



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

**TUESDAY, MAY 21, 2024
1:00 P.M.**

2180 Milvia Street, 1st Floor, Berkeley, CA 94704 – Cypress Room
1404 Le Roy Ave, Berkeley, CA 94708 – Teleconference Location

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf
Alternate: Councilmember Terry Taplin

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

Remote participation by the public is available through Zoom. To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://cityofberkeley-info.zoomgov.com/j/1607137656>. To request to speak, use the “raise hand” icon on the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and Enter **Meeting ID: 160 713 7656**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.

To submit a written communication for the Committee’s consideration and inclusion in the public record, email policycommittee@berkeleyca.gov.

Written communications submitted by mail or e-mail to the Agenda & Rules Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

AGENDA

Roll Call

Public Comment

Review of Agendas

- 1. Approval of Minutes: May 7, 2024**
- 2. Review and Approve Draft Agenda:**
 - a. 6/4/24 – Regular City Council Meeting
- 3. Selection of Item for the Berkeley Considers Online Engagement Portal**
- 4. Adjournments In Memory**

Scheduling

- 5. Council Worksessions Schedule**
- 6. Council Referrals to Agenda Committee for Scheduling**
- 7. Land Use Calendar**

Referred Items for Review

- 8. Discussion and Possible Action on City Council Rules of Decorum, Procedural Rules, and Remote Public Comments**
- 9. City Council Legislative Systems Redesign**

Unscheduled Items

- 10. Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)**
- 11. Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**
- 12. Discussion and Recommendations on the Continued Use of the Berkeley Considers Online Engagement Portal**
- 13. Consideration of Changes to Supplemental Material Timelines (referred by Council at the May 7, 2024 meeting)**

Items for Future Agendas

- Requests by Committee Members to add items to the next agenda

Adjournment – Next Meeting Monday, June 10, 2024

Additional items may be added to the draft agenda per Council Rules of Procedure.

Rules of Procedure as adopted by Council resolution, Article III, C3c - Agenda - Submission of Time Critical Items

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 council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.

If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.

The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.

Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee prior to the meeting.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900.



COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on Thursday, May 16, 2024.

A handwritten signature in black ink, appearing to read "Mark Numainville".

Mark Numainville, City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@berkeleyca.gov.

BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

TUESDAY, MAY 7, 2024

2:30 P.M.

2180 Milvia Street, 6th Floor, Berkeley, CA 94704 – Redwood Room

1404 Le Roy Ave, Berkeley, CA 94708 – Teleconference Location

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Terry Taplin

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Roll Call: 2:33 p.m.

Present: Arreguin, Wengraf

Absent: Hahn

Councilmember Hahn present at 2:36 p.m.

Public Comment – 2 speakers

Review of Agendas

1. Approval of Minutes: May 1, 2024

Action: M/S/C (Arreguin/Hahn) to approve the minutes of 5/1/24.

Vote: All Ayes.

2. Review and Approve Draft Agenda:

a. 5/21/24 – Regular City Council Meeting

Action: M/S/C (Arreguin/Wengraf) to approve the agenda of 5/21/24 with the changes noted below.

- *Item Added: Oceanview Gardens (City Manager) – added to Consent Calendar*
- *Item 11 Library Tax (BOLT) – scheduled for June 25; discussion to be held at May 23 special meeting*
- *Item 13 Berkeley Rotary (Arreguin) – Councilmember Hahn and Vice-Mayor Wengraf added as co-sponsors*
- *Item 15 Juneteenth (Bartlett) – revised item submitted*
- *Item 21 Pilot Program (Arreguin) – amended by the Mayor to add a budget referral; moved to Consent Calendar*
- *Item 22 Leaves of Absence (Arreguin) – moved to Consent Calendar*
- *Item 23 Speed Bump (Bartlett) – moved to Consent Calendar*

Vote: All Ayes.

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

- None selected

4. Adjournments In Memory – None

Scheduling

5. Council Worksessions Schedule – May 23, 3:00pm special meeting on ballot measures called by the Mayor; New date will be set for the June ballot measure special meeting.

6. Council Referrals to Agenda Committee for Scheduling – received and filed

7. Land Use Calendar – received and filed

Referred Items for Review

8 Discussion and Possible Action on City Council Rules of Decorum, Procedural Rules, and Remote Public Comments

Action: 1 speaker. Continued to next meeting.

9. City Council Legislative Systems Redesign

Action: 0 speakers. Continued to next meeting.

Unscheduled Items

10. Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)

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

12. Discussion and Recommendations on the Continued Use of the Berkeley Considers Online Engagement Portal

Items for Future Agendas

- None

Adjournment

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

Vote: All Ayes.

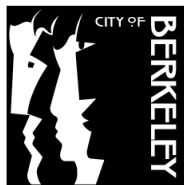
Adjourned at 3:19 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on May 7, 2024.

Mark Numainville, City Clerk

Communications

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**DRAFT AGENDA
BERKELEY CITY COUNCIL MEETING**

**Tuesday, June 4, 2024
6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – VACANT

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

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Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device Please use this URL: <<INSERT ZOOM for GOV URL HERE>>. To request to speak, use the “raise hand” icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter Meeting ID: <<INSERT MEETING ID HERE>>. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

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This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900. The City Council may take action related to any subject listed on the Agenda.

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Preliminary Matters

Roll Call:

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, 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 attending the meeting in-person and 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.*

Public Comment by Employee Unions (first regular meeting of the month): *This period of public comment is 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.*

Consent Calendar

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." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move 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".

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, 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.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

1. Repeal of Berkeley Municipal Code Chapter 12.80

From: City Attorney

Recommendation: Adopt second reading of Ordinance No. 7,907-N.S. repealing Chapter 12.80 to the Berkeley Municipal Code (BMC), which bans natural gas infrastructure in new construction. In *California Restaurant Association v. City of Berkeley*, the 9th Circuit Court of Appeals found this ordinance unlawful. Repeal is required by the parties' settlement agreement and would resolve the litigation.

First Reading Vote: All Ayes.

Financial Implications: None

Contact: Farimah Brown, City Attorney, (510) 981-6950

2. Amendment: FY 2024 Annual Appropriations Ordinance

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,908-N.S. amending the FY 2024 Annual Appropriations Ordinance No. 7,892-N.S. for fiscal year 2024 based upon recommended re-appropriation of committed FY 2023 funding and other adjustments in the amount of \$64,638,405 (gross) and \$52,765,663 (net).

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

3. Revised Fees for Public Use of City-Owned Electric Vehicle Charging Ports; Amending Berkeley Municipal Code Section 6.24.137

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,909-N.S. amending Berkeley Municipal Code (BMC) Section 6.24.137, Designation of and Restrictions for Electric Vehicle Parking Spaces, to: -Establish a schedule of rates for electric vehicle charging stations, and -Authorize the City Manager or her Designee to adjust the rates in accordance with the California Public Utility Commission's electricity rate increases.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

- 4. Contract: Amira Jackmon Attorney at Law, for Lorin and Gilman Parking Benefit District Formation Services**
From: City Attorney
Recommendation: Adopt a Resolution authorizing the City Attorney to execute a contract and any necessary amendments with Amira Jackmon, Attorney at Law, for an amount not to exceed \$70,000 for the development of parking benefit districts in the Lorin business district of South Berkeley and the Gilman district in West Berkeley.
Financial Implications: See report
Contact: Farimah Brown, City Attorney, (510) 981-6950
- 5. Assessments: Berkeley Tourism Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Annual Planning Report and preliminary budget for Fiscal Year 2025 (FY25) for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners' Association.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 6. Assessments: North Shattuck Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the North Shattuck Property Based Business Improvement District (NSBID) Annual Report of Fiscal Year (FY) 2024 and proposed budget for FY 2025, and declaring Council's intention to levy an annual assessment for the NSBID for FY 2025.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 7. Assessments: Telegraph Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Telegraph Property Based Business Improvement District (TBID) Annual Report of Fiscal Year (FY) 2024 and proposed budget for FY 2025, and declaring Council's intention to levy an annual assessment for the TBID for FY 2025.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 8. Assessments: Downtown Berkeley Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution approving the Downtown Berkeley Property Based Business Improvement District (DPBID) Annual Report of Fiscal Year (FY) 2024 and proposed budget for FY 2025, and declaring Council's intention to levy an annual assessment for the DPBID for FY 2025.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

Consent Calendar

- 9. Contracts: Fine Art Services Providers for the Public Art Collection**
From: City Manager
Recommendation: Adopt three Resolutions authorizing the City Manager to execute three contracts and any associated amendments with the following companies for on-call fine art services for the City of Berkeley's Public Art Collection, for a contract period through June 30, 2026.
-Gizmo Art Production, Inc., for an amount not to exceed \$200,000.
-ARG Conservation Services for an amount not to exceed \$150,000.
-Modify the existing Atthowe Fine Art Service for amount not to exceed \$400,000 (thereby increasing Contract Number 32300137 by \$200,000).
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 10. FY 2025 Tax Rate: Fund Debt Service on Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate for funding the debt service on the Neighborhood Branch Library Improvements Project General Obligation Bonds (Measure FF, November 2008 Election) at 0.0048%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 11. FY 2025 Tax Rate: Fund the Debt Service on the Street and Watershed Improvements General Obligation Bonds (Measure M, November 2012 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate funding the debt service on the Street and Integrated Watershed Improvements General Obligation Bonds (Measure M, November 2012) at 0.0064%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 12. FY 2025 Tax Rate: Fund Debt Service on 2015 Refunding General Obligation Bonds (Measures G, S & I)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate funding the debt service on the 2015 consolidation of Measures G, S and I (General Obligation Bonds - Elections of 1992, 1996 and 2002) at 0.0111%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

- 13. FY 2025 Tax Rate: Fund the Debt Service on the Infrastructure and Facilities General Obligation Bonds (Measure T1, November 2016 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate funding the debt service on the Infrastructure and Facilities Improvements General Obligation Bonds (Measure T1, November 2016) at 0.0136%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 14. FY 2025 Tax Rate: Fund the Debt Service on the Affordable Housing General Obligation Bonds (Measure O, November 2018 Election)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate funding the debt service on the Affordable Housing General Obligation Bonds (Measure O, November 2018) at 0.0250%.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 15. FY 2025 Tax Rate: Business License Tax on Large Non-Profits**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate for Business License Tax on large non-profits at \$0.8207 (82.07 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 16. FY 2025 Tax Rate: Fund the Maintenance of Parks, City Trees and Landscaping**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate for funding all improvements for the maintenance of parks, City trees, and landscaping in the City of Berkeley at \$0.2210 (22.10 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 17. FY 2025 Tax Rate: Fund the Provision of Emergency Medical Services (Paramedic Tax)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate for funding the provision of emergency medical services to Berkeley residents at \$0.0468 (4.68 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

- 18. FY 2025 Tax Rate: Fund Emergency Services for the Severely Disabled (Measure E)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate for funding the provision of emergency services for the disabled at \$0.02094 (2.094 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 19. FY 2025 Tax Rate: Fund Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2025 tax rate for funding Firefighting, Emergency Medical Response and Wildfire Prevention (Measure FF) in the City of Berkeley at the annual tax rate of \$0.1220 (12.20 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 20. Temporary Appropriations FY 2025**
From: City Manager
Recommendation: Adopt a Resolution authorizing a temporary appropriation in the sum of \$50,000,000 to cover payroll and other expenses from July 1, 2024, until the effective date of the FY 2025 Annual Appropriations Ordinance.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 21. Contract Amendment: KLD Associates: Evacuation and Emergency Response Analysis**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend to Contract No. 32300165 with KLD Engineering, P.C. for evacuation and response time modeling to reassign to KLD Associates through June 30, 2026, and to provide an option to extend for an additional five (5) years and add \$200,000, making initial term plus extension NTE \$600,000 through June 30, 2031.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473

Consent Calendar

- 22. Contract: Pinnacle for Pilot Fire Department Alternative Medical Response Unit**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Pinnacle Training Systems, LLC (Contractor) to provide nurse practitioner services for a pilot alternative medical response unit from June 17, 2024 to January 31, 2025 in an amount not to exceed \$510,000 with an option to extend for three additional one-year terms in a total not to exceed \$2,700,000.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
- 23. Contract: Tablet Command for Mobile CAD and Incident Command**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee(s) to enter into a contract and any amendments with Tablet Command for Mobile CAD and Incident Command by piggybacking on a contract with the Orange County Fire Authority (OCFA). The Berkeley contract will be effective July 1, 2024 and end on September 30, 2024 in an amount not to exceed \$77,250. Following an extension approved by the OCFA, the contract may be extended for up to four additional one-year renewal terms at a cost not to exceed an additional \$65,000 per year.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
- 24. Amending the Five-Year Plan and Submitting Application for Permanent Local Housing Allocation Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or the City Manager's designee to amend the five-year Permanent Local Housing Allocation plan and apply for and accept funds from the State of California's Permanent Local Housing Allocation Program, in an amount not to exceed \$3,321,617.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
- 25. Contract No. 32300134 Amendment: Bonita House for Specialized Care Unit Provider**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32300134 with Bonita House to add \$500,000 of funding from the American Rescue Plan Act grant for a total not-to-exceed contract amount of \$5,345,500.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

**26. Contract No. 32400236 Amendment: Creative Educational Consultants, Inc.
From: City Manager**

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend existing Contract No. 32400236 with Creative Educational Consultants, Inc., for the period beginning June 1, 2024, and ending June 30, 2025, as follows: 1) expand the scope to include additional positive youth development opportunities for African American/Black and Latinx Berkeley youth; 2) increase the contract limit by \$25,300 (from \$49,700 to \$75,000); and 3) extend the contract end date to June 30, 2025.

Financial Implications: See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

**27. Contract No.32300197 Amendment: Resource Development Associates for Results Based Accountability Consulting Services
From: City Manager**

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32300197 for \$160,000 and any additional amendments or extensions, with Resource Development Associates (RDA) for Results Based Accountability consulting services. The contract amendment's not-to-exceed amount will be increased to a total of \$539,830 for the period July 1, 2023 through June 30, 2026.

Financial Implications: See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

**28. Revenue Grant Agreements: Funding Support from Essential Access Health to Conduct Public Health Services
From: City Manager**

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of \$120,000 for April 1, 2024 to March 30, 2025. Grant funds will support clinical reproductive health services, as well as individual and community health education and outreach activities at the Berkeley High School Health Center and the Berkeley Technology Academy Health Center (the High School Health Centers).

Financial Implications: See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

29. Shelter Plus Care Program Renewal Grants

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to receive up to the maximum grant award for the following Shelter Plus Care grants and to execute any resultant agreements and amendments. a. A Shelter Plus Care grant from U.S. Department of Housing and Urban Development (HUD) in the amount of \$2,327,914 for COACH Project (COACH) for the period of January 1, 2024 through December 31, 2024; and b. A federal Shelter Plus Care grant received via Alameda County in a not-to-exceed amount of \$927,164 to provide tenant-based rental assistance to individuals who are chronically homeless and disabled from March 1, 2024 through February 28, 2025; and c. Two Shelter Plus Care grants from U.S. Department of Housing and Urban Development (HUD) that are estimated to be: 1. \$4,165,069 for Supportive Housing Collaborative Project (SHC) for the period June 1, 2024 through May 31, 2025; and 2. \$2,438,926 for COACH Project (COACH) for the period of January 1, 2025 through December 31, 2025.

Financial Implications: See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

30. 2023 Police Equipment & Community Safety Ordinance Annual Report

From: City Manager

Recommendation: Adopt a Resolution approving the 2023 Equipment Ordinance Annual Report.

Financial Implications: See report

Contact: Jennifer Louis, Police, (510) 981-5900

31. Active Transportation Program Cycle 7 Grant Funding Applications

From: City Manager

Recommendation: Adopt four Resolutions authorizing the City Manager to submit grant applications to the Caltrans Active Transportation Program (ATP) for the following projects: Southwest Berkeley Bike Boulevards for up to \$4 million; Adeline Street Quick-Build for up to \$1.05 million; accept the grants if awarded, and execute any resulting agreements and amendments. Two of these Resolutions are for applications to the Caltrans-administered ATP Statewide grant program, and two are applications to a regional sub-program, administered by the Metropolitan Transportation Commission (MTC).

Financial Implications: See report

Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

- 32. Authorize Purchase Order with National Auto Fleet Group for Twenty Ford Police Interceptor Utility (K8A) AWD Vehicles**
From: City Manager
Recommendation: Adopt a Resolution satisfying the requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell contract bid procedures and authorizing the City Manager to execute a purchase order for twenty (20) Ford Police Interceptor Utility (K8A) AWD vehicles with the National Auto Fleet Group in an amount not to exceed \$1,269,808.20.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
- 33. Contract: Edgeworth Integration, LLC for Installation of Security Cameras at Council-Approved Intersections; and Authorizing Additional External Fixed Video Surveillance Cameras**
From: City Manager
Recommendation:
1. Adopt a Resolution authorizing the City Manager to execute a contract with Edgeworth Integration, LLC for purchase and installation of External Fixed Video Surveillance Cameras at fifteen council-approved locations, for an amount not to exceed \$850,000.
2. Adopt a Resolution to authorize the installation of additional External Fixed Video Surveillance Cameras under this contract scope should they be approved by City Council, included in the Surveillance Policy and funding appropriated.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

34. **FY 2024/2025 Transportation Development Act Article 3 Fund Allocation**

From: City Manager

Recommendation: Adopt two Resolutions:

1. Authorizing the City Manager to: submit an allocation request to the Metropolitan Transportation Commission (MTC) prior to the June 14, 2024 deadline for \$151,950 of FY 24/25 Transportation Development Act (TDA) Article 3 funding to complete the Berkeley Bicycle Plan update.

2. Declaring that: the City of Berkeley is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of the City of Berkeley to carry out the project; the project has been reviewed and supported by the Transportation and Infrastructure Commission (TIC) of the City of Berkeley; the City of Berkeley attests to the accuracy of and approves the statements in Attachment A to this resolution; and a certified copy of this resolution and its attachments, and any accompanying supporting materials, shall be forwarded to the Congestion Management Agency, countywide transportation planning agency, or County Association of Governments, as the case may be, of Alameda County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

Financial Implications: See report

Contact: Terrance Davis, Public Works, (510) 981-6300

35. **Reappointment of Monica Renee Jones to the Mental Health Commission**

From: Mental Health Commission

Recommendation: Adopt a Resolution approving the reappointing of Monica Renee Jones to the Mental Health Commission, as a representative of the General Public Interest Category for a second 3-year term beginning June 4, 2024 and ending June 3, 2027. During her first term she was a member of the youth subcommittee and was the Chair for the last year.

Financial Implications: None

Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

36. **Contract: GPP Analytics Inc. for Independent Third-Party Audit of Payroll Audit Division**

From: Auditor

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders with GPP Analytics Inc. in an amount not to exceed \$120,000 to conduct an independent performance audit of the City Auditor's Office's Payroll Division activities.

Financial Implications: See report

Contact: Jenny Wong, Auditor, (510) 981-6750

Council Consent Items

- 37. Berkeley Humane: Bark (& Meow) Around the Block: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds From: Councilmember Taplin (Author)**
Recommendation: Adopt a Resolution approving the expenditure of council office budget funds, including \$500 from Councilmember Taplin, to support the Back (& Meow) Around the Block adoption event hosted by Berkeley Humane, with funds relinquished to the City's general fund.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 38. Support for H.R. 7849 (Thompson and LaMalfa) From: Councilmember Wengraf (Author)**
Recommendation: Adopt a letter of support for the Disaster Resiliency and Coverage Act of 2024 (H.R. 7849, Thompson and LaMalfa) and send it to Representatives Mike Thompson, Doug LaMalfa, Barbara Lee and Senators Alex Padilla and Laphonza Butler.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action Calendar

The public may comment on each item listed on the agenda for action. 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 during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.

A member of the public may only speak at one of the two public comment periods for any single Action item.

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. Up to ten (10) speakers 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. 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.

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

Action Calendar – Scheduled Public Comment Period

During this public comment period, the Presiding Officer will open and close a comment period for each Action item on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters). The public may speak on each item. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers 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. 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.

When applicable, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

39. Modification and Adoption of Berkeley Fire Code Local Amendments and Incorporation of California Intervening Code Adoption Cycle Amendments Based on the 2022 California Fire Code

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt the second reading of Ordinance No. 7,903-N.S. which proposes to amend certain portions of Section 19.48.020 of the Berkeley Municipal Code (“Amendments to the California Fire Code”).

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: David Sprague, Fire, (510) 981-3473

40. Re-Adoption of the Berkeley Building Codes, including Local Amendments to the 2022 California Building Standards Code

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion adopt the second reading of Ordinance No. 7,906-N.S. repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy, and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400

41. ZAB Appeal: 2113-15 Kittredge Street, Use Permit #ZP2022-0144

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board decision to approve Use Permit #ZP2022-0144 to demolish the commercial building on a landmarked site (preserving the front façade), and construct an 18-story (203 feet, with 8-foot, 4-inch parapet), 160,734-square-foot, mixed-use building with 211 dwelling units (including 22 Very Low-Income Density Bonus qualifying units), and a 24,273-square-foot live theater space, and dismiss the appeal.

Financial Implications: None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar – New Business

- 42. Fiscal Years 2025 and 2026 Proposed Budget and Fiscal Years 2025-2029 Capital Improvement Program**
From: City Manager
Recommendation: Receive the Proposed Fiscal Years 2025-2029 Capital Improvement Program and provide comments on the Capital Improvement Program and the Fiscal Years 2025 and 2026 Proposed Biennial Operating Budget.
Financial Implications: See report
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
- 43a. Measure P Allocations, Fiscal Year 2025-2026**
From: Homeless Services Panel of Experts
Recommendation: That Council approve the Homeless Services Panel of Experts recommendations to allocate Measure P revenue providing homeless services as detailed in Attachment 1, Exhibit A to the report.
Financial Implications: See report
Contact: Josh Jacobs, Commission Secretary, (510) 981-5400
- 43b. Companion Report: Measure P Allocations, Fiscal Year 2025-2026**
From: City Manager
Recommendation: Approve the Homeless Services Panel of Experts recommendations for Fiscal Years 2025-2026, but continue to partially fund 5150 transports from Measure P until alternative sources can be identified.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
- 44. Amendments to Berkeley’s Municipal Code Chapter 2.24 to Establish Whistleblower Program Authority**
From: Auditor
Recommendation: Adopt first reading of an ordinance amending City Auditor’s Office (BMC Chapter 2.24) authority and scope of work to formally establish the City Auditor’s authority to receive and refer reports of fraud, waste, or abuse as well as investigate those reports and any reports of retaliation against whistleblowers.
Financial Implications: See report
Contact: Jenny Wong, Auditor, (510) 981-6750

Council Action Items

45. **Amend Berkeley Municipal Code Chapter 3.78 To Expand Eligibility Requirements for Representatives of The Poor to Serve on The Human Welfare and Community Action Commission** (*Reviewed by the Agenda & Rules Committee*)
From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Amend Berkeley Municipal Code Chapter 3.78 to expand eligibility requirements for Representatives of the Poor to serve on the Human Welfare and Community Action Commission, or any successor commission, to consider the current geographic formation of poverty in Berkeley.
Policy Committee Recommendation: To send the item to the City Council with a negative recommendation.
Financial Implications: None
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Policy Committee Track

46. **Affordable Housing for Artists: AB-812 Implementation and Cultural District Statutory Standardization**
From: Councilmember Taplin (Author)
Recommendation: Pursuant to California Government Code Section 65914.8, refer to the City Manager, City Attorney, and Planning Commission:
1. To study and develop an Ordinance and implementation plan for Assembly Bill 812 (2023) to reserve for artists up to 10 percent of Below Market Rate units under Berkeley Municipal Code 23.328 (Inclusionary Housing) within a half-mile of a state-designated cultural district or within any similar locally designated cultural district, with consideration for consistency with existing Affordable Housing Preference Policy;
2. Consider common standards for locally designated cultural districts, including but not limited to Overlay Zones, and implementation of cultural district designation within the boundaries of Area Specific Plans, including but not limited to the Adeline Corridor and San Pablo Corridor Specific Plans;
3. Pursuant to California Government Code Section 8758, consider solicitation of state designation for cultural districts in the City of Berkeley.
Financial Implications: Staff time
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <https://berkeleyca.gov/>.

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<https://berkeleyca.gov/your-government/city-council/city-council-agendas>

and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@berkeleyca.gov

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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Mental Health Commission

CONSENT CALENDAR  
June 4, 2024

To: Honorable Mayor and Members of the City Council

From: Mental Health Commission

Submitted by: Jamie Works-Wright, Secretary Mental Health Commission

Subject: Reappointment of Monica Renee Jones to the Mental Health Commission

RECOMMENDATION

Adopt a Resolution approving the reappointing of Monica Renee Jones to the Mental Health Commission, as a representative of the General Public Interest Category for a second 3-year term beginning June 4, 2024 and ending June 3, 2027. During her first term she was a member of the youth subcommittee and was the Chair for the last year.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

Monica Renee Jones served her first term from May 26, 2021 to May 25, 2024. The Mental Health Commission is authorized to be composed of thirteen members. However, there are presently eight vacancies on the Commission. These vacancies impair the Commission's ability to adequately review and evaluate the community's mental health needs, resources, and programs.

Approval of the recommended action will keep the Chair position filled, and allow the Commission to be closer to having a full and diverse complement of commissioners to review and evaluate the community's mental health needs, resources, and programs.

BACKGROUND

California State law requires that appointments to the Mental Health Commission meet specific categories, who may serve up to nine years consecutively. Monica Jones meets the category of general public interest. The general public interest category may include anyone who has an interest in and some knowledge of mental health services. The special public interest category includes direct consumers of public mental health services and family members of consumers, which together must constitute at least fifty percent or nine of the commission seats. Direct consumers and family members shall each constitute at least 20% of the commission membership.

Re-Appointment of Monica Renee Jones to the MHC

CONSENT CALENDAR  
June 4, 2024

Monica Renee Jones is a resident of Berkeley and previously worked in the area of Corrections for 25 years. She has the compassion to help others and passion to serve the marginalized population by staying involved in the community by attending commission and council meetings. She would like to re-join the Mental Health Commission to be part of the solution and address issues around housing and medication evaluations for mental health consumers. During her first term Ms. Jones held the Chair position and was elected to be the Chair for the 2024 year as well. This would be her second term participating on the Mental Health Commission.

The Mental Health Commission passed the following motions at the March 28, 2024 meeting:

Re- appoint Monica Jones to the Mental Health Commission

M/S/C (Prichett, Turner) So moved to re-appoint Monica Jones to the Mental Health Commission -

PASSED

Ayes: Jones, Opton, Prichett, Turner Noes: None; Abstentions: None; Absent: Kimber-Smith

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

#### RATIONALE FOR RECOMMENDATION

Approval of the recommended action will allow the Mental Health Commission to be closer to having a full and diverse complement of commissioners to review and evaluate the community's mental health needs, resources, and programs.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

#### CONTACT PERSON

Jamie Works-Wright, Commission Secretary, HHCS, 510-981-7721

Attachments:

1: Resolution



RESOLUTION NO. ##,###-N.S.

REAPPOINTMENT OF MONICA RENEE JONES TO THE MENTAL HEALTH  
COMMISSION

WHEREAS, membership of the Mental Health Commission is composed of thirteen appointments by the City Council as a whole, including one appointment by the Mayor (*or designee*), six special public interest appointments, and four general public interest appointments; and

WHEREAS, with the ongoing implementation of the Mental Health Services Act, the City of Berkeley will need to have a full complement of diverse appointees to the Commission to review and evaluate the community's mental health needs, resources, and programs and to fulfill its mandate; and

WHEREAS, Ms. Jones has investment in the community, trained in post trauma and conflict management and is prepared to contribute to helping others.

WHEREAS, the Mental Health Commission at its March 28, 2024 meeting recommended the re-appointment of Monica Renee Jones.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council appoints Monica Renee Jones as a representative of the General Public Interest category, to complete her second term ending June 3, 2027.





BERKELEY CITY AUDITOR



CONSENT CALENDAR  
June 4, 2024

To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor *JW*

Subject: Contract: GPP Analytics Inc. for Independent Third-Party Audit of Payroll Audit Division

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders with GPP Analytics Inc. in an amount not to exceed \$120,000 to conduct an independent performance audit of the City Auditor’s Office’s Payroll Division activities.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract comes from salary savings and is in the City Auditor’s Office fiscal year 2024 budget, General Fund budget code 011-12-122-000-0000-000-411-612-990.

CURRENT SITUATION AND ITS EFFECTS

By City Charter, the City Auditor’s Office is responsible for management and oversight of the Payroll Audit Division. Because of this structure, the City Auditor’s Office cannot complete an independent audit of payroll operations in accordance with generally accepted government auditing standards, which the City Charter requires that we comply with. Performing an audit of the Payroll Audit division would be considered “auditing our own work” by those standards. To do so could create an independence impairment in both mind and appearance, compromising the public trust in our professional judgment, integrity, objectivity, and professional skepticism. However, the City Auditor recognizes that payroll operations is a high-risk area that warrants regular, independent audits. Therefore, in keeping with the City Auditor’s Office’s commitment to the Berkeley community to ensure assessment of high-risk City operations, the City Auditor is seeking to contract with an independent third-party to audit its payroll services. The City Auditor’s Office will present to City Council the third-party’s report, including findings and recommendations, and then continue to report to City Council on progress with implementing the recommendations until they have all been implemented.

Contract: GPP Analytics Inc. for  
Independent Third-Party Audit of Payroll Audit Division

consent CALENDAR  
June 4, 2024

## BACKGROUND

The City Auditor is an elected official who serves the residents of Berkeley and whose mission is to be a catalyst for improving City government. The City Auditor's Office is comprised of two divisions:

- Performance Audit Division: Conducts performance, financial, and compliance audits in accordance with generally accepted government auditing standards to promote efficiency, effectiveness, and accountability; provide objective, timely, and accurate information about City program performance to the public, Council, management, and staff; and make recommendations for improvement that help Berkeley residents hold City government accountable for stewardship of public resources.
- Payroll Audit Division: Examines and monitors City payroll for accuracy, accountability, and compliance with federal and state regulations, City policies, procedures, and memorandums of understanding (i.e., labor agreements); processes City payroll; issues pay checks and related reports; and performs other payroll-related activities.

## ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental sustainability and climate effects or opportunities associated with the subject of this report.

## RATIONALE FOR RECOMMENDATION

The City Charter requires that the City Auditor's Office perform audits in accordance with generally accepted government auditing standards. Those standards state, "In all matters relating to the audit work, the audit organization and the individual auditor, whether government or public, must be independent." By that standard, the City Auditor's Office cannot independently perform an audit of its Payroll Audit Division. Recent resignations and underfilled positions have provided the City Auditor's Office with salary savings to use towards the recommended contract.

## ALTERNATIVE ACTIONS CONSIDERED

No alternative was considered. The City Auditor's Office cannot independently perform an audit of its Payroll Audit Division and, therefore, a third-party contractor is needed to complete the work.

## CONTACT PERSON

Jenny Wong, City Auditor, 510-981-6750

## Attachments:

1: Resolution – Contract: GPP Analytics Inc. for Independent Third-Party Audit of Payroll Audit Division

RESOLUTION NO. ##,###-N.S.

CONTRACT: CONTRACT: VENDOR FOR INDEPENDENT THIRD-PARTY AUDIT OF  
PAYROLL AUDIT DIVISION

WHEREAS, payroll operations is a high-risk area that warrants regular, independent audits; and

WHEREAS, the Payroll Audit Division is a division of the City Auditor's Office; and

WHEREAS, the City Charter requires that the City Auditor's Office perform audits in accordance with generally accepted government auditing standards; and

WHEREAS, the generally accepted government auditing standards state that "In all matters relating to the audit work, the audit organization and the individual auditor, whether government or public, must be independent"; and

WHEREAS, a request for proposal, Specification No. #24-11660-C, was released in March 2024 with two firms responding, and GPP Analytics Inc. was selected as one of the firms best meeting the City Auditor's needs to perform an independent audit of payroll activities within the City Auditor's Office Payroll Audit Division; and

WHEREAS, funding for this contract comes from salary savings and is in the City Auditor's Office fiscal year 2024 budget, General Fund budget code 011-12-122-000-0000-000-411-612-990.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments, extensions, or other change orders with GPP Analytics Inc. to perform an independent internal controls and performance audit of the City Auditor's Office Payroll Audit Division.





CONSENT CALENDAR  
June 4, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: Berkeley Humane: Bark (& Meow) Around the Block: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

RECOMMENDATION

Adopt a Resolution approving the expenditure of council office budget funds, including \$500 from Councilmember Taplin, to support the Bark (& Meow) Around the Block adoption event hosted by Berkeley Humane, with funds relinquished to the City’s general fund.

FINANCIAL IMPLICATIONS

No General Fund impact. \$500 is available from contributing Councilmember’s Council Office Budget discretionary accounts.

BACKGROUND

The 12th Annual Bark (& Meow) Around the Block adoption event and family street fair will take place on Saturday, September 7, 2024, in West Berkeley. This annual pet adoption event, free to the public, is a large community based, family friendly street fair and adopt-a-thon complete with great food, live entertainment, vendors (pet and non-pet) and fun activities for all ages.

Last year, Bark (& Meow) Around the Block stretched over four city blocks, attracted at least 2,500 attendees, over 40 diverse vendors, and 26 local partner animal rescue organizations. Over 175 shelter and rescue animals were adopted into loving homes in just a few hours.

To be held on Ninth Street between Parker and Pardee Streets, and Carleton Street, between 8<sup>th</sup> and 10<sup>th</sup> Street, the festival will draw a substantial number of families and potential pet adopters out to engage with a pet friendly event that includes local food trucks, live music, and a variety of vendors.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Taplin      Council District 2      510-981-7120

Berkeley Humane

CONSENT CALENDAR  
June 4, 2024

Attachments:  
1: Resolution



RESOLUTION NO. ##,###-N.S.

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmember Taplin has surplus funds in his office expenditure account (budget code 011-11-102-100-0000-000-411); and

WHEREAS, a California non-profit tax exempt corporation Berkeley-East Bay Humane Society seeks funds to provide the following public services: Bark (& Meow) Around the Block adoption drive; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: pet adoption drive;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$1000 shall be granted to Berkeley-East Bay Humane Society to fund the following services: Bark (& Meow) Around the Block adoption drive.





Susan Wengraf  
Vice Mayor and Councilmember District 6

CONSENT CALENDAR

June 4, 2024

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Wengraf (Author)

Subject: Support for H.R. 7849 (Thompson and LaMalfa)

RECOMMENDATION

Adopt a letter of support for the Disaster Resiliency and Coverage Act of 2024 (H.R. 7849, Thompson and LaMalfa) and send it to Representatives Mike Thompson, Doug LaMalfa, Barbara Lee and Senators Alex Padilla and Laphonza Butler.

FINANCIAL IMPLICATIONS

None

CURRENT SITUATION AND ITS EFFECTS

The *Disaster Resiliency and Coverage Act of 2024* ([H.R. 7849](#)), is legislation providing homeowners in disaster-prone regions with broad incentives to harden their properties against wildfires and other risks. The legislation is intended to help address the ongoing insurance crisis in California as the rising frequency and intensity of natural disasters has led insurers to raise rates and, in several cases, exit certain markets entirely. By incentivizing homeowners to mitigate disaster risks on their property, the legislation will help bring insurers back into the market and lower rates.

The legislation includes four main provisions: The first creates a grant program, administered through State governments, through which individual households in designated disaster-prone regions (with certain limitations) are eligible for up to \$10,000 for specified disaster resiliency work on their homes. The second and third provisions (Sections 3 and 4 of the legislation) mirror existing legislation (H.R. 4070) stipulating that payments from State-run disaster resiliency programs and payments from various federal emergency agricultural programs are not considered income for federal tax purposes. The final section provides a 30 percent tax credit for qualified disaster risk mitigation activities conducted by individuals or businesses. The credit is meant to complement the grant program by providing meaningful assistance to larger property owners for whom mitigation activity costs would far exceed \$10,000.

BACKGROUND

Natural disasters fueled by climate change are threatening the insurance industry's ability to serve California's homeowners. Many insurers have responded to climate related financial risks by withdrawing their services from high-risk markets.

In 2023, State Farm, one of the US' biggest insurance providers, announced it would stop selling new home insurance policies in California. "[We] made this decision due to historic increases in construction costs outpacing inflation, rapidly growing catastrophe exposure, and a challenging reinsurance market," a statement from the company read. Many other insurance companies followed State Farm's lead and withdrew from California.

Since then, Berkeley homeowners have been reporting receiving notices of non-renewal, despite efforts at creating defensible space and home hardening their properties. Insurers base their decisions on proprietary data and modeling but provide little public insight into how these assessments are made or how they affect outcomes for customers. As a result, homeowners are left resorting to the FAIR Plan, the insurance of last resort, which is far more expensive and covers much less than previous policies.

The current insurance crisis puts what is often a homeowner's largest asset at risk; it threatens to reduce the value of their home, and it could ultimately damage the City's financial stability.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Extreme weather is causing wildfires to burn hotter and spread faster than ever before due to climate change. This bill, if passed, will support the resiliency of families and communities to implement wildfire disaster mitigations and to rebuild should they need to.

CONTACT PERSON

Vice Mayor Susan Wengraf

Council District 6

510-981-7160

Attachments:

- 1: Letter
- 2: Co-Sponsors of Bill
- 3: Bill – H.R. 7849



Berkeley City Council

June 4, 2024

The Honorable Mike Thompson  
United States Congressman  
268 Cannon Office Building  
Washington, DC 20515

The Honorable Doug LaMalfa  
United States Congressman  
408 Cannon House Office Building  
Washington, DC 20515

**RE: H.R. 7849, Disaster Resiliency and Coverage Act of 2024  
Support from the Berkeley City Council**

Dear Honorable Representative Mike Thompson and Representative Doug LaMalfa,

We write in support of your efforts and applaud you for bringing H.R. 7849 to Congress for consideration.

Property owners in Berkeley have been reporting notices of non-renewal of their insurance policies with increased frequency in the last several months. Many major insurers have pulled out of California and are no longer offering policies here, claiming that the risk is too high.

