



Kate Harrison  
Councilmember District 4

ACTION CALENDAR  
February 28, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison

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

RECOMMENDATION

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

POLICY COMMITTEE RECOMMENDATION

On January 30, 2023, the Agenda and Rules Committee adopted the following action: M/S/C (Arreguin/Bartlett) to send the items from the Youth Commission, Environment and Climate Commission, and Councilmember Harrison to the City Council with a qualified positive recommendation that the item proposed by Councilmember Harrison be adopted as revised to state that the full City Council will appoint the members to the two youth seats on the Environment and Climate Commission, and that the Berkeley Unified School District Board of Directors will provide recommendations to the City Council on candidates for the youth seats. Vote: Ayes – Bartlett, Arreguin; Noes – None; Absent - Hahn.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

Berkeley's high school aged youth stand to inherit a planet devastated by the escalating climate emergency, yet are currently unable to vote in local, state, and federal elections. Global warming is an existential issue that encompasses nearly all ecological, political and socio-economic issues. This decade is widely considered pivotal in determining the ultimate severity of warming. Berkeley's Commission system is a critical avenue for engaging with and impacting the local legislative process. While Council is technically permitted to appoint such youth as members of the Environment and Climate Commission, there is currently no formal process for encouraging and facilitating the Berkeley Unified School District (BUSD) Board to formally recommend to Council members to the Commission. Unlike the Council, the BUSD Board includes a Student Director that directly represents students. Consistent with existing processes for the Youth and Peace and Justice Commissions, and given the importance of environmental and climate issues to youth, it is in the public interest to provide high school-aged youth

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with two permanent voting seats on the Commission to be appointed by the full Council with candidates recommended by the BUSD Board.

### BACKGROUND

Currently, the only formalized Commission-based youth involvement in City policymaking are the Youth and Peace and Justice Commissions. Over the past year, youth have organized and mobilized to petition the Council to add an additional voice for youth on issues of the environment and climate.

In 2022, both the Youth and Environment and Climate Commissions have formally endorsed the concept of adding voting membership for high school-aged youth on the Environment and Climate Commission.<sup>1</sup>

This item includes an ordinance, drafted in consultation with the Clerk and City Manager's offices. The proposed amendments to BMC 3.82 would accomplish the following:

- adds two seats to the Commission to be appointed by Council as a body upon recommendation of candidates by BUSD, with a preference for appointees who are residents of the City (while recognizing that some students may live outside of the district), between the ages of sixteen and twenty-five (while providing ultimate discretion to the Council consistent with current procedures on the Youth and Peace and Justice Commissions), and a demonstrated commitment or interest in the work of the Commission;
- provides for BUSD Board to appoint one of its Board members as a non-voting liaison representative to the Environment and Climate Commission.

This ordinance is being proposed on its own merits and following consultation with the Clerk's and City Manager's offices. Adoption of this ordinance is in no way intended to endorse the concept of amending other Commissions to include BUSD appointments. This item also recognizes and appreciates that expanding membership of Commissions is not without impact to Clerk staff time and resources.

### ATTACHMENTS

1. Ordinance Amending Berkeley Municipal Code Chapter 3.82

### FISCAL IMPACTS OF RECOMMENDATION

City Clerk staff time is needed to adopt procedures related to appointing and verifying the status of Council appointed members.

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<sup>1</sup> Environment and Climate Commission Minutes, September 28, 2022  
[https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/ECC2022-09-28\\_Minutes.pdf](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/ECC2022-09-28_Minutes.pdf); Agenda Regular Meeting of the Environment and Climate Commission, September 28, 2022, [https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2022-09-28\\_ECC\\_Agenda%20-%20Packet\\_0.pdf](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2022-09-28_ECC_Agenda%20-%20Packet_0.pdf).

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ENVIRONMENTAL SUSTAINABILITY

There are no direct environmental impacts of this proposal. However, the City legislative process would benefit from more robust youth participation.

