEREAS, existing funds and funding sources are inadequate to finance affordable housing projects necessary to address the affordable housing crisis; and

WHEREAS, the City may have the opportunity to leverage state and county funds allocated for affordable housing if it issues bonds to finance affordable housing projects; and

WHEREAS, the City intends to issue general obligation bonds to finance the acquisition and improvement of real property for affordable housing, including the application of bond proceeds by the City directly, or indirectly through third parties as loans, grants, or other disbursements to qualified individuals, not-for-profit entities acting alone or together with tax credit investors, not-for-profit corporations, partnerships, associations, and government agencies, to acquire real property for the purpose of constructing, rehabilitating or preserving affordable housing, or to construct, rehabilitate or preserve affordable housing; including but not limited to supportive housing, nonprofit rental housing, and limited-equity housing cooperatives affiliated with community land trusts, to reimburse City funds for the prior acquisition and improvement of property to be used for affordable housing; and

WHEREAS, the impact on the average Berkeley home assessed at \$425,000 is currently projected to be \$97 per year while Bonds are outstanding, currently estimated to be 36 years.

SECTION 2. Object and Purpose of Bonds. This measure (the "Measure") authorizes the issuance of general obligation bonds (the "Bonds"), the object and purpose of which is to finance, by the City of Berkeley or a third party, the acquisition or improvement of real property for affordable housing for extremely low-, very low-, low-, median- and middle-income and working families and individuals, including teachers, seniors, veterans, the homeless, students, people with disabilities and other vulnerable populations.

The Improvements (as defined below) will be completed as needed, and each is assumed to include its share of costs, including planning, program management and construction costs. The final cost of each Improvement will be determined as real property is purchased, plans are finalized, construction bids are awarded, or projects are completed. In addition, certain acquisition or improvement funds are expected from non-bond sources, including funds which have not yet been secured. Therefore, the City Council cannot guarantee that the Bonds will provide sufficient funds to allow completion of all needed improvements.

Proceeds of the Bonds shall be used to finance the acquisition and improvement of real property for affordable housing (the "Improvements"), including the application of bond proceeds for the City directly, or indirectly through third parties as loans, grants, or other disbursements to qualified individuals, not-for-profit entities acting alone or together with tax credit investors, not-for-profit corporations, partnerships, associations and government agencies, to acquire real property for the purpose of constructing, rehabilitating or preserving affordable housing, or to construct, rehabilitate or preserve affordable housing; including but not limited to supportive housing, nonprofit rental housing, and limited-equity housing cooperatives affiliated with community land trusts, to

reimburse City funds for the prior acquisition and improvement of property to be used for affordable housing.

Proceeds of the Bonds may be used to reimburse the City for amounts advanced from the general fund or other funds or accounts to acquire real property when such purchases are made prior to the availability of Bond proceeds.

SECTION 3. Estimated Cost of Improvements. The estimated cost of the portion of the costs of the Improvements to be paid for from the Bonds is \$135 million. The estimated cost includes legal and other fees and the cost of printing the Bonds and other costs and expenses incidental to or connected with the authorization, issuance or sale of the Bonds. The cost of the Improvements include planning, program management and construction costs.

SECTION 4. Principal Amount of Bonds. The aggregate principal amount of Bonds to be issued is not to exceed \$135 million.

SECTION 5. Maximum Interest Rate. The maximum rate of interest to be paid on the Bonds shall be 12% per annum.

SECTION 6. Accountability Requirements. The following accountability measures apply to the issuance of Bonds pursuant to this Measure:

- (a) The specific purpose of the Bonds is to finance the Improvements for affordable housing; and
- (b) The proceeds from the sale of the City's Bonds will be used only for the purposes specified in this Measure, and not for any other purpose; and
- (c) The proceeds of the Bonds will be deposited into an account to be created and held by the City; and
- (d) The City Manager of the City shall file an annual report with the Berkeley City Council which report shall contain pertinent information regarding the amount of funds collected and expended, as well as the status of the Improvements; and
- (e) All expenditures will be subject to oversight by an independent oversight committee, composed of individuals appointed by the City Council, to confirm that Bond expenditures are consistent with the intent of this Measure; and
- (f) All expenditures also will be subject to an annual independent financial audit to confirm that Bond expenditures are consistent with the intent of this Measure.


The foregoing is a true and correct copy of Resolution No. 68,703-N.S., and the same was approved by a vote of the electorate of the City of Berkeley on November 6, 2018.

The foregoing Resolution was adopted by the Berkeley City Council on December 11, 2018 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: None.

Absent: None.

  
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Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numainville, City Clerk