Providing incentives to homeowners who mitigate wildfire risks on their property will hopefully encourage insurers to return to California to provide insurance policies to those who take steps to create defensible space and harden their homes.

Building community resilience to wildfire is a top priority for our city. We are working hard to educate our constituents and to help Berkeley's homeowners implement actions to achieve that goal.

H.R. 7849 is a critical step to stabilizing California's Insurance Market. I hope you will continue your good work to not only incentivize insurance companies to return to California but also encourage them to provide insurance to those who engage in qualified disaster risk mitigation activities.

Sincerely,

Jesse Arreguín  
Vice Mayor  
City of Berkeley

Cc: Representative Barbara Lee and Senators Alex Padilla and Laphonza Butler

5/10/24, 11:44 AM Cosponsors - H.R.7849 - 118th Congress (2023-2024): Disaster Resiliency and Coverage Act of 2024 | Congress.gov | Library of ...



## H.R. 7849 - Disaster Resiliency and Coverage Act of 2024

118th Congress (2023-2024) | [Get alerts](#)

Summary(0) Text(1) Actions(3) Titles(2) Amendments(0) **Cosponsors(12)** Committees(2) Related Bills(0)

Sponsor: [Rep. Thompson, Mike \[D-CA-4\]](#) | Cosponsor statistics: 12 current - includes 1 original

\* = Original cosponsor

View **Expanded**

| Cosponsor                                            | Date Cosponsored |
|------------------------------------------------------|------------------|
| <a href="#">Rep. LaMalfa, Doug [R-CA-11]*</a>        | 03/29/2024       |
| <a href="#">Rep. Lee, Barbara [D-CA-12]</a>          | 04/05/2024       |
| <a href="#">Rep. Barragán, Nnette Diaz [D-CA-44]</a> | 04/09/2024       |
| <a href="#">Rep. Brownley, Julia [D-CA-26]</a>       | 04/10/2024       |
| <a href="#">Rep. Moskowitz, Jared [D-FL-23]</a>      | 04/10/2024       |
| <a href="#">Rep. Lofgren, Zoe [D-CA-18]</a>          | 04/11/2024       |
| <a href="#">Rep. Carballo, Salvador [D-CA-24]</a>    | 04/12/2024       |
| <a href="#">Rep. Correa, J. Luis [D-CA-48]</a>       | 04/17/2024       |
| <a href="#">Rep. Huffman, Jared [D-CA-2]</a>         | 04/20/2024       |
| <a href="#">Rep. Costa, Jim [D-CA-21]</a>            | 04/26/2024       |
| <a href="#">Rep. Schiff, Adam B. [D-CA-30]</a>       | 05/01/2024       |
| <a href="#">Rep. Panetta, Jimmy [D-CA-19]</a>        | 05/07/2024       |

### Party of Cosponsor

Democratic [11]  Republican [1]

### Cosponsors by U.S. State or Territory

California [11] Florida [1]

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.....  
(Original Signature of Member)

118TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to require the President to establish an individual household disaster mitigation program, and for other purposes.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Mr. THOMPSON of California introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to require the President to establish an individual household disaster mitigation program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Disaster Resiliency and  
5 Coverage Act of 2024”.

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1 **SEC. 2. INDIVIDUAL HOUSEHOLD DISASTER MITIGATION**  
2 **PROGRAM.**

3 Title II of the Robert T. Stafford Disaster Relief and  
4 Emergency Assistance Act (42 U.S.C. 5131 et seq.) is  
5 amended by adding at the end the following:

6 **“SEC. 206. INDIVIDUAL HOUSEHOLD DISASTER MITIGATION**  
7 **PROGRAM.**

8 “(a) **ESTABLISHMENT.**—The President shall estab-  
9 lish a program to provide grants to States and Indian trib-  
10 al governments for qualifying pre-disaster mitigation ac-  
11 tivities on individual residential households that are at risk  
12 of being damaged by a major disaster.

13 “(b) **ESTABLISHMENT OF ELIGIBLE DISASTER**  
14 **AREAS.**—In carrying out the program under this section,  
15 the President shall—

16 “(1) establish eligible disaster areas, in con-  
17 sultation with States, that the President determines  
18 to be at risk of a natural hazard, including—

19 “(A) a description of the type, likelihood,  
20 and severity of each potential natural hazard  
21 affecting each such risk area; and

22 “(B) by taking into account previously de-  
23 clared major disasters impacting such areas;  
24 and

25 “(2) provide technical assistance to the States  
26 or Indian tribal governments in developing the plan

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March 21, 2024 (9:35 p.m.)



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1 described in subsection (c) and administering grants  
2 provided for individual households under the pro-  
3 gram.

4 “(c) PLAN FOR ELIGIBLE ACTIVITIES.—To be eligi-  
5 ble for a grant under this section, a State or Indian tribal  
6 government shall submit to the President a plan that in-  
7 cludes—

8 “(1) each disaster risk area established by the  
9 President under subsection (b) in which the State or  
10 Indian tribal government proposes to provide funds  
11 under the program;

12 “(2) an assessment of the status of the avail-  
13 ability and affordability of homeowner insurance cov-  
14 erage in each such risk area;

15 “(3) a list of each qualifying mitigation activity  
16 that is eligible for funds in each such risk area;

17 “(4) the criteria by which a State or Indian  
18 tribal government will evaluate applicants, which  
19 shall include consideration of the household income  
20 of the applicant and whether the residence is located  
21 in a Community Disaster Resilience Zone; and

22 “(5) a financial plan that includes maximum  
23 amounts available to a household for each qualifying  
24 mitigation activity.

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1       “(d) CONSULTATION.—In establishing the program  
2 under this section, the President shall consult with the Di-  
3 rector of the Federal Insurance Office to determine what  
4 qualifying mitigation activities are likely to incentivize  
5 homeowner insurance companies to offer, or increase cov-  
6 erage of, homeowners insurance to households located in  
7 eligible disaster areas.

8       “(e) LIMITATIONS.—

9           “(1) HIGH-RISK AREAS.—Funds provided under  
10 this section may only be used in eligible disaster  
11 areas that the State or Indian tribal government de-  
12 termines are at a high risk of experiencing a major  
13 disaster for the major disaster that presents such a  
14 risk.

15           “(2) LIMITATION BASED ON ADJUSTED GROSS  
16 INCOME.—An individual shall not be eligible to re-  
17 ceive a grant under this section if the adjusted gross  
18 income of such individual exceeds \$250,000  
19 (\$500,000 in the case of a joint tax return) for the  
20 taxable year ending in the calendar year immediately  
21 preceding the calendar year with respect to which a  
22 grant application is filed.

23           “(3) DEFINITION OF ADJUSTED GROSS IN-  
24 COME.—In this section, the term ‘adjusted gross in-

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1       come' has the meaning given such term in section  
2       62(a) of the Internal Revenue Code of 1986.

3       “(f) MULTI-TIERED MITIGATION STANDARDS.—

4               “(1) IN GENERAL.—The President, acting  
5       through the Administrator of the Federal Emer-  
6       gency Management Agency, shall establish mitiga-  
7       tion standards for individual households that carry  
8       out each type of qualifying mitigation activity eligi-  
9       ble for funds under the program, which may include  
10       a multi-tiered standard.

11               “(2) CONSIDERATION.—In establishing the  
12       mitigation standards under paragraph (1), the  
13       President, acting through the Administrator—

14               “(A) may consider any standards estab-  
15       lished by—

16                       “(i) Insurance Institute for Business  
17                       and Home Safety; and

18                       “(ii) any other standard-issuing entity  
19                       determined appropriate; and

20               “(B) may—

21                       “(i) adopt a standard considered  
22                       under subparagraph (A); or

23                       “(ii) establish alternative standards.

24       “(g) GUIDANCE TO INSURANCE PROVIDERS.—To be  
25       eligible for a grant under the program under this section,

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1 a State or Indian tribal government shall establish, and  
2 make available to the public, guidance to insurance pro-  
3 viders that includes suggested incentives for households  
4 that carry out disaster mitigation activities under the pro-  
5 gram, including—

6 “(1) the mitigation standards established under  
7 subsection (f);

8 “(2) increased eligibility for insurance coverage;  
9 and

10 “(3) discounts for households that carry out  
11 such mitigation activities.

12 “(h) MAXIMUM AMOUNTS.—A State or Indian tribal  
13 government may not provide more than an amount of  
14 \$10,000, not to exceed the actual cost of mitigation activi-  
15 ties, to any individual household under the program. Such  
16 amount shall be increased yearly to reflect any increase  
17 in the Consumer Price Index.

18 “(i) GROSS INCOME.—For purposes of the Internal  
19 Revenue Code of 1986, gross income shall not include  
20 amounts provided under this section.

21 “(j) DEFINITION OF QUALIFYING MITIGATION AC-  
22 TIVITY.—In this section, the term ‘qualifying mitigation  
23 activity’ means an activity relating to a housing unit—

24 “(1) for property to—

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1           “(A) improve the strength of a roof deck  
2           attachment;

3           “(B) create a secondary water barrier to  
4           prevent water intrusion or mitigate against po-  
5           tential water intrusion from wind-driven rain;

6           “(C) improve the durability, impact resist-  
7           ance (not less than class 3 or 4 rating), or fire  
8           resistance (not less than class A rating) of a  
9           roof covering;

10          “(D) brace gable-end walls;

11          “(E) reinforce the connection between a  
12          roof and supporting wall;

13          “(F) protect openings from penetration by  
14          wind-borne debris;

15          “(G) protect exterior doors and garages  
16          from natural hazards;

17          “(H) complete measures contained in the  
18          publication of the Federal Emergency Manage-  
19          ment Agency entitled ‘Wind Retrofit Guide for  
20          Residential Buildings’ (P-804);

21          “(I) elevate the qualified dwelling unit, as  
22          well as utilities, machinery, or equipment, above  
23          the base flood elevation or other applicable min-  
24          imum elevation requirement;

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1           “(J) seal walls in the basement of the  
2           qualified dwelling unit using waterproofing com-  
3           pounds; or

4           “(K) protect propane tanks or other exter-  
5           nal fuel sources;

6           “(2) to install—

7           “(A) check valves to prevent flood water  
8           from backing up into drains;

9           “(B) flood vents, breakaway walls or open  
10          lattice for homes located in V zones;

11          “(C) a stormwater drainage system or im-  
12          prove an existing system;

13          “(D) natural or nature-based features for  
14          flood control, including living shorelines;

15          “(E) roof coverings, sheathing, flashing,  
16          roof and attic vents, eaves, or gutters that con-  
17          form to ignition-resistant construction stand-  
18          ards;

19          “(F) wall components for wall assemblies  
20          that conform to ignition-resistant construction  
21          standards;

22          “(G) a wall-to-foundation anchor or con-  
23          nector, or a shear transfer anchor or connector;

24          “(H) wood structural panel sheathing for  
25          strengthening cripple walls;

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1           “(I) anchorage of the masonry chimney to  
2           the framing;

3           “(J) prefabricated lateral resisting sys-  
4           tems;

5           “(K) a standby generator system con-  
6           sisting of a standby generator and an automatic  
7           transfer switch;

8           “(L) a storm shelter that meets the design  
9           and construction standards established by the  
10          International Code Council and the National  
11          Storm Shelter Association (ICC-500), or a safe  
12          room that satisfies the criteria contained in—

13               “(i) the publication of the Federal  
14               Emergency Management Agency entitled  
15               ‘Safe Rooms for Tornadoes and Hurri-  
16               canes’ (P-361); or

17               “(ii) the publication of the Federal  
18               Emergency Management Agency entitled  
19               ‘Taking Shelter from the Storm’ (P-320);

20          “(M) a lightning protection system;

21          “(N) exterior walls, doors, windows, or  
22          other exterior dwelling unit elements that con-  
23          form to ignition-resistant construction stand-  
24          ards;

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1           “(O) exterior deck or fence components  
2           that conform to ignition-resistant construction  
3           standards;

4           “(P) structure-specific water hydration  
5           systems, including fire mitigation systems such  
6           as interior and exterior sprinkler systems;

7           “(Q) flood openings for fully enclosed  
8           areas below the lowest floor of the dwelling  
9           unit;

10          “(R) lateral bracing for wall elements,  
11          foundation elements, and garage doors or other  
12          large openings to resist seismic loads; or

13          “(S) automatic shutoff valves for water  
14          and gas lines; or

15          “(3) for services or equipment to—

16                 “(A) create buffers around the qualified  
17                 dwelling unit through the removal or reduction  
18                 of flammable vegetation, including vertical  
19                 clearance of tree branches;

20                 “(B) create buffers around the dwelling  
21                 unit through—

22                         “(i) the removal of exterior deck or  
23                         fence components or ignition-prone land-  
24                         scape features; or



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1                   “(ii) replacement of the components  
2                   or features described in clause (i) with  
3                   components or features that conform to ig-  
4                   nition-resistant construction standards;

5                   “(C) perform fire maintenance procedures  
6                   identified by the Federal Emergency Manage-  
7                   ment Agency or the United States Forest Serv-  
8                   ice, including fuel management techniques such  
9                   as creating fuel and fire breaks; or

10                  “(D) replace flammable vegetation with  
11                  less flammable species.

12                  “(4) for property relating to satisfying the  
13                  standards required for receipt of a FORTIFIED  
14                  designation from the Insurance Institute for Busi-  
15                  ness and Home Safety, provided that the qualified  
16                  dwelling unit receives such designation following in-  
17                  stallation of such property; or

18                  “(5) for any other hazard mitigation activity  
19                  which has been identified by the President, in con-  
20                  sultation with the Administrator of the Federal  
21                  Emergency Management Agency, for mitigation of a  
22                  natural hazard.”.

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1 **SEC. 3. EXCLUSION OF AMOUNTS RECEIVED FROM STATE-**  
 2 **BASED CATASTROPHE LOSS MITIGATION**  
 3 **PROGRAMS.**

4 (a) IN GENERAL.—Section 139 of the Internal Rev-  
 5 enue Code of 1986 is amended by redesignating subsection  
 6 (h) as subsection (i) and by inserting after subsection (g)  
 7 the following new subsection:

8 “(h) STATE-BASED CATASTROPHE LOSS MITIGATION  
 9 PROGRAMS.—

10 “(1) IN GENERAL.—Gross income shall not in-  
 11 clude any amount received by an individual as a  
 12 qualified catastrophe loss mitigation payment under  
 13 a program established or administered by a State, or  
 14 a political subdivision or instrumentality thereof, for  
 15 the purpose of making such payments.

16 “(2) QUALIFIED CATASTROPHE LOSS MITIGA-  
 17 TION PAYMENT.—For purposes of this section, the  
 18 term ‘qualified catastrophe loss mitigation payment’  
 19 means any amount which is received by an indi-  
 20 vidual to make improvements to such individual’s  
 21 residence for the sole purpose of hazard mitigation  
 22 with respect to such residence.

23 “(3) NO INCREASE IN BASIS.—Rules similar to  
 24 the rules of subsection (g)(3) shall apply in the case  
 25 of this subsection.”.

26 (b) CONFORMING AMENDMENTS.—

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1 (1) Section 139(d) is amended by striking “and  
2 qualified” and inserting “, qualified catastrophe  
3 mitigation payments, and qualified”.

4 (2) Section 139(i) (as redesignated by sub-  
5 section (a)) is amended by striking “or qualified”  
6 and inserting “, qualified catastrophe mitigation  
7 payment, or qualified”.

8 (c) EFFECTIVE DATE.—The amendments made by  
9 this section shall apply to taxable years beginning after  
10 December 31, 2024.

11 **SEC. 4. EXCLUSION FROM GROSS INCOME OF CERTAIN**  
12 **EMERGENCY AGRICULTURAL ASSISTANCE.**

13 (a) IN GENERAL.—Section 139 of the Internal Rev-  
14 enue Code of 1986, as amended by the preceding provi-  
15 sions of this Act, is amended by redesignating subsection  
16 (i) as subsection (j) and by inserting after subsection (h)  
17 the following new subsection:

18 “(i) CERTAIN AGRICULTURAL ASSISTANCE.—For  
19 purposes of this section, the term ‘qualified disaster relief  
20 payment’ shall include any assistance received under any  
21 of the following:

22 “(1) Assistance received under the Wildfires  
23 and Hurricanes Indemnity Program Plus under sub-  
24 part O of part 760 of title 7, Code of Federal Regu-  
25 lations.

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1 “(2) Assistance received under section 1501 of  
2 the Agricultural Act of 2014 (7 U.S.C. 9081).

3 “(3) Noninsured crop assistance under section  
4 196 of the Federal Agriculture Improvement and  
5 Reform Act of 1996 (7 U.S.C. 7333).

6 “(4) Assistance under a food assistance pro-  
7 gram under part 9 of title 7, Code of Federal Regu-  
8 lations.

9 “(5) Assistance under title IV of the Agricul-  
10 tural Credit Act of 1978 (16 U.S.C. 2201 et seq.).

11 “(6) Assistance under the Quality Loss Assis-  
12 tance Program.”.

13 (b) EFFECTIVE DATE.—The amendments made by  
14 this section shall apply to taxable years beginning after  
15 December 31, 2024.

16 **SEC. 5. CREDIT FOR DISASTER MITIGATION EXPENDI-**  
17 **TURES.**

18 (a) IN GENERAL.—Subpart B of part IV of sub-  
19 chapter A of chapter 1 of the Internal Revenue Code of  
20 1986 is amended by inserting after section 27 the fol-  
21 lowing new section:

22 **“SEC. 28. DISASTER MITIGATION EXPENDITURES.**

23 “(a) IN GENERAL.—There shall be allowed as a cred-  
24 it against the tax imposed by this chapter for the taxable  
25 year an amount equal to 30 percent of the expenditures

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1 paid for qualifying mitigation activities paid or incurred  
2 by the taxpayer during such taxable year with respect to  
3 real property owned or leased by the taxpayer.

4 “(b) QUALIFIED DISASTER MITIGATION ACTIVI-  
5 TIES.—For purposes of this section—

6 “(1) QUALIFYING MITIGATION ACTIVITY.—The  
7 term ‘qualifying mitigation activity’ has the meaning  
8 given such term in section 206(j) of the Robert T.  
9 Stafford Disaster Relief and Emergency Assistance  
10 Act.

11 “(2) TREATMENT OF REIMBURSEMENTS.—Any  
12 amount originally paid or incurred by the taxpayer  
13 which is reimbursed by a State under a qualified  
14 State disaster mitigation program shall be treated as  
15 paid by such State (and not by such taxpayer).

16 “(c) APPLICATION WITH OTHER CREDITS.—

17 “(1) BUSINESS CREDIT TREATED AS PART OF  
18 GENERAL BUSINESS CREDIT.—So much of the credit  
19 which would be allowed under subsection (a) for any  
20 taxable year (determined without regard to this sub-  
21 section) that is attributable to expenditures made in  
22 the ordinary course of the taxpayer’s trade or busi-  
23 ness (or, in the case of expenditures made by a  
24 State, would have been expenditures made in the or-  
25 dinary course of the taxpayer’s trade or business if

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1 made by the taxpayer) shall be treated as a credit  
2 listed in section 38(b) for taxable year (and not al-  
3 lowed under subsection (a)).

4 “(2) PERSONAL CREDIT.—For purposes of this  
5 title, the credit allowed under subsection (a) for any  
6 taxable year (determined after application of para-  
7 graph (1)) shall be treated as a credit allowable  
8 under subpart A for such taxable year.

9 “(d) REDUCTION OF CREDIT PERCENTAGE WHERE  
10 TAXPAYER EXPENDITURES LESS THAN 30 PERCENT.—

11 “(1) IN GENERAL.—If the expenditure percent-  
12 age with respect to any item of expenditure de-  
13 scribed under subsection (a) is less than 30 percent,  
14 subsection (a) shall be applied by substituting ‘the  
15 expenditure percentage’ for ‘30 percent’ with respect  
16 to such item of expenditure.

17 “(2) EXPENDITURE PERCENTAGE.—For pur-  
18 poses of this section, the term ‘expenditure percent-  
19 age’ means, with respect to any item of expenditure  
20 described under subsection (a) any portion of which  
21 is paid or incurred by a State, the ratio (expressed  
22 as a percentage) of—

23 “(A) the taxpayer’s expenditure for such  
24 item, divided by

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1           “(B) the sum of the taxpayer’s and such  
2           State’s expenditures for such item.

3           “(e) SPECIAL RULES.—

4           “(1) TREATMENT OF EXPENDITURES RELATED  
5           TO MARKETABLE TIMBER.—An expenditure shall not  
6           be taken into account for purposes of this section  
7           (whether made by the taxpayer or a State) if such  
8           expenditure is properly allocable to timber which is  
9           sold or exchanged by the taxpayer. The preceding  
10          sentence shall not apply to the extent that such  
11          amount exceeds the gain on such sale or exchange.

12          “(2) BASIS REDUCTION.—For purposes of this  
13          subtitle, if the basis of any property would (but for  
14          this paragraph) be determined by taking into ac-  
15          count any expenditure described under subsection  
16          (a), the basis of such property shall be reduced by  
17          the amount of the credit allowed under subsection  
18          (a) with respect to such expenditure (determined  
19          without regard to subsection (c)).

20          “(3) DENIAL OF DOUBLE BENEFIT.—The  
21          amount of any deduction or other credit allowable  
22          under this chapter for any expenditure for which a  
23          credit is allowable under subsection (a) shall be re-  
24          duced by the amount of credit allowed under such



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1 subsection for such expenditure (determined without  
2 regard to subsection (c)).”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 38(b) of such Code is amended by  
5 striking “plus” at the end of paragraph (40), by  
6 striking the period at the end of paragraph (41) and  
7 inserting “, plus”, and by adding at the end the fol-  
8 lowing new paragraph:

9 “(42) the portion of the disaster mitigation ex-  
10 penditures credit to which section 28(e)(1) applies.”.

11 (2) Section 1016(a) of such Code is amended  
12 by redesignating paragraphs (35) through (38) as  
13 paragraphs (36) through (39), respectively, and by  
14 inserting after paragraph (34) the following new  
15 paragraph:

16 “(35) to the extent provided in section  
17 28(e)(2).”.

18 (3) The table of sections for subpart B of part  
19 IV of subchapter A of chapter 1 of such Code is  
20 amended by inserting after the item relating to sec-  
21 tion 27 the following new item:

“Sec. 28. Qualified disaster mitigation expenditures.”.

22 (c) EFFECTIVE DATE.—The amendments made by  
23 this section shall apply to expenditures paid or incurred  
24 after the date of the enactment of this Act, in taxable  
25 years ending after such date.

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March 21, 2024 (9:35 p.m.)





Homeless Services Panel of Experts

ACTION CALENDAR  
June 4, 2024

To: Honorable Mayor and Members of the City Council

From: Homeless Services Panel of Experts

Submitted by: Carole Marasovic, Chair, Homeless Services Panel of Experts

Subject: Measure P Allocations, Fiscal Year 2025-2026

RECOMMENDATION

That Council approve the Homeless Services Panel of Experts recommendations to allocate Measure P revenue providing homeless services as detailed in Attachment 1, Exhibit A.

SUMMARY

The Homeless Services Panel of Experts (HSPE) reviewed P funding requests for programs, and City staff personnel costs associated with Measure P, for the current annual funding cycle. This review directly followed 3 meetings associated with reviewing community agency allocation funding, a process that considers community agency allocation funding requests every 4 years (the current cycle last considered in 2019, 5 years ago, due to the pandemic), and made recommendations under that process.

During the community agency allocation funding process, HSPE commissioners independently reviewed and scored funding proposals and as a whole, made recommendations. HSPE recommendations were directed to the City Manager who considered them, the City Manager returning with her own recommendations. HSPE found that the earlier recommendations that they had made closely aligned with the City Manager's recommendations and made minor adjustments in some cases to almost perfectly align with the exception of one additional proposed new program.

While it was hoped that other funding gaps for homeless services needs could be addressed through Measure P monies, upon learning that the steep decline in projected Measure P revenue available had substantially decreased from \$10,189,500 to \$6,500,000, HSPE commissioners acknowledged that P revenue was in dire straits limiting funding for homeless services.

With one critical exception, HSPE commissioners aligned with the City Manager's recommendations for P monies with a caveat. That caveat was that there should be further discussion regarding the effectiveness and accountability of programs. However, rather than decreasing funding to providers, HSPE believed that funding for those

programs should be sustained and that following the current funding process, discussion was merited so that HSPE commissioners could receive additional information about the contract monitoring process, possibly making recommendations.

The one exception to the City Manager's recommendations for the use of P monies, where HSPE held steadfast, as it has in previous Measure P funding cycles, was that 5150 transports should not be funded under Measure P monies. While HSPE is fully aware that the language of Measure P provides that transportation can be funded with P revenue, the commissioners did not perceive 5150 transports as a wise use for over 1.3 million in P monies particularly with less monies currently available for needed homeless services.

In other annual P funding cycles, 40%-50% of unhoused persons, were identified as utilizers of 5150 transports. Also in those cycles, the City committed to identifying an alternative source of funding, other than Measure P, to fund 5150 transports.

Historically, funding for 5150 transports had been funded by the County until recent years following the County's decision that the City of Berkeley should fund its own 5150 transports given that the City of Berkeley has an independent mental health division with its own funding.

**FISCAL IMPACTS OF RECOMMENDATION**

As earlier stated, the current Measure P property tax revenue is projected as a substantial decrease from \$10,189,500 to \$6,500,000. The City's budget director issued a report on March 28, 2024 as follows:

**Measure P-Property Transfer Tax (-\$5,523,564 less than FY 2023 Actual)**

Measure P taxes totaling \$2,840,259 was collected during the first half of FY 2024, which was \$5,523,564 or 66.0% less than the \$8,363,823 collected during the same period of FY 2023. This decrease resulted primarily from the following: (1) A decrease of 61.0% in the dollar value of property sales amount in the first half of FY 2024 versus those in the first half of FY 2023 as reflected in Table 3; (2) The number of property sales transactions decreased by 131 or 60.9% during the first half of FY 2024, as illustrated in the table below; and,(3) There were only four property sales of \$10 million or more totaling \$75 million during this six-month period in FY 2024, compared to 9 transactions with total property sales of \$401 million for the same period in FY 2023. The Measure P1 Property Transfer Tax Revenue projection is being decreased from \$10,189,500 to \$6,500,000.

| <b>Property Sales \$1.5 million+</b> |             | <b>In Million \$</b> |             |            |            |            |              |
|--------------------------------------|-------------|----------------------|-------------|------------|------------|------------|--------------|
|                                      | <b>July</b> | <b>Aug</b>           | <b>Sept</b> | <b>Oct</b> | <b>Nov</b> | <b>Dec</b> | <b>Total</b> |
| FY 2024                              | \$62.8      | \$87.2               | \$48.5      | \$51.9     | \$33.6     | \$42.5     | \$326.5      |
| FY 2023                              | 114.4       | 271.1                | 84.1        | 63.3       | 203.7      | 99.8       | 836.4        |
| Change                               | - 51.6      | -183.9               | -35.6       | -11.4      | -170.1     | -57.3      | -509.9       |
| % Change                             | -45.1%      | -67.8%               | -42.3%      | -18.0%     | -83.5%     | -57.4%     | -61.0%       |

**Property Transactions \$1.5 Million and Above**

|          | July   | Aug    | Sept   | Oct    | Nov    | Dec    | Total  |
|----------|--------|--------|--------|--------|--------|--------|--------|
| FY 2024  | 18     | 17     | 12     | 15     | 12     | 10     | 84     |
| FY 2023  | 52     | 41     | 48     | 31     | 24     | 19     | 215    |
| Change   | -34    | -24    | -36    | -16    | -12    | -9     | -131   |
| % Change | -65.4% | -58.5% | -75.0% | -51.6% | -50.0% | -47.4% | -60.9% |

**CURRENT SITUATION AND ITS EFFECTS**

With Measure P revenue diminished by over one-third, HSPE aligned with the City Manager to preserve the current homeless service programs, providing necessary services, as best could be done with the exception of recommending the 1,321,605 million in 5150 transports, continuing to contend that another source of funding for this purpose should be identified.

**BACKGROUND**

The Homeless Services Panel of Experts reviewed Measure P recommendations at its April 10, 2024 meeting and made the following recommendations as follows:

**Action:** M/S/C Jones/Meany HSPE does not recommend funding the 5150 transport out of Measure P monies.

**Vote:** *Ayes:* Meany, Marasovic, Kealoha-Blake, Jones, and Palmatier.  
*Noes:* Segal. *Abstain:* None. *Absent:* Bookstein.

**Action:** M/S/C Marasovic/Meany the HSPE align with all of the city manager's recommendations except for the \$1.3 million for 5150 transport.

**Vote:** *Ayes:* Meany, Marasovic, Kealoha-Blake, Jones, and Palmatier.  
*Noes:* None. *Abstain:* Segal. *Absent:* Bookstein.

**Action:** M/S/C Marasovic/Jones HSPE will incorporate in the report that the reasoning behind not recommending the allocation for the \$1.3 million in 5150 transport is that the city should look towards alternative methods for funding and Measure P monies should be used for homeless services. This rationale is due to the diminished revenue needed for homeless services which do not make 5150 transport a priority for this stream of funding.

**Vote:** *Ayes:* Meany, Marasovic, Kealoha-Blake, Jones, and Palmatier.  
*Noes:* Segal. *Abstain:* None. *Absent:* Bookstein.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental impacts excepting that whenever unhoused persons are housed in Berkeley, it leads to a better, healthier environment for all whether that be formerly homeless persons or the general community.

RATIONALE FOR RECOMMENDATION

The Homeless Services Panel of Experts generally concurred with the City Manager's recommendations as they were thoughtfully made with attention to the current budgetary limitations. HSPE could not concur with the proposed 1.3 million allocation for 5150 transports which is 20% of the total projected 6.5 million in this year's P revenue. Another source of funding needs to be identified so that Measure P monies can be used to fund homeless services.

ALTERNATIVE ACTIONS CONSIDERED

The Homeless Services Panel of Experts could have concurred on the 5150 transports but was uncomfortable in doing so given the standing objection to Measure P monies used for 5150 transports when there are so many other needed homeless services and less P revenue available.

CITY MANAGER

See City Manager companion report.

CONTACT PERSON

Josh Jacobs, Homeless Services Coordinator, (510) 225-8035

Attachments:

1. Exhibit A: HSPE and City Manager Recommendations for P Funding.
2. City of Berkeley Budget Director report, March 26, 2024.

HSPE TRANSFER TAX -- MEASURE P PROGRAM LONG-TERM FORECAST-----DRAFT

|                                                                                                                                                                                                         | Category of Spending                    | FY 2024 Adopted      | FY 2024 Adopted<br>Mid-Biennial | FY 2024 Preliminary Estimate | FY 2025 Estimate      | FY 2026<br>Estimate   | FY 2027<br>Estimate   | FY 2028<br>Estimate   | FY 2029 Estimate       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------|---------------------------------|------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|------------------------|
| <b>Revenues</b>                                                                                                                                                                                         |                                         |                      |                                 |                              |                       |                       |                       |                       |                        |
| Beginning Fund Balance                                                                                                                                                                                  |                                         | \$ 19,887,422        | \$ 19,887,422                   | \$ 19,887,422                | \$ 5,391,019          | \$ 3,142,708          | \$ (1,877,883)        | \$ (6,645,169)        | \$ (6,722,411)         |
| Measure P Revenues*                                                                                                                                                                                     |                                         | \$ 14,073,750        | \$ 10,189,500                   | \$ 6,500,000                 | \$ 8,199,580          | \$ 8,609,559          | \$ 9,040,037          | \$ 9,492,039          | \$ 4,746,020           |
| <b>Total Revenues and Balance of Funds</b>                                                                                                                                                              |                                         | <b>\$ 33,961,172</b> | <b>\$ 30,076,922</b>            | <b>\$ 26,387,422</b>         | <b>\$ 13,590,599</b>  | <b>\$ 11,752,267</b>  | <b>\$ 7,162,154</b>   | <b>\$ 2,846,870</b>   | <b>\$ (1,976,392)</b>  |
| <b>LESS: Total Expenses</b>                                                                                                                                                                             |                                         | <b>\$ 14,045,913</b> | <b>\$ 19,160,846</b>            | <b>\$ 20,996,403</b>         | <b>\$ 10,447,891</b>  | <b>\$ 13,630,150</b>  | <b>\$ 13,807,322</b>  | <b>\$ 9,569,282</b>   | <b>\$ 10,077,605</b>   |
| <b>Personnel Costs (1)</b>                                                                                                                                                                              |                                         | \$ 722,413           | \$ 722,413                      | \$ 722,413                   | \$ 780,206            | \$ 842,623            | \$ 910,032            | \$ 982,835            | \$ 1,061,462           |
| CMO: Homeless Services Coordinator                                                                                                                                                                      | Staffing/Infrastructure                 | \$ 202,899           | \$ 202,899                      | \$ 202,899                   | \$ 219,131            | \$ 236,661            | \$ 255,594            | \$ 276,042            | \$ 298,125             |
| Finance: Accountant II                                                                                                                                                                                  | Staffing/Infrastructure                 | \$ 193,441           | \$ 193,441                      | \$ 193,441                   | \$ 208,916            | \$ 225,630            | \$ 243,880            | \$ 263,174            | \$ 284,228             |
| HHCS: 50% Senior Management Analyst                                                                                                                                                                     | Staffing/Infrastructure                 | \$ 116,560           | \$ 116,560                      | \$ 116,560                   | \$ 125,885            | \$ 135,956            | \$ 146,832            | \$ 158,579            | \$ 171,265             |
| HHCS: 2 Year Limited Term Community Services Specialist II                                                                                                                                              | Staffing/Infrastructure                 | \$ 209,513           | \$ 209,513                      | \$ 209,513                   | \$ 226,274            | \$ 244,376            | \$ 263,926            | \$ 285,040            | \$ 307,843             |
| <b>Non-Personnel Costs/ Program Expenses</b>                                                                                                                                                            |                                         | <b>\$ 13,323,500</b> | <b>\$ 18,438,433</b>            | <b>\$ 20,273,990</b>         | <b>\$ 9,667,685</b>   | <b>\$ 12,787,528</b>  | <b>\$ 12,897,290</b>  | <b>\$ 8,586,447</b>   | <b>\$ 9,016,143</b>    |
| Fire: 5150 Response & Transport - Measure P portion of contract                                                                                                                                         | Immediate Street Conditions and Hygiene | \$ 1,556,857         | \$ 1,321,605                    | \$ 1,321,605                 | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| Dorothy Day House Shelter                                                                                                                                                                               | Emergency Shelter                       | \$ 566,000           | \$ 566,000                      | \$ 566,000                   | \$ 580,150            | \$ 594,654            | \$ 609,520            | \$ 624,758            | \$ 640,377             |
| Dorothy Day House Drop In                                                                                                                                                                               | Immediate Street Conditions and Hygiene | \$ 182,000           | \$ 182,000                      | \$ 182,000                   | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ 205,916             |
| BACS Pathways STAIR Center                                                                                                                                                                              | Emergency Shelter                       | \$ 2,499,525         | \$ 2,499,525                    | \$ 2,499,525                 | \$ 2,002,768          | \$ 2,499,527          | \$ 2,499,528          | \$ 2,499,529          | \$ 2,499,530           |
| BACS Coordinated Entry System (BACS HRC & Shallow Subsidies)                                                                                                                                            | Immediate Street Conditions and Hygiene | \$ 1,000,000         | \$ 829,498                      | \$ 829,498                   | \$ 1,371,411          | \$ 1,371,411          | \$ 1,371,411          | \$ 1,371,411          | \$ 1,371,411           |
| BACS Permanent Housing Subsidies / Shallow Subsidies                                                                                                                                                    | Permanent Housing                       |                      |                                 |                              |                       |                       |                       |                       |                        |
| No Place Like Home - Scattered Unit Supportive Services                                                                                                                                                 | Permanent Housing                       | \$ 105,000           |                                 |                              |                       |                       |                       | \$ 105,000            | \$ 105,000             |
| No Place Like Home - Scattered Unit Supportive Services                                                                                                                                                 |                                         |                      |                                 |                              | \$ 138,800            | \$ 138,800            | \$ 138,800            | \$ 138,800            | \$ 43,800              |
| LifeLong Medical - Maudelle Shrek Affordable Housing (NPLH)                                                                                                                                             |                                         |                      | \$ 105,000                      | \$ 15,300                    | \$ 61,200             | \$ 61,200             | \$ 61,200             | \$ 61,200             | \$ 61,200              |
| Insight Housing Hope Center (NPLH)                                                                                                                                                                      | Permanent Housing                       | \$ 95,000            | \$ 95,000                       | \$ 95,000                    | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ 95,000              |
| Insight Housing - Men's Housing Program                                                                                                                                                                 | Emergency Shelter                       | \$ -                 | \$ 170,502                      | \$ 170,502                   | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ 170,502             |
| COVID-19 Emergency Housing Assistance - Housing Retention Program (EDC)                                                                                                                                 | Homelessness Prevention                 | \$ -                 | \$ -                            | \$ -                         | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| Anti-Displacement Programs (Legal Assistance, Housing Retention Program, Flexible Housing Funds) (100k to BACS HRC; 275K to EDC and remaining to EBCLC) - to be funded by U1 in FY 24                   | Homelessness Prevention                 | \$ -                 | \$ -                            | \$ -                         | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| BDIC Locker Program                                                                                                                                                                                     | Immediate Street Conditions and Hygiene | \$ 50,000            | \$ 50,000                       | \$ 50,000                    | \$ -                  | \$ 50,000             | \$ 50,000             | \$ 50,000             | \$ 50,000              |
| LifeLong Medical - Street Medicine                                                                                                                                                                      | Immediate Street Conditions and Hygiene | \$ 525,000           | \$ 525,000                      | \$ 525,001                   | \$ 525,000            | \$ 525,000            | \$ 525,000            | \$ 525,000            | \$ 525,000             |
| YSA Tiny Home                                                                                                                                                                                           | Emergency Shelter                       | \$ 78,000            | \$ 78,000                       | \$ 78,000                    | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| DBA- Homeless Outreach Worker                                                                                                                                                                           | Immediate Street Conditions and Hygiene | \$ 40,000            | \$ 40,000                       | \$ 40,000                    | \$ 40,000             | \$ 40,000             | \$ 40,000             | \$ 40,000             | \$ 40,000              |
| Downtown Streets Team                                                                                                                                                                                   | Immediate Street Conditions and Hygiene | \$ 225,000           | \$ 225,000                      | \$ 225,000                   | \$ 225,000            | \$ 225,000            | \$ 225,000            | \$ 225,000            | \$ 225,000             |
| Shelter at 742 Grayson Street                                                                                                                                                                           | Emergency Shelter                       | \$ -                 | \$ -                            | \$ -                         | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| Shelter at 1720 San Pablo Ave Lease                                                                                                                                                                     | Emergency Shelter                       | \$ 908,796           | \$ 908,796                      | \$ 908,796                   | \$ 935,160            | \$ 962,315            | \$ 990,284            | \$ -                  | \$ -                   |
| Dorothy Day House Berkeley Emergency Storm Shelter (Winter Shelter)                                                                                                                                     | Emergency Shelter                       | \$ 350,000           | \$ 350,000                      | \$ 350,000                   | \$ 358,750            | \$ 367,719            | \$ 376,912            | \$ 386,335            | \$ 395,993             |
| Dorothy Day House - Inclement Weather Shelter                                                                                                                                                           | Emergency Shelter                       | \$ -                 | \$ 412,185                      | \$ 412,185                   | \$ 290,000            | \$ 290,000            | \$ 290,000            | \$ 290,000            | \$ 290,000             |
| Dorothy Day House Beyond Horizon - 1720 San Pablo Avenue - Supportive Services                                                                                                                          | Emergency Shelter                       | \$ 950,000           | \$ 950,000                      | \$ 950,000                   | \$ 950,000            | \$ 950,000            | \$ 950,000            | \$ -                  | \$ -                   |
| 1367 University Avenue Step Up Housing Project*                                                                                                                                                         | Permanent Housing                       |                      |                                 |                              | \$ 1,040,027          | \$ 1,066,027          | \$ 1,092,678          | \$ 1,119,995          | \$ 1,147,995           |
| Russell Street Residence Acquisition                                                                                                                                                                    | Permanent Housing                       | \$ -                 | \$ 4,500,000                    | \$ 4,500,000                 | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| HHCS: Square One Hotel Vouchers                                                                                                                                                                         | Emergency Shelter                       | \$ -                 | \$ -                            | \$ -                         | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| Training and Evaluation                                                                                                                                                                                 | Staffing/Infrastructure                 | \$ 133,334           | \$ 133,334                      | \$ 133,334                   | \$ 133,334            | \$ 133,334            | \$ 133,334            | \$ 133,334            | \$ 133,334             |
| Homeless Response Team                                                                                                                                                                                  | Immediate Street Conditions and Hygiene | \$ 920,085           | \$ 920,085                      | \$ 920,085                   | \$ 920,085            | \$ 920,085            | \$ 920,085            | \$ 920,085            | \$ 920,085             |
| Berkeley Relief Fund                                                                                                                                                                                    | Homelessness Prevention                 | \$ -                 | \$ -                            | \$ -                         | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| Portable Toilets                                                                                                                                                                                        | Immediate Street Conditions and Hygiene | \$ 96,000            | \$ 96,000                       | \$ 96,000                    | \$ 96,000             | \$ 96,000             | \$ 96,000             | \$ 96,000             | \$ 96,000              |
| Old City Hall Sprinkler system                                                                                                                                                                          | Emergency Shelter                       | \$ -                 | \$ 400,000                      | \$ 400,000                   | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| One-Time Use of Measure P for Nexus Community Programs                                                                                                                                                  | Permanent Housing                       | \$ 578,164           | \$ 578,164                      | \$ 578,164                   | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| One-Time Use of Measure P for Nexus Community Programs                                                                                                                                                  | Immediate Street Conditions and Hygiene | \$ 976,207           | \$ 976,207                      | \$ 976,207                   | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| One-Time Use of Measure P for Nexus Community Programs                                                                                                                                                  | Emergency Shelter                       | \$ 882,480           | \$ 882,480                      | \$ 882,480                   | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| One-Time Use of Measure P for Nexus Community Programs                                                                                                                                                  | Staffing/Infrastructure                 | \$ 23,837            | \$ 23,837                       | \$ 23,837                    | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| One-Time Use of Measure P for Nexus Community Programs                                                                                                                                                  | Homelessness Prevention                 | \$ 262,215           | \$ 262,215                      | \$ 262,215                   | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| Reimagining Public Safety-Expand Downtown Streets Teams as placement for low-level violations                                                                                                           | Immediate Street Conditions and Hygiene | \$ 50,000            |                                 |                              | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| Equitable Clean Streets                                                                                                                                                                                 | Immediate Street Conditions and Hygiene | \$ -                 | \$ -                            | \$ -                         | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| Expand the scope of services for the Downtown Streets Team to address the need for enhanced services around commercial and industrial areas in the Gilman District twice weekly                         | Immediate Street Conditions and Hygiene | \$ 50,000            | \$ 50,000                       | \$ 50,000                    | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| Reimagining Public Safety: Conduct a service needs assessment based on 911 and non-911 calls for service, dispatch, and response and capacity assessment of crisis response and crisis-related services | Staffing/Infrastructure                 | \$ -                 | \$ -                            | \$ -                         | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| Reimagining Public Safety: Funding to organizations for Respite from Gender/Domestic Violence                                                                                                           | Emergency Shelter                       | \$ 220,000           | \$ 220,000                      | \$ 220,000                   | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| 1654 5th Street Operations                                                                                                                                                                              | Emergency Shelter                       | \$ -                 | \$ -                            | \$ -                         | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| 701 Harrison Transition - Site Security                                                                                                                                                                 | Emergency Shelter                       | \$ -                 | \$ 88,000                       | \$ 88,000                    | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| Public facilities improvement                                                                                                                                                                           | Staffing/Infrastructure                 | \$ -                 | \$ -                            | \$ -                         | \$ -                  | \$ -                  | \$ -                  | \$ -                  | \$ -                   |
| Encampment Resolution Fund 2 Awarded Grant Match- Rodeway Inn                                                                                                                                           | Emergency Shelter                       | \$ -                 | \$ -                            | \$ -                         | \$ -                  | \$ 2,496,456          | \$ 2,527,538          | \$ -                  | \$ -                   |
| <b>HCEB Contract- Interim Housing at Rodeway Inn</b>                                                                                                                                                    |                                         |                      |                                 | <b>\$ 1,925,256</b>          |                       |                       |                       |                       |                        |
| Encampment Resolution Fund 3 Tentative Grant Match                                                                                                                                                      |                                         |                      |                                 |                              |                       |                       |                       |                       |                        |
| <b>Fiscal Year Surplus (Shortfall)</b>                                                                                                                                                                  |                                         | <b>\$ 27,837</b>     | <b>\$ (8,971,346)</b>           | <b>\$ (14,496,403)</b>       | <b>\$ (2,248,311)</b> | <b>\$ (5,020,591)</b> | <b>\$ (4,767,285)</b> | <b>\$ (77,243)</b>    | <b>\$ (5,331,585)</b>  |
| <b>Ending Fund Balance</b>                                                                                                                                                                              |                                         | <b>\$ 19,915,259</b> | <b>\$ 10,916,076</b>            | <b>\$ 5,391,019</b>          | <b>\$ 3,142,708</b>   | <b>\$ (1,877,883)</b> | <b>\$ (6,645,169)</b> | <b>\$ (6,722,411)</b> | <b>\$ (12,053,997)</b> |

STAFF TRANSFER TAX -- MEASURE P PROGRAM LONG-TERM FORECAST-----DRAFT

|                                                                                                                                                                                                         | Category of Spending                    | FY 2024 Adopted      | FY 2024 Adopted<br>Mid-Biennial | FY 2024 Preliminary Estimate | FY 2025 Estimate      | FY 2026<br>Estimate   | FY 2027<br>Estimate    | FY 2028<br>Estimate    | FY 2029 Estimate       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------|---------------------------------|------------------------------|-----------------------|-----------------------|------------------------|------------------------|------------------------|
| <b>Revenues</b>                                                                                                                                                                                         |                                         |                      |                                 |                              |                       |                       |                        |                        |                        |
| Beginning Fund Balance                                                                                                                                                                                  |                                         | \$ 19,887,422        | \$ 19,887,422                   | \$ 19,887,422                | \$ 5,391,019          | \$ 1,957,103          | \$ (4,249,093)         | \$ (10,201,984)        | \$ (11,464,831)        |
| Measure P Revenues*                                                                                                                                                                                     |                                         | \$ 14,073,750        | \$ 10,189,500                   | \$ 6,500,000                 | \$ 8,199,580          | \$ 8,609,559          | \$ 9,040,037           | \$ 9,492,039           | \$ 4,746,020           |
| <b>Total Revenues and Balance of Funds</b>                                                                                                                                                              |                                         | <b>\$ 33,961,172</b> | <b>\$ 30,076,922</b>            | <b>\$ 26,387,422</b>         | <b>\$ 13,590,599</b>  | <b>\$ 10,566,662</b>  | <b>\$ 4,790,944</b>    | <b>\$ (709,945)</b>    | <b>\$ (6,718,812)</b>  |
| <b>LESS: Total Expenses</b>                                                                                                                                                                             |                                         | <b>\$ 14,045,913</b> | <b>\$ 19,160,846</b>            | <b>\$ 20,996,403</b>         | <b>\$ 11,633,496</b>  | <b>\$ 14,815,755</b>  | <b>\$ 14,992,927</b>   | <b>\$ 10,754,887</b>   | <b>\$ 11,263,210</b>   |
| <b>Personnel Costs (1)</b>                                                                                                                                                                              |                                         | <b>\$ 722,413</b>    | <b>\$ 722,413</b>               | <b>\$ 722,413</b>            | <b>\$ 780,206</b>     | <b>\$ 842,623</b>     | <b>\$ 910,032</b>      | <b>\$ 982,835</b>      | <b>\$ 1,061,462</b>    |
| CMO: Homeless Services Coordinator                                                                                                                                                                      | Staffing/Infrastructure                 | \$ 202,899           | \$ 202,899                      | \$ 202,899                   | \$ 219,131            | \$ 236,661            | \$ 255,594             | \$ 276,042             | \$ 298,125             |
| Finance: Accountant II                                                                                                                                                                                  | Staffing/Infrastructure                 | \$ 193,441           | \$ 193,441                      | \$ 193,441                   | \$ 208,916            | \$ 225,630            | \$ 243,680             | \$ 263,174             | \$ 284,228             |
| HHCS: 50% Senior Management Analyst                                                                                                                                                                     | Staffing/Infrastructure                 | \$ 116,560           | \$ 116,560                      | \$ 116,560                   | \$ 125,885            | \$ 135,956            | \$ 146,832             | \$ 158,579             | \$ 171,265             |
| HHCS: 2 Year Limited Term Community Services Specialist II                                                                                                                                              | Staffing/Infrastructure                 | \$ 209,513           | \$ 209,513                      | \$ 209,513                   | \$ 226,274            | \$ 244,376            | \$ 263,926             | \$ 285,040             | \$ 307,843             |
| <b>Non-Personnel Costs/ Program Expenses</b>                                                                                                                                                            |                                         | <b>\$ 13,323,500</b> | <b>\$ 18,438,433</b>            | <b>\$ 20,273,990</b>         | <b>\$ 10,853,290</b>  | <b>\$ 13,973,133</b>  | <b>\$ 14,082,895</b>   | <b>\$ 9,772,052</b>    | <b>\$ 10,201,748</b>   |
| Fire: 5150 Response & Transport - Measure P portion of contract                                                                                                                                         | Immediate Street Conditions and Hygiene | \$ 1,556,857         | \$ 1,321,605                    | \$ 1,321,605                 | \$ 1,321,605          | \$ 1,321,605          | \$ 1,321,605           | \$ 1,321,605           | \$ 1,321,605           |
| Dorothy Day House Shelter                                                                                                                                                                               | Emergency Shelter                       | \$ 566,000           | \$ 566,000                      | \$ 566,000                   | \$ 560,150            | \$ 594,654            | \$ 609,520             | \$ 624,758             | \$ 640,377             |
| Dorothy Day House Drop In                                                                                                                                                                               | Immediate Street Conditions and Hygiene | \$ 182,000           | \$ 182,000                      | \$ 182,000                   |                       |                       |                        |                        | \$ 205,916             |
| BACS Pathways STAIR Center                                                                                                                                                                              | Emergency Shelter                       | \$ 2,499,525         | \$ 2,499,525                    | \$ 2,499,525                 | \$ 2,002,768          | \$ 2,499,527          | \$ 2,499,528           | \$ 2,499,529           | \$ 2,499,530           |
| BACS Coordinated Entry System (BACS HRC & Shallow Subsidies)                                                                                                                                            | Immediate Street Conditions and Hygiene | \$ 1,000,000         | \$ 829,498                      | \$ 829,498                   | \$ 1,235,411          | \$ 1,235,411          | \$ 1,235,411           | \$ 1,235,411           | \$ 1,235,411           |
| BACS Permanent Housing Subsidies / Shallow Subsidies                                                                                                                                                    | Permanent Housing                       |                      |                                 |                              |                       |                       |                        |                        |                        |
| No Place Like Home - Scattered Unit Supportive Services                                                                                                                                                 | Permanent Housing                       | \$ 105,000           |                                 |                              |                       |                       |                        | \$ 105,000             | \$ 105,000             |
| No Place Like Home - Scattered Unit Supportive Services                                                                                                                                                 | Permanent Housing                       |                      |                                 |                              | \$ 138,800            | \$ 138,800            | \$ 138,800             | \$ 138,800             | \$ 43,800              |
| LifeLong Medical - Maudelle Shrek Affordable Housing (NPLH)                                                                                                                                             | Permanent Housing                       |                      | \$ 105,000                      | \$ 15,300                    | \$ 61,200             | \$ 61,200             | \$ 61,200              | \$ 61,200              | \$ 61,200              |
| Insight Housing Hope Center (NPLH)                                                                                                                                                                      | Permanent Housing                       | \$ 95,000            | \$ 95,000                       | \$ 95,000                    |                       |                       |                        |                        | \$ 95,000              |
| Insight Housing - Men's Housing Program                                                                                                                                                                 | Emergency Shelter                       | \$ -                 | \$ 170,502                      | \$ 170,502                   |                       |                       |                        |                        | \$ 170,502             |
| COVID-19 Emergency Housing Assistance - Housing Retention Program (EDC)                                                                                                                                 | Homelessness Prevention                 | \$ -                 | \$ -                            | \$ -                         |                       |                       |                        |                        | \$ -                   |
| Anti-Displacement Programs (Legal Assistance, Housing Retention Program, Flexible Housing Funds) (100k to BACS HRC; 275K to EDC and remaining to EBCLC) - to be funded by U1 in FY 24                   | Homelessness Prevention                 | \$ -                 | \$ -                            | \$ -                         | \$ -                  | \$ -                  | \$ -                   | \$ -                   | \$ -                   |
| BDIC Locker Program                                                                                                                                                                                     | Immediate Street Conditions and Hygiene | \$ 50,000            | \$ 50,000                       | \$ 50,000                    |                       |                       | \$ 50,000              | \$ 50,000              | \$ 50,000              |
| LifeLong Medical - Street Medicine                                                                                                                                                                      | Immediate Street Conditions and Hygiene | \$ 525,000           | \$ 525,000                      | \$ 525,001                   | \$ 525,000            | \$ 525,000            | \$ 525,000             | \$ 525,000             | \$ 525,000             |
| YSA Tiny Home                                                                                                                                                                                           | Emergency Shelter                       | \$ 78,000            | \$ 78,000                       | \$ 78,000                    |                       |                       |                        |                        |                        |
| DBA- Homeless Outreach Worker                                                                                                                                                                           | Immediate Street Conditions and Hygiene | \$ 40,000            | \$ 40,000                       | \$ 40,000                    | \$ 40,000             | \$ 40,000             | \$ 40,000              | \$ 40,000              | \$ 40,000              |
| Downtown Streets Team                                                                                                                                                                                   | Immediate Street Conditions and Hygiene | \$ 225,000           | \$ 225,000                      | \$ 225,000                   | \$ 225,000            | \$ 225,000            | \$ 225,000             | \$ 225,000             | \$ 225,000             |
| Shelter at 742 Grayson Street                                                                                                                                                                           | Emergency Shelter                       | \$ -                 | \$ -                            | \$ -                         | \$ -                  | \$ -                  | \$ -                   | \$ -                   | \$ -                   |
| Shelter at 1720 San Pablo Ave Lease                                                                                                                                                                     | Emergency Shelter                       | \$ 908,796           | \$ 908,796                      | \$ 908,796                   | \$ 935,160            | \$ 962,315            | \$ 990,284             | \$ -                   | \$ -                   |
| Dorothy Day House Berkeley Emergency Storm Shelter (Winter Shelter)                                                                                                                                     | Emergency Shelter                       | \$ 350,000           | \$ 350,000                      | \$ 350,000                   | \$ 358,750            | \$ 367,719            | \$ 376,912             | \$ 386,335             | \$ 395,993             |
| Dorothy Day House - Inclement Weather Shelter                                                                                                                                                           | Emergency Shelter                       | \$ -                 | \$ 412,185                      | \$ 412,185                   | \$ 290,000            | \$ 290,000            | \$ 290,000             | \$ 290,000             | \$ 290,000             |
| Dorothy Day House Beyond Horizon - 1720 San Pablo Avenue - Supportive Services                                                                                                                          | Emergency Shelter                       | \$ 950,000           | \$ 950,000                      | \$ 950,000                   | \$ 950,000            | \$ 950,000            | \$ 950,000             | \$ -                   | \$ -                   |
| 1367 University Avenue Step Up Housing Project*                                                                                                                                                         | Permanent Housing                       |                      |                                 |                              | \$ 1,040,027          | \$ 1,066,027          | \$ 1,092,678           | \$ 1,119,995           | \$ 1,147,995           |
| Russell Street Residence Acquisition                                                                                                                                                                    | Permanent Housing                       | \$ -                 | \$ 4,500,000                    | \$ 4,500,000                 | \$ -                  | \$ -                  | \$ -                   | \$ -                   | \$ -                   |
| HHCS: Square One Hotel Vouchers                                                                                                                                                                         | Emergency Shelter                       | \$ -                 | \$ -                            | \$ -                         | \$ -                  | \$ -                  | \$ -                   | \$ -                   | \$ -                   |
| Training and Evaluation                                                                                                                                                                                 | Staffing/Infrastructure                 | \$ 133,334           | \$ 133,334                      | \$ 133,334                   | \$ 133,334            | \$ 133,334            | \$ 133,334             | \$ 133,334             | \$ 133,334             |
| Homeless Response Team                                                                                                                                                                                  | Immediate Street Conditions and Hygiene | \$ 920,085           | \$ 920,085                      | \$ 920,085                   | \$ 920,085            | \$ 920,085            | \$ 920,085             | \$ 920,085             | \$ 920,085             |
| Berkeley Relief Fund                                                                                                                                                                                    | Homelessness Prevention                 | \$ -                 | \$ -                            | \$ -                         | \$ -                  | \$ -                  | \$ -                   | \$ -                   | \$ -                   |
| Portable Toilets                                                                                                                                                                                        | Immediate Street Conditions and Hygiene | \$ 96,000            | \$ 96,000                       | \$ 96,000                    | \$ 96,000             | \$ 96,000             | \$ 96,000              | \$ 96,000              | \$ 96,000              |
| Old City Hall Sprinkler system                                                                                                                                                                          | Emergency Shelter                       | \$ -                 | \$ 400,000                      | \$ 400,000                   |                       |                       |                        |                        |                        |
| One-Time Use of Measure P for Nexus Community Programs                                                                                                                                                  | Permanent Housing                       | \$ 578,164           | \$ 578,164                      | \$ 578,164                   | \$ -                  | \$ -                  | \$ -                   | \$ -                   | \$ -                   |
| One-Time Use of Measure P for Nexus Community Programs                                                                                                                                                  | Immediate Street Conditions and Hygiene | \$ 976,207           | \$ 976,207                      | \$ 976,207                   | \$ -                  | \$ -                  | \$ -                   | \$ -                   | \$ -                   |
| One-Time Use of Measure P for Nexus Community Programs                                                                                                                                                  | Emergency Shelter                       | \$ 882,480           | \$ 882,480                      | \$ 882,480                   | \$ -                  | \$ -                  | \$ -                   | \$ -                   | \$ -                   |
| One-Time Use of Measure P for Nexus Community Programs                                                                                                                                                  | Staffing/Infrastructure                 | \$ 23,837            | \$ 23,837                       | \$ 23,837                    | \$ -                  | \$ -                  | \$ -                   | \$ -                   | \$ -                   |
| One-Time Use of Measure P for Nexus Community Programs                                                                                                                                                  | Homelessness Prevention                 | \$ 262,215           | \$ 262,215                      | \$ 262,215                   | \$ -                  | \$ -                  | \$ -                   | \$ -                   | \$ -                   |
| Reimagining Public Safety-Expand Downtown Streets Teams as placement for low-level violations                                                                                                           | Immediate Street Conditions and Hygiene | \$ 50,000            |                                 |                              | \$ -                  | \$ -                  | \$ -                   | \$ -                   | \$ -                   |
| Equitable Clean Streets                                                                                                                                                                                 | Immediate Street Conditions and Hygiene | \$ -                 | \$ -                            | \$ -                         | \$ -                  | \$ -                  | \$ -                   | \$ -                   | \$ -                   |
| Expand the scope of services for the Downtown Streets Team to address the need for enhanced services around commercial and industrial areas in the Gilman District twice weekly                         | Immediate Street Conditions and Hygiene | \$ 50,000            | \$ 50,000                       | \$ 50,000                    | \$ -                  | \$ -                  | \$ -                   | \$ -                   | \$ -                   |
| Reimagining Public Safety: Conduct a service needs assessment based on 911 and non-911 calls for service, dispatch, and response and capacity assessment of crisis response and crisis-related services | Staffing/Infrastructure                 | \$ -                 | \$ -                            | \$ -                         | \$ -                  | \$ -                  | \$ -                   | \$ -                   | \$ -                   |
| Reimagining Public Safety: Funding to organizations for Respite from Gender/Domestic Violence                                                                                                           | Emergency Shelter                       | \$ 220,000           | \$ 220,000                      | \$ 220,000                   | \$ -                  | \$ -                  | \$ -                   | \$ -                   | \$ -                   |
| 1654 5th Street Operations                                                                                                                                                                              | Emergency Shelter                       | \$ -                 | \$ -                            | \$ -                         | \$ -                  | \$ -                  | \$ -                   | \$ -                   | \$ -                   |
| 701 Harrison Transition - Site Security                                                                                                                                                                 | Emergency Shelter                       | \$ -                 | \$ 88,000                       | \$ 88,000                    | \$ -                  | \$ -                  | \$ -                   | \$ -                   | \$ -                   |
| Public facilities improvement                                                                                                                                                                           | Staffing/Infrastructure                 | \$ -                 |                                 |                              | \$ -                  | \$ -                  | \$ -                   | \$ -                   | \$ -                   |
| Encampment Resolution Fund 2 Awarded Grant Match- Rodeway Inn                                                                                                                                           | Emergency Shelter                       | \$ -                 | \$ -                            | \$ -                         | \$ -                  | \$ 2,496,456          | \$ 2,527,538           | \$ -                   | \$ -                   |
| <b>HCEB Contract- Interim Housing at Rodeway Inn</b>                                                                                                                                                    |                                         |                      |                                 | <b>\$ 1,925,256</b>          |                       |                       |                        |                        |                        |
| Encampment Resolution Fund 3 Tentative Grant Match                                                                                                                                                      |                                         |                      |                                 |                              |                       |                       |                        |                        |                        |
| <b>Fiscal Year Surplus (Shortfall)</b>                                                                                                                                                                  |                                         | <b>\$ 27,837</b>     | <b>\$ (8,971,346)</b>           | <b>\$ (14,496,403)</b>       | <b>\$ (3,433,916)</b> | <b>\$ (6,206,196)</b> | <b>\$ (5,952,890)</b>  | <b>\$ (1,262,848)</b>  | <b>\$ (6,517,190)</b>  |
| <b>Ending Fund Balance</b>                                                                                                                                                                              |                                         | <b>\$ 19,915,259</b> | <b>\$ 10,916,076</b>            | <b>\$ 5,391,019</b>          | <b>\$ 1,957,103</b>   | <b>\$ (4,249,093)</b> | <b>\$ (10,201,984)</b> | <b>\$ (11,464,831)</b> | <b>\$ (17,982,022)</b> |



## Attachment 2



Office of the City Manager

INFORMATION CALENDAR

March 26, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Sharon Friedrichsen, Budget Manager  
Henry Oyekanmi, Finance Director

Subject: Fiscal Year 2024 Mid-Year Budget Update

RECOMMENDATION

Council receive and file the Fiscal Year 2024 Mid-Year Budget Update.

INTRODUCTION

This report presents the Fiscal Year 2024 (“FY 2024”) Mid-Year Budget Update including actual General Fund and Special Fund expenditures incurred from July 1, 2023 to December 31, 2023. It also provides an estimate of anticipated General Fund revenues and expenditures by June 30, 2024 and projected expenditures for All Funds by department for FY 2024.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley is currently in FY 2024, which covers the period of July 1, 2023 to June 30, 2024. On June 27, 2023 the City Council adopted the FY 2024 Budget, authorizing gross appropriations of \$728,631,293 and net appropriations of \$621,229,929 (net of dual appropriations). The General Fund portion of this appropriation is \$276,548,969.

As depicted on the next page, the *FY 2024 Mid-Year General Budget at a Glance*, shows that, as of December 31, 2023, General Fund revenues actuals are at 45.32% of the revised budget projection. Revenues received are less than 50% with half of the fiscal year elapsed, although the timing of the receipt of revenues varies through the course of the fiscal year. The year-end projected revenue is expected at \$1.67 million less than the Adopted and Revised revenue.

General Fund expenses are at 55.54%, compared to the projected 50%, halfway through the fiscal year. Based on the mid-year trend, expenditures are projected to end over the revised budget by approximately \$2.4 million. The FY 2024 mid-year projected ending shortfall is mostly due to increased personnel costs based upon approved labor agreements and public safety overtime offset by salary savings related to vacancies in other departments. However, the projections do not reflect all expenditures approved on January 16, 2024 by Council in the Amendment to the Annual Appropriation Ordinance (AAO#1).

**FY 2024 Mid-Year General Budget at a Glance**

| <b>\$'s in Millions</b>                                                                  | <b>Revenues</b> | <b>Expenditures</b> |
|------------------------------------------------------------------------------------------|-----------------|---------------------|
| FY 2024 Adopted Budget                                                                   | \$266.42        | (\$276.55)          |
| FY 2024 Revised Budget                                                                   | \$266.42        | (\$307.53)          |
| FY 2024 Mid-Year Actuals                                                                 | \$120.73        | (\$170.81)          |
| Percentage of Revenue Received/<br>Expended and Encumbered<br>compared to Revised Budget | 45.32%          | 55.54%              |
| FY 2024 Year-End Projected                                                               | \$264.75        | (\$309.96)          |
| Variance between Revised and<br>Projected                                                | (\$1.67)        | (\$2.43)            |

**FY 2024 Mid-Year Summary**

**General Fund Revenues**

*General Fund Revenue and Transfer In FY 2024 Mid-Year vs FY 2023 Mid-Year Comparison*, on the next page, shows FY 2024 General Fund Revenues through the first six months of the current fiscal year and compares the year-to-date revenues received to the first six months of FY 2023. General Fund revenue and transfers decreased \$7,143,655 or 5.59%, from \$127,875,604 in the first half of FY 2023, to \$120,731,949 for the same period in FY 2024.

Notable declines during the first half of FY 2024 were the following:

- 1. Property Transfer Taxes \$ 6,619,374
- 2. Measure P Property Transfer Taxes 5,523,564
- 3. Transfers In 2,411,463
- 4. Sales Taxes 382,339

As staff indicated in the FY 2023 General Fund Revenue report to Council, the City General Fund has, for the near term, lost at least two of its three primary drivers of annual growth (Property Transfer Taxes and Measure P Property Transfer Taxes). These drivers of annual growth are experiencing negative growth that will eventually lower growth for Secured Property Taxes as they have continued to decline sharply in the first half of FY 2024. As a result, the General Fund revenue and transfers projection for FY 2024 has been reduced by \$1,672,971 or .6% from \$266,418,342 to \$264,745,371.

The City’s Sales Tax Consultant has noted softening in sales activity in several sales tax categories since the Adopted Budget was passed, resulting in a reduction in the Sales Tax revenue projection of \$1,278,425, from \$19,654,225 to \$18,375,800. The decline in Transfers In was due to a decline of \$4,507,934 in transfers from the American Rescue Plan Fund.



Three notable increases during the first half of FY 2024 were Unsecured Property Taxes (+\$729,509), Ambulance Fees (+\$1,335,904) and Interest Income (+\$2,580,861), which resulted in increases in the revenue projections for those revenue categories. Excluding Transfers, General Fund revenue decreased \$4,327,473 or 3.55%, from \$121,916,745 in the first half of FY 2023, to \$116,589,272 in the first half of FY 2024.

**General Fund Revenue and Transfer In FY 2024 Mid-Year vs FY 2023 Mid-Year Comparison**

| Revenue Categories                                      | FY 2024              |                      |                       |               | FY 2023              |                      |                       |               | Comparison FY24 vs FY23 |               |
|---------------------------------------------------------|----------------------|----------------------|-----------------------|---------------|----------------------|----------------------|-----------------------|---------------|-------------------------|---------------|
|                                                         | Adopted              | Actual               | Variance              | % Received    | Adopted              | Actual               | Variance              | % Received    | Amount                  | %             |
| Secured Property                                        | \$84,725,717         | \$42,904,620         | (\$41,821,097)        | 50.64%        | \$75,664,920         | \$40,237,811         | (\$35,427,109)        | 53.18%        | 2,666,809               | 6.63%         |
| Redemptions -Regular                                    | 831,441              | 524,404              | (307,037)             | 63.07%        | 831,441              | 461,026              | -370,415              | 55.45%        | 63,378                  | 13.75%        |
| Supplemental Taxes                                      | 3,400,000            | 1,197,265            | (2,202,735)           | 35.21%        | 2,000,000            | 1,229,929            | -770,071              | 61.50%        | (32,664)                | -2.66%        |
| Unsecured Property Taxes                                | 3,806,995            | 3,881,280            | 74,285                | 101.95%       | 3,516,000            | 3,151,771            | -364,229              | 89.64%        | 729,509                 | 23.15%        |
| Property Transfer Tax                                   | 22,873,786           | 10,056,934           | (12,816,852)          | 43.97%        | 34,462,172           | 16,676,308           | -17,785,864           | 48.39%        | (6,619,374)             | -39.69%       |
| Property Transfer Tax-Measure P (New December 21, 2018) | 10,189,500           | 2,840,259            | (7,349,241)           | 27.87%        | 14,073,750           | 8,363,823            | -5,709,927            | 59.43%        | (5,523,564)             | -66.04%       |
| Sales Taxes                                             | 19,654,225           | 9,305,556            | (10,348,669)          | 47.35%        | 19,016,546           | 9,687,895            | -9,328,651            | 50.94%        | (382,339)               | -3.95%        |
| Soda Taxes                                              | 1,147,387            | 581,705              | (565,682)             | 50.70%        | 990,210              | 642,874              | -347,336              | 64.92%        | (61,169)                | -9.51%        |
| Utility Users Taxes                                     | 17,454,320           | 7,801,328            | (9,652,992)           | 44.70%        | 13,800,000           | 7,638,612            | -6,161,388            | 55.35%        | 162,716                 | 2.13%         |
| Transient Occupancy Taxes                               | 8,374,588            | 4,393,772            | (3,980,816)           | 52.47%        | 5,000,000            | 4,785,735            | -214,265              | 95.71%        | (391,963)               | -8.19%        |
| Less: TOT rebates owed (3)                              |                      | (546,224)            |                       |               |                      | (498,566)            |                       |               | (47,658)                | 9.56%         |
| Short-term Rentals                                      | 1,400,000            | 687,271              | (712,729)             | 49.09%        | 1,000,000            | 712,661              | -287,339              | 1,000,000     | (25,390)                | -3.56%        |
| Business License Tax                                    | 21,560,783           | 1,592,902            | (19,967,881)          | 7.39%         | 19,000,000           | 1,010,143            | -17,989,857           | 5.32%         | 582,759                 | 57.69%        |
| Recreational Cannabis                                   | 1,000,000            | 76,512               | (923,488)             | 7.65%         | 1,400,000            | 237,669              | -1,162,331            | 16.98%        | (161,157)               | -67.81%       |
| U1 Revenues                                             | 5,900,000            | 181,607              | (5,718,393)           | 3.08%         | 4,900,000            | 113,893              | -4,786,107            | 2.32%         | 67,714                  | 59.45%        |
| Other Taxes (excluding Redemptions-Regular)             | 2,593,129            | 1,899,156            | (693,973)             | 73.24%        | 1,800,000            | 1,500,099            | -299,901              | 83.34%        | 399,057                 | 26.60%        |
| Vehicle In-Lieu Taxes                                   | 17,811,134           | 8,937,911            | (8,873,223)           | 50.18%        | 15,926,168           | 8,329,833            | -7,596,335            | 52.30%        | 608,078                 | 7.30%         |
| Parking Fines-Regular Collections                       | 5,800,000            | 3,253,087            | (2,546,913)           | 56.09%        | 4,326,450            | 3,104,161            | -1,222,289            | 71.75%        | 148,926                 | 4.80%         |
| Moving Violations                                       | 132,600              | 96,254               | (36,346)              | 72.59%        | 132,600              | 71,415               | -61,185               | 53.86%        | 24,839                  | 34.78%        |
| Ambulance Fees                                          | 5,350,779            | 3,815,272            | (1,535,507)           | 71.30%        | 3,880,779            | 2,479,368            | -1,401,411            | 63.89%        | 1,335,904               | 53.88%        |
| Interest Income                                         | 8,826,211            | 6,619,791            | (2,206,420)           | 75.00%        | 6,000,000            | 4,038,930            | -1,961,070            | 67.32%        | 2,580,861               | 63.90%        |
| Franchise Fees                                          | 1,720,056            | 307,634              | (1,412,422)           | 17.89%        | 1,613,283            | 335,043              | -1,278,240            | 20.77%        | (27,409)                | -8.18%        |
| Other Revenue                                           | 7,668,797            | 3,018,612            | (4,650,185)           | 39.36%        | 6,729,977            | 3,902,132            | -2,827,845            | 57.98%        | (883,520)               | -22.64%       |
| IDC Reimbursement                                       | 6,104,970            | 3,259,079            | (2,845,891)           | 53.38%        | 5,490,000            | 3,205,614            | -2,284,386            | 58.39%        | 53,465                  | 1.67%         |
| Transfers                                               | 8,091,924            | 4,045,962            | (4,045,962)           | 50.00%        | 17,096,148           | 6,457,425            | -10,638,723           | 37.77%        | (2,411,463)             | -37.34%       |
| <b>Total Revenue:</b>                                   | <b>\$266,418,342</b> | <b>\$120,731,949</b> | <b>-\$145,686,393</b> | <b>45.32%</b> | <b>\$258,650,444</b> | <b>\$127,875,604</b> | <b>-\$130,774,840</b> | <b>49.44%</b> | <b>(\$7,143,655)</b>    | <b>-5.59%</b> |

Notes: This statement is presented on a budgetary basis (i.e., cash).

Before getting into the FY 2024 General Fund revenue details, staff also want to point out that the City's General Fund revenue challenges have not ended now that the Fed's have apparently stopped raising short-term rates, for the following reasons:

1. The Fed's monetary tightening includes a program to sell \$95 billion/month (or \$1.14 trillion per year) of Agency and Mortgage-Backed securities from its Balance Sheet, which increases the supply of these securities and puts additional upward pressure on long-term rates, including mortgage rates. Prior to the monetary policy change, as the Fed's was the major purchaser of these long-term securities;
2. The proposed \$1.8 trillion federal budget deficit for the upcoming fiscal year will require the issuance of an additional \$1.8 trillion in Treasury Bonds to fund the deficit; and,
3. The Personal Consumption Expenditures (PCE) index (the Fed's favored inflation index) has declined from almost 9% during the pandemic to 2.93% in December 2023, close to the Fed's 2.0% target.

Despite that, the Fed is reluctant to lower short-term interest rates as soon as the market expected. The Fed Chairman indicated at the January 31, 2024 meeting that it will not start lowering interest rates until it is certain that inflation is on a sustainable path to the Fed's 2% goal.

The additional huge supply of bonds from these macroeconomic factors will probably overwhelm demand for long-term bonds and continue to put pressure on long-term interest rates, including mortgage rates. In addition to reducing consumer spending and slowing down the economy, it will keep mortgage rates high.

### **FY 2024 FIRST HALF GENERAL FUND REVENUE DETAILS**

#### **Supplemental Taxes (-\$32,664 less than FY 2023 Actual)**

During the first half of FY 2024, Supplemental Taxes totaled \$1,197,265, which was \$32,664 or 2.7% less than the \$1,229,929 received for the same period in FY 2023

#### **Secured Property Tax (+\$2,666,809 more than FY 2023 Actual)**

During the first half of FY 2024, Secured Property Tax revenues totaled \$42,904,620, which was \$2,666,809 or 6.63% more than the \$40,237,811 received for the same period in FY 2023.

This result was consistent with the County's Certification of Assessed Valuation (received from the County in August 2023), which reflects growth of 7.256%. However, the FY 2024 Adopted Budget assumed a 6.895% increase for FY 2024, so actual Secured Property Taxes are expected to be \$286,128 or .361% more than the Adopted Budget amount of \$84,725,717. The Secured Property Tax Revenue projection is being increased from \$84,725,717 to \$85,011,845.

#### **Unsecured Property Tax (+\$729,509 more than FY 2023 Actual)**

During the first half of FY 2024, Unsecured Property Tax revenues totaled \$3,881,280, which was \$729,509 or 23.2% more than the amount of \$3,151,771 received for the same period in FY 2023.

This amount is greater than the County's Certification of Assessed Valuation growth of 9.1% for FY 2024. The Unsecured Property Tax Revenue projection is being increased from \$3,806,995 to \$3,881,280.

#### **Property Transfer Tax (-\$6,619,374 less than FY 2023 Actual)**

During the first half of FY 2024, Property Transfer Tax totaled \$10,056,934, which was \$6,619,374 or 39.7% less than the \$16,676,308 received for the same period in FY 2023.

The primary reasons for the \$6,619,374 decrease in Property Transfer Tax were the following:

- (1) The dollar value of property sales decreased by \$487.2 billion or 42.2%, from \$1.154.7 billion in the first half of FY 2023 to \$667.5 million during the same period of FY 2024, as illustrated in Table 1 below.
- (2) There were ten property sales of \$10 million or more, with total sales of \$411 million in the first half of FY 2023 compared to 4 property sales of \$10 million or more, with total sales of \$74.9 million in the first half of FY 2024; and,

(3) The number of property sales transactions decreased by 126 or 23.7% from 532 in the first half of FY 2023 to 406 during the same period of FY 2024, as illustrated in the Table 3 below.

This decline in real estate activity is generally attributed to high and increasing mortgage rates and a slowing economy resulting from the Federal Reserve Board’s aggressive attempt to reduce the money supply and slowing down the US economy in order to reduce inflation, by sharply raising interest rates and selling \$95 billion/month of Agency and Mortgage-Backed securities from its Balance Sheet. The Property Transfer Tax Revenue projection is being decreased from \$22,873,786 to \$16,873,786.

**Property Sales In Million \$**

|          | July    | Aug     | Sept   | Oct    | Nov    | Dec    | Total   |
|----------|---------|---------|--------|--------|--------|--------|---------|
| FY 2024  | \$129.2 | \$152.5 | \$99.9 | \$95.7 | \$95.8 | \$94.4 | \$667.5 |
| FY 2023  | 188.9   | 320.0   | 134.6  | 113.9  | 254.9  | 142.4  | 1,154.7 |
| Change   | -59.7   | -167.5  | -34.7  | -18.2  | 159.1  | -48.0  | -487.2  |
| % Change | -31.6%  | -52.3%  | -25.8% | -16.0% | 62.4%  | -33.7% | -42.2%  |

**Number of Property Sales Transactions**

|          | July   | Aug    | Sept  | Oct    | Nov   | Dec  | Total  |
|----------|--------|--------|-------|--------|-------|------|--------|
| FY 2024  | 79     | 73     | 64    | 61     | 67    | 62   | 406    |
| FY 2023  | 113    | 101    | 108   | 79     | 74    | 57   | 532    |
| Change   | -34    | -28    | -44   | -18    | -7    | 5    | -126   |
| % Change | -30.1% | -27.7% | 40.7% | -22.8% | -9.5% | 8.8% | -23.7% |

**Measure P-Property Transfer Tax (-\$5,523,564 less than FY 2023 Actual)**

Measure P taxes totaling \$2,840,259 was collected during the first half of FY 2024, which was \$5,523,564 or 66.0% less than the \$8,363,823 collected during the same period of FY 2023. This decrease resulted primarily from the following: (1) A decrease of 61.0% in the dollar value of property sales amount in the first half of FY 2024 versus those in the first half of FY 2023 as reflected in Table 3; (2) The number of property sales transactions decreased by 131 or 60.9% during the first half of FY 2024, as illustrated in the table below; and,(3) There were only four property sales of \$10 million or more totaling \$75 million during this six-month period in FY 2024, compared to 9 transactions with total property sales of \$401 million for the same period in FY 2023. The Measure P1 Property Transfer Tax Revenue projection is being decreased from \$10,189,500 to \$6,500,000.

**Property Sales \$1.5 million+ In Million \$**

|          | July   | Aug    | Sept   | Oct    | Nov    | Dec    | Total   |
|----------|--------|--------|--------|--------|--------|--------|---------|
| FY 2024  | \$62.8 | \$87.2 | \$48.5 | \$51.9 | \$33.6 | \$42.5 | \$326.5 |
| FY 2023  | 114.4  | 271.1  | 84.1   | 63.3   | 203.7  | 99.8   | 836.4   |
| Change   | - 51.6 | -183.9 | -35.6  | -11.4  | -170.1 | -57.3  | -509.9  |
| % Change | -45.1% | -67.8% | -42.3% | -18.0% | -83.5% | -57.4% | -61.0%  |

**Property Transactions \$1.5 Million and Above**

|          | July   | Aug    | Sept   | Oct    | Nov    | Dec    | Total  |
|----------|--------|--------|--------|--------|--------|--------|--------|
| FY 2024  | 18     | 17     | 12     | 15     | 12     | 10     | 84     |
| FY 2023  | 52     | 41     | 48     | 31     | 24     | 19     | 215    |
| Change   | -34    | -24    | -36    | -16    | -12    | -9     | -131   |
| % Change | -65.4% | -58.5% | -75.0% | -51.6% | -50.0% | -47.4% | -60.9% |

**Sales Tax (-\$382,339 less than FY 2023 Actual)**

For the first half of FY 2024, Sales Tax revenue totaled \$9,305,556, which was \$382,339 or 3.95% less than the \$9,687,895 received for the same period in FY 2023. The City’s Sales Tax Consultant has noticed a significant softening of sales in several categories since the Adopted Budget was passed and has revised revenue projections in the following categories:

| Category             | Adopted Budget Amount | Revised Projection   | Difference           |
|----------------------|-----------------------|----------------------|----------------------|
| General Retail       | \$ 4,514,430          | \$ 4,037,541         | (\$ 476,889)         |
| Food Products        | 5,584,993             | 5,332,044            | ( 252,949)           |
| Transportation       | 3,060,135             | 2,566,985            | ( 493,150)           |
| Construction         | 1,697,060             | 1,430,481            | ( 266,579)           |
| Business to Business | 1,692,394             | 1,729,113            | 36,719               |
| Miscellaneous        | 211,692               | 563,185              | 351,493              |
| County Pool          | 4,091,330             | 3,437,856            | ( 653,474)           |
| State Pool           | 9,402                 | 8,989                | (413)                |
| County Sharing       | (1,043,072)           | (955,310)            | 87,762               |
| CDTFA Administration | (164,139)             | (137,311)            | 26,828               |
| <b>Total</b>         | <b>\$19,654,225</b>   | <b>\$ 18,013,573</b> | <b>(\$1,640,652)</b> |

As a result, the FY 2024 Sales Tax Revenue projection is being decreased from \$19,654,225 to \$18,375,800.

**Utility Users Taxes (+\$162,716 more than FY 2023 Actual)**

Utility Users Tax revenue for the first half of FY 2024 totaled \$7,801,328, which was \$162,716 or 2.13% more than the \$7,638,612 received for FY 2023. This increase of \$162,716 resulted from increases/decreases in the following categories:

| <b>FY 2024 Actual Revenues Compared to FY 2023 Actual Revenues</b> |                    |                    |                  |                 |
|--------------------------------------------------------------------|--------------------|--------------------|------------------|-----------------|
|                                                                    | <b>FY2024</b>      | <b>FY 2023</b>     | <b>\$ Change</b> | <b>% Change</b> |
| Telephone                                                          | \$ 515,199         | \$ 545,243         | \$ -30,044       | -5.96%          |
| Cable                                                              | 475,793            | 503,785            | - 27,992         | -5.56%          |
| Cellular                                                           | 881,338            | 898,459            | -17,121          | -1.91%          |
| Electric                                                           | 4,792,052          | 4,346,334          | 445,718          | 10.26%          |
| Gas                                                                | 1,136,946          | 1,344,791          | -207,845         | -15.46%         |
| <b>Total</b>                                                       | <b>\$7,801,328</b> | <b>\$7,638,612</b> | <b>\$162,716</b> | <b>2.13%</b>    |

PG&E received an 8% increase in electricity rates in January 2022, another increase of 8.9% in March 2023, and another ranging between 1%-4.1% effective September 1, 2023. The UUT Revenue projection is being increased from \$17,454,320 to \$17,700,000.

**Transient Occupancy Tax (-\$391,963 less than FY 2023 Actual)**

The total gross Transient Occupancy Tax (TOT) revenue reported for the first half of FY 2024 totaled \$4,393,772 (before deducting \$546,224 in TOT rebates owed), which was \$391,963 or 8.2% less than the \$4,785,735 (before deducting \$498,566 in TOT rebates owed) received for the same period in 2023. The decline reported was \$439,621 or 10.3% after deducting the TOT rebates owed for the respective period.

However, four hotels with a total of \$293,467 in TOT and \$92,312 in TOT rebates owed were not reported in the period ending December 31, 2023. After considering these transactions, gross TOT revenue in the first half of FY 2024 declined \$98,496 or 2.1% and net TOT (after deducting TOT rebates owed) declined \$238,466 or 5.6%.

The revised decrease in the first half of FY 2024 was primarily attributable to a gross decrease of 3.7% and a net decrease of .2% at the six largest hotels in Berkeley.

**Short-Term Rentals (-\$25,390 less than FY 2023 Actual)**

Short-Term Rentals revenue for the first half of FY 2024 totaled \$687,271, which was \$25,390 or 3.6% less than the \$712,661 received for the same period in FY 2023.

**Business License Taxes (+\$582,759 more than FY 2023 Actual)**

Business license Taxes (BLT) revenue for the first half of FY 2024 totaled \$1,592,902, which was \$582,759 or 57.7% more than the \$1,010,143 received for the same period in FY 2023.

It is too soon to determine if this increase is due to growth or due to the timing of the processing of the Business License Tax receipts, as these taxes are not delinquent until March 1<sup>st</sup>.

**U1 Revenues (+\$67,714 more than FY 2023 Actual)**

U1 revenues for the first half of FY 2024 totaled \$181,607, which was \$67,714 or 59.5% more than the \$113,893 received for the same period in FY 2023.

It is too soon to determine if this increase is due to growth or due to the timing of the processing of the U1 receipts, as these taxes are not delinquent until March 1<sup>st</sup>.

**Vehicle In Lieu Taxes (+\$608,078 more than FY 2023 Actual)**

Vehicle in Lieu Taxes (VLF) for the first half of FY 2024 totaled \$8,937,911, which was \$608,078 or 7.30% more than the \$8,329,833 received for the same period in FY 2023. This result was consistent with the County's Certification of Assessed Valuation (received in August 2022), which reflects growth of 7.256%. Changes in VLF revenues are based on the growth in assessed values. However, the Adopted Budget reflects growth of 6.912%, so actual Vehicle In Lieu Taxes are expected to be \$57,356 or .3443% more than the Adopted Budget amount of \$17,811,134. The FY 2024 Vehicle In Lieu Tax projection is being increased from \$17,811,134 to \$17,868,490.

**Other Taxes (+\$399,057 more than FY 2023 Actual)**

Other Taxes (excluding Redemptions-Regular) for the first half of FY 2024 totaled \$1,899,156 which was \$399,047 or 26.6% more than the \$1,500,099 received for the same period in FY 2023. The primary reason for the increase was (1) an increase of \$199,570 in Parking Lot Taxes; (2) a decline of \$191,035 in BLT penalties; (3) a decline of \$97,637 in BLT interest; and, (4) \$406,213 in Transportation Network Company User Tax (i.e., a tax on ride sharing companies enacted during the height of the COVID-19 pandemic) was recorded as Other Revenue, instead of Other Taxes in FY 2023. After including Transportation Network Company User Taxes as Other Taxes, instead of Other Income, the FY 2024 Other Taxes projection is being increased from \$2,593,129 to \$4,621,618.

**Parking Fines (+\$148,926 more than FY 2023 Actual)**

Parking Fines revenue for the first half of FY 2024 totaled \$3,253,087, which was \$148,926 or 4.8% more than the \$3,104,161 received for the same period in FY 2023. The primary reason for the increase was the continued increase in ticket writing. For the first half of FY 2024, ticket writing increased by 4,986 or 7.06% from 70,592 in the first half of FY 2023 to 75,578 in the same period in FY 2024, as follows:

|              | July   | Aug    | Sept   | Oct    | Nov    | Dec    | Total  |
|--------------|--------|--------|--------|--------|--------|--------|--------|
| FY 2024      | 12,318 | 13,865 | 12,931 | 12,819 | 12,213 | 11,432 | 75,578 |
| FY 2023      | 10,881 | 11,414 | 12,984 | 12,419 | 12,369 | 10,525 | 70,592 |
| Difference   | 1,437  | 2,451  | -53    | 400    | -156   | 907    | 4,986  |
| % Difference | 13.2%  | 21.5%  | -4%    | 12.6%  | -1.26% | 8.62%  | 7.06%  |

**Ambulance Fees (+\$1,335,904 more than FY 2023 Actual)**

Ambulance Fees revenue for the first half of FY 2024 totaled \$3,815,272, which was \$1,335,904 or 53.9% more than the \$3,833,730 received for the same period in FY 2023. This increase was primarily due to (1) an increase in the number of transports, which increased by 205 or 7% in the first half of FY 2024, from 2,941 to 3,146; and (2) the Public Provider Ground Emergency Medical Transportation (PPGEMT) program replacing the Quality Assurance Fee Program (QAF); The MEDI-CAL and MCAL HMO reimbursement rate increased to \$1,062 under the PPGEMT Program from \$339 under the QAF Program. As a result, the FY 2024 Ambulance Fee revenue projection is being increased from \$5,350,779 to \$6,944,117 in FY 2024.

**Interest Income (+\$2,580,861 more than FY 2023 Actual)**

For the first half of FY 2024, Interest Income totaled \$6,619,791, which was \$2,580,861 or 63.9% more than the total of \$4,038,930 received for the same period in FY 2023. This increase was primarily attributable to a significant increase in average interest rates earned after the Federal Reserve reversed course and started raising interest rates on March 17, 2022. Primarily as a result of the Fed's actions, the net interest rate earned by the City increased from a range of 1.837%-2.616% during the first half of FY 2023, to a range of 2.84%-3.10% during the first half of FY 2024, as follows:



| <b>Monthly Net Interest Rate Earned</b> |             |            |             |            |            |            |
|-----------------------------------------|-------------|------------|-------------|------------|------------|------------|
|                                         | <b>July</b> | <b>Aug</b> | <b>Sept</b> | <b>Oct</b> | <b>Nov</b> | <b>Dec</b> |
| FY 2024                                 | 3.10%       | 3.02%      | 2.95%       | 2.95%      | 2.88%      | 2.84%      |
| FY 2023                                 | 1.837%      | 2.025%     | 1.972%      | 2.258%     | 2.390%     | 2.616%     |

The FY 2024 Interest Income projection is being increased from \$8,826,211 to \$12,615,354.

**Indirect Cost Reimbursements (+\$53,465 more than FY 2023 Actual)**

**Indirect Cost Reimbursements (IDC)** for the first half of FY 2024 totaled \$3,259,079, which was \$53,465 or 1.67% more than the \$3,205,614 received for the same period in FY 2023. This increase was primarily accounted for by an increase in the indirect cost allocation base (total direct salaries and wages) from \$14,360,779 in the first half of FY 2023 to \$14,846,041 in FY 2024. The FY 2024 IDC revenue projection is being increased from \$6,104,970 to \$6,800,000.

**Transfers (-\$2,411,463 less than FY 2023 Actual)**

Transfers from other funds for the first half of FY 2024 totaled \$4,045,962 which was \$2,411,463 or 37.3% less than the \$6,457,425 received for the same period in FY 2023. This was primarily attributable to the Transfer of \$1,627,872 from the American Rescue Plan Fund to recover from the impact of the COVID-19 pandemic in FY 2024, compared to the Transfer of \$6,135,806 from the American Rescue Plan Fund for the same period in FY 2023.

**Other Revenues (-\$883,520 less than FY 2023 Actual)**

Other Revenues primarily consists of licenses and permits; grants; preferential parking fees; general government charges for services; public safety charges for services; health charges for services; culture and recreation charges for services; rents and royalties; and other miscellaneous revenues that are not considered major.

Other Revenues for the first half of FY 2024 totaled \$3,018,612 which was \$883,520 or 22.6% less than the \$3,902,132 received for the same period in FY 2023. This decrease of \$883,520 was primarily attributable to (1) the inclusion of \$406,213 in TNC User Taxes to Other Income, rather than Other Taxes in the first half of FY 2023; and (2) A premium of \$687,680 on the issuance of the Tax and Revenue Anticipation Notes (TRAN) in FY 2023 versus \$457,283 in FY 2024. The premium paid to the City was not actually revenue; it was a liability that was paid by the purchaser of the City’s Notes when the coupon interest rate was higher than the market rate when the Notes were issued. It will be used to offset the interest expense paid by the City on the Notes.

The FY 2023 total for Other Revenue was \$9,043,937, while the Adopted Budget total was \$7,668,797. The FY 2024 Other Revenue projection is being increased from \$7,668,797 to \$8,468,797.

**Based on the FY 2024 Mid-Year, the revised projection for the FY 2024 General Fund Revenues are \$264.75 million.**

**General Fund Expenditures**

On June 27, 2023 the City Council adopted the FY 2024 Budget, which authorized General Fund expenditures in FY 2024 of \$276.55 million. Subsequently, on December 12, 2023, the City Council approved General Fund recommended encumbered rollovers, unencumbered carryovers, and adjustments totaling \$50.04 million in the Amendment to the FY 2024 Annual Appropriations Ordinance (AAO#1) as shown in the table below:

**FY 2024 General Fund Revised Budget**

| <b>FY 2024 Adopted Budget</b> | <b>Encumbered Recommended</b> | <b>Unencumbered Recommended</b> | <b>Other Adjustments</b> | <b>FY 2024 Revised Budget</b> |
|-------------------------------|-------------------------------|---------------------------------|--------------------------|-------------------------------|
| \$ 276,548,969                | \$ 16,752,951                 | \$ 12,523,938                   | \$ 20,763,498            | \$ 326,589,356                |

\*FY 24 Revised Budget at mid-year totaled \$307.5 million. With AAO#1 amendment approved in January 2024, revised budget increases to \$326.6 million.

The encumbered rollovers of \$16.75 million reflect contractual obligations entered in FY 2023, which had not been paid as of June 30, 2023. Unencumbered carryovers of \$12.52 million are approved by Council for specific purposes that had not been completed by the end of FY 2023. Funding for these commitments is brought forward into the current fiscal year to provide for payment of these obligations. Adjustments are new allocations for projects and Council priorities as detailed in the AAO. Included in the other adjustments of \$20.76 million are Council authorized allocations approved through the adoption of the Amendment to the AAO on December 12, 2023 (first reading) and January 16, 2024 (second reading).

General Fund expenditures incurred by department as of December 31, 2023 are shown in the following chart along with projections regarding the expenditures likely to be incurred through June 30, 2024. The two projected savings/deficit columns in the chart below are an estimate of whether the department will be under or over the revised budget and their respective appropriation limit based upon the first six months of the year. Not all of the adopted AAO#1 funding is reflected in the FY 2024 Revised Budget as of December 31, 2023.

The General Fund expenditure is projected to be over original revised budget of \$3.08 million by \$2.43 million at the end of FY 2024 (Revised Budget minus Projected Expenses). The planned expenditures reflect increased personnel costs based upon approved labor agreements, and public safety overtime offset by salary savings related to vacancies in other departments and adjustments approved by Council on January 16, 2024 in the Amendment to the Annual Appropriation Ordinance (AAO#1). Projected expenditures will also fluctuate as departments (1) fill vacant positions; (2) increase overtime spending to provide critical public safety services; (3) spend more on consultants and other professional services (“non-personnel costs”) to mitigate vacant staff positions and/or respond to unanticipated events and (4) implementation of projects.



**FY 2024 Mid-Year General Fund Expenditures (as of December 21, 2023)**

| DEPARTMENT                     | FY 2024 ADOPTED BUDGET | FY 2024 REVISED BUDGET* | YEAR TO DATE EXPENDED | ENCUMBRANCES      | AVAILABLE BUDGET   | PERSONNEL PERCENTAGE USED | NON-PERSONNEL PERCENTAGE USED | TOTAL PERCENTAGE USED | FY 2024 PROJECTED EXPENDITURES | FY 2024 PROJECTED ENDING BALANCE/(DEFICIT) |
|--------------------------------|------------------------|-------------------------|-----------------------|-------------------|--------------------|---------------------------|-------------------------------|-----------------------|--------------------------------|--------------------------------------------|
| MAYOR AND COUNCIL              | 4,772,190              | 4,849,542               | 1,923,297             | 62,410            | 2,863,835          | 40.5%                     | 44.7%                         | 40.9%                 | 4,849,542                      | -                                          |
| CITY AUDITOR                   | 3,136,323              | 3,221,934               | 1,391,210             | 102,047           | 1,728,678          | 43.9%                     | 63.1%                         | 46.3%                 | 3,089,758                      | 132,177                                    |
| RENT STABILIZATION BOARD       | 550,000                | 651,588                 | 302,231               | 349,356           | 1                  | 0.0%                      | 100.0%                        | 100.0%                | 651,588                        | -                                          |
| POLICE ACCOUNTABILITY          | 1,142,593              | 1,310,290               | 515,732               | 159,357           | 635,201            | 34.4%                     | 77.3%                         | 51.5%                 | 1,597,102                      | (286,812)                                  |
| CITY MANAGER'S OFFICE          | 13,150,234             | 16,294,107              | 7,458,276             | 2,303,030         | 6,532,801          | 45.4%                     | 81.4%                         | 59.9%                 | 15,758,044                     | 536,063                                    |
| CITY ATTORNEY                  | 4,304,039              | 5,003,419               | 2,038,057             | 395,637           | 2,569,725          | 39.6%                     | 77.3%                         | 48.6%                 | 5,273,499                      | (270,080)                                  |
| CITY CLERK                     | 2,547,276              | 2,759,548               | 972,288               | 325,627           | 1,461,633          | 48.0%                     | 45.7%                         | 47.0%                 | 2,886,744                      | (127,196)                                  |
| FINANCE                        | 8,179,370              | 9,110,602               | 3,281,701             | 1,063,527         | 4,765,374          | 39.6%                     | 71.4%                         | 47.7%                 | 8,047,068                      | 1,063,534                                  |
| HUMAN RESOURCES                | 3,467,541              | 4,127,222               | 1,728,648             | 142,944           | 2,255,629          | 45.6%                     | 44.8%                         | 45.3%                 | 4,125,275                      | 1,947                                      |
| INFORMATION TECHNOLOGY         | 1,526,760              | 2,233,165               | 891,132               | 308,646           | 1,033,388          | 0.0%                      | 53.7%                         | 53.7%                 | 1,702,432                      | 530,733                                    |
| HEALTH, HSG & COMMUNITY SVC    | 31,429,102             | 47,457,711              | 16,578,721            | 9,486,685         | 21,392,304         | 40.7%                     | 60.9%                         | 54.9%                 | 45,656,435                     | 1,801,276                                  |
| PARKS, RECREATION & WATERFRONT | 9,359,349              | 11,766,832              | 5,828,846             | 997,780           | 4,940,206          | 49.7%                     | 66.8%                         | 58.0%                 | 16,256,832                     | (4,490,000)                                |
| PLANNING & DEVELOPMENT         | 3,277,246              | 6,494,510               | 1,469,787             | 171,732           | 4,852,991          | 43.4%                     | 12.2%                         | 25.3%                 | 6,132,221                      | 362,289                                    |
| PUBLIC WORKS                   | 6,558,529              | 12,160,727              | 3,144,927             | 1,972,562         | 7,043,238          | 30.8%                     | 49.4%                         | 42.1%                 | 9,264,376                      | 2,896,351                                  |
| POLICE                         | 83,606,570             | 81,617,830              | 41,085,284            | 1,081,010         | 39,451,536         | 49.5%                     | 70.3%                         | 51.7%                 | 85,155,524                     | (3,537,694)                                |
| FIRE & EMERGENCY SERVICES      | 39,546,063             | 43,205,216              | 22,830,487            | 4,951,735         | 15,422,994         | 62.6%                     | 67.8%                         | 64.3%                 | 49,455,394                     | (6,250,178)                                |
| NON DEPARTMENTAL               | 59,995,782             | 55,262,131              | 35,120,397            | 378,568           | 19,763,166         | 1564.8%                   | 64.1%                         | 64.2%                 | 50,055,826                     | 5,206,305                                  |
| <b>GRAND TOTAL</b>             | <b>276,548,969</b>     | <b>307,526,375</b>      | <b>146,561,021</b>    | <b>24,252,653</b> | <b>136,712,701</b> | <b>49.1%</b>              | <b>62.7%</b>                  | <b>55.5%</b>          | <b>309,957,660</b>             | <b>(2,431,285)</b>                         |

\*FY 2024 Revised does not reflect as of December 31, 2023 all Council approved allocations included in the FY 2024 AAO #1.

Explanations for significant projected savings and overages are as follows:

- City Auditor’s Office, \$132,177: The projected balance is mostly due to salary savings by underfilled positions and a vacancy.
- Office of the Director of Police Accountability, (-\$46,237): The projected deficit results from expenditure patterns driven by one-time investments in office infrastructure, which were funded as part of AAO1, but not reflected at this point in time.

- City Manager's Office, \$536,063: Projected balance from vacancies during the first half of the fiscal year as well as timing-related delays in implementing new programs.
- City Attorney's Office, (-\$270,080): Projected deficit is timing related as the report does not reflect Council approved increases in funding in the AAO#1. Based upon AAO#1, the department is projecting a positive balance due to not incremental filling of vacancies and the possible partial use of funding for outside legal counsel.
- City Clerk, (-\$127,196): Projected deficit is due to unplanned special elections costs.
- Finance, \$1,063,534: Projected balance due to vacancies and challenges in finding qualified candidates to fill specialized positions funded by the General Fund.
- Information Technology, \$530,733: Projected balance is due to various projects that will not be completed in FY 2024.
- Health, Housing & Community Services, \$1,801,276: Projected balance due to vacancies and challenges in hiring for specialized positions.
- Parks, Recreation, and Waterfront, (-\$4,490,000): Projected deficit is timing-related as the report does not include Council approved AAO#1 funding. Once the additional funding is accounted for, the department is expecting to be on budget. The projection includes projections for predictability pay, \$4.05M of General Fund FY 2024 contribution to the Workers Compensation Fund redirected to fill the T1 funding gap, \$300,000 for Dreamland design and \$140,000 for the Miyawaki Forest.
- Planning, \$362,289: Projected balance is primarily comprised of \$284,000 in salary savings due to vacancies.
- Public Works, \$2,896,351: Projected savings is primarily due to Facilities and Transportation projects that are expected to not be completed by FY 2024.
- Police, (-\$3,537,694): Projected deficit based on mid-year numbers do not reflect the Council approved funding in AAO#1 of \$4.3 million for the Berkeley Police Association Memorandum of Understanding (MOU). Once adjusted, the projected year-end is positive due to savings from vacant positions. It also consists of cost overruns related to Police fleet replacement fund contributions and fuel and maintenance costs.
- Fire, (-\$6,250,178): Projected deficit of \$6.25 million compared to the FY 2024 revised budget as of mid-year. This is expected to decrease once the \$1.89 million of approved AAO#1 funding for the Berkeley Fire Fighters Association's new MOU is entered into the financial system. However, the Fire department is still expected to end the fiscal year with a deficit due to challenges in staffing and increases in overtime cost and fringe benefits.
- Non-Departmental, \$5,206,305: Projected balance due to timing of implementation of various projects and programs.
- In addition, the Rent Board and Human Resources, are expected to finish the year either on budget or very slightly under budget.

## Projected General Fund Budget Summary

The FY 2024 Adopted Budget anticipated the use of \$10.13 million in fund balance to support increased expenditures that exceeded revenue projections, recognizing that revenues had not fully returned to pre-pandemic levels, the use of one-time federal funds from the American Rescue Plan Act would be exhausted, and that Measure P fund balance within the General Fund would be required to fund related programs and one-time expenditures such as the reservation for Project Homekey. Based on the projected decrease in General Fund revenue, and various assumptions related to non-personnel expenses incurred before June 30, 2024, the FY 2024 mid-year projection estimates an annual shortfall between \$18.2-45.21 million, with the latter upward projection assuming all non-personnel expenditures authorized within the revised budget are fully spent by June 30, 2024. However, it is important to emphasize that the revenue and expenditure projections provided are the best estimates staff has at this time for how the General Fund is projected to close in FY 2024. Between now and the end of the fiscal year, a number of assumptions could change that will impact projections, including, but not limited to, changes in economic conditions that may impact revenue, status of vacant positions, any increased operational costs, as well as the likely underspending in non-personnel costs related to timing delays in implementing projects and programs that would significantly reduce the projected shortfall. The actual FY 2024 year-end status will be known sometime in late December 2024 after the completion of the financial audit. Any General Fund shortfall will be absorbed by existing fund balance and will impact recommendations regarding carryover and encumbrances requests in FY 2025.

## All Funds Expenditures

The General Funds comprises about 32 percent of the total revised budget. The rest of the budget consists of various Special Funds. Special Funds are collected for a specific purpose; therefore, the projected balances are not considered to be discretionary and available to be re-allocated toward other programs, projects, and services. Included in the *FY 2024 Mid-Year All Funds Expenditures by Department* chart on the next page are both the General Fund and the Special Funds expenditures as of December 31, 2023. On an All Funds basis, the City is tracking on budget at 49.2 percent at mid-year and projected to close FY 2024 with a balance of \$75.51 million using the revised budget as of December 31, 2023.

**FY 2023 Mid-Year All Funds Expenditures (as of December 31, 2023)**

| DEPARTMENT                  | FY 2024 ADOPTED BUDGET | FY 2024 REVISED BUDGET* (as of 12/31/23) | FY 2024 EXPENDED (as of 12/31/23) | ENCUMBRANCES (as of 12/31/23) | AVAILABLE BUDGET (as of 12/31/23) | TOTAL PERCENTAGE USED | FY 2024 PROJECTED EXPENDITURES | FY 2024 PROJECTED ENDING BALANCE/(DEFICIT) |
|-----------------------------|------------------------|------------------------------------------|-----------------------------------|-------------------------------|-----------------------------------|-----------------------|--------------------------------|--------------------------------------------|
| MAYOR AND COUNCIL           | 4,772,190              | 4,852,642                                | 1,923,297                         | 62,410                        | \$2,866,935                       | 40.9%                 | 4,852,642                      | -                                          |
| CITY AUDITOR                | 3,231,099              | 3,316,710                                | 1,436,197                         | 102,047                       | \$1,778,466                       | 46.4%                 | 3,185,336                      | 131,374                                    |
| RENT STABILIZATION BOARD    | 8,056,460              | 8,878,430                                | 3,321,869                         | 1,177,159                     | \$4,379,402                       | 50.7%                 | 8,878,430                      | -                                          |
| POLICE ACCOUNTABILITY       | 1,142,593              | 1,310,290                                | 515,732                           | 159,357                       | \$635,201                         | 51.5%                 | 1,597,102                      | (286,812)                                  |
| CITY MANAGER'S OFFICE       | 16,889,184             | 24,460,343                               | 10,369,281                        | 3,308,613                     | \$10,782,449                      | 55.9%                 | 23,849,537                     | 610,806                                    |
| BERKELEY PUBLIC LIBRARY     | 25,024,425             | 26,408,346                               | 11,707,927                        | 2,974,567                     | \$11,725,852                      | 55.6%                 | 31,726,777                     | (5,318,431)                                |
| CITY ATTORNEY               | 8,106,984              | 9,855,499                                | 3,859,904                         | 848,178                       | \$5,147,417                       | 47.8%                 | 10,253,763                     | (398,264)                                  |
| CITY CLERK                  | 3,159,486              | 3,371,758                                | 1,137,760                         | 325,627                       | \$1,908,371                       | 43.4%                 | 3,257,393                      | 114,365                                    |
| FINANCE                     | 10,607,143             | 11,608,386                               | 4,108,986                         | 1,214,803                     | \$6,284,597                       | 45.9%                 | 10,240,391                     | 1,367,995                                  |
| HUMAN RESOURCES             | 5,442,688              | 6,133,364                                | 2,524,897                         | 168,619                       | \$3,439,848                       | 43.9%                 | 6,098,578                      | 34,786                                     |
| INFORMATION TECHNOLOGY      | 22,237,720             | 29,316,274                               | 7,944,446                         | 3,165,053                     | \$18,206,775                      | 37.9%                 | 25,820,790                     | 3,495,484                                  |
| HEALTH, HSG & COMMUNITY SVC | 99,683,536             | 163,577,083                              | 39,384,181                        | 38,369,815                    | \$85,823,087                      | 47.5%                 | 132,358,390                    | 31,218,693                                 |
| PARKS, RECREATION & WF      | 53,688,581             | 89,082,692                               | 24,402,344                        | 9,740,801                     | \$54,939,546                      | 38.3%                 | 69,503,725                     | 19,578,967                                 |
| PLANNING & DEVELOPMENT      | 31,267,162             | 36,767,666                               | 12,207,816                        | 1,955,917                     | \$22,603,933                      | 38.5%                 | 32,394,732                     | 4,372,934                                  |
| PUBLIC WORKS                | 188,326,163            | 292,296,250                              | 71,665,023                        | 67,247,968                    | \$153,383,259                     | 47.5%                 | 267,668,149                    | 24,628,101                                 |
| POLICE                      | 88,188,161             | 88,587,883                               | 43,419,654                        | 1,496,074                     | \$43,672,155                      | 50.7%                 | 91,106,786                     | (2,518,903)                                |
| FIRE & EMERGENCY SERVICES   | 62,316,809             | 69,373,228                               | 31,462,153                        | 7,817,721                     | \$30,093,354                      | 56.6%                 | 75,998,874                     | (6,625,646)                                |
| NON DEPARTMENTAL            | 101,173,999            | 100,604,624                              | 65,445,388                        | 520,846                       | \$34,638,390                      | 65.6%                 | 95,504,624                     | 5,100,000                                  |
| <b>GRAND TOTAL</b>          | <b>733,314,383</b>     | <b>969,801,468</b>                       | <b>336,836,857</b>                | <b>140,655,573</b>            | <b>492,309,038</b>                | <b>49.2%</b>          | <b>894,296,021</b>             | <b>75,505,447</b>                          |

\*FY 2024 Revised does not reflect as of December 31, 2023 all Council approved allocations included in the FY 2024 AAO #1.

- City Auditor, City Manager’s Office, City Clerk, Finance, Human Resources, Information Technology, Health, Housing, & Community Services, Parks, Recreation & Waterfront, Planning, Public Works, and Non-Departmental are anticipated to finish FY 2024 with balances compared to the Mid-Year FY 2024 Revised budget. The underspending is related to salary savings due to vacancies, as well as projects and grants that are not expected to be finished by the end of the fiscal year.

- The Office of the Director of Police Accountability, City Attorney, and Police Department anticipates an ending shortfall from the FY 2024 Revised Budget. However, after accounting for all of the approved AAO#1 funding, anticipated shortfalls will be less or end with a balance.
- The Fire Department is expected to end FY 2024 with a deficit due to high vacancy rate causing an increase in overtime expenses and underfunded fringe benefit costs
- The Berkeley Public Library shows a projected deficit of over \$5.0 million. This is mostly due to increasing 0.5 Part Time employees to 0.75 Part Time employees. The Library plans to reconcile this late third quarter in FY 2024 and going forward.

### Next Steps:

Staff is continuously monitoring the FY 2024 General Fund budget to make sure the City stays within budget and is also reviewing and analyzing data to make sure that the City remains agile should additional operating and capital needs arise in the fiscal year. Final FY 2024 year-end General Fund revenues and expenditures information will be included in the “FY 2024 Year-End Report and FY 2025 First Quarter Update” that will be presented to Council in December 2024.

The City’s annual Mid-Year Budget Update is a Strategic Plan Priority, advancing our goal to provide an efficient and financially-healthy City government.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Actions included in the budget will be developed and implemented in a manner that is consistent with the City’s environmental sustainability goals and requirements.

### CONTACT PERSON

Sharon Friedrichsen, Budget Manager, City Manager’s Office, 981-7000

Henry Oyekanmi, Finance Director, Department of Finance, 981-7300

Maricar Dupaya, Senior Management Analyst, City Manager’s Office, 981-7000

### Attachments:

1. Table: General Fund Revenue and Transfer In FY 2024 Mid-Year vs FY 2023 Mid-Year Comparison
2. Table: FY 2024 Mid-Year General Fund Expenditures (as of December 31, 2023)
3. Table: FY 2024 Mid-Year All Funds Expenditures (as of December 31, 2023)

Attachment 2

General Fund Revenue and Transfer Mid Year FY 2024 vs Mid Year FY 2023 Comparison

Attachment 1

| Revenue Categories                                      | FY 2024              |                      |                       |               | FY 2023              |                      |                       |               | Comparison FY24 vs FY23 |               |
|---------------------------------------------------------|----------------------|----------------------|-----------------------|---------------|----------------------|----------------------|-----------------------|---------------|-------------------------|---------------|
|                                                         | Adopted              | Actual               | Variance              | % Received    | Adopted              | Actual               | Variance              | % Received    | Amount                  | %             |
|                                                         | (a)                  | (b)                  | c=(b) - (a)           | (d) = (b)/(a) | (e)                  | (f)                  | g=(f) - (e)           | (h) = (f)/(g) | (i) = (b) - (f)         | (j) = (i)/(f) |
| Secured Property                                        | \$84,725,717         | \$42,904,620         | (\$41,821,097)        | 50.64%        | \$75,664,920         | \$40,237,811         | (\$35,427,109)        | 53.18%        | 2,666,809               | 6.63%         |
| Redemptions -Regular                                    | 831,441              | 524,404              | (307,037)             | 63.07%        | 831,441              | 461,026              | -370,415              | 55.45%        | 63,378                  | 13.75%        |
| Supplemental Taxes                                      | 3,400,000            | 1,197,265            | (2,202,735)           | 35.21%        | 2,000,000            | 1,229,929            | -770,071              | 61.50%        | (32,664)                | -2.66%        |
| Unsecured Property Taxes                                | 3,806,995            | 3,881,280            | 74,285                | 101.95%       | 3,516,000            | 3,151,771            | -364,229              | 89.64%        | 729,509                 | 23.15%        |
| Property Transfer Tax                                   | 22,873,786           | 10,056,934           | (12,816,852)          | 43.97%        | 34,462,172           | 16,676,308           | -17,785,864           | 48.39%        | (6,619,374)             | -39.69%       |
| Property Transfer Tax-Measure P (New December 21, 2018) | 10,189,500           | 2,840,259            | (7,349,241)           | 27.87%        | 14,073,750           | 8,363,823            | -5,709,927            | 59.43%        | (5,523,564)             | -66.04%       |
| Sales Taxes                                             | 19,654,225           | 9,305,556            | (10,348,669)          | 47.35%        | 19,016,546           | 9,687,895            | -9,328,651            | 50.94%        | (382,339)               | -3.95%        |
| Soda Taxes                                              | 1,147,387            | 581,705              | (565,682)             | 50.70%        | 990,210              | 642,874              | -347,336              | 64.92%        | (61,169)                | -9.51%        |
| Utility Users Taxes                                     | 17,454,320           | 7,801,328            | (9,652,992)           | 44.70%        | 13,800,000           | 7,638,612            | -6,161,388            | 55.35%        | 162,716                 | 2.13%         |
| Transient Occupancy Taxes                               | 8,374,588            | 4,393,772            | (3,980,816)           | 52.47%        | 5,000,000            | 4,785,735            | -214,265              | 95.71%        | (391,963)               | -8.19%        |
| Less: TOT rebates owed (3)                              |                      | (546,224)            |                       |               |                      | (498,566)            |                       |               | (47,658)                | 9.56%         |
| Short-term Rentals                                      | 1,400,000            | 687,271              | (712,729)             | 49.09%        | 1,000,000            | 712,661              | -287,339              | 1,000,000     | (25,390)                | -3.56%        |
| Business License Tax                                    | 21,560,783           | 1,592,902            | (19,967,881)          | 7.39%         | 19,000,000           | 1,010,143            | -17,989,857           | 5.32%         | 582,759                 | 57.69%        |
| Recreational Cannabis                                   | 1,000,000            | 76,512               | (923,488)             | 7.65%         | 1,400,000            | 237,669              | -1,162,331            | 16.98%        | (161,157)               | -67.81%       |
| U1 Revenues                                             | 5,900,000            | 181,607              | (5,718,393)           | 3.08%         | 4,900,000            | 113,893              | -4,786,107            | 2.32%         | 67,714                  | 59.45%        |
| Other Taxes (excluding Redemptions-Regular)             | 2,593,129            | 1,899,156            | (693,973)             | 73.24%        | 1,800,000            | 1,500,099            | -299,901              | 83.34%        | 399,057                 | 26.60%        |
| Vehicle In-Lieu Taxes                                   | 17,811,134           | 8,937,911            | (8,873,223)           | 50.18%        | 15,926,168           | 8,329,833            | -7,596,335            | 52.30%        | 608,078                 | 7.30%         |
| Parking Fines-Regular Collections                       | 5,800,000            | 3,253,087            | (2,546,913)           | 56.09%        | 4,326,450            | 3,104,161            | -1,222,289            | 71.75%        | 148,926                 | 4.80%         |
| Moving Violations                                       | 132,600              | 96,254               | (36,346)              | 72.59%        | 132,600              | 71,415               | -61,185               | 53.86%        | 24,839                  | 34.78%        |
| Ambulance Fees                                          | 5,350,779            | 3,815,272            | (1,535,507)           | 71.30%        | 3,880,779            | 2,479,368            | -1,401,411            | 63.89%        | 1,335,904               | 53.88%        |
| Interest Income                                         | 8,826,211            | 6,619,791            | (2,206,420)           | 75.00%        | 6,000,000            | 4,038,930            | -1,961,070            | 67.32%        | 2,580,861               | 63.90%        |
| Franchise Fees                                          | 1,720,056            | 307,634              | (1,412,422)           | 17.89%        | 1,613,283            | 335,043              | -1,278,240            | 20.77%        | (27,409)                | -8.18%        |
| Other Revenue                                           | 7,668,797            | 3,018,612            | (4,650,185)           | 39.36%        | 6,729,977            | 3,902,132            | -2,827,845            | 57.98%        | (883,520)               | -22.64%       |
| IDC Reimbursement                                       | 6,104,970            | 3,259,079            | (2,845,891)           | 53.38%        | 5,490,000            | 3,205,614            | -2,284,386            | 58.39%        | 53,465                  | 1.67%         |
| Transfers                                               | 8,091,924            | 4,045,962            | (4,045,962)           | 50.00%        | 17,096,148           | 6,457,425            | -10,638,723           | 37.77%        | (2,411,463)             | -37.34%       |
|                                                         |                      |                      | -                     |               |                      |                      | 0                     |               | -                       |               |
| <b>Total Revenue:</b>                                   | <b>\$266,418,342</b> | <b>\$120,731,949</b> | <b>-\$145,686,393</b> | <b>45.32%</b> | <b>\$258,650,444</b> | <b>\$127,875,604</b> | <b>-\$130,774,840</b> | <b>49.44%</b> | <b>(\$7,143,655)</b>    | <b>-5.59%</b> |

Notes: (1) This statement is presented on a budgetary basis (i.e., cash).

(2) Current vendor no longer breaks out Regular and Booting Parking Fines Collections

(3) Includes the amount of TOT rebates owed for the period

(4) Total Other Taxes includes Redemptions-Regular

Attachment 2

| FY 2024 MID-YEAR GENERAL FUND EXPENDITURES (AS OF DECEMBER 31, 2023) |                        |                         |                       |                   |                    |                           |                               |                       |                                | Attachment 2                               |
|----------------------------------------------------------------------|------------------------|-------------------------|-----------------------|-------------------|--------------------|---------------------------|-------------------------------|-----------------------|--------------------------------|--------------------------------------------|
| DEPARTMENT                                                           | FY 2024 ADOPTED BUDGET | FY 2024 REVISED BUDGET* | YEAR TO DATE EXPENDED | ENCUMBRANCES      | AVAILABLE BUDGET   | PERSONNEL PERCENTAGE USED | NON-PERSONNEL PERCENTAGE USED | TOTAL PERCENTAGE USED | FY 2024 PROJECTED EXPENDITURES | FY 2024 PROJECTED ENDING BALANCE/(DEFICIT) |
| MAYOR AND COUNCIL                                                    | 4,772,190              | 4,849,542               | 1,923,297             | 62,410            | 2,863,835          | 40.5%                     | 44.7%                         | 40.9%                 | 4,849,542                      | -                                          |
| CITY AUDITOR                                                         | 3,136,323              | 3,221,934               | 1,391,210             | 102,047           | 1,728,678          | 43.9%                     | 63.1%                         | 46.3%                 | 3,089,758                      | 132,177                                    |
| RENT STABILIZATION BOARD                                             | 550,000                | 651,588                 | 302,231               | 349,356           | 1                  | 0.0%                      | 100.0%                        | 100.0%                | 651,588                        | -                                          |
| POLICE ACCOUNTABILITY                                                | 1,142,593              | 1,310,290               | 515,732               | 159,357           | 635,201            | 34.4%                     | 77.3%                         | 51.5%                 | 1,597,102                      | (286,812)                                  |
| CITY MANAGER'S OFFICE                                                | 13,150,234             | 16,294,107              | 7,458,276             | 2,303,030         | 6,532,801          | 45.4%                     | 81.4%                         | 59.9%                 | 15,758,044                     | 536,063                                    |
| CITY ATTORNEY                                                        | 4,304,039              | 5,003,419               | 2,038,057             | 395,637           | 2,569,725          | 39.6%                     | 77.3%                         | 48.6%                 | 5,273,499                      | (270,080)                                  |
| CITY CLERK                                                           | 2,547,276              | 2,759,548               | 972,288               | 325,627           | 1,461,633          | 48.0%                     | 45.7%                         | 47.0%                 | 2,886,744                      | (127,196)                                  |
| FINANCE                                                              | 8,179,370              | 9,110,602               | 3,281,701             | 1,063,527         | 4,765,374          | 39.6%                     | 71.4%                         | 47.7%                 | 8,047,068                      | 1,063,534                                  |
| HUMAN RESOURCES                                                      | 3,467,541              | 4,127,222               | 1,728,648             | 142,944           | 2,255,629          | 45.6%                     | 44.8%                         | 45.3%                 | 4,125,275                      | 1,947                                      |
| INFORMATION TECHNOLOGY                                               | 1,526,760              | 2,233,165               | 891,132               | 308,646           | 1,033,388          | 0.0%                      | 53.7%                         | 53.7%                 | 1,702,432                      | 530,733                                    |
| HEALTH, HSG & COMMUNITY SVC                                          | 31,429,102             | 47,457,711              | 16,578,721            | 9,486,685         | 21,392,304         | 40.7%                     | 60.9%                         | 54.9%                 | 45,656,435                     | 1,801,276                                  |
| PARKS, RECREATION & WATERFRONT                                       | 9,359,349              | 11,766,832              | 5,828,846             | 997,780           | 4,940,206          | 49.7%                     | 66.8%                         | 58.0%                 | 16,256,832                     | (4,490,000)                                |
| PLANNING & DEVELOPMENT                                               | 3,277,246              | 6,494,510               | 1,469,787             | 171,732           | 4,852,991          | 43.4%                     | 12.2%                         | 25.3%                 | 6,132,221                      | 362,289                                    |
| PUBLIC WORKS                                                         | 6,558,529              | 12,160,727              | 3,144,927             | 1,972,562         | 7,043,238          | 30.8%                     | 49.4%                         | 42.1%                 | 9,264,376                      | 2,896,351                                  |
| POLICE                                                               | 83,606,570             | 81,617,830              | 41,085,284            | 1,081,010         | 39,451,536         | 49.5%                     | 70.3%                         | 51.7%                 | 85,155,524                     | (3,537,694)                                |
| FIRE & EMERGENCY SERVICES                                            | 39,546,063             | 43,205,216              | 22,830,487            | 4,951,735         | 15,422,994         | 62.6%                     | 67.8%                         | 64.3%                 | 49,455,394                     | (6,250,178)                                |
| NON DEPARTMENTAL                                                     | 59,995,782             | 55,262,131              | 35,120,397            | 378,568           | 19,763,166         | 1564.8%                   | 64.1%                         | 64.2%                 | 50,055,826                     | 5,206,305                                  |
| <b>GRAND TOTAL</b>                                                   | <b>276,548,969</b>     | <b>307,526,375</b>      | <b>146,561,021</b>    | <b>24,252,653</b> | <b>136,712,701</b> | <b>49.1%</b>              | <b>62.7%</b>                  | <b>55.5%</b>          | <b>309,957,660</b>             | <b>(2,431,285)</b>                         |

\*FY 2024 Revised does not reflect as of December 31, 2023 all Council approved allocations included in the FY 2024 AAO #1.

Attachment 2

FY 2024 MID-YEAR ALL FUNDS EXPENDITURES (AS OF DECEMBER 31, 2023)

Attachment 3

| DEPARTMENT                  | FY 2024 ADOPTED BUDGET | FY 2024 REVISED BUDGET* (as of 12/31/23) | FY 2024 EXPENDED (as of 12/31/23) | ENCUMBRANCES (as of 12/31/23) | AVAILABLE BUDGET (as of 12/31/23) | TOTAL PERCENTAGE USED | FY 2024 PROJECTED EXPENDITURES | FY 2024 PROJECTED ENDING BALANCE/(DEFICIT) |
|-----------------------------|------------------------|------------------------------------------|-----------------------------------|-------------------------------|-----------------------------------|-----------------------|--------------------------------|--------------------------------------------|
| MAYOR AND COUNCIL           | 4,772,190              | 4,852,642                                | 1,923,297                         | 62,410                        | \$2,866,935                       | 40.9%                 | 4,852,642                      | -                                          |
| CITY AUDITOR                | 3,231,099              | 3,316,710                                | 1,436,197                         | 102,047                       | \$1,778,466                       | 46.4%                 | 3,185,336                      | 131,374                                    |
| RENT STABILIZATION BOARD    | 8,056,460              | 8,878,430                                | 3,321,869                         | 1,177,159                     | \$4,379,402                       | 50.7%                 | 8,878,430                      | -                                          |
| POLICE ACCOUNTABILITY       | 1,142,593              | 1,310,290                                | 515,732                           | 159,357                       | \$635,201                         | 51.5%                 | 1,597,102                      | (286,812)                                  |
| CITY MANAGER'S OFFICE       | 16,889,184             | 24,460,343                               | 10,369,281                        | 3,308,613                     | \$10,782,449                      | 55.9%                 | 23,849,537                     | 610,806                                    |
| BERKELEY PUBLIC LIBRARY     | 25,024,425             | 26,408,346                               | 11,707,927                        | 2,974,567                     | \$11,725,852                      | 55.6%                 | 31,726,777                     | (5,318,431)                                |
| CITY ATTORNEY               | 8,106,984              | 9,855,499                                | 3,859,904                         | 848,178                       | \$5,147,417                       | 47.8%                 | 10,253,763                     | (398,264)                                  |
| CITY CLERK                  | 3,159,486              | 3,371,758                                | 1,137,760                         | 325,627                       | \$1,908,371                       | 43.4%                 | 3,257,393                      | 114,365                                    |
| FINANCE                     | 10,607,143             | 11,608,386                               | 4,108,986                         | 1,214,803                     | \$6,284,597                       | 45.9%                 | 10,240,391                     | 1,367,995                                  |
| HUMAN RESOURCES             | 5,442,688              | 6,133,364                                | 2,524,897                         | 168,619                       | \$3,439,848                       | 43.9%                 | 6,098,578                      | 34,786                                     |
| INFORMATION TECHNOLOGY      | 22,237,720             | 29,316,274                               | 7,944,446                         | 3,165,053                     | \$18,206,775                      | 37.9%                 | 25,820,790                     | 3,495,484                                  |
| HEALTH, HSG & COMMUNITY SVC | 99,683,536             | 163,577,083                              | 39,384,181                        | 38,369,815                    | \$85,823,087                      | 47.5%                 | 132,358,390                    | 31,218,693                                 |
| PARKS, RECREATION & WF      | 53,688,581             | 89,082,692                               | 24,402,344                        | 9,740,801                     | \$54,939,546                      | 38.3%                 | 69,503,725                     | 19,578,967                                 |
| PLANNING & DEVELOPMENT      | 31,267,162             | 36,767,666                               | 12,207,816                        | 1,955,917                     | \$22,603,933                      | 38.5%                 | 32,394,732                     | 4,372,934                                  |
| PUBLIC WORKS                | 188,326,163            | 292,296,250                              | 71,665,023                        | 67,247,968                    | \$153,383,259                     | 47.5%                 | 267,668,149                    | 24,628,101                                 |
| POLICE                      | 88,188,161             | 88,587,883                               | 43,419,654                        | 1,496,074                     | \$43,672,155                      | 50.7%                 | 91,106,786                     | (2,518,903)                                |
| FIRE & EMERGENCY SERVICES   | 62,316,809             | 69,373,228                               | 31,462,153                        | 7,817,721                     | \$30,093,354                      | 56.6%                 | 75,998,874                     | (6,625,646)                                |
| NON DEPARTMENTAL            | 101,173,999            | 100,604,624                              | 65,445,388                        | 520,846                       | \$34,638,390                      | 65.6%                 | 95,504,624                     | 5,100,000                                  |
| <b>GRAND TOTAL</b>          | <b>733,314,383</b>     | <b>969,801,468</b>                       | <b>336,836,857</b>                | <b>140,655,573</b>            | <b>492,309,038</b>                | <b>49.2%</b>          | <b>894,296,021</b>             | <b>75,505,447</b>                          |

\*FY 2024 Revised does not reflect as of December 31, 2023 all Council approved allocations included in the FY 2024 AAO #1.



ACTION CALENDAR

June 4, 2024

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

**From:** Jenny Wong, City Auditor

**Subject:** Amendments to Berkeley's Municipal Code Chapter 2.24

RECOMMENDATION

Adopt first reading of an ordinance amending City Auditor's Office (BMC Chapter 2.24) authority and scope of work to formally establish the City Auditor's authority to receive and refer reports of fraud, waste, or abuse as well as investigate those reports and any reports of retaliation against whistleblowers.

FISCAL IMPACTS OF RECOMMENDATION

While there are no direct fiscal impacts associated with the amendments and additions suggested, a whistleblower program could reduce the impacts to city finances associated with undetected fraud in the City. Additionally, providing adequate whistleblower protections can increase the likelihood of whistleblowers coming forward with reports of fraud, waste, or abuse, and therefore increasing the likelihood of detecting and deterring fraud, waste, or abuse.

CURRENT SITUATION AND ITS EFFECTS

These recommended amendments will formally establish the City Auditor's authority to receive and refer reports of fraud, waste, or abuse as well as investigate those reports and any reports of retaliation against whistleblowers. The amendments also provide the City Auditor with the authority to recommend corrective actions in response to investigations and follow up on those recommendations. The City Council previously adopted a resolution on June 6th, 2023 to support and endorse the City Auditor's plan to implement a Whistleblower Program.<sup>1</sup>

BACKGROUND

State legislation encourages Cities to specifically focus on fraud, waste, or abuse of city resources through whistleblower programs led by City Auditors. In 2009, California Government Code Section 53087.6<sup>2</sup> went into effect, which enabled local government auditors to establish whistleblower programs and to provide whistleblower protections. Local auditors are authorized under Section 53087.6 to create whistleblower programs with the approval of their respective legislative bodies, and have discretion in how to operate their programs.

California cities with established whistleblower programs within auditor's offices include Oakland, San Francisco, Sacramento, San Diego, and Long Beach, with information publicly available. Each program was formally established through updates to charter and/or municipal

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<sup>1</sup> [City Council Meeting, June 3<sup>rd</sup>, 2023](#)

<sup>2</sup> [California Government Code Section 53087.6](#)



code language, and contain the right to receive, refer, and investigate reports of fraud, waste and abuse. Additionally, all of these jurisdictions protect whistleblowers from retaliation in line with best practices, and have mechanisms in place to investigate reports of whistleblower AMENDMENTS TO BERKELEY'S MUNICIPAL CODE CHAPTER 2.24 TO ESTABLISH WHISTLEBLOWER PROGRAM AUTHORITYretaliation.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with this report.

#### RATIONALE FOR RECOMMENDATION

The Auditor's Office is uniquely positioned to manage a whistleblower program. The Berkeley City Auditor maintains a level of structural independence well-suited for a whistleblower program, as they are elected by the public and do not report to the City Manager or Council. The City Auditor is well-positioned due to their role in providing objective information, like audits, on the operations of government programs and helping ensure full accountability to the public, among other reasons. By amending the BMC, this will formally provide the Auditor with the authority to commence this important work to detect and deter fraud, waste, or abuse of city resources. The proposed amendments will also update the BMC to align with California Government Code Section 53087.6 that establishes local auditors' authority to manage whistleblower programs and provide whistleblower protections.

#### CONTACT PERSON

Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

#### Attachments:

- 1: Amendments to BMC Chapter 2.24 Ordinance

**ORDINANCE NO. X,XXX-N.S.**

**AMENDING BERKELEY MUNICIPAL CODE CHAPTER 2.24: CITY AUDITOR'S OFFICE**

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

Section 1. That Berkeley Municipal Code Section 2.24.010 A is amended to read as follows:

2.24.010 Findings.

A. Public officials, government managers, and private citizens want and need to know not only whether government funds are handled properly and in compliance with laws and regulations, but also whether public programs are achieving the purposes for which they were authorized and funded, and whether they are doing so efficiently, effectively and [equitably economically](#).

Section 2. That Berkeley Municipal Code Section 2.24.010 C is amended to read as follows:

C. An independent auditing function can provide objective information, [like audits](#), on the operations of government programs, assist managers in carrying out their responsibilities, and help ensure full accountability to the public.

Section 3. That Berkeley Municipal Code Section 2.24.010 N is amended to read as follows:

N. It is vital to the effectiveness of audit work that it be performed by staff who collectively possess sufficient professional proficiency, qualifications and skills, which may be demonstrated by obtaining relevant certifications such as a CIA (Certified Internal Auditor), CPA (Certified Public Accountant), [CFE \(Certified Fraud Examiner\)](#), degrees in relevant fields such as public policy, public administration, accounting, business administration, political science or related fields, [or years of auditing experience](#), and the City Council may wish to consider taking such competencies and certifications into account in setting the salary for the Auditor and other audit staff.

Section 4. That Berkeley Municipal Code Section 2.24.050 A is amended to read as follows:

2.24.050 Scope of audits.

A. The Auditor may conduct financial, performance, and other audits of all agencies, offices, boards, activities, and functions of the City of Berkeley to include but not be limited to the objectives of independently determining whether:

1. Activities and programs being implemented have been authorized by government charter or code, state law or applicable federal law or regulations;
2. Activities and programs are being conducted as prescribed by management/governing body to accomplish the objectives intended by government charter or code, state law or applicable federal law or regulations;
3. Activities or programs efficiently ~~and~~ effectively, and equitably serve the purpose intended by government charter, code, state law or applicable federal law or regulations;
4. Activities and programs are being conducted and funds expended in compliance with applicable laws;
5. Payers of City taxes and fees are submitting accurate information and correct amounts; revenues are being properly collected, deposited and accounted for;
6. City contractors are providing ~~efficient and effective~~ services efficiently, effectively, and equitably to the City in compliance with the terms of their contracts;
7. City resources, including funds, property and personnel, are adequately safeguarded, controlled and used in a faithful, effective and efficient manner;
8. City financial and other reports are being provided that disclose fairly and fully all information that is required by law, that is necessary to ascertain the nature and scope of programs and activities and that is necessary to establish a proper basis for evaluating City programs and activities;
9. The City has adequate operating and administrative procedures and practices, systems of accounting, internal control systems, and internal management controls;
10. There are indications of fraud, abuse or illegal acts which need further investigation.

Section 5. That Berkeley Municipal Code Section 2.24.050 C is amended to read as follows:

C. Non-audit and Similar Services, Charter mandated non-audit services:

Government Auditing Standards make a distinction between audit services and non-audit services that auditors may perform. These are generally services that auditors are typically well qualified to perform, but which often do not result in a written audit report. Non-audit services work may be initiated by the Auditor or performed by the Auditor at the request of the City Manager and shall be

performed to the extent mandated by the City Charter and consistent with the professional standards applicable to such non-audit work by auditors except where such work is expressly required by the City Charter. In order to continue to maintain independence, and in particular to avoid a situation in which auditors may in appearance or in fact be auditing their own work or making management decisions, Government Auditing Standards currently include requirements for careful consideration regarding when and how to conduct non audit services.

The Auditor shall perform any other non audit services required by the City Charter under Sections 61 and 65. ~~In compliance with these sections, the Auditor reviews, countersigns, numbers, and registers all city agreements (contracts) after the City Manager or designee has signed.~~ The Auditor is authorized to examine or review all City payments and payrolls before issuance and no payment may be made against any City contract until that contract is registered by the Auditor; the Auditor and the City Manager are co-signers on all City checks. Responsibility for reviewing, countersigning, numbering, and registering all city agreements (contracts) as well as performing municipal accounting and non-payroll payment (accounts payable) functions have been delegated to the Finance Department; however, the Auditor may review selected items before payment is approved. The Auditor also directs a Payroll Audit division, responsible for certain centralized payroll functions of the City's decentralized payroll system. (Ord. 6910-NS § 2 (part), 2006)

Section 6. That Berkeley Municipal Code Section 2.24.050 D is added to read as follows:

D. Whistleblower Program:

The Auditor shall administer a whistleblower program for the reporting of fraud, waste, or abuse of City resources. Subject to subsection (3), the Auditor may investigate and otherwise attempt to resolve reports submitted to the whistleblower program.

1) DEFINITIONS.

- a) For purposes of this section, "fraud, waste, or abuse" means any activity by a local agency or employee that is undertaken in the performance of the employee's official duties, including activities deemed to be outside the scope of their employment, that is in violation of any local, state, or federal law or regulation relating to corruption, malfeasance, bribery, theft of government property, fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of government property, or willful omission to perform duty, is economically wasteful, or involves gross misconduct.

- b) "Whistleblower" is defined as an officer or employee who reports or otherwise brings to the attention of the City Auditor any information which, if true, would constitute fraud, waste, or abuse of City resources.
  - c) "Retaliation" is any adverse employment action, including discharge, discipline, or demotion.
  - d) "Adverse employment action" is defined as any employment action that has a detrimental and substantial effect on the terms, conditions, or privileges of a complainant's employment or requires the complainant to work in a discriminatorily hostile or abusive work environment. A change that is merely contrary to a complainant's interests or liking is insufficient.
  - e) "City" is defined as the City of Berkeley, its agencies, departments, boards, and commissions.
- 2) REPORTS. Any person may file a report for investigation with the City Auditor's whistleblower program alleging that a City officer or employee has engaged in fraud, waste, or abuse. Any City officer or employee who has received a report of fraud, waste, or abuse of city resources shall refer the report to the City Auditor's Office.
- 3) REFERRAL OF CERTAIN REPORTS. The Auditor shall refer the following reports to the appropriate government agency for review and possible investigation, including without limitation:
- a) Those which another government agency is required by federal, state, or local law to adjudicate: To that agency;
  - b) Those which may be resolved through a grievance mechanism established by collective bargaining agreement or contract: To the official or agency designated in the agreement or contract;
  - c) Those which involve allegations of conduct which may constitute a violation of criminal law: To the District Attorney or other appropriate law enforcement agency;
  - d) Those which allege misconduct by a Berkeley police officer: The reporter will be provided information about how to file a complaint with the Office of the Director of Police Accountability and Berkeley Police Department;
  - e) Those which are subject to an existing, ongoing investigation by the District Attorney or City Attorney, where the applicable official or Commission states in writing that

- investigation by the Auditor would substantially impede or delay its own investigation of the matter: To the investigating office; and
- f) Those which allege conduct that may constitute a violation of local campaign finance laws: To the Fair Campaign Practices Commission.
- 4) CONTRACTING OUT INVESTIGATIONS. The City Auditor has the authority to enter into contracts for investigative services when appropriate due to conflicts of interest or need for specialized expertise, as determined by the City Auditor. In such cases, the City Auditor may refer investigation work in whole or in part to a contractor under the management of the City Auditor.
- 5) TRACKING AND INVESTIGATING. The Auditor shall receive, track, and review reports made or referred to the whistleblower program. An investigation may include all steps that the Auditor deems appropriate, including the review of the report and any documentary or other evidence provided with it, the gathering of any other relevant documents from any City department or other source, and interviews of the complainant and other persons with relevant information.
- 6) FURNISHING FALSE OR MISLEADING INFORMATION; DUTY TO COOPERATE. When making or filing a report pursuant to this Chapter or participating in an investigation conducted by the City Auditor, or an agent of the Auditor, as authorized under this Chapter, City officers and employees may not knowingly and intentionally furnish false or fraudulent evidence, documents, or information, misrepresent any material facts, or conceal any evidence, documents, or information for the purpose of misleading any officer or employees or any of their agents. In conducting investigations pursuant to this Chapter, pursuant to the Auditor's authority under Charter Section 61, the Auditor shall have unrestricted access to employees, officials, records, and reports, and as necessary, require all branches, departments, and officials of government to produce documents, files, and other records and information. INFORMATION PROVIDED UNDER PENALTY OF PERJURY. In those instances, in which the Auditor deems it appropriate, the Auditor may require that persons making reports or providing information swear to the truth of their statements by taking an oath administered by the Auditor, or an agent of the Auditor, or through written declarations made under penalty of perjury under the laws of the State of California.
- 7) REFERRAL AND RECOMMENDATION BY AUDITOR. The Auditor may refer the fraud, waste, or abuse report to a City department for investigation, either before conducting an initial investigation or after doing so and may recommend that a City department take specific action based on the Auditor's initial investigation. Within such time as the Auditor shall
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specify, the City department shall report to the Auditor in writing the results of the department's investigation and any action that the department has taken in response to a recommendation by the Auditor that the department take specific action.

- 8) RETALIATION. Any officer or employee who believes that they have been subject to an adverse employment action as a result of being a whistleblower or participating in a whistleblower investigation may file a complaint of retaliation with the City Auditor within one hundred and eighty (180) days of the alleged retaliation. The City Auditor shall thereupon investigate the complaint. If the Office of the City Auditor is named in the complaint, the complaint shall be directed to the City Attorney for investigation. Any officer or employee who receive a complaint alleging retaliation under this chapter must keep the complaint confidential and immediately assist the complainant by referring the complainant to the City Auditor and documenting the referral in writing. Documentation must include the date and time of the referral and that the report was about retaliation. Any reports regarding retaliation are confidential and not subject to disclosure.
- 9) CONFIDENTIALITY.
- a) Any investigative audit conducted pursuant to this section shall be kept confidential, except to issue any report of an investigation that has been substantiated, or to release any findings resulting from a completed investigation that are deemed necessary to serve the interests of the public. In any event, the identity of the individual or individuals reporting the improper government activity, and the subject employee or employees shall be kept confidential, unless the disclosure is to a law enforcement agency that is conducting a criminal investigation.
  - b) Notwithstanding paragraph (a), the Auditor may provide a copy of a substantiated report that includes the identities of the subject employee or employees and other pertinent information concerning the investigation to the appropriate appointing authority for disciplinary purposes. The substantiated report, any subsequent investigatory materials or information, and the disposition of any resulting disciplinary proceedings are subject to the confidentiality provisions of applicable local, state, and federal statutes, rules, and regulations.

Section 7. That Berkeley Municipal Code Section 2.24.110 is amended to read as follows:

2.24.110 Right to retain contract auditors, investigators, consultants and experts; Cooperation with City Manager.



A. The Auditor may obtain the services of Certified Public Accountants, qualified management consultants, [investigators](#), or other professional experts necessary to perform the Auditor's duties within the Auditor's budget approved by the City Council. These expenses may be included in the Auditor's annual budget as part of the published annual audit plan, or may be substituted in case of position vacancies if needed to complete the audit plan on schedule. An audit that is performed by contract must be conducted by persons who have no financial interests in the affairs of the governmental unit or its officers. The use of such contracts will follow the City's normal contracting procedures.

B. The City Manager ~~is urged to~~ [shall](#) provide the Auditor with timely information about contemplated ~~and ongoing required or elective~~ audits, [investigations](#), or similar consulting engagements to be performed by other external auditors [or investigators](#), so that all auditors may comply with Government Auditing Standards concerning the coordination of audit work, and sharing of information regarding internal control concerns, and to avoid duplication of effort and ensure effective audit coverage. The Mayor is also urged to provide such information and opportunities for coordination with the public accounting firm selected for the City's annual financial statement audits. The Auditor may assist with the selection or oversight of this audit if requested to do so. (Ord. 6910-NS § 2 (part), 2006)





Kate Harrison  
Councilmember, District 4

ACTION CALENDAR  
June 4, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison (Author) and Vice Mayor Bartlett (Co-Sponsor)

Subject: Amend Berkeley Municipal Code Chapter 3.78 To Expand Eligibility Requirements for Representatives of The Poor to Serve on The Human Welfare and Community Action Commission

RECOMMENDATION

Amend Berkeley Municipal Code Chapter 3.78 to expand eligibility requirements for Representatives of the Poor to serve on the Human Welfare and Community Action Commission, or any successor commission, to consider the current geographic formation of poverty in Berkeley.

POLICY COMMITTEE RECOMMENDATION

On May 1, 2024, the Agenda and Rules Committee adopted the following action: M/S/C (Arreguin/Wengraf) to send the item to the City Council with a negative recommendation. Vote: All Ayes.

CURRENT SITUATION AND RATIONALE FOR RECOMMENDATION

The Human Welfare and Community Action Commission is a body charged with addressing the social welfare of the Berkeley community, focusing on those experiencing poverty and financial hardship within our City. This commission, as defined by Section 3.78.010, consists of fifteen members, nine of which are appointed by each Councilmember and the Mayor and six of which are “Representatives of the Poor;” this refers to residents with incomes below the median area income or significant lived experience in poverty. As it stands, there are three districts (1, 2, and 3) that were identified by the 1988 Berkeley City Council, based on the 1980 census data, as having the most concentrated levels of poverty.<sup>1</sup> Currently, all six of the Representatives of the Poor must reside in these districts (two from each of the districts). Interestingly, despite the changing geographic landscape of poverty in Berkeley within the last 43 years, the ordinance language and participation criteria has remained largely unchanged. The requirement for service no longer accurately represents the different and changing image of poverty in Berkeley. By expanding inclusion requirements for Representatives of the Poor, the HWCA has more opportunity to secure necessary involvement and funding in addition to becoming a more representative decision-making body.

<sup>1</sup> “3.78.010 Creation of the Human Welfare and Community Action Commission.” Berkeley Municipal Code. Accessed October 23, 2023. <https://berkeley.municipal.codes/BMC/3.78.010>

**Substantive revisions to Chapter 3.78:**

*B. Six of the members shall be representatives of the poor, who shall to be elected as individuals residing anywhere within City limits who earn below the median area income or who have had significant lived experience in poverty. ~~to be elected two from each of three districts as established by the City Council and shown on the map attached hereto, made a part hereof and marked "Exhibit A" (see Ch. 3.999).~~*

The section B revision seeks to maintain the focus on representing the economically marginalized, but recognizes that the distribution of poverty within the community has shifted. City and community led homelessness initiatives, investments in residence hotels, and increased RV dwellers are just a few of the many reasons why poverty is dispersed differently across the city than it was 43 years. Additionally, displacement and gentrification, which have acutely affected West and South Berkeley neighborhoods, have also contributed to changing demographics. This amendment suggests electing representatives of the poor from anywhere within the City, based on contemporary geographical considerations, as opposed to 1980 Census data.

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

The section C revision (amended to be section B) intends to concurrently address the issue of the changing landscape of poverty by eliminating the Community Services Block Grant (CSBG) target area. The HWAC Commission relies on CSBG funding to accomplish commission goals, but needs to fulfill certain participant criteria to be able to access the funding. Currently, because there is precarious membership, the HWAC commission’s funding and resources are threatened. The proposed change expands the target area to cover the entire City, ensuring section B revision’s feasibility. The CSBG target area is no longer limited to the former poverty districts drawn according to the 1980 census because the community of individuals in poverty are now spread into a wider area of the community as a result of placement of homeless individuals into residence hotels and RV parking, along with other programs, into other geographical areas.

These amendments to Berkeley Municipal Code Section 3.78.010 ensure that the Berkeley Human Welfare and Community Action Commission remains effective in addressing their goals. These revisions are crucial to be successful in representing a series of contemporary socio-economic developments and demonstrating the City's commitment to adapt to changing circumstances.

**FISCAL IMPACTS OF RECOMMENDATION**

No fiscal impacts.

Amend Berkeley Municipal Code Chapter 3.78 To Expand Eligibility Requirements for Representatives of The Poor to Serve on The Human Welfare and Community Action Commission

ACTION CALENDAR  
June 4, 2024

**ENVIRONMENTAL SUSTAINABILITY**

This budget referral has no effect on environmental sustainability.

**CONTACT PERSON**

Councilmember Kate Harrison, (510) 981-7140

**ATTACHMENTS**

1. Revised BMC Chapter 3.78

ORDINANCE NO. –N.S.

AMENDING CHAPTER 3.78 TO THE BERKELEY MUNICIPAL CODE TO EXPAND  
ELIGIBILITY REQUIREMENTS FOR REPRESENTATIVES OF THE POOR

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

Section 1. That Berkeley Municipal Code Section 3.78.010 is amended to read as follows:

**3.78.010 Creation of the Human Welfare and Community Action Commission.**

A Berkeley Human Welfare and Community Action Commission is hereby created. The membership of such commission shall be fifteen:

A. Nine of the members shall be appointed by Berkeley City Councilmembers, in accordance with the Fair Representation Ordinance.

1. Four of the nine members of the commission appointed by the council shall be members or officials of business, industry, labor, religious, welfare, education, or major groups and interests in the community, as required by California Government Code Sections 12736(e), 12750(a)(2), and 12751, the language of which is incorporated herein by reference.

2. Representatives of private sector organizations shall be empowered to speak and act on behalf of the organizations they represent in connection with the board's business.

B. Six of the members shall be representatives of the poor, who shall to be elected as who shall be individuals residing anywhere within City limits who earn below the median area income or who have had significant lived experience in poverty. two from each of three districts as established by the City Council and shown on the map attached hereto, made a part hereof and marked "Exhibit A" (see Ch. 3.999).

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

~~1. Four of the nine members of the commission appointed by the council shall be members or officials of business, industry, labor, religious, welfare, education, or major groups and interests in the community, as required by California Government Code Sections 12736(e), 12750(a)(2), and 12751, the language of which is incorporated herein by reference.~~

~~2. Representatives of private sector organizations shall be empowered to speak and act on behalf of the organizations they represent in connection with the board's business.~~

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.







CONSENT CALENDAR  
June 4, 2024

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Taplin  
 Subject: Affordable Housing for Artists: AB-812 Implementation and Cultural District Statutory Standardization

### RECOMMENDATION

Pursuant to California Government Code Section 65914.8, refer to the City Manager, City Attorney, and Planning Commission:

1. To study and develop an Ordinance and implementation plan for Assembly Bill 812 (2023) to reserve for artists up to 10 percent of Below Market Rate units under Berkeley Municipal Code 23.328 (Inclusionary Housing) within a half-mile of a state-designated cultural district or within any similar locally designated cultural district, with consideration for consistency with existing Affordable Housing Preference Policy;
2. Consider common standards for locally designated cultural districts, including but not limited to Overlay Zones, and implementation of cultural district designation within the boundaries of Area Specific Plans, including but not limited to the Adeline Corridor and San Pablo Corridor Specific Plans;
3. Pursuant to California Government Code Section 8758, consider solicitation of state designation for cultural districts in the City of Berkeley.

### FINANCIAL IMPLICATIONS

Staff time.

### CURRENT SITUATION AND ITS EFFECTS

According to a 2022 survey produced for Berkeley's Civic Arts Commission by Creative Equity Research Partners, the 163 local artists surveyed represent a cross-section of Berkeley's most vulnerable populations, and high housing costs are placing the community's thriving cultural sector at increasing risk of displacement.<sup>1</sup>

Artistic professions are highly valued but poorly compensated. Of the 88% respondents who had Bachelor's degrees, 60% reported an annual household income of \$69,000 or below, which qualified as Low Income in Alameda County. 45% were rent-burdened. This disparity also intersects with the racial wealth gap: among respondents who identified as non-White, 72%, reported low household incomes, compared to 55%

<sup>1</sup> <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/1.19.2022%20Civic%20Arts%20Commission%20Agenda%20and%20Attachments.pdf#page=9>

among those who identified as White or Caucasian. At the same time, diverse sources of income could complicate the process of certifying eligibility for deed-restricted affordable housing.

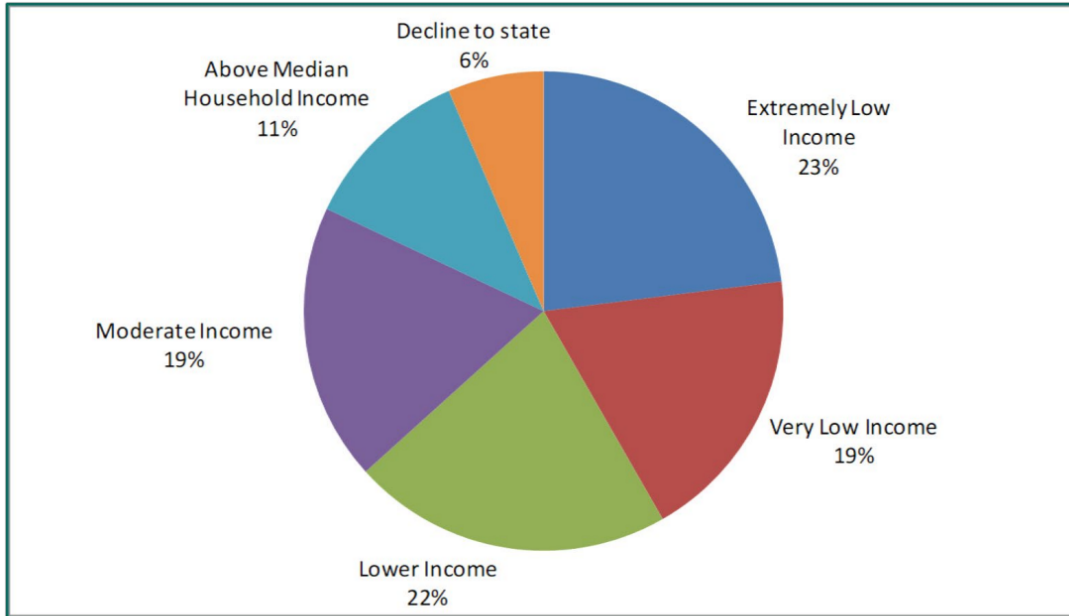


Figure 4a: Income categories for all artist respondents

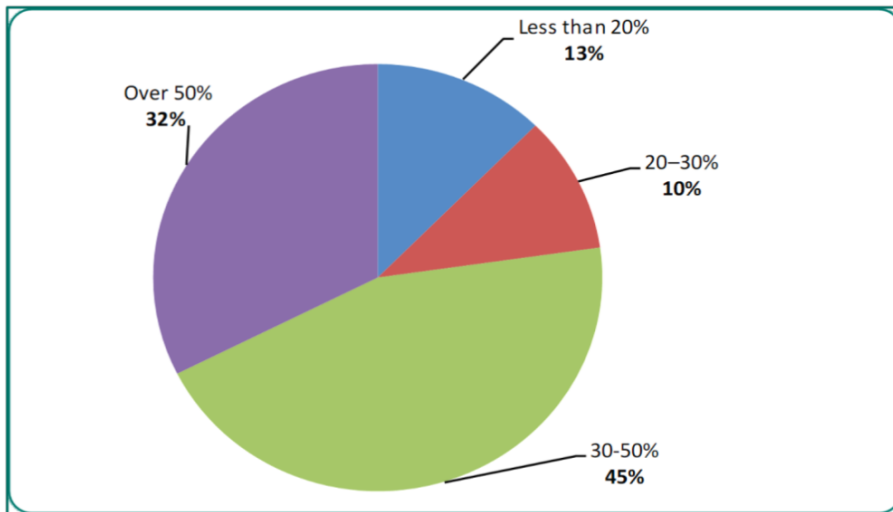


Figure 5: Respondents' percentage of monthly household income spent on rent

While artists reflect the greater housing affordability crisis in the region, most artists surveyed also expressed unique needs for living space that can accommodate their productive endeavors. 82% of respondents reported that they make their art where they live, with 56% of those requiring extra ventilation.

The report recommended that the City of Berkeley “consider creating a priority category for artists who meet income qualification to access affordable housing.” Assembly Bill 812 (2023) offers a framework for such prioritization. Further, the report also recommended “a guaranteed basic income program for qualifying artists.” While not specific to the arts community, the City Council allocated \$50,000 In FY2024 to “engage a consultant to recommend a Universal Income Pilot for Berkeley.”<sup>2</sup>

In 2023, the City Council approved the City of Berkeley’s 2023-2031 Housing Element Update, which included several programs to produce and preserve affordable housing for a broad population:<sup>3</sup>

- Policy H-4 (Economic Diversity): Encourage mixed income housing developments through both regulatory requirements and incentives.
- Policy H-8 (Workforce Housing): Develop Workforce Housing for low- and moderate-income households, including teachers, *artists* [emphasis added], and other residents who work in the City of Berkeley.

In 2023, the City Council also approved an Affordable Housing Preference Policy to individuals who have previously been displaced from Berkeley and desire to return.<sup>4</sup> Any implementation plan for additional prioritization will need to maintain consistency with these priorities to support overall anti-displacement and social justice goals.

Expanding affordable housing availability for artists is a Strategic Plan Priority Project, advancing our goal to champion and demonstrate social and racial equity.

## BACKGROUND

With the passage of Assembly Bill 812 in 2023, California Government Code Section 65914.8 states:

*(a) If a local agency requires, as a condition of approval of the development of residential units, that a certain percentage of the units of the development be affordable housing, the local agency may reserve for artists up to 10 percent of those required affordable housing units if all of the following conditions are satisfied:*

*(1) The units reserved are located within or within one-half mile from a state-designated cultural district certified pursuant to Chapter 9.2 (commencing with Section 8758) of Division 1 of Title 2 or within any similar locally designated cultural district.*

*(2) The local agency adopts an ordinance for this purpose that does all of the following:*

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<sup>2</sup> <https://berkeleyca.gov/sites/default/files/documents/FY-2024-Mid-Biennial-Adopted-Budget-Book.pdf#page=18>

<sup>3</sup> 2023 Housing Element Update: [https://berkeleyca.gov/sites/default/files/documents/Berkeley\\_2023-2031%20Housing%20Element\\_02-17-2023v2\\_0.pdf](https://berkeleyca.gov/sites/default/files/documents/Berkeley_2023-2031%20Housing%20Element_02-17-2023v2_0.pdf)

<sup>4</sup> <https://berkeleyca.gov/sites/default/files/documents/2023-07-11%20Item%2032%20Referral%20Response%20Affordable.pdf>

*(A) It is consistent with the Local Tenant Preferences to Prevent Displacement Act (Chapter 12.76 (commencing with Section 7061) of Division 7 of Title 1).*

*(B) It prohibits an existing tenant from being evicted in favor of an artist.*

*(C) It contains a fair and comprehensive vetting process that includes, but is not limited to, initial and annual income verification consistent with applicable affordable housing laws and artist status verification.*

*(b) If an insufficient number of artists apply for and occupy the units, the unoccupied units may be offered to general members of the public.*

*(c) For purposes of this section, the following definitions apply:*

*(1) "Affordable housing" means units dedicated to moderate-income, lower income, very low income, or extremely low income households, as defined in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code, at an affordable housing cost, as defined by Section 50052.5 of the Health and Safety Code.*

*(2) "Artist" means the creator of any work of visual, graphic, or performing art of any media, including, but not limited to, a painting, print, drawing, sculpture, craft, photograph, film, or performance.*

*(3) "Local agency" means a city, county, or city and county.*

The City of Berkeley currently has two locally-designated cultural districts. However, they are implemented differently:

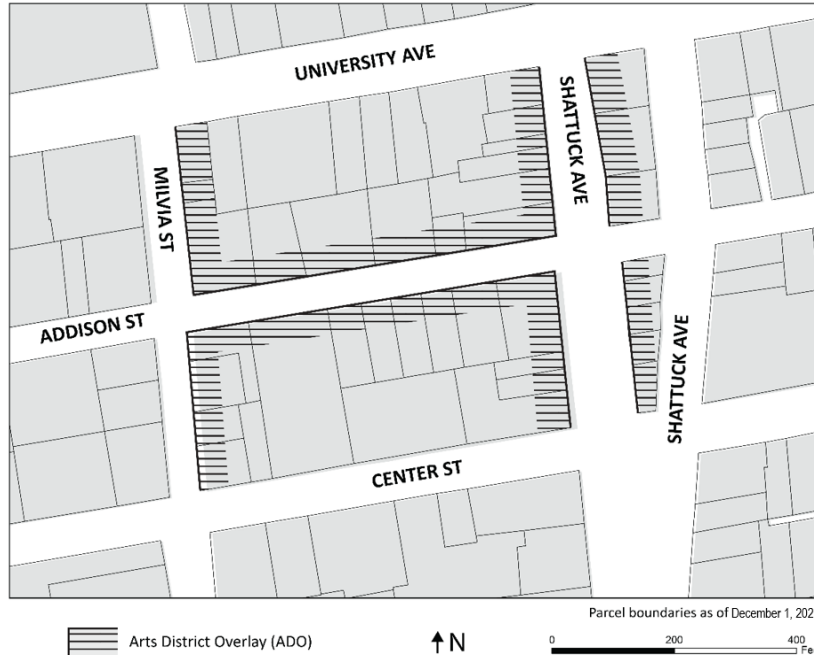
(1) The Black Arts and Culture District was designated by the City Council on February 13, 2024 by Resolution No. 71,212–N.S.<sup>5</sup>

(2) The Arts District Overlay was established in Berkeley Municipal Code 23.204.130.D in 2012 as part of the Downtown Area Plan.<sup>6</sup>

As illustrated below, the Arts District Overlay has specific boundaries outlined in the Downtown Mixed-Use District.

<sup>5</sup> <https://berkeleyca.gov/sites/default/files/documents/2024-02-13%20Item%2014%20Establishing%20a%20Black%20Arts%20Bartlett%20-%20Supp2.pdf>

<sup>6</sup> <https://berkeleyca.gov/sites/default/files/2022-03/Downtown-Area-Plan.pdf>



By contrast, the Black Arts and Cultural District is not designated with its own unique boundaries, but rather by reference to the Adeline Corridor Specific Plan, which allows and “strongly encourage[s]” arts and entertainment uses in ground floor spaces.<sup>7</sup> As the City is currently conducting outreach and community engagement on the development of the San Pablo Avenue Specific Plan, the community may express a similar desire to preserve and promote arts and culture. Therefore, the Commission and staff should consider a standard process for cultural district designation such that the above and future designations can qualify under AB-812 as a “similar locally designated cultural district.”

With the adoption of AB 189 (2015), the state of California launched the California Cultural Districts program as a pilot in 2017 with 14 state-designated cultural districts certified by the California Arts Council (see Attachment 2). Designation criteria is established under California Government Code Section 8758:

*(a) As used in this chapter, “state-designated cultural district” means a geographical area certified pursuant to this chapter with a concentration of cultural facilities, creative enterprises, or arts venues that does any of the following:*

- (1) Attracts artists, creative entrepreneurs, and cultural enterprises.*
- (2) Encourages economic development and supports entrepreneurship in the creative community.*

<sup>7</sup> <https://berkeleyca.gov/sites/default/files/2022-03/Adeline-Corridor-Specific-Plan.pdf>

*(3) Encourages the preservation and reuse of historic buildings and other artistic and culturally significant structures.*

*(4) Fosters local cultural development.*

*(5) Provides a focal point for celebrating and strengthening the unique cultural identity of the community.*

*(6) Promotes opportunity without generating displacement or expanding inequality.*

*(b) The Arts Council shall establish criteria and guidelines for state-designated cultural districts. In executing its powers and duties under this chapter, the council shall do all of the following:*

*(1) Establish a competitive application system by which a community may apply for certification as a state-designated cultural district.*

*(2) Provide technical assistance for state-designated cultural districts from, among others, artists who have experience with cultural districts and provide promotional support for state-designated cultural districts.*

*(3) Collaborate with other public agencies and private entities to maximize the benefits of state-designated cultural districts.*

*(c) A geographical area within the state may be certified as a state-designated cultural district by applying to the council for certification. Certification as a state-designated cultural district shall be for a period of five years, after which the district may renew certification every three years.*

The 2017 pilot only permitted applicants in the form of partnerships which “must include three organizations: a cultural nonprofit or artist collective; a local business or business association; and a branch of local government and/or a community development corporation.” State designation of cultural districts has the added benefit under AB-812 of expanding priority for artists in affordable housing to a half-mile radius outside of cultural district boundaries.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

#### CONTACT PERSON

Councilmember Taplin      Council District 2      510-981-7120

#### Attachments:

1: AB-812 (2023)

2: California Cultural Districts Program Development Final Report (2016)



**Assembly Bill No. 812**

CHAPTER 747

An act to add Section 65914.8 to the Government Code, relating to housing.

[Approved by Governor October 11, 2023. Filed with Secretary of State October 11, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 812, Boerner. Housing development approvals: reserving affordable units in or near a cultural district for artists.

Existing law requires the Arts Council to establish criteria and guidelines for certification of state-designated cultural districts and collaborate with other public agencies and private entities to maximize the benefits of state-designated cultural districts. The Planning and Zoning Law imposes various requirements on cities and counties with regard to their review and approval of certain housing developments.

This bill would authorize a city or county that requires, as a condition of approval, that a certain percentage of units of a residential development be affordable housing, as specified, to reserve for artists up to 10% of those required affordable housing units, except as provided, if certain conditions are met, including that the units reserved are located within or within one-half mile from a state-designated cultural district or within a locally designated cultural district, as specified.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

*The people of the State of California do enact as follows:*

SECTION 1. Section 65914.8 is added to the Government Code, immediately following Section 65914.7, to read:

65914.8. (a) If a local agency requires, as a condition of approval of the development of residential units, that a certain percentage of the units of the development be affordable housing, the local agency may reserve for artists up to 10 percent of those required affordable housing units if all of the following conditions are satisfied:

(1) The units reserved are located within or within one-half mile from a state-designated cultural district certified pursuant to Chapter 9.2 (commencing with Section 8758) of Division 1 of Title 2 or within any similar locally designated cultural district.



(2) The local agency adopts an ordinance for this purpose that does all of the following:

(A) It is consistent with the Local Tenant Preferences to Prevent Displacement Act (Chapter 12.76 (commencing with Section 7061) of Division 7 of Title 1).

(B) It prohibits an existing tenant from being evicted in favor of an artist.

(C) It contains a fair and comprehensive vetting process that includes, but is not limited to, initial and annual income verification consistent with applicable affordable housing laws and artist status verification.

(b) If an insufficient number of artists apply for and occupy the units, the unoccupied units may be offered to general members of the public.

(c) For purposes of this section, the following definitions apply:

(1) “Affordable housing” means units dedicated to moderate-income, lower income, very low income, or extremely low income households, as defined in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code, at an affordable housing cost, as defined by Section 50052.5 of the Health and Safety Code.

(2) “Artist” means the creator of any work of visual, graphic, or performing art of any media, including, but not limited to, a painting, print, drawing, sculpture, craft, photograph, film, or performance.

(3) “Local agency” means a city, county, or city and county.

SEC. 2. The Legislature finds and declares that Section 1 of this act adding Section 65914.8 to the Government Code addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act applies to all cities, including charter cities.

California

Cultural

Districts

## **FINAL REPORT: CULTURAL DISTRICTS PROGRAM DEVELOPMENT**

*To encourage the development of a broad array of authentic and sustainable cultural districts that reflect the breadth and diversity of California's extensive cultural assets.*

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**Prepared for the California Arts Council**

FALL 2016

Jessica Cusick

Maria Rosario Jackson

## I. PROPOSED PROGRAM PURPOSE, GOALS AND STRUCTURE

The California Arts Council's (CAC) cultural districts program will assist Californians in leveraging the state's considerable assets in the areas of culture, creativity, and diversity, as initially set out in the enabling legislation, [AB 189](#). A cultural district is generally understood as a well-defined geographic area with a high concentration of cultural resources and activities<sup>1</sup>.

The California cultural districts program will have the following goals:

- To encourage the development of a broad array of authentic and sustainable cultural districts that reflect the breadth and diversity of California's extensive cultural assets
- To identify, support, and connect centers of arts and cultural activity throughout the state through the certification process
- To provide increased access to the arts and culture through the development and preservation of cultural centers throughout the state
- To foster increased opportunities for artists, craftsmen, and other small businesses contributing to the creative economy
- To encourage the retention of homegrown assets and actively work to mitigate displacement
- To support enhancements to the built environment and resident's pride and stewardship of place by helping to foster remarkable places
- To contribute to increased public awareness of, and visits to, California's centers of cultural activity

California's cultural districts initiative offers an opportunity to create a program that is tailored to the nature and circumstances of a large, populous, and diverse state. It is recommended that the program be built around three major components: 1) certification, 2) funding, and 3) a resource center, which will be put in place over time. In addition, because of the tremendous interest in cultural districts, and the complexity of tailoring a program to adequately support the full range of types of cultural centers throughout the state, the consultants propose that the program be initiated via a two-year long pilot, where a select cohort of designated districts actively engage in refining the final design of the program. Applications for the pilot cohort will be solicited in early 2017 with the goal of selecting a small group of 10 to 15 districts that represent the many possible manifestations of cultural centers present in California. At a minimum the cohort should include districts from urban, suburban and rural locations, as well as districts with an emphasis on cultural consumption, cultural production and cultural heritage. Further it should include districts that are at varied points in the life-cycle, from emerging to established.

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<sup>1</sup> See glossary, appendix 1.

## II. RESEARCH AND PUBLIC INPUT METHODS

This report, and the associated recommendations for a state cultural districts program, are based on findings from research conducted by the consulting team, along with the information gathered through a comprehensive public input process that the team conducted in coordination with the CAC staff.

### *Research*

The consulting team engaged in a research process over several months which consisted of literature review, document review and interviews. The team compiled information on cultural districts nationally, including program materials and evaluations from several state programs, and conducted interviews with 25 selected local and national experts and thought leaders in a number of fields. Respondents include arts administrators, artists, community developers, and government officials, among others<sup>2</sup>.

### *Public Input*

Broad participation in public meetings, along with a robust survey response, provide a clear sense of hopes and concerns regarding state cultivation of cultural districts. Specifically, five public meetings, with over 400 participants, were held in Escondido, Fresno, Los Angeles, Oakland and Redding. Preliminary findings from the initial research phase were included in the materials presented at these meetings, and were also used to shape an on-line questionnaire completed by 326 respondents<sup>3</sup>. Participants at the public meetings had the option of submitting comment cards regarding their hopes and concerns for the cultural districts program, as well as providing formal testimony. The consultants also gathered feedback during two panel sessions at conferences for the art and design communities in Sacramento and San Jose. Finally, interested parties were given the option of organizing an in-person feedback session in their community, with a set of standard questions, although no information was received from these sessions.

The geographic distribution of the meetings along with the geographic distribution of survey respondents resulted in perspectives from people in diverse regions throughout the state. Most meeting participants and survey respondents were from the arts and cultural sector; primarily artists and arts administrators, along with a number of business owners and government officials. There was limited participation from developers and elected officials.

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<sup>2</sup> See appendix 2 and 3 for a list of interviews and sample interview protocol

<sup>3</sup> See appendix 4 for a summary analysis of the survey responses



### III. OVERVIEW OF FINDINGS FROM NATIONAL REVIEW

As of this year, thirteen states have established statewide cultural district programs, while two others, Arkansas and California, have enacted cultural district policies but have yet to launch programs. In addition, several states are considering cultural district legislation. Rhode Island has the oldest program, established in 1998, and the newest, in South Carolina, was just launched in 2014. These programs have certified over 250 districts collectively, although the number of districts per state varies tremendously. In addition to state certification programs, cities throughout the country have mechanisms in place to designate cultural districts at the local level.

The National Assembly of State Arts Agencies (NASAA) has developed two comprehensive reports<sup>4</sup> on state mandated cultural district programs, which provide valuable insights into the approaches taken by various states. The following summary of programs by state was developed by NASAA:

| State | Number of Districts (Year Program Began) | Certification Cycle                                                         | Recertification Process                            | Decertification            | Evaluation/Metrics Method                                                                    |
|-------|------------------------------------------|-----------------------------------------------------------------------------|----------------------------------------------------|----------------------------|----------------------------------------------------------------------------------------------|
| CO    | 18 (2010)                                | Biennial (pending)                                                          | Yes (every 5 years)                                | n/a                        | Annual report                                                                                |
| IA    | 35 (2005)                                | Ongoing                                                                     | Yes (every 10 years)                               | No                         | Periodic evaluation by the department of revenue                                             |
| IN    | 6 (2008)                                 | No policy; in practice about every other year                               | n/a                                                | Yes, but no formal process | Annual report                                                                                |
| KY    | 6 (2011)                                 | Annual                                                                      | Yes (each year district files public value report) | Yes                        | Annual report, site visits                                                                   |
| LA    | 78 (2008)                                | Annual                                                                      | n/a                                                | Yes                        | Annual report                                                                                |
| MA    | 32 (2010)                                | Rolling applications                                                        | Yes (every 5 years)                                | No formal process          | Annual report, site visits                                                                   |
| MD    | 24 (2001)                                | Biannual                                                                    | Yes (every 10 years)                               | n/a                        | Annual report                                                                                |
| NM    | 8 (2008)                                 | Biennial (districts in cities w/ population over 50,000 can self-designate) | Yes (every 5 years)                                | Yes                        | Annual report, site visits                                                                   |
| OK    | 7 (2013)                                 | Triennial                                                                   | Yes (every 3 years)                                | n/a                        | Annual report, site visits                                                                   |
| RI    | 9 (1999)                                 | Ongoing                                                                     | n/a                                                | No formal process          | State tax office collects data on tax incentives; state arts agency has conducted one survey |
| SC    | 6 (2014)                                 | Ongoing                                                                     | Yes (every 5 years)                                | No                         | Annual report                                                                                |
| TX    | 28 (2009)                                | Annual                                                                      | Yes (every 10 years)                               | n/a                        | n/a                                                                                          |
| WV    | 8 (2005)                                 | Ongoing                                                                     | Can be evaluated every 3 years                     | Yes                        | State arts agency evaluation any time after first 3 years                                    |

<sup>4</sup> [NASAA policy brief](#) and [NASAA strategy sampler](#)

The consultants sought to answer the following questions through the national review.

1. *What are the main benefits of cultural district designation?*

While the benefits of becoming a certified cultural district vary by state, most of the programs offer access to selected state resources, from grants to tax credits and other financial incentives, as well as partnerships with various state agencies which take many forms, from expedited permit review to special marketing initiatives. In addition, most of the programs offer technical assistance, including peer to peer learning opportunities such as convening.

2. *What factors contributed to the success of cultural districts in programs throughout the country?*

Some of the contributing factors to a successful cultural district include a pre-existing density of cultural resources in an area with a cohesive identity, which as the legislation notes can take many forms, and range from facilities to programs, and from historic and cultural resources, to creative individuals. One of the best ways to document the density of cultural resources in an area is to undertake a comprehensive approach to the development of a cultural asset inventory<sup>5</sup>; one that goes beyond just cultural organizations and facilities, and is inclusive of the many diverse contributing elements that make for a vibrant cultural center.

Other success factors include clearly articulated goals, such as the retention of artists or an increase in annual visitors; dedicated staff (full or part-time), along with multi-sector leadership, where non-profit organizations have come together with businesses and government to foster and manage the district; partnerships that go beyond the leadership of the district and involve the broader community; and finally, the ability to track and capture data that correlates to the district's goals.

3. *What have been some of the outcomes of a cultural districts initiative?*

Successful cultural districts offer many beneficial outcomes to the geographic area in which they are located and the surrounding community. Nationally, the beneficial outcome that has gotten the most attention is that cultural districts tend to become destinations for both locals and visitors, and as such contribute to economic influx and revitalization. Cultural districts are also being viewed as a tool to assist with the retention of homegrown assets and uses, including artists and arts organizations, as well other culturally and ethnically diverse facilities and uses, and small businesses.

4. *What are some of the challenges that are being experienced in cultivating cultural districts?*

In a review of the evaluations conducted by four of the existing state programs, as well as in interviews conducted with thought leaders, some key challenges to implementing successful

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<sup>5</sup> See glossary, appendix 1

cultural districts programs emerged. The most often cited, at both the state and district level, is the lack of dedicated leadership and staffing. Another related challenge is the lack of clearly documented objectives and corresponding data. At the district level people cited displacement or the loss of existing assets, with the accompanying loss of authenticity, as one of the primary challenges to anticipate and prevent.

#### **IV. IMPLICATIONS FOR CALIFORNIA'S PROGRAM FROM BOTH THE RESEARCH AND PUBLIC INPUT**

1. *Program priorities vary by geographic area and include access to a broad range of resources, both informational and financial.*

The most desired benefits of certification include recognition, funding, and tools to help preserve existing cultural resources, with a focus on equitable development and ways to mitigate displacement especially in communities that feel vulnerable given rapid development, escalating real estate prices, and other contextual circumstances. Combined these represent the top three categories identified in both the survey and the comment cards. Another priority that emerged is assistance in developing better partnerships with local government, as well as a better understanding of the value and importance of artists and cultural resources.

2. *Community impacts as a result of cultural districts elicit enthusiasm as well as concerns regarding access, competition, and additional pressure on fragile cultural centers*

Benefits associated with cultural districts range from an increased pride of place, to enhanced marketing opportunities for arts and cultural organizations as well as local businesses. Expanded cultural tourism is also frequently cited, in particular by rural and smaller communities.

Survey respondents were evenly split between those with no concerns, and those with concerns, while most participants at the public meetings did submit areas of concern. The most often cited concern is a top down planning approach and the associated lack of equitable distribution of resources. This was also stated as a desire for an inclusive and transparent process; one that does not pit cultural districts in the same town against each other, or arts against heritage, or small rural areas against more developed communities. In the survey 32% of respondents articulated some aspect of this issue.

Of equal importance is the concern that cultural district certification will exert increased pressure on cultural centers, leading to even more rapid gentrification and corresponding displacement. This mirrors the fact that one of the most urgent needs or benefits is access to comprehensive information on land-use controls<sup>6</sup> and other ways of preserving existing 'organic' cultural

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<sup>6</sup> See glossary, appendix 1

districts. Another key issue across the board is how to ensure that artists and other creatives, who traditionally are the engines of cultural district creation, benefit from the increased attention and resources flowing to certified districts.

3. *Strong and complex demand for the program calls for a two-year pilot approach including an opportunity for program co-design with intended beneficiaries.*

The anticipation initially expressed after the legislation's adoption in late 2015, when the CAC received inquiries from over 400 individuals and organizations, has been confirmed by extensive participation in this initial planning process by people throughout the state. There is tremendous interest on the part of artists, cultural organizations, and local government in the prospect of certification as a state cultural district. The CAC can most likely anticipate a correspondingly large volume of applications, depending on the requirements articulated for certification, and that the initial application process and first group of certified districts will be subject to considerable attention and scrutiny. A pilot program, one that engages a select group of district participants in a well-documented refinement of the certification process and associated requirements, will help to ensure the success of the program over the long-term. By engaging artists, arts organizations, community developers, the business community, and local government representatives in a transparent, community engaged design<sup>7</sup> process, the CAC and the state can benefit from the collective insight of a wide cross-section of disciplines and approaches.

## V. RECOMMENDED INITIAL CAC APPROACH TO IMPLEMENTATION

The following are key recommended elements for CAC's approach to the cultural districts program.

1. *An accessible certification process, refined through a two-year pilot, will be the core of this important new state initiative.*

The cultural district certification process, managed by the CAC, will be the core of California's new cultural district initiative. It will start with a two-year pilot in which a small (10 to 15) representative cohort will actively participate in shaping the final certification process and related benefits and services. This initial group will be selected through an open application process, and will play a critical role in ensuring, through their feedback and experience, that the full program, once launched, is accessible and supportive. And that it works for various types of cultural centers, in a wide variety of urban, suburban and rural settings.

The district typology that is recommended includes the general categories in the table below. It is important to note that in regard to the cultural focus, it is likely that many districts will include

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<sup>7</sup> See glossary, appendix 1



aspects of each, but will none the less have a higher concentration of one of the three. Districts will be asked to identify according to this broad typology. So, for example, a district might be rural, focused on cultural consumption and established, etc.

| CONTEXT  | FOCUS                | LIFE-CYCLE  |
|----------|----------------------|-------------|
| urban    | cultural production  | emerging    |
| suburban | cultural consumption | mid-point   |
| rural    | cultural heritage    | established |

The pilot cohort will help shape the final cultural district certification process and as such it is vitally important that they collectively represent all of the possibilities listed above and also include districts with a range of partnership approaches and goals.

Ideally, in order to structure and document the feedback of the pilot cohort to shape the final certification process, it is recommended that the CAC allocate resources to hire a developmental evaluation<sup>8</sup> team that can work with the CAC and the initial cohort throughout the two-year pilot.

It is recommended that this pilot cohort of certified cultural districts receive an array of benefits as part of the process that could include the following.

- Official state certification – each district will enter into a memorandum of understanding (MOU) with the CAC certifying state designation as a cultural district for a period of five years and granting the district the right to use the state cultural district brand in its marketing
- Branding materials – including the state cultural district logo, as well signage and banner templates
- Technical assistance - including at a minimum an annual convening session, as well as peer to peer and other group learning opportunities given available resources
- Joint marketing support – leveraging resources from state tourism partners
- A stipend – recommended at \$5,000 per district per year, to be used to support participation in the developmental evaluation process that will lead to the refinement of the design of the cultural districts program
- Participation in developmental evaluation – the pilot cohort will receive support from the consulting team conducting the developmental evaluation of the cultural districts program, including at a minimum one site visit per year

2. *Development of a funding stream will be critical to the long-term success of the cultural districts initiative, and ultimately to the state’s ability to effectively leverage California’s extensive diverse cultural resources.*

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<sup>8</sup> See glossary, appendix 1

Many of the cultural districts programs throughout the country provide grants to support the work of the districts, in addition to access to other resources, such as tax incentives, regulatory assistance, and other forms of support. Each state is providing the support through different methods and sources. Massachusetts and Colorado have particularly large grant programs, in Colorado's case funded through a partnership with a private foundation. In some cases, such as in Texas, certification makes the entity eligible to apply for grants. Maryland and Louisiana focused primarily on tax incentives. Although there are many benefits that the CAC can confer working within existing resources and by partnering with other state agencies, over time one or more funding stream will need to be identified and cultivated for the cultural districts initiative to reach its full potential.

3. *Development of a comprehensive resource center is key to California's ability to foster a wide range of authentic sustainable cultural districts.*

For the cultural districts initiative to be able to properly serve a state as complex as California, with its breadth and diversity, and its corresponding varied needs, the CAC will need to foster a clear understanding of the many different approaches to cultivating and managing diverse types of cultural districts. This can be achieved through the development of a comprehensive resource center, complete with a resident expert staff person, to complement the certification program. This on-line repository of knowledge will be marketed and made available to all interested parties, from diverse policy sectors.

Development of this resource is particularly critical since each cultural district will need to assemble a different group of tools and solutions to achieve its goals, from artist retention to heritage preservation or cultural development. Many of the mechanisms for impacting land use, as well as the development incentives available to foster or preserve concentrations of cultural resources, need to be initiated at the local level. By making available select models and best-practices, along with a compilation of existing land use tools, financial and regulatory incentives, and other information on the development and management of cultural districts, the CAC will be able to support a thoughtful and varied approach to cultural districts throughout the state, one that encourages an organic, locally focused, approach to cultivating and preserving cultural assets. The on-line resources will be complemented by a program, or programs, to facilitate peer to peer learning, such as convening and regional networks.

The documents listed in the bibliography, along with the resources referenced in the glossary can provide an excellent starting point for the resource center. In addition, several states that have cultural district programs have extensive on-line resources. It is recommended that the CAC explore partnering with a university or other educational institution, to develop the full content of the on-line resource center.

The pilot cohort will also play a role by providing a constructive critique of initial resources and by sharing additional models and tools that work in their community. The resource center will

also play a critical role in supporting places and organizations that are interested in becoming certified, but are just beginning to coalesce.

4. *Additional considerations for the CAC as it embarks on implementing the new legislation, in partnership with other state departments, the cultural community and the private sector.*
  - a. To ensure that this new program reaches its full potential, it is recommended the CAC dedicate staff to the initiative that can develop the agency's knowledge and expertise in this complex, multi-disciplinary area and take an entrepreneurial approach to partnership development. As the program grows, the associated time requirements could quickly translate to a full-time staff person or equivalent. In addition, the agency will need to identify resources to work with the initial cohort on the two-year pilot.
  - b. The critical role partnerships play in effective cross-sectoral work emerged as primary theme in the research, at all levels, local, regional and state; and as such, partnership development will be a critical component of this initiative. The CAC has played an important leadership role over the last few years in developing new programmatic partnerships that foster greater engagement and understanding of the value of the arts within government as well as the private sector. The Arts in Corrections partnership with the California Department of Corrections & Rehabilitation (CDCR) is an excellent example of this approach. Staff has begun to cultivate partnerships for the cultural districts initiative, forging official strategic partnerships with Visit California and the California Department of Transportation (Caltrans) which will provide increased visibility and marketing support for the pilot cohort, and improved understanding and access to Caltrans resources for cultural district events and for local identifiers such as public art or signage, respectively. Given the overlap between the missions of the following agencies and cultural districts, the Office of Historic Preservation, the Office for Business and Economic Development, and the Department of Housing and Community Development all offer substantial opportunities for partnership in implementing the cultural districts initiative.
  - c. One of the potential sources of a funding stream for the cultural districts initiative is a partnership with a foundation, or a coalition of foundations, interested in developing stronger, more livable communities. For the last several years, particularly at the national level, there has been a revival of interest in cross-sectoral, comprehensive, place-based strategies to revive disinvested neighborhoods and communities. Alongside this revival of interest has been a heightened interest in the roles of art, culture and heritage as a driving element of community revitalization. This is evident in funding programs focused on creative placemaking<sup>9</sup> and, relatedly, a growing interest in community engaged design. Understanding the possible intersections between cultural districts and these funding and community development impulses is crucial.

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<sup>9</sup> See glossary, appendix 1

- d. Economic incentives for the development of cultural resources, along with regulatory or land-use tools that can be used to preserve existing cultural centers are two of the most eagerly anticipated benefits of this initiative. While many of these will need to be cultivated and implemented at the local level, the CAC could potentially encourage their adoption by making them a requirement of state certification and encouraging the involvement of community development and urban planning fields in the cultural district development work. Tools that may prove to be beneficial to cultural district development may include business improvement districts<sup>10</sup>, land trusts, community benefit agreements, rent stabilization tactics, small business development programs, and a host of other tactics and tools frequently used by community developers and urban planners. There is also an opportunity to collaborate with planners and community developers to create and experiment with new tools that do not readily exist. This includes the possibility of a cultural impact assessment potentially aligned or embedded with widely practiced environmental impact assessment processes -- possibly as a component of the requirements under the California Environmental Quality Act (CEQA), for example.

## VI. PROPOSED REQUIREMENTS FOR THE INITIAL APPLICANTS

Applications for the pilot cohort will be solicited in early 2017 with the goal of selecting a small group of districts that represent the many possible manifestations of cultural districts present in California. At a minimum the cohort should include districts from urban and rural locations, as well as districts with an emphasis on cultural consumption, cultural production and cultural heritage. A framework for that selection process is attached in appendix 4, with key requirements highlighted below.

Only partnerships will be eligible to apply, ones that include, at a minimum, a cultural non-profit or artist collective, a local business or business association, and a branch of local government and/or a community development corporation. The majority of organizations in the partnership must be located in the district. In addition, to be eligible to apply, the cultural district must have at a minimum completed a preliminary cultural asset survey or inventory, as outlined in appendix 7.

Ensuring that all parties have a good understanding of the full array of cultural assets present in the district will be critical to its long-term success. A comprehensive approach to cultural assets helps to ensure authenticity and the preservation of homegrown assets, both of which were indicators of a successful district based on the research. These were also areas of particular concern for the public based on the comments and survey.

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<sup>10</sup> See glossary, appendix 1

The application and review process will have three steps, including an open call for initial letters of interest, site visits for semi-finalists, and an invited finalist application. A multi-disciplinary and multi-sector selection panel, along with representatives from other state agencies that are partnering on the initiative, will review each phase and select the pilot cohort.

## VII. RECOMMENDED TIMELINE AND BUDGET FOR THE PILOT

The application and selection process for the pilot cohort could be implemented over approximately six months if adequate staff and financial resources are available. Proposed key milestones include the following:

- **January 2017**
  - Issue notice of opportunity for the pilot cohort and request letters of interest (open for 8 weeks)
  - Issue an RFP for developmental evaluation consultant(s) to support the pilot process
- **February 2017**
  - Conduct application/LOI webinar
  - Develop lists of potential panelists
- **March 2017**
  - Letters of interest due to the CAC
  - Appoint panel
  - Select developmental evaluation team
  - Publish guidelines for the final application
  - Identify site visitors and finalize site visit protocol
- **April/May 2017**
  - Panel selects semi-finalists (late April)
  - Conduct site visits for semi-finalists
- **May 2017**
  - Notify finalists, finalist application period opens
- **June/July 2017**
  - Final applications due (allow a minimum of 30 days from notification)
  - Panel selects pilot cohort

In order to execute the pilot program as recommended, including stipends for the cohort, two annual convening sessions, and the extensive participation of a developmental assessment team, the CAC will need to identify between \$150,000 and \$175,000 per year for the two year period, in addition to dedicating a substantial amount of staff time.

## VIII. CONCLUSION

With the adoption of AB 189, the state legislature put in place an important new tool for the development, support, and preservation of California’s extensive and diverse cultural assets. Implementing the program will require a carefully tailored approach, one that harnesses the creative energy of the many individuals and organizations working in the field, and considers the unique circumstances of California.

As stated earlier in this report, the recommendations for the program’s structure and the selection of the initial group of designated districts are based on research, best practices, and public input regarding the divergent needs of individuals, organizations, and communities throughout the state. Working with a select group of intended beneficiaries to refine these recommendations as they are put into practice offers an exciting opportunity to innovate and craft a program that is truly responsive to, and reflective of, the breadth and complexity of the state. In implementing these recommendations, the CAC has the potential to build a new set of resources and partnerships that will complement the work it and other state agencies are doing to support thriving communities throughout the state.

**LIST OF APPENDICES:**

1. Glossary of terms
2. Selection framework for the pilot cohort
3. Template for preliminary cultural asset inventory
4. List of interviews
5. Interview protocol
6. Summary analysis of survey responses
7. Strategic Partnership Details (Visit California and Caltrans)
8. Bibliography

# CALIFORNIA CULTURAL DISTRICTS

## APPENDIX 1

### GLOSSARY

**Business improvement district (BID)** - A defined area within which businesses pay an additional tax or fee in order to fund improvements within the district's boundaries. An example of a business improvement district with a cultural and historic focus is the new Central Avenue Historic District BID in Los Angeles <http://www.centralavenuehistoricdistrict.org/>

**Community engaged design**, as defined by the Surdna Foundation, one of the leading funders of the approach, is when *community members contribute to decisions, policies and projects that impact their lives. We believe that artists, architects, and designers can play an important role in translating community values into design solutions that will benefit the communities where they live and work.* Although most often used in reference to the design of physical resources, it also applies to policies and programs.

For additional information on community engaged design please see this site funded by the Surdna Foundation <http://communityengageddesign.org/about-us/>

**Creative placemaking**, as defined by the National Endowment for the Arts is *when artists, arts organizations, and community development practitioners deliberately integrate arts and culture into community revitalization work - placing arts at the table with land-use, transportation, economic development, education, housing, infrastructure, and public safety strategies.*

For additional information on creative placemaking please see ArtPlace America <http://www.artplaceamerica.org> and the Our Town Program at the National Endowment for the Arts <https://www.arts.gov/grants-organizations/our-town/introduction>.

**Cultural asset inventory** is a compilation of the people, places, organizations, and events that contribute to the history and culture of a neighborhood or district. It can take many forms including a list, a database or a map. Communities throughout the country, and throughout the world, are finding it to be a valuable tool in understanding the unique qualities that they value in a place. In California, the Alliance for Traditional Culture (ACTA) recently completed a 'cultural treasures' inventory for four communities.

For additional information on cultural asset inventories or mapping please see ACTA, <http://www.actaonline.org/content/building-healthy-communities-cultural-treasures> or the



examples available on the National Endowment for the Arts website at <https://www.arts.gov/exploring-our-town/showcase/type/Asset-Mapping> or the comprehensive Australian site <http://camra.culturemap.org.au/>. Two useful handbooks on cultural asset mapping are available at the following links: one from Ontario Municipal Cultural Planning [http://www.ontariomcp.ca/toolkits/CulturalResourceMapping\\_digital.pdf](http://www.ontariomcp.ca/toolkits/CulturalResourceMapping_digital.pdf) and from the Creative City Network of Canada <https://www.creativecity.ca/publications/ccnc-toolkits.php>

**Cultural district** is generally understood as a well-defined geographic area with a high concentration of cultural resources and activities. In AB 189, the legislation that establishes cultural districts in California, the following inclusive language is used to describe districts and the purposes they serve: “*state-designated cultural district*” means a geographical area certified pursuant to this chapter with a concentration of cultural facilities, creative enterprises, or arts venues that does any of the following:

- (1) *Attracts artists, creative entrepreneurs, and cultural enterprises.*
- (2) *Encourages economic development and supports entrepreneurship in the creative community.*
- (3) *Encourages the preservation and reuse of historic buildings and other artistic and culturally significant structures.*
- (4) *Fosters local cultural development.*
- (5) *Provides a focal point for celebrating and strengthening the unique cultural identity of the community.*
- (6) *Promotes opportunity without generating displacement or expanding inequality.*

General information on cultural districts is available from Americans for the Arts at <http://www.americansforthearts.org/by-program/reports-and-data/toolkits/national-cultural-districts-exchange-toolkit>

Examples of cultural districts are available on the National Endowment for the Arts website at <https://www.arts.gov/exploring-our-town/showcase/type/Cultural-District-Planning>

**Developmental evaluation** is an emerging approach to evaluating complex processes that was pioneered by Michael Quinn Patton, and is considered to be particularly applicable to situations where a funder is developing and testing its strategies while it proceeds with a project or program. It is intended to combine the rigor of evaluation with the flexibility required for a project still in development.

Two publications on developmental evaluation are available from the JW McConnell Family Foundation here:

<http://www.mcconnellfoundation.ca/assets/Media%20Library/Publications/A%20Developmental%20Evaluation%20Primer%20-%20EN.pdf>  
<http://mcconnellfoundation.ca/assets/Media%20Library/Publications/DE%20201%20EN.pdf>

**Land-use tools** are multiple and varied, with the most common being land-use restrictions generally accomplished through zoning. Various articles on land-use written for non-planners are available here at Planners Web <http://plannersweb.com/topics/basic-tools/zoning-land-use-regulations/>. A primer on land-use in California is available through the Office of Planning and Research <https://www.opr.ca.gov/docs/StrategiesforSustainableCommunities.pdf>

**Technical assistance** (TA) is the process of providing the expertise needed to an individual or organization in order to assist with a specific issue or to promote greater capacity within the organization. Some of the most common ways of providing technical assistance include one-on-one consultation, peer to peer learning, or through an on-line information resource. A resource for technical assistance in California is the Center for Non-Profit Management <https://cnmsocal.org/>

**Types of cultural districts** - this report proposes a basic typology for cultural districts in California, including geographic context (urban, suburban, & rural), focus (consumption, production, heritage) as well as where the district is in a life-cycle (emerging, mid-point & established).

- **Cultural consumption** district means a district that emphasizes experiencing art, with a concentration of venues and facilities where the public can go and have a range of art experiences. An example might be a theater district.
- **Cultural production** district means a district that emphasizes the creation of art, craft, and other creative products, with a concentration of artist studios, creative workplaces, and other assets focused on production. An example might be an artist studio district.
- **Cultural heritage district** means a district that focuses on a particular culture, tradition or history. An example might be a Chinatown district or a downtown historic district.
- **Emerging** means a district that is just forming or has been in existence, as a partnership or management structure with staff and programming, for less than five years.
- **Established** means a district that has been in existence with a management structure, staff, and programming for more than ten years.
- **Mid-point** means a district, with a management structure, staff, and programming, that has been in existence for between five to ten years

# CALIFORNIA CULTURAL DISTRICTS

California

Cultural

Districts

## APPENDIX 2

### RECOMMENDED SELECTION FRAMEWORK FOR THE PILOT COHORT

The California Arts Council's (CAC) Cultural Districts program will assist Californians in leveraging the state's considerable assets in the areas of culture, creativity, and diversity, as initially set out in the enabling legislation, [AB 189](#). A cultural district is generally understood as a well-defined geographic area with a high concentration of cultural resources and activities.

California's cultural districts initiative offers an opportunity to create a program that is tailored to the nature and circumstances of a large, populous, and diverse state. It is recommended that the program be built around three major components: 1) certification, 2) funding, and 3) a resource center, which will be put in place over time. In addition, because of the tremendous interest in cultural districts, and the complexity of tailoring a program to adequately support the full range of types of cultural centers throughout the state, the consultants propose that the program be initiated via a two-year long pilot, where a select cohort of designated districts actively engage in refining the final design of the program.

An initial cohort of ten to fifteen districts will be selected through an open application process. Applications will be solicited in early 2017 with the goal of identifying a small well rounded group of communities that are diverse in make-up, geography and purpose, and that represent the many possible manifestations of cultural districts present in California.

The typology of districts envisioned is discussed in the overall report, and is based on a flexible matrix that includes the following.

| CONTEXT  | FOCUS                | LIFE-CYCLE  |
|----------|----------------------|-------------|
| urban    | cultural production  | emerging    |
| suburban | cultural consumption | mid-point   |
| rural    | cultural heritage    | established |

So, for example, a district might be rural, focused on cultural consumption and established, etc. At a minimum the cohort should include representatives of each of these types.

## A. RECOMMENDED ELEMENTS OF THE APPLICATION AND SELECTION PROCESS

The selection of the initial pilot cohort will take place through a three phase process, starting with an open call to all interested communities to submit a letter of interest (LOI). A panel will review the initial submittals and select a group of semi-finalists who will receive site visits. Findings from the site visits will be reviewed and a group of finalists will be invited to submit a full application.

At each stage of the process, applicants will be grouped by type, and each group will be reviewed separately to help ensure adequate representation of all types of cultural districts in the pilot cohort and to help ensure a fair and equitable review of all applications. The following are recommendations for the selection process and review criteria that will need to be operationalized by CAC staff in keeping with existing applicable CAC processes, criteria, and conventions.

The application materials and process are envisioned as the first step in technical assistance and will be developed accordingly, with the goal of cultivating widespread understanding of the potential benefits of cultural districts, and the tools associated with the designation, at the local and the state level. For example, the guidelines for the LOI could provide examples of the types of resources each partner might bring to the table in the final application, which would help applicants in both planning and negotiating a final partnership.

## B. MINIMUM ELIGIBILITY

The following are recommended as the minimum requirements that would need to be met for groups to be eligible to apply for cultural district certification during this pilot round.

- Only partnerships will be eligible to apply
  - At a minimum the partnership must include a cultural non-profit or artist collective, a local business or business association, and a branch of local government
  - The partnership needs to be formalized, including formal acknowledgement by the local government partner through a letter or resolution by the time of final application.
  - Local community development corporations (CDCs) can serve as a partner in lieu of government, which could be particularly important in low-income neighborhoods and traditional ethnic heritage communities
- The majority of organizations in the partnership must have offices or facilities or conduct a majority of the organization's programming within the area seeking designation as a district.
- There will be two tracks within the certification process, urban and rural, with different eligibility requirements in regards to geographic boundaries.
  - Urban cultural districts are generally expected to be a contiguous geographic area that is walkable.

- Rural districts do not need to be walkable or even contiguous, but will need to make the case for how the participating areas/entities are complementary and synergistic
- Completion of a preliminary cultural asset inventory by the time of the final application. A template will be provided for applicants who have not yet undertaken this process.
  - Ensuring that all parties have a good understanding of the full array of cultural assets present in the district will be critical to its long-term success. A comprehensive approach to cultural assets helps to ensure authenticity and the preservation of homegrown assets, both of which were indicators of a successful district based on the research, including extensive public input.

### C. ACCESS

The staff at the CAC will work to include in the process as broad a cross-section of places and groups as possible, including those that may not initially appear to have the administrative capacity or the structure to apply, in an effort to ensure that the pilot cohort is ultimately as representative of the state as possible. Staff will work with partner organizations throughout the state to notify groups of this opportunity and will provide application support to all interested parties via email and phone and via an online webinar. It is envisioned that designated staff at the CAC will be available by phone to discuss the application process, to clarify requirements and to direct potential applicants to resources on cultural districts. In addition the CAC will encourage nascent cultural districts to utilize available resources materials and to apply for professional development grants that could support the development of the district for future open applications.

### D. APPLICATION

As previously stated, the application process will unfold in three phases, with each phase designed to solicit the information necessary to identify an inclusive and diverse pilot cohort.

#### 1. Letter of Interest (LOI)

The letter of interest phase will be open to all communities interested in receiving state certification in the first round of the program, and in participating in the pilot cohort by helping the CAC finalize the cultural districts initiative. Applicants will be asked to provide the following information for consideration. In addition, applicants will need to provide three letters of support from individual community members or artists located in the proposed district beyond the participating partners. Applicants will also be required to submit a completed eligibility checklist.

- Who are the partners applying for cultural district designation?

- Briefly describe each of the participating entities and the role each plays in the proposed district
- Where is this place?
  - Provide the location and context – including basic demographic and socio-economic statistics (SES), as well as a map indicating the boundaries of the proposed district
- Where is the district in its lifecycle? Is it established, emerging, or some other point? If other, please describe.
- What is the primary focus or emphasis of the district: cultural production, cultural consumption or cultural heritage?
  - What makes the district distinct and sets it apart?
  - What facilities, activities, events, and history shape the district?
- How is this place used by the community currently?
- How will existing residents and uses benefit from the establishment of a district?
- Do the boundaries of the district overlap with other districts or designations?
  - Such as a city designated cultural district or heritage district, Business Improvement District, Main Street, Promise Zone, etc.
- What types of public infrastructure and amenities, such as public transportation, parks, or plazas, support the district?
- Are there municipal or development plans in place or in process that affect the district? If yes, please describe.
  - Such as a general plan, specific plan, transportation plan, cultural plan, etc.
- What types of space for artists, arts organizations, and cultural activities are currently present in the district? If there is the potential or plans for additional space, please describe as well.
  - Such as affordable housing (rental or purchase), studio and performance space; theaters, modular open spaces, live/work space, etc.
- What are the key issues and opportunities facing the district? And what do you seek to achieve with the cultural district designation?
  - For example: Is displacement of artists a current community concern? If so, how will the proposed district address this concern?

## 2. Semi-Finalist Selection and Site Visits

The panel will review the letters of interest, grouped by type, and select a representative group of approximately 30 semi-finalists to receive site visits. The primary purpose of the site visits will be to meet with the applicants and confirm the information provided in the LOI and provide additional insights to the panel during the final application review process. It is envisioned that a majority of the semi-finalists will be invited to submit full applications unless substantial discrepancies are encountered.

At the time of selection semi-finalists will be reminded that all finalists will be required to submit a basic cultural asset inventory, completed within the last three years, as a part of the final application. The CAC will develop and make available a simple methodology for completing an initial cultural asset inventory that will help ensure that districts have a good understanding of the array of authentic cultural resources shaping the district, from places and organizations to people, history and events.

Site visits will be conducted by CAC staff, panelists, or contractors depending on which option proves to be the most feasible depending on the available resources and timeline. Site visits will adhere to the following general protocol.

Site visitors will be assigned a group of applications and will:

- Read the assigned applications and conduct due diligence, including review of select independent sources of information
- Contact the applicants to set up a tour and interviews with the partners as well as other stakeholders or residents of the district
- Conduct a physical tour the proposed district and develop a written and photographic description of the place designed to ascertain the concentration of cultural resources and the physical qualities of the place
- Conduct interviews with each of the partners using a standard list of questions designed to ascertain the commitment of the partners to the project and the capacity of the professionals participating in process
- Meet with additional stakeholders, including the authors of letters of support designed to ascertain community buy-in for the process and authenticity of proposed district goals and leadership
- Complete a site visit report form

Staff will convene all of the site visitors to discuss the findings and identify the participants who will be invited to submit full applications.

### 3. Full Application

A diverse group of finalists will be invited to submit full applications. The CAC will utilize the same application for all, and will include an introductory section designed to allow the applicant to define the nature of the proposed district, i.e. established or emerging, urban or rural, etc. The first section of the application will include a majority of the questions from the LOI, giving the finalists the opportunity to update or revise the original responses.

In addition, finalists will be asked to provide the following information:

- What are the intended outcomes for the district over the first five-year certification period? How will the outcomes be measured?
- What specifically will the district accomplish in year one? In year two?



- Such as programs, festivals, facility development, artist housing, planning or marketing initiative, fundraising, etc.
- What is the district's budget for the first two years?
- Describe what resources each entity brings to the partnership and how they align with the issues and opportunities facing the district?
- What are the roles and responsibilities of staff, volunteers, and partners organizations in planning and managing district activities?
- Do you intend to collaborate with additional district stakeholders beyond the core partners? If so, please describe.
- Will the proposed cultural district impact the affordability of real-estate for current residents and stakeholders? Please explain.
- How will the applicant work to help maintain current residents and uses?
- If changes in residents and uses are envisioned, please explain how the applicant will work to avoid displacement or other negative impacts.

## E. REVIEW

Applications for the pilot cohort will be evaluated based on the requirements and criteria articulated below at each phase of the selection process, as applicable. The overarching goal will be to identify a cohort that is representative of the state in order to demonstrate the potential of the cultural district program to positively impact diverse neighborhoods, cities, and regions throughout California. The pilot cohort will help shape the final cultural district certification process and as such it is vitally important that they collectively represent rural, urban and suburban areas; districts that are emerging and established; districts with a focus on cultural production, cultural consumption, and cultural heritage; and also include districts with a range of partnership approaches and goals.

### 1. Criteria

In evaluating each applicant the panel will consider the nature of the proposed cultural district, and the following aspects of the applicant's engagement in the promotion, preservation, and interpretation of the arts and culture of the district, as illustrated in the application and supporting materials:

- Presence of a high concentration of artistic, cultural, heritage, or entertainment resources
- Clear articulation of the following elements:
  - Vision for the district
  - Measurable goals and defined evaluation measures
  - Achievable objectives for each of the first two years
  - Defined management budget with associated income and expenses
- Quality, diversity, and commitments of participating partners
- Degree to which the partners reflect the broader community
- Demonstrated authentic community engagement from a broad and representative array of stakeholders
- Presence of clearly defined leadership



- Presence of professional personnel dedicated (full or part-time) to district operations and programming
- Anticipated impact of designation

## 2. Review Panel

The CAC will appoint a panel of qualified professionals to evaluate the applications and to select the pilot cohort. In addition to cultural and geographic diversity, the panel will include representatives from different disciplines and sectors whose expertise reflects the varied fields and skills relevant to development of successful cultural districts, from the arts, to cultural heritage and community development. The same panel will serve throughout the selection of the first cohort, from LOI to final application. Ideally the panel will also include representatives from other California departments and agencies, at a minimum those who are partnering with CAC on the program.

## F. RECOMMENDED TIMELINE

The application and selection process could be implemented over approximately six months if adequate staff and financial resources are available. Proposed key milestones include the following:

- **January 2017**
  - Issue notice of opportunity for the pilot cohort and request letters of interest (open for 8 weeks)
  - Issue an RFP for developmental evaluation consultant(s) to support the pilot process
- **February 2017**
  - Conduct application/LOI webinar
  - Develop lists of potential panelists
- **March 2017**
  - Letters of interest due to the CAC
  - Appoint panel
  - Select developmental evaluation team
  - Publish guidelines for the final application
  - Identify site visitors and finalize site visit protocol
- **April/May 2017**
  - Panel selects semi-finalists (late April)
  - Conduct site visits for semi-finalists
- **May 2017**
  - Notify finalists, finalist application period opens
- **June/July 2017**
  - Final applications due (allow a minimum of 30 days from notification)
  - Panel selects pilot cohort

# CALIFORNIA CULTURAL DISTRICTS

## APPENDIX 3

### COMMUNITY CULTURAL ASSET INVENTORY *Background, Instructions, and Template*

#### **What is a Cultural Asset? Professor Ross Gibson, Sydney College of the Arts**

*In every community that manages to sustain or revive itself over time, there are cultural factors that contribute to the vitality and robustness of the people living there. These factors are shared and creative, which is to say they are cultural and they are assets that make life valuable, that make life worth living. These cultural assets can be material, immaterial, emotional, or even spiritual. They can be 'solid' things like concert halls, galleries, gardens, parklands and stadiums. They can be special tracts of the natural environment which encourage particular types of cultural activities. Or the climate itself might be a cultural asset if it encourages special kinds of creative and communal activities that bind people together in a place over time. Stories too might be cultural assets if they are attached to particular peoples and places if they are powerful enough to encourage people to care about and care for their place. In these stories, values can circulate, and special memories often reside in particular locations mentioned in the tales. Thus the places mentioned in the stories can be regarded as cultural assets if people tell of these places and visit them regularly and develop regular practices or rituals or ceremonies to care for them.*

<http://camra.culturemap.org.au/page/what-cultural-asset>

#### **BACKGROUND:**

One of the best ways to document the density of cultural resources and activities in an area is to undertake the development of a cultural asset inventory; one that goes beyond just cultural organizations and facilities, and is inclusive of the many diverse contributing elements that make for a vibrant cultural center. A cultural asset inventory can take many forms, from a simple list, to a database or interactive map. In this case the product will be a categorized list, with location and notes sections (see attached template).

Ensuring that all parties have a good understanding of the full array of cultural assets present in the district will be critical to its long-term success. A comprehensive approach to cultural assets helps to ensure authenticity and the preservation of homegrown assets, both of which were indicators of a successful district based on the research conducted to develop this program.

#### **HOW TO COMPLETE THE TEMPLATE:**

Conduct an outreach process to engage members of the community in identifying cultural assets, through an in-person convening, as well as an on-line survey, with the results of both being used to populate your list.

Prepare a list of questions for the survey, and to be used as prompts for the meeting. Possible questions include:

- What contributes to the community's cultural identity?
- Who are the people and organizations that help shape it?
- What places and events give the community its character?
- How does the history of the neighborhood contribute to the community's cultural identity?
- Who are the creative people in the community?
- Where are the places people go to have a cultural experience, of any form?
- What organizations in the community are contributing to the arts and culture? In what ways?

Be inclusive. Reach out as broadly as possible and try and identify partners who will help you reach beyond your organization's usual audience.

Be open to a variety of perspectives. Encourage participants to think broadly about what is important to document and include in the inventory. Include at a minimum the categories in the template, and expand the categories as needed to reflect community perspectives and priorities.

Be sensitive to potential barriers to participation, such as language. Make sure all materials are available in the primary alternate language used in the community, in addition to English. In addition, make sure to include native speakers as translators at the convening.

Additional information about cultural asset inventories or mapping is available through the Alliance of California Traditional Cultures (ACTA) <http://www.actaonline.org/content/building-healthy-communities-cultural-treasures> or the examples available on the National Endowment for the Arts website at <https://www.arts.gov/exploring-our-town/showcase/type/Asset-Mapping>. The Artscape website also has a useful toolkit at <http://www.artscapediy.org/Creative-Placemaking-Toolbox/Who-Are-My-Stakeholders-and-How-Do-I-Engage-Them/An-Introduction-to-Cultural-Asset-Mapping.aspx>

## DRAFT: Cultural Asset Inventory Worksheet

*Applicants should use as many pages as necessary.*

District Name:

Applicant Partners:

DESCRIPTION OF THE COMMUNITY PROCESS:

| CATEGORY                 | ASSETS | LOCATION | NOTES/ADDITIONAL INFORMATION |
|--------------------------|--------|----------|------------------------------|
| 1. PEOPLE                |        |          |                              |
| 2. PLACES                |        |          |                              |
| 3. ORGANIZATIONS         |        |          |                              |
| 4. EVENTS                |        |          |                              |
| a. Historic              |        |          |                              |
| b. Current               |        |          |                              |
| 5. ADDITIONAL CATEGORIES |        |          |                              |



# CALIFORNIA CULTURAL DISTRICTS

## APPENDIX 4

### INTERVIEW LIST

As part of the research process the consultants conducted a number of one on one and group interviews with local and national thought leaders in a variety of disciplines to gather information for the California Cultural Districts initiative.

| First    | Last      | Affiliation                                                                           |
|----------|-----------|---------------------------------------------------------------------------------------|
| Larry    | Baza      | Chair, San Diego Arts Commission                                                      |
| Marybel  | Batjer    | Secretary, Government Operations Agency, State of California                          |
| Ryan     | Becker    | Vice President, Communications, Visit CA                                              |
| Roberto  | Bedoya    | City of Oakland, Cultural Affairs                                                     |
| Caroline | Beteta    | President, Visit, CA                                                                  |
| Ben      | Caldwell  | Artist, Los Angeles                                                                   |
| Ada      | Chan      | Project Manager, SoMa Pilipinas                                                       |
| Laura    | Cole-Rowe | Executive Director, CA Main Street Alliance                                           |
| Teri     | Deaver    | Vice President, Consulting & Strategic Partnerships, Artspace                         |
| Juan     | Devis     | Chief Creative Officer, KCET                                                          |
| Sherri   | Franklin  | Central Avenue Historic District                                                      |
| Kathy    | Gallegos  | ED, Avenue 50 Studios                                                                 |
| Margaret | Hunt      | Director, California Creative Industries                                              |
| Amanda   | J. Ashley | Assistant Professor, Community and Regional Planning, Boise State University          |
| Shannon  | Jackson   | Associate Vice Chancellor for Arts & Design, UC Berkeley                              |
| Kelley   | Kahn      | Special Projects Director, City of Oakland                                            |
| Amy      | Kitchener | Executive Director, Alliance for California Traditional Arts                          |
| Kelley   | Lindquist | President, Artspace                                                                   |
| Libby    | Maynard   | Executive Director, Ink People Center for the Arts                                    |
| Lynne    | McCormack | Director of Creative Placemaking, Local Initiatives Support Corporation (LISC)        |
| Steven   | Oliver    | Oliver and Company                                                                    |
| Armando  | Pena      | Armando Pena and Associates                                                           |
| Peter    | Shapiro   | Executive Director, Revenue Authority of Prince George's County                       |
| Keith    | Robinson  | Principal Landscape Architect, Division of Design, Caltrans                           |
| Jason    | Shupbach  | Director of Design Programs, National Endowment for the Arts                          |
| Will     | Shuck     | Deputy Director, External Affairs, Caltrans                                           |
| Nicole   | Winger    | Deputy Controller for Public Affairs, Office of State Controller, State of California |
| Kristin  | Zaremba   | City of Oakland, Public Art                                                           |

# CALIFORNIA CULTURAL DISTRICTS

## APPENDIX 5

### INTERVIEW PROTOCOL

#### Core Questions

- When you think of “cultural districts,” what comes to mind for you?
- Are there any cultural districts that you know of that you think are particularly successful? Please describe any examples. Why do you think these are successful?
- What are benefits of cultural districts? For whom?
- What are shortcomings of cultural districts? For whom?
- Do you know of funding mechanisms for cultural districts? Other supports?
- Do you personally have any experience in planning or developing a cultural district?
- Who else do you think we should talk with about cultural districts?

#### Supplemental Questions Group 1

- What do you hope a cultural district program accomplishes? Do you have any concerns about a cultural districts program? Please discuss.
- Whose involvement is essential to the success of this program? Why?
- Who, if anyone, do you anticipate, would oppose it? Why?

#### Supplemental Questions Group 2

- How does/has the concept of cultural districts connect(ed) to your national work?
- As it stands now, are cultural districts a significant factor in what you do? If so, how? Why?
- Are you aware of any discussions or debates focused on cultural districts? If so, please describe.

#### Supplemental Questions Group 3

- Could you envision cultural districts serving as a tool for community development? If so, how? If not, why not?
- Do you have any concerns about cultural districts in relation to displacement of vulnerable populations?
- Do you have any insights about how zoning and codes foster or impede cultural districts?

# CALIFORNIA CULTURAL DISTRICTS

## APPENDIX 6

### CULTURAL ARTS DISTRICT SURVEY RESPONSES ANALYSIS NOTES

#### Q1. In what Zip code are you located?

- 326 respondents
- The respondents are evenly represented across geographic areas.
  - 11% or 37 respondents are from “True North” zip codes including Sonoma, Mendocino, Lake, Eureka, Humboldt, Butte, Shasta, Tehama, Siskiyou Counties.
  - 18% or 59 respondents are from “Central Valley” zip codes including Sacramento, Stanislaus, San Joaquin, Fresno, Kern, Tulare and Yolo Counties.
  - 13% or 42 respondents are from a “San Diego region” zip codes including San Diego County.
  - 21% or 70 respondents are from “Bay Area” zip codes including San Mateo, Santa Clara, San Francisco, Alameda, Contra Costa, Marin Counties.
  - 16% or 51 respondents are from “Los Angeles area” zip codes including Los Angeles Counties.
  - 21% or 67 respondents are from “other” zip codes which include San Bernardino, Riverside, Orange, Ventura, Santa Barbara, Monterey, Santa Cruz, Tuolumne, Mariposa and Placer and El Dorado Counties.

#### Q2. Please select the category that best describes your point of view.

- The majority of the 326 respondents (197) describe themselves as either Artists/Creative Entrepreneurs or Arts Administrators.
- Very few respondents were developers or elected officials
- Respondents describe their point of view as follows:

|                                |            |
|--------------------------------|------------|
| Artists/Creative Entrepreneurs | 97         |
| Arts Administrator             | 100        |
| Business Owner                 | 16         |
| Community Activist             | 16         |
| Cultural Tradition Bearer      | 14         |
| Developer                      | 2          |
| Elected Official               | 4          |
| Government Employee            | 22         |
| Private Citizen                | 19         |
| Other                          | 36         |
| <b>Total</b>                   | <b>326</b> |

- Other points of view were mostly related to arts administration and or arts sector and were described by respondents as follows:
  - Executive Director of Downtown Los Angeles Art Walk
  - Arts consultant
  - Architecture Commissioner
  - Teaching Artist/Multidisciplinary Artist
  - Museum Employee
  - owner of an arts marketing firm
  - Museum of Earth Science and Paleontology
  - Employee of a business
  - Board member arts organization and business organization
  - Librarian
  - museum professional - history museum
  - Grant Writer
  - Cultural tourism marketing
  - Archivist
  - Educator
  - History Museum Director
  - City of Selma. Theatre/Visual Arts/Murals, etc...
  - Museums and Cultural Arts Commissioner
  - Student
  - Musician and Administrator of Non Profit Performing Art Space
  - President, Livermore Cultural Arts Council
  - Educator/Art Critic
  - Arts Educator/Arts Board Appointee
  - An Executive Director of a nonprofit arts org and also a restaurant owner
  - Grassroots Filipino American Historian and Preservationist
  - Non profit theatre grant writer
  - Art and jewelry maker
  - Artist; Arts Admin; Business Owner; Private Citizen; Teaching Artist
  - Radio programmer
  - Volunteer for countywide arts non-profit
  - Private citizen, Business owner, artist , community activist
  - Arts Advocate
  - Board Member Folsom Lake Community Concert Association
  - Arts org admin, arts biz owner, community arts activist EQUALLY!
  - Arts Consultant
  - Community Radio Station Manager

**Q3. Are you familiar with any Cultural Districts? Y/N**

- 326 respondents
- Respondents did not indicate high familiarity with cultural districts.
  - 50% of respondents or 160 answered no.



- 50% or 161 answered yes.
- Familiarity with cultural districts was equally spread across California regions.

#### Q4. If yes, please name.

Respondents provided a wide range of examples of cultural districts. The examples clustered within the following broad categories and indicate a varied interpretation of what is considered an “Arts District”.

The examples also reflect the respondents point of view, with the majority of the 326 respondents (60%) describing themselves as either Artists/Creative Entrepreneurs (97) or Arts Administrators (100).

1. **Arts districts/Theatre districts (often downtown).** Examples cited include Historic Theatre District-Seattle; Cleveland’s Arts District; Dallas Arts District; Eugene Gallery and Arts District; Downtown Portland; Downtown Los Angeles Arts District ; Broad Street Art and Cultural District-Richmond Virginia; Laurence, KS downtown cultural district; Noho Arts District; Portland Cultural District; San Pedro Water front Arts District; Wynwood-Arts District-Florida; Arts District, Portland Maine; Berkeley Theatre District; Downtown Riverside; Downtown Redlands; downtown San Diego; Downtown Santa Ana; Downtown Ventura; Downtown LA Eastside Arts District
2. **Parks or outdoor/open spaces.** Examples include Hutchins Street Square in Lodi-CA; Joshua Tree; Yerba Buena Garden; Balboa Park-San Diego; Barrio Logan, Chicano park;
3. **Entire Cities/regions.** Examples cited include Berkeley, CA; Boise; Chicago; Chula Vista; Culver City, CA; Davis; Denver; District of Beverly Hills; Escondido, CA; Idaho; Laguna Beach; Los Angeles; Long Beach; New Orleans; Boise; Grandville Island, Vancouver, BC; Laguna Beach; West Hollywood; Los Angeles County; San Francisco; New York; Monterey; Pasadena; Pittsburgh; Providence-RI; Massachusetts; Seattle; Redlands; Reno; San Rafael; Santa Ana; Santa Barbara; Santa Cruz; Santa Fe; Seattle; Sebastopol; Sonoma County; Washington DC; Oregon, Texas
4. **Arts Organizations and their surrounding neighborhoods.** Examples cited include Buffalo Arts Studio; Eugene Gallery and Arts District, Elk Grove Committee for Arts and Multicultural Committee; Elk Grove Fine Art Center; LA County Arts Council; Liberty Station Arts District; Lincoln Center-NYC; Music Center-Los Angeles; Los Angeles Dorothy Pavilion; Lodi Arts Commission; Los Angeles at MOCA, Geffen, Broad; Malonga Center for African Culture; Megijima Eco Arts, Miracle Mile LA Museum Row; Pilchuck Glass School; Regional Arts and Cultural Council-Portland/Vancouver; Riverside Mission Inn; Sacramento Arts Commission; Smac; SOFA; San Francisco War Memorial/Civic Centers
5. **Historical ethnic neighborhoods.** Examples cited include “Little Tokyo”; “Little Italy”; Leimert Park; Brooklyn; “Chinatown”; Chinatown-SF; Filipinotown-Los Angeles; Harlem; Barrio Logan-San Diego; San Jose Japantown; New Orleans French Quarter

6. **Other neighborhoods/ arts and cultural hubs:** Arts and Entertainment district of H Street-NE Washington DC; Arts and entertainment district, Los Angeles Grand Avenue Corridor; Fruitvale Unity Village; Georgetown District in Seattle; Providence,RI; Creamery District, Arcata, CA; Arts District at Liberty Station; Midtown Atlanta; midtown San Francisco; Mission district-SF; Navy Pier Chicago; NE Minneapolis Riverfront; North Beach San Francisco, North Hollywood, North Park-SD; Chelsea, SoHo; East Austin; East Village; Pittsburgh Cultural District; Shell town San Diego; Short North-Columbus, Ohio; Temescal Neighborhood-Oakland; Wynwood -Florida; Uptown-Oakland; Willowbrook-LA County;
7. **Main Streets/Old Towns:** Eureka Main Street; Old town Sacramento, Old town New Hall Cultural Districts; Old Town San Diego; Olvera Street-Los Angeles

**Q5. What makes this cultural district successful?**

Answers are clustered among the following key categories:

1. Accessibility- pedestrian friendly; easy access to public transportation
2. Geographic Concentration of diverse and “complimentary” institutions and cultural activity ( restaurants, galleries, museums, small independent retail shops, farmers market, outdoor venues/open space)
3. Public/Private partnerships/collaborations in support of arts, artists , and broad participation in arts and cultural activity including tax incentives, Cultural Arts Master plan, public art programming, place-making initiatives, open studio culturally events; art walk events)
4. Artist centric support institutions (affordable live work spaces, access to professional development,)
5. Unique/Iconic architecture/public art/built environment
6. Honoring/preserving historically/ significant hub/space

**Q6. At best, what would be the benefits of cultural district designation? List up to three Features.**

- 320 respondents.
- Overall, the listed benefits of cultural district were evenly spread across the 5 suggested categories.

|                                                                                 | Total Count | Percent |
|---------------------------------------------------------------------------------|-------------|---------|
| Recognition                                                                     | 175         | 20%     |
| Access to funding for district improvements                                     | 259         | 30%     |
| Protection of pre-existing community assets                                     | □□□□□       | 21%     |
| Technical assistance with marketing resources                                   | □□□         | 12%     |
| Convening and connecting people involved in cultural districts around the state | 146         | 17%     |

- Access to funding for district improvements received the most responses, followed by protecting of pre-existing community assets and Recognition.
- Technical assistance with marketing resources received the least responses.

**Q6. Other**

- “Other” examples of benefits provided by respondents are clustered within the previously suggested 5 categories as well as the following three additional categories:
  - Promoting Equity and Social Justice;
  - Providing Opportunity for arts and cultural participation and connection with artists;
  - Promoting economic development and growth via the arts.

| Q. 6 Other Benefits                                                                   | Total Count              |
|---------------------------------------------------------------------------------------|--------------------------|
| Recognition                                                                           | 5                        |
| Access to funding for district improvements                                           | 4                        |
| Protection of pre-existing community assets                                           | <input type="checkbox"/> |
| Technical assistance with marketing resources                                         | <input type="checkbox"/> |
| Convening and connecting people involved in cultural districts around the state       | 9                        |
| Promoting Equity and Social Justice                                                   | 11                       |
| Providing Opportunity for arts and cultural participation and connection with artists | 10                       |
| Promoting economic development and growth via the arts.                               | 12                       |
| Other                                                                                 | 2                        |

**Q7. Do you have concerns about cultural district program? Y/N**

- 313 respondents and 13 blank responses.
- Responses were evenly split between “No”: 165 (53%) and “Yes”: 148 (47%)

|                    |            |
|--------------------|------------|
| No                 | 165        |
| Yes                | 148        |
| (blank)            | 13         |
| <b>Grand Total</b> | <b>326</b> |

- Those with no concerns about cultural districts were evenly spread among geographic areas.

| Inquiry Area     | No Concerns | %   |
|------------------|-------------|-----|
| 1-True North     | 20          | 12% |
| 2-Central Valley | 34          | 21% |
| 3-San Diego      | 23          | 14% |
| 4-Bay Area       | 25          | 15% |

|               |            |             |
|---------------|------------|-------------|
| 5-Los Angeles | 24         | 15%         |
| 6-Other       | 39         | 24%         |
| <b>Total</b>  | <b>165</b> | <b>100%</b> |

- Of those with concerns about cultural districts, respondents from the Bay Area (Inquiry Area 4) recorded the highest number of concerns: 42 or 28%. This finding is likely associated with the regions high concentration of arts and cultural activity.
- Other respondents were evenly spread among remaining geographic areas.
- It is interesting to note that respondents from the Los Angeles area which could also be characterized as having a large concentration of cultural activity did not indicate a higher level of concern.

| <b>Inquiry Area</b> | <b>Yes Concerns</b> | <b>%</b>    |
|---------------------|---------------------|-------------|
| 1-True North        | 16                  | 11%         |
| 2-Central Valley    | 23                  | 16%         |
| 3-San Diego         | 16                  | 11%         |
| 4-Bay Area          | 42                  | 28%         |
| 5-Los Angeles       | 26                  | 18%         |
| 6-Other             | 25                  | 17%         |
| <b>Total</b>        | <b>148</b>          | <b>100%</b> |

- Among the Bay Area respondents, Alameda County had the highest number of respondents indicating concerns (22), of which a little over half (14) were associated with respondents from the City of Oakland.
- Respondents from the County and City of San Francisco recorded the next highest number of concerns (9).
- This finding is likely associated with the cities' availability and concentration of arts and cultural activity and associated experiences/impacts, particularly for low income communities and communities of Color.

| <b>4-Bay Area</b>     | <b>Yes Concerns</b> |
|-----------------------|---------------------|
| <b>Alameda County</b> |                     |
| Alameda               | 2                   |
| Albany                | 1                   |
| Emeryville            | 1                   |
| Fremont               | 1                   |
| Livermore             | 2                   |

|                             |           |
|-----------------------------|-----------|
| Oakland                     | 14        |
| San Leandro                 | 1         |
| <b>Sub-Total</b>            | <b>22</b> |
| <b>Contra Costa County</b>  |           |
| Richmond                    | 1         |
| Rodeo                       | 1         |
| <b>Sub-Total</b>            | <b>2</b>  |
| <b>Marin County</b>         |           |
| Larkspur                    | 1         |
| Mill Valley                 | 1         |
| <b>Sub Total</b>            | <b>2</b>  |
| <b>San Francisco County</b> |           |
| San Francisco               | 9         |
| <b>Sub-Total</b>            | <b>9</b>  |
| <b>San Mateo County</b>     |           |
| Burlingame                  | 1         |
| Redwood City                | 1         |
| <b>Sub-Total</b>            | <b>2</b>  |
| <b>Santa Clara County</b>   |           |
| San Jose                    | 5         |
| <b>Sub-Total</b>            | <b>5</b>  |
| <b>Total</b>                | <b>42</b> |

**Q8. If You Answered Yes to Concerns about Cultural Arts Districts, please describe.**

- In general, concerns described by the 148 respondents that answered yes, fell within the following 8 broad categories.
- Concerns about a top down planning/development approach and associated lack of equitable distribution of resources and accountability surfaced as the top concern among the respondents. Respondents were particularly concerned about the selection criteria and possible exclusion of areas as well as competition between districts.
- Concerns about the Arts districts triggering gentrification and displacement of existing residents including low income residents, arts and small non-profit arts organizations accounted for about 25% of the responses.

| <b>Types of concerns</b>                                                            | <b>Count of Types of Concerns</b> | <b>%</b> |
|-------------------------------------------------------------------------------------|-----------------------------------|----------|
| 1. Gentrification (particularly of existing arts and cultural activity/communities) | 25                                | 13%      |
| 2. Displacement of existing residents including artists                             | 23                                | 12%      |
| 3. Lack of grass-roots focus and community inclusion including artists              | 26                                | 14%      |

|                                                                                                                                         |            |             |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------|-------------|
| 4. Lack of comprehensive and sustainable development focus (arts investment at exclusion of or in competition with other opportunities) | 15         | 8%          |
| 5. Top down development, lack of equitable distribution of resources, and accountability                                                | 61         | 32%         |
| 6. Exclusion of Rural Areas                                                                                                             | 6          | 3%          |
| 7. Lack of funding and broad public support for long term sustainability                                                                | 23         | 12%         |
| 8. Other                                                                                                                                | 11         | 6%          |
| <b>Total</b>                                                                                                                            | <b>190</b> | <b>100%</b> |

- Among the respondents from the Cities of Oakland, San Francisco, concerns clustered around the following key issues:
  1. Gentrification (particularly of existing arts and cultural activity/communities)
  2. Displacement of existing residents
  3. Lack of grass-roots focus and community inclusion
  4. Lack of comprehensive development focus
  5. Top down development
  6. Exclusion of Rural Areas
  7. Lack of Funding

|     | Oakland                                                                                                                                                                                                                                                                                                                                                                                                              | Issue Area                                                                                                                        |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| 1.  | Black cultural district will focus on pat nd be a historical district while former Black Oakland residents continue to be displaced and cannot afford to live in a place dedicated to cultural group                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>• Gentrification/</li> <li>• Displacement of Black Oakland Residents</li> </ul>            |
| 2.  | Displacement of existing communities within and at the edges of the district. The speed of the organized shift to a named district is it affects neighboring communities.                                                                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>• Displacement of existing communities</li> </ul>                                          |
| 3.  | Do not want to stifle thoughtful development particularly in regards to housing and indie retail and other important opportunities for economic development in Oakland.                                                                                                                                                                                                                                              | <ul style="list-style-type: none"> <li>• Lack of Comprehensive development focus</li> </ul>                                       |
| 4.  | Gentrification                                                                                                                                                                                                                                                                                                                                                                                                       | <ul style="list-style-type: none"> <li>• Gentrification</li> </ul>                                                                |
| 5.  | I believe this will lead to continued gentrification and displacement of people of color and low-income people in the San Francisco Bay Area.                                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>• Gentrification and displacement</li> </ul>                                               |
| 6.  | I love whole communities. The emphasis on "marketing" concerns me because I read it as a an external orientation (read tourism or shifting market orientation read: gentrification) do not want to lose the more organic qualities of how cultures evolve. Would like some thinking around how to support communities in being whole - with lived arts and culture. vs. arts and culture being a consumer commodity. | <ul style="list-style-type: none"> <li>• Lack of Grass roots focus/community inclusion</li> <li>• Top down Development</li> </ul> |
| 7.  | My concern is that the district is well funded from the state and federal levels.                                                                                                                                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>• Lack of sufficient funding?</li> </ul>                                                   |
| 8.  | Once any program becomes top-down managed, it dies. Gov. assistance comes with strings.                                                                                                                                                                                                                                                                                                                              | <ul style="list-style-type: none"> <li>• Top down Development</li> </ul>                                                          |
| 9.  | That it would be window dressing and full of useless bureaucratic hurdles instead of being genuine.                                                                                                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>• Lack of Grass roots focus/community inclusion</li> </ul>                                 |
| 10. | That political considerations and considerations from outside the culture being highlighted will steer the district away from its                                                                                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>• Lack of Grass roots focus/community inclusion</li> </ul>                                 |

|     |                                                                                                                                                                                                                                                                              |                                                                                                                                      |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
|     | intended purposes                                                                                                                                                                                                                                                            |                                                                                                                                      |
| 11. | That the authentic arts neighborhoods become replaced by gentrified arts districts (SOHO, DUMBO, etc). That affordable housing not be included with affordable warehouse studio spaces, that industrial lands with manufacturing/maker opportunities convert to residential. | <ul style="list-style-type: none"> <li>• Cultural Gentrification</li> <li>• Displacement of existing communities</li> </ul>          |
| 12. | That the district would become something commercial, lose its identity and price out present homeowners                                                                                                                                                                      | <ul style="list-style-type: none"> <li>• Gentrification</li> </ul>                                                                   |
| 13. | The artists build up the "cultural capital" and then get displaced when market forces take over.                                                                                                                                                                             | <ul style="list-style-type: none"> <li>• Displacement of existing communities</li> </ul>                                             |
| 14. | There must be room for creative growth within all cultures and at all levels and ages, of creative development. It will fail the community if it is purely a competitive process for "professionals".                                                                        | <ul style="list-style-type: none"> <li>• Cultural Gentrification</li> <li>• Lack of Grass roots focus/community inclusion</li> </ul> |

|    | San Francisco                                                                                                                                                                                                                                                                                                                | Issue Area                                                                                                                                                                                 |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | After CCA meeting, I am concerned about rural areas in huge geographic parts of state that wouldn't be eligible. They need help to connect.                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>• Exclusion of Rural Areas</li> </ul>                                                                                                               |
| 2. | How do we get culture bearers a dedicated venue when we don't have \$ to compete with tech companies buying up everything?                                                                                                                                                                                                   | <ul style="list-style-type: none"> <li>• Lack of Grass roots focus/community inclusion</li> <li>• Displacement of existing communities</li> </ul>                                          |
| 3. | I care.                                                                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>• ?</li> </ul>                                                                                                                                      |
| 4. | I'm concerned that it will be taken over by big money interests such a big real-estate, big art "non-profits" etc. and be transformed into a gentrifying rather than one that truly protects the interests of blue collar low income residents of the culture (e.g. Latinos)                                                 | <ul style="list-style-type: none"> <li>• Gentrification (commercial and arts)</li> <li>• Lack of Grass roots focus/community inclusion</li> </ul>                                          |
| 5. | It puffs up overrated, self-interested, charming, and sociopathic Executive Directors who use professional association involvement to inflate their credentials and create barriers to entry for true artistic entrepreneurs, siphoning off funds from artists, and creating a well-connected elite capable of blackballing. | <ul style="list-style-type: none"> <li>• Gentrification (arts/culture elite)</li> <li>• Lack of Grass roots focus/community inclusion</li> </ul>                                           |
| 6. | Not enough to develop districts                                                                                                                                                                                                                                                                                              | <ul style="list-style-type: none"> <li>• Lack of Comprehensive development focus</li> </ul>                                                                                                |
| 7. | 'place keeping' services and reflecting the culture and arts of folks who live & work in the district instead of 'place making' code for new comers to be made comfortable as they take over neighborhoods and displace the very people whose culture have been essential to the unique features the district.               | <ul style="list-style-type: none"> <li>• Gentrification (arts/culture)</li> <li>• Lack of Grass roots focus/community inclusion</li> <li>• Displacement of existing communities</li> </ul> |
| 8. | That a designation could become limiting.                                                                                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>• Lack of Comprehensive development focus</li> </ul>                                                                                                |
| 9. | They must be done in away that will not cause gentrification.                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>• Gentrification</li> </ul>                                                                                                                         |

**Q9. Do you have any additional comments about cultural districts?**

- 163 respondents

| Inquiry Areas    | Count of Q9-Do you have any additional comments on cultural districts? |
|------------------|------------------------------------------------------------------------|
| 1-True North     | 21                                                                     |
| 2-Central Valley | 29                                                                     |
| 3-San Diego      | 21                                                                     |
| 4-Bay Area       | 31                                                                     |
| 5-Los Angeles    | 25                                                                     |
| 6-Other          | 36                                                                     |
|                  | <b>163</b>                                                             |

- Respondents were fairly equally represented among regions.
- In general, respondents to this question were supportive the formation Cultural Arts District and sought more information about the planning and district designation process which needs to be inclusive of all geographic areas of California and seek broad community support
- Benefits and concerns mirrored the categories of benefits and concerns discussed in earlier questions.





# CALIFORNIA CULTURAL DISTRICTS

## APPENDIX 7

### STRATEGIC PARTNERSHIP DETAILS

(as of 12/8/2016)

#### Partner: California Department of Transportation (Caltrans)

Recipients of the State of California Cultural Districts certification may benefit from access to the following Caltrans resources:

- **Transportation Art and Community Identifier Programs**– Certified Cultural Districts in municipalities where participation in the Caltrans Transportation Art program is feasible will have access to Caltrans liaison services provided by the California Arts Council. These services may result in technical assistance for Districts to navigate the application process for the Caltrans Transportation Art and Community Identification programs. This may include the development of murals and other public art projects as well as aesthetic features on Caltrans properties.
- **Street Closures on Caltrans Properties** – Certified Cultural Districts in municipalities where state highway street closures are proposed for festivals or other public cultural activities will have access to Caltrans liaison services provided by the California Arts Council in order to process closure and access requests.
- **Signage** – Certified Cultural Districts in municipalities where Caltrans signage is feasible per the California Manual on Uniform Traffic Control Devices (MUTCD) will have access to Caltrans liaison services provided by the California Arts Council. The California Arts Council and Caltrans will work to provide technical assistance to determine if Certified Cultural Districts are eligible for signage based on the MUTCD.
- Other opportunities as mutually arranged by the California Arts Council and Caltrans.

Additionally, a Caltrans staff representative will be invited to serve on the adjudication panel as part of the review and selection process for district certification.

#### Partner: Visit California

- **General Organizational Benefits** – The California Arts Council and Visit California may collaborate in the following ways:
  - Governance – sharing best practices for programmatic and promotional related activities.
  - Advisory – providing guidance for organizational activities and efforts.

- Leverage – utilizing strategic partnership to foster mutually beneficial opportunities as they arise.
- **Evaluation of Potential Certified Districts** – Visit California representative invited to serve on the adjudication panel as part of the review and selection process for district certification.
- **Benefits for Certified Districts** – Recipients of the State of California Cultural Districts Certification may benefit from inclusion in the following Visit California initiatives:
  - Promotion at California Welcome Centers.
  - Inclusion in Visit California promotional efforts as appropriate.
  - Inclusion in Visit California press efforts as appropriate.
  - Inclusion in Visit California public and industry events and presentations as appropriate.
- Other opportunities as mutually agreed upon by the California Arts Council and Visit California.

| Upcoming Worksessions and Special Meetings<br><i>start time is 6:00 p.m. unless otherwise noted</i> |                                                                     |
|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Scheduled Dates                                                                                     |                                                                     |
| May 21 (4:00pm)                                                                                     | 1. Residential Feasibility Analysis and In-Lieu Fee Recommendations |
| May 24                                                                                              | 1. November 2024 Ballot Measure Discussion (Tentative)              |
| June 25                                                                                             | 1. Demolition Ordinance (Tentative – 3:00pm or 4:00pm)              |
| Sept 17                                                                                             | Open                                                                |
| Oct 22                                                                                              | 1. Draft Waterfront Specific Plan                                   |

| Unscheduled Workshops and Special Meetings                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Ballot Measures for November 2024 (June 10 or 14 – Tentative)<br>2. Ashby BART Transit Oriented Development & Berkeley – El Cerrito Corridor Access Plan |

| Unscheduled Presentations (City Manager)                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------|
| 1. Dispatch Needs Assessment Presentation<br>2. Presentation on Homelessness/Re-Housing/Thousand-Person Plan (July regular agenda) |

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | <b>City Council Referrals to the Agenda &amp; Rules Committee and Unfinished Business for Scheduling</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 1. | <p><b>Zoning Ordinance Amendments to Berkeley Municipal Code Chapter 23.326 Demolition and Dwelling Unit Controls</b> <i>(Referred from the March 26, 2024 meeting)</i></p> <p><b>From: City Manager</b></p> <p><b>Recommendation:</b> Conduct a public hearing and upon conclusion, adopt first reading of an Ordinance regarding amendments to Berkeley Municipal Code Chapter 23.326 Demolition and Dwelling Unit Control Ordinance.</p> <p><b>Financial Implications:</b> See report</p> <p>Contact: Jordan Klein, Planning and Development, (510) 981-7400</p> |

| CITY CLERK DEPARTMENT                                                       |                      |                       |                   |
|-----------------------------------------------------------------------------|----------------------|-----------------------|-------------------|
| WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS<br>BEFORE THE CITY COUNCIL |                      |                       |                   |
| Address                                                                     | Board/<br>Commission | Appeal Period<br>Ends | Public<br>Hearing |
| <b>NOD – Notices of Decision</b>                                            |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Public Hearings Scheduled</b>                                            |                      |                       |                   |
| 2113-15 Kittredge Street (California Theater)                               | ZAB                  |                       | 6/4/2024          |
| 3000 Shattuck Avenue (construct 10-story mixed-use building)                | ZAB                  |                       | TBD               |
| 2600 Tenth Street                                                           | ZAB                  |                       | TBD               |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Remanded to ZAB or LPC</b>                                               |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Notes</b>                                                                |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |

5/13/2024



## Local City Rules of Order to prevent disruptions at their Council Meetings

Berkeley Council *Rules of Order and Procedure* and are similarly strong, or stronger, than several surrounding municipalities in defining rules of decorum, disruption, and enforcement of decorum. Berkeley also refers to those guidelines in the front of its agenda.

The Cities studied: El Cerrito, Walnut Creek, Santa Monica, Santa Cruz, Concord, and San Francisco, though not necessarily stronger in their guidelines, do have a few practices worth Berkeley could consider borrowing. Highlights of those guidelines are in the following paragraph. Specifics follow on the next page.

### Highlights

El Cerrito does not allow Councilmembers or the public to make personal, slanderous, or profane remarks to any member of the Council, staff or the general public. They also suspended public comment via Zoom in Sept 2023. Walnut Creek does not allow speakers to cede their unused time to other speakers. Santa Monica lists on the first page of their agenda, the Standards of Behavior that Promote Civility at All Public Meetings. They also prohibit applause, vocally or clapping, except for ceremonial items, or when invited by presiding officer. They include blocking the audience or camera view of the proceedings as disruptions. Santa Cruz includes in their Rules of Procedure, guidelines for Councilmember interactions with each other. Concord does not allow public comment via Zoom unless a Councilmember is attending remotely. San Francisco does not permit audible support or opposition to statements by elected or those testifying and does not permit bringing in or displaying signs.

## Specifics

### Rules & Protocols from other Cities re: What they do at their Council Meetings

#### BERKELEY

##### On Agenda

*Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.*

##### Council Rules of Procedure

#### V. Procedural Matters

##### 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.

## EL CERRITO

### Agenda

Conduct: This meeting shall be conducted pursuant to the El Cerrito City Council Rules of Order and Procedure, including adjourning by 11:00 PM unless extended to a specific time determined by a majority of the Council

### Council Rules of Order and Procedure

#### XI. PROCEDURAL MATTERS

##### Y. Decorum

... No person shall disrupt the orderly conduct of the City 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, approaching the City Council dais or speaker podium without consent, or refusing to obey the orders of the Mayor or Council. Any message to or contact with any member of the City Council while the City Council is in session shall be through the City Clerk. Neither Councilmembers nor any persons addressing the City Council shall make personal, slanderous, or profane remarks to any member of the Council, staff or the general public. Noise emanating from the audience within the City Council Chamber or lobby area

which disrupts meetings shall not be permitted. All cellular phones and other consumer devices shall be muted while in the Chamber. Refusal shall be grounds for removal.

#### Z. Enforcement of Decorum

The Mayor may call a recess if a speaker or group of speakers become unruly and/or interferes with the orderly conduct of the meeting. Any law enforcement officers on duty or whose services are commanded by the Mayor shall be Sergeant-at-Arms of the City Council meetings. They shall carry out all orders and instructions given by the Mayor for the purpose of maintaining order and decorum at the City Council meetings. Upon instructions of the Mayor or a majority of the City Council, it shall be the duty of the Sergeant-of-Arms, or any officer present, to escort outside or place under arrest any person who violates the order and decorum of the meeting, and cause them as necessary, to be prosecuted under the provisions of applicable law.

#### Instructions for Submitting Public Comments – For Hybrid City Council Meetings

El Cerrito has suspended public comment via Zoom (per 9/28/2023 revision)

### WALNUT CREEK

#### Agenda

Nothing about Rules and Procedures or Decorum on their agenda.

#### Council Handbook

##### 9.5. Public Comment

##### 1. Opportunity to Speak

... Speakers may not assign unused time to other speakers.

##### 9.7. Additional Protocol and Decorum

**5. Warnings.** The Mayor shall ask that any person violating the rules of decorum be orderly and silent. The warning shall be in substantially the form described below. If, after receiving a clear warning from the Mayor, the person persists in disturbing the meeting, the Mayor may order a brief recess of the City Council to

regain order. If the person persists in disturbing the meeting, despite having been previously warned, the Mayor may order him or her to leave the City Council meeting. If the person does not depart the City Council Chamber of his or her own volition, the Mayor may order any law enforcement officer who is on duty at the meeting as Sergeant-at-Arms of the City Council to escort that person from the City Council Chamber.

The Mayor shall deliver the requisite warning in substantially the following form:

*You are hereby advised that your conduct is in violation of the Rules of Order and Decorum of the City Council and California Penal Code Section 403, and you are directed to be orderly and silent. Penal Code Section 403 states that any person who, without authority of law, willfully disturbs or breaks up a lawfully convened meeting of the City Council is guilty of a misdemeanor. Continued disruption of this City Council meeting will result in your removal from the meeting by the Sergeant-at-Arms and you will not be permitted to return to City Council Chamber for the duration of the meeting. In addition, any continued disruption of this meeting is grounds for your being arrested and charged with a misdemeanor. Do you understand this admonition?*

**6. Misdemeanor.** Any person who willfully disturbs or breaks up a City Council meeting may be arrested and charged with a misdemeanor, pursuant to California Penal Code Section 403.

## MOUNTAIN VIEW

### Agenda

Nothing about Rules and Procedures or Decorum on their agendas.

### Council Code of Conduct

#### **6.8 Decorum**

6.8.1 While the City Council is in session, all persons shall conduct themselves with reasonable decorum.

6.8.2 The presiding officer may remove or cause the removal of any individual(s) for disrupting a meeting in accordance with California Government Code Section CLK/6/Council Code of Conduct 428-03-14-23CoC -34- 54957.95, as may be amended from time to time. The presiding officer shall call a recess until such time as the individual(s) have been removed and the meeting can resume without disruption.

6.8.3 In accordance with California Government Code Section 54957.9, as may be amended from time to time, the Council may order a meeting room cleared and continue in session in the event a meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of the meeting impossible and order cannot be restored by the removal of individuals who are disrupting the meeting.

6.8.4 The Police Chief or authorized representative shall be sergeant at arms of the Council meeting. The sergeant at arms shall carry out all orders and all instructions of the presiding officer for the purpose of maintaining order and decorum at Council meetings.

## SANTA MONICA

### Agenda

The following is listed on the first page of the downloaded agenda, but not the on-line agenda:

#### **STANDARDS OF BEHAVIOR THAT PROMOTE CIVILITY AT ALL PUBLIC MEETINGS:**

- Treat everyone courteously;
- Listen to others respectfully;
- Exercise self-control;
- Give open-minded consideration to all viewpoints;
- Focus on the issues and avoid personalizing debate;
- Embrace respectful disagreement and dissent as democratic rights, inherent components of an inclusive public process, and tools for forging sound decisions
- Hate has no place in Santa Monica. The City opposes abusive or threatening hate speech, intolerance, or dehumanization, and supports basic civil respect and human decency.

### [Amended Rules of Order and Procedure for the Conduct of City Council Meetings, Resolution No. 11547 \(09/26/2023\)](#)

#### **RULE 16. RULES OF CONDUCT AND SAFETY.**

2/29/2024

1<sup>st</sup> paragraph: Applause, vocally or clapping, is prohibited, except for ceremonial items, or as may be invited by the Presiding Officer.

2<sup>nd</sup> paragraph: Any person who disrupts the meeting shall be called to order by the Presiding Officer. Disruption shall include but not be limited to, blocking the audience or camera view of the proceedings.

## SANTA CRUZ

### Agenda

Nothing about Rules and Procedures or Decorum on their agendas.

### Councilmembers' Handbook

#### RULES OF PROCEDURE FOR CONDUCT OF CITY COUNCIL BUSINESS

#### COUNCIL INTERACTIONS

In interactions with each other, Councilmembers will abide by the following principles:

- Be Respectful: Treat each other with respect, even when/especially when there is disagreement.
- Engage in Open and Honest Communication: Be direct, straightforward, and transparent with each other.
- Be Honest and Truthful: Act with integrity and authenticity; be ethical.
- Address Difficult Issues: Confront challenging topics directly; avoid talking around them or not talking about them at all.
- Find Areas of Common Ground: Seek areas of agreement; identify shared interests, values, and positions.
- Be Open to Different Perspectives: Keep an open mind; be willing to change your views with new information, data, etc.
- Give the Benefit of the Doubt: Freely give credit for good intentions; avoid ascribing bad intentions.
- Role Model Good Leadership: Be professional; adhere to standards of civility; demonstrate effective leadership for the community.

- Be Considerate of Each Other's Time: Manage expectations about responsiveness and availability, recognize the time limitations and constraints of your colleagues.

#### DECORUM IN COUNCIL MEETINGS

3. While the Council is in session, all persons shall preserve order and decorum. Any person who causes a disruption at the Council meeting shall be removed from the meeting and barred from further attendance at said meeting by the presiding officer unless permission for continued attendance is granted by a majority vote of the Council. Disruption is defined as behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. An individual may cause a disruption by failing to comply with reasonable meeting rules, using force or threatening to use force, or causing other disruptions.

#### CONCORD

##### Agenda

Please note the following change to the City's public comment procedures: Unless a Councilmember is participating in the meeting remotely pursuant to AB 2449, remote public comment will not be accepted. Public comment may be provided in-person or via email, as set forth below.

##### Rules and Procedures

Didn't find one.

#### SAN FRANCISCO

##### Agenda

Board procedures do not permit: 1) vocal or audible support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones or electronic devices; 3) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room.

## Rules of Order

### 1. Public Participation

1.3.1. Actions Prohibited during Board of Supervisors' Meetings. 1. Applause or vocal expression of support or opposition 2. Standing in meetings 3. Eating or drinking in the public gallery 4. Use of electronic devices, unless they are in silent mode 5. Handheld signs in the Legislative Chamber or in the committee room (although small signs may be worn on clothing)

1.7. Disorderly Conduct. The presiding officer shall order removed from the meeting room any person who commits the following acts in respect to a meeting of the Board or of a standing or special committee:

1.7.1. Disorderly, contemptuous or insolent behavior toward the Board or committee or any member thereof, tending to interrupt the due and orderly course of said meeting;

1.7.2. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;

1.7.3. Disobedience of any lawful order of the presiding officer, which shall include an order to be seated or to refrain from addressing the Board or committee;

1.7.4. Usage and ringing of cell phones and pagers, not in silent mode in Board and committee meetings;

1.7.5. Any other interference with the due and orderly course of said meeting.





## Agenda Committee 1/16/2024

### Item 10 - City Council Legislative Systems Redesign

#### Discussion Items - Part 1

#### Background:

The Agenda Committee presented materials and solicited input from the City Council during fall of 2023 regarding possible Legislative Systems Redesign options. The goal of Systems Redesign is to improve processes for developing, introducing, vetting, passing, funding, and implementation of Major Council Items and initiatives. Based on City Council input, the Agenda Committee has been tasked with proposing a new set of improvements to:

1. Consider possible refinements to the definition of Major Items
2. Make the Council Item Guidelines mandatory for Major Items (formerly referred to as "Policy Track Items")
3. Establish transparent deadlines for budget processes and clarity about what kind of "asks" can be submitted/considered at each budget cycle
4. Strengthen the Committee System to provide more in-depth review and vetting of Major Items
5. Clarify levels of input from Staff and City Attorney at all stages, from development to implementation
6. Clarify processes and timelines for implementation of items once passed and funded
7. Establish protocols for one-time vetting/disposition of currently backlogged items
8. Consider yearly prioritization processes in light of the intended outcome of fewer, more fully considered Major Items in the queue

To facilitate focused discussion, this memo only addresses proposals related to items 1, 2, and 3, above. Additional considerations will be discussed at subsequent meetings.

#### 1. **Consider possible refinements to the definition of Major Items**

"Major Items" are items meeting the current definition of *Policy Committee Track Items*:

*"Moderate to significant administrative, operational, budgetary, resource, or programmatic impacts."*

Some Councilmembers expressed that the definition might be further clarified. After discussing a variety of options, and considering times when the definition might have

proved problematic, it was decided that no changes should be proposed; the definition appears to provide good guidance to members of the Agenda & Rules Committee and has not been a source of controversy to date.

Consideration was given to potentially require all Ordinance changes to be labeled Major Items, but on further discussion, it was concluded that only Ordinance changes/new Ordinances with “moderate to significant administrative, operations, budgetary, resources, or programmatic impacts” would be worthy of being considered as Major Items - thus reinforcing the appropriateness of the existing definition.

One possible improvement could be to add examples of items that may be considered Major Items, rather than to amend the rule:

*“Examples may include, but are not limited to Items that:*

- *Clarify or extend existing Plans, Programs, Policies and Laws in moderate to significantly impactful ways*
- *Change/Amend existing Plans, Programs, Policies and Laws in moderate to major ways*
- *Create a new and meaningful exception to existing Plans, Programs, Policies and Laws*
- *Reverse/change existing Plans, Programs, Policies and Laws in moderate to significant ways*
- *May require moderate to significant increases in funding or additional FTE for start-up and/or ongoing operations”*

**Recommendation:** Keep existing definition, add examples, and revisit should controversies occur.

## **2. Make the Council Item Guidelines mandatory for Major Items (formerly referred to as “Policy Track Items”)**

In discussing this seemingly straightforward concept, a number of considerations arose that are addressed in the following proposed path forward.

The Council Rules of Procedure and Order already include an outline of what is “required” for Council items, in Section XXX of the Rules. The Guidelines – suggested but not required and included in an Appendix to the Rules – were built from the Rules, providing more elaboration and specificity.

As suggested but not required, the Guidelines have not been “in conflict” with the Rules. However, adopting the Guidelines as requirements changes this equation; *the existing Rules and the Guidelines cannot both be simultaneously required*. The proposed path forward addresses the potential conflict that arises when the Guidelines are adopted as mandatory for Major Items.

In addition, if the Guidelines are mandatory only for Major Items, we must consider what will be mandatory for “all other” items – hereinafter referred to as “Standard Items.” The proposed path forward thus addresses both Major Item and Standard Item requirements.

Another consideration is how the Agenda Committee will evaluate whether an item - Major or Standard - is in compliance with mandatory requirements, and what the Agenda Committee must or may do if it finds an item falls short of the requirements. The following proposal addresses these issues as well.

Finally, the Guidelines were reviewed to identify any possible edits that might be suggested prior to adoption of the Guidelines as mandatory.

**Proposal:**

1. Make Edits to Guidelines:
  - a. Remove “preamble” language
  - b. Make light changes to the Guidelines and expand illustrative examples
  - c. *See Edited Version of the Guidelines*
  
2. Remove/eliminate existing Rules about how to present/write Items and adopt a two-tiered set of Rules for **Standard Items** and **Major Items**, based on the Guidelines.
  - a. For **Major Items**, make the full Guidelines MANDATORY
  - b. For **Standard Items**, make elements **1, 2, 3, 4, 5, 14 and 15** of the Guidelines MANDATORY, with other elements RECOMMENDED.
  - c. **Drafting Consideration** - Keep the Guidelines as an Appendix – incorporated by reference into the Rules – rather than “pasting” the full Guidelines directly into the Rules.

- d. **Clerk Templates** - the Clerk's Office will create updated, more user-friendly and easily accessible templates for Major and Standard Items, as well as for Supplemental, Late, and other Submissions.
  - e. For "**Speciality Items**" such as D13 Account grants, letters and resolutions in support of State or Federal Legislation, and other "special" Item types, the Clerk's Office will provide updated RECOMMENDED templates.
3. **For MANDATORY elements of both Major and Standard Items**, suggest adopting the following (or similar) standard for review by the Agenda Committee:

*If a Major or Standard Item, as submitted by the Primary Author, does not substantially and materially meet reasonably applicable Mandatory Elements of the Guidelines, the Agenda & Rules Committee shall request, and may require, that the Primary Author provide additional analysis and/or consultation to fulfill Guideline requirements.*

*If the Agenda & Rules Committee requests or requires the Primary Author to provide additional analysis or consultation, the Item may or shall be referred back to the Primary Author and may be resubmitted for a future Agenda.*

4. **For RECOMMENDED elements of Standard Items and Speciality Items**, authorize the Agenda Committee to do what it currently has the power to do under Rules Section (C)(1) (with some edits):

*Refer the item back to the Primary Author for adherence to ~~required~~ recommended form or for additional analysis as ~~required~~ recommended in Section III.B.2 (Primary Author may decline and request Policy Committee assignment).*

5. **For Emergency/Time Sensitive Items**, Items can bypass mandatory Guidelines requirements if the Agenda Committee makes the findings for a Time Critical Track Item (existing definition).

**Proposed Standard for allowing Emergency/Time Sensitive Items to go forward without fulfilling the Mandatory Guidelines:**

*The Agenda Committee may make an exception to Mandatory Guidelines requirements for a Major or Standard Item if the Item meets the definition of a Time Critical Track Item, as provided in Section (3)(g)(1) of the Rules, in which case the Item may go forward as submitted on the Action Calendar for the Agenda under consideration with a notation, added by the Clerk's Office, that additional materials have been requested by the Agenda Committee. The Primary Author shall submit such additional materials as a Supplemental 1 filing.*

**Time Critical Track Item Definition (existing, Section (3)(g)(1)):**

*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.*

**6. Appeals - provide a mechanism to appeal Agenda Committee decisions to the full Council?**

May be advisable to have a bypass mechanism - or not?

**3. Establish transparent deadlines for budget processes and clarity about what kind of "asks" can be submitted/considered at each budget cycle**

The Council did not support a single, yearly cycle for submitting Council items, but expressed a desire for clear deadlines to be established for submission/consideration of items for various budget processes. In addition, questions have arisen regarding what kinds of requests can/should be submitted for consideration at various junctures in the yearly/biennial budget cycle.

Overall, it was determined that *the Agenda Committee should formally ask the Budget Committee for guidance on these questions*, as they fall more squarely into the Budget Committee's purview.

- By when should Standard and Major Items with budgetary considerations be passed out from Council to be considered in the June budget adoption/update?
- Working back from that date, by when should a Major Item or Standard Item be submitted, to allow time for consideration by the appropriate

Policy Committee and/or the City Council? (This may be a question for Agenda & Rules Committee to determine, once B&F sets the deadline)

- What kinds of budget requests are allowed/appropriate for the June budget?
- Consider establishing deadlines for the City Manager to bring Budget Updates (Fall and Spring) to the City Council.
- With established deadlines for Budget Updates, work back to establish deadlines for Major and Standard items to be submitted for consideration at each Budget Update. (This may be a question for Agenda & Rules Committee to determine, once B&F sets the deadline)
- What kinds of budget requests will be considered at Fall and Spring updates - from both Council and from the City Manager/Staff?
- If only emergency/time sensitive requests will be considered (or, for example, expansions of existing programs but not new programs, etc.), how will excess funds, if any, be rolled over and made available for Council priorities at the next June budget?

## 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. These Guidelines are mandatory for all Major Items and strongly recommended for all other council reports Standard Items. While not all elements ~~would be~~ are applicable to every type of A ~~Agenda~~ item, the Guidelines ~~are intended to~~ prompt Authors to consider important elements of a complete item and to present ~~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~~

~~duplicate. In such case the agenda item distributed with the packet shall so indicate.~~

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~~ [Considerations](#)
13. Outcomes and Evaluation
14. Contact Information
15. Attachments/Supporting Materials

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**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, that can be presented singularly or in combination with others, 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 [Policy Committee](#), or other Legislative Body



- 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

**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
- 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, as relevant.
  - **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, City Clerk, etc.
  - **Commissions:** what Commissions were or will be consulted and what were their recommendations/concerns/suggestions?
- 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, but should be presented/restated/summarized. ~~Plus~~In addition, further elaboration of terms for recommendations, if any, should be spelled out with clarity.

- Example: Keeping winter shelters open for an extra three months extends the City's existing Winter Shelter program in a minor way. The shelters have been open during inclement weather every year for decades, and have been extended to accommodate extended rainy and cold seasons in previous years. Keeping winter shelters open through April ensures our homeless neighbors will continue to have a place to keep dry and warm and supports the City's strategic plan goal of providing services to those with critical needs in our community. All services associated with the Winter Shelter program, including but not limited to meal and storage services, are specifically included in the direction to extend the program.

#### **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? Initial, high-level consultation with the City Manager and/or the City Attorney regarding implementation, administration, and enforcement is strongly recommended, but not required.

#### **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 Considerations**

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 and benefits. Initial, high-level consultation with the City Manager and/or the City Attorney regarding the fiscal impacts of the proposal is strongly recommended, but not required.

#### **13. Outcomes and Evaluation**

State the specific outcomes expected, if any.

- ~~(i.e., Example: “it is expected that 100-300 homeless people will be referred to housing every year able to access dry and warm shelter during the 3-month extension of the winter shelter program”)~~

Also state and what reporting or evaluation is recommended. \_

- Example: The shelter operator shall keep an accounting of the number and any available demographic information about individuals who use the shelter during the extension period and report to the City Council, through the City Manager, on success or challenges of the program extension).

#### **14. Contact Information**

#### **15. Attachments/Supporting Materials**

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

These Guidelines are mandatory for all Major Items and strongly recommended for Standard Items. While not all elements are applicable to every type of agenda item, the Guidelines prompt Authors to consider important elements of a complete item and to present items with as much relevant information and analysis as possible.

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 Considerations
13. Outcomes and Evaluation
14. Contact Information
15. Attachments/Supporting Materials

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### 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, that can be presented singularly or in combination with others, 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, Council Policy Committee, or other Legislative Body
- 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

#### 4. **Summary Statement**

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
- 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, as relevant.
  - **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, City Clerk, etc.
  - **Commissions:** what Commissions were or will be consulted and what were their recommendations/concerns/suggestions?
- 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, but should be presented/restated/summarized. In addition, further elaboration of terms for recommendations, if any, should be spelled out with clarity.

- *Example: Keeping winter shelters open for an extra three months extends the City's existing Winter Shelter program in a minor way. The shelters have been open during inclement weather every year for decades, and have been extended to accommodate extended rainy and cold seasons in previous years. Keeping winter shelters open through April ensures our homeless neighbors will continue to have a place to keep dry and warm and supports the City's strategic plan goal of providing services to those with critical needs in our community. All services associated with the Winter Shelter program, including but not limited to meal and storage services, are specifically included in the direction to extend the program.*

### **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? Initial, high-level consultation with the City Manager and/or the City Attorney regarding implementation, administration, and enforcement is strongly recommended, but not required.

### **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 Considerations**

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 and benefits. Initial, high-level consultation with the City Manager and/or the City



Attorney regarding the fiscal impacts of the proposal is strongly recommended, but not required.

**13. Outcomes and Evaluation**

State the specific outcomes expected, if any.

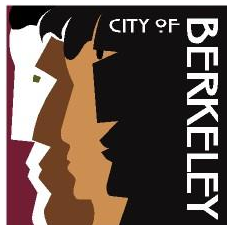
- Example: *“It is expected that 300 homeless people will be able to access dry and warm shelter during the 3-month extension of the winter shelter program.”*

Also state what reporting or evaluation is recommended.

- Example: *“The shelter operator shall keep an accounting of the number and any available demographic information about individuals who use the shelter during the extension period and report to the City Council, through the City Manager, on success or challenges of the program extension).”*

**14. Contact Information**

**15. Attachments/Supporting Materials**



Kate Harrison  
Councilmember District 4

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet**

**Meeting Date:** October 10, 2023

**Item Number:** 1

**Item Description:** City Council Legislative Systems Redesign