CONTACT PERSON

Councilmember Kate Harrison, (510) 981-7140

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 3.82 MODIFYING  
MEMBERSHIP AND APPOINTMENT PROCEDURES FOR THE  
ENVIRONMENT AND CLIMATE COMMISSION

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

Section 1. That Berkeley Municipal Code Chapter 3.82 is amended to read as follows:

ENVIRONMENT AND CLIMATE COMMISSION

Sections:

- 3.82.010 Established--Membership--Appointment.
- 3.82.020 Council representative as commission liaisons -- ~~Functions.~~
- 3.82.030 Organization, meetings, rules and procedures.
- 3.82.040 Functions.

**3.82.10 Established--Membership--Appointment.**

A. An Environment and Climate Commission is established. The commission shall consist of ~~nine~~ eleven members. ~~Appointments to the commission shall be made, and vacancies on the commission shall be filled, in accordance with the provisions of Sections 2.04.030 through 2.04.130. City Council shall appoint representatives with appropriate expertise and demonstrated commitment to the areas outlined in the functions section 3.04.40.~~

A.B. One member of the Commission shall be appointed by each City Councilmember. ~~Appointments to the commission shall be made,~~ and vacancies on the commission shall be filled, in accordance with the provisions of Sections 2.04.030 through 2.04.130. City Council shall appoint representatives members with appropriate expertise and demonstrated commitment to the areas outlined in the functions section ~~3.0482.040~~.

B.C. Two members of the Commission shall be appointed by the Berkeley City Council as a body with candidates recommended by the Berkeley Unified School District Board of Directors and subject to the following:

(1) The following desirable criteria may guide, but not restrict, the Council in appointing candidates to the Commission:

- i. Appointees to be residents of the City;
- ii. Appointees to be between the ages of sixteen and twenty-five;

(2) Appointees shall have demonstrated commitment or interest in the areas outlined in Section 3.82.040.

~~E-D.~~ ~~B.~~ For purposes of determining term limits under Section 3.02.040, a commissioner's service on the Energy Commission or the Community Environmental Advisory Commission shall be counted toward their service upon their appointment to the Environment and Climate Commission.

**3.82.020 Council representative as commission liaison.**

The City Council and School Board may appoint one of its members to act as a non-voting, uncompensated liaison representative to the Environment and Climate Commission. The functions of such liaison representatives are:

- A. To attend meetings of said commission;
- B. To advise the Council and School Board of the background, reasons and rationale behind decisions and recommendations of said commission; and
- C. On request of any member of said commission, to advise the commission of policies, procedures and decisions of the council and School Board that may bear on matters under discussion by the commission.

**3.82.030 Organization, meetings, rules and procedures.**

A. The commission annually shall elect one of its members as the chairperson and one of its members as the vice-chairperson. One or more officers or employees of the City designated by the City Manager shall serve as secretary of the commission.

B. The commission shall establish a regular place and time for meeting. All meetings shall be noticed as required by law and shall be scheduled in a way to allow for maximum input from the public. The frequency of commission meetings shall be as determined by City Council Resolution. The scheduling of special meetings in addition to those established by City Council resolution, except special meetings that take the place of cancelled regular meetings, shall be subject to approval by the City Council. A request for a special meeting shall include the reason for the proposed meeting and should be expedited on the City Council's agenda, or in the alternative, placed before the Agenda Committee for approval.

C. The commission may make and alter rules governing its organization and procedures which are consistent with this Chapter or any other applicable ordinance of the City.

D. A majority of the members appointed to the commission shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any action.

E. The commission shall keep an accurate record of its proceedings and transactions.

**3.82.040 Functions.**

The Environment and Climate Commission shall be an advisory board and shall review and advise the City Council on matters related to emerging issues, policies, projects, programs, planning efforts, activities, and funding of environmental sustainability and climate change mitigation, adaptation and resilience. Its scope will include work to advance the goals of advancing green buildings and resource efficiency; decarbonizing buildings and transportation; engaging and educating the community; addressing the impacts and welfare of all species, including animals, insects, and plants; reducing greenhouse gas emissions; reducing toxics and preventing pollution; and supporting environmental justice.

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 ~~Council Chamber~~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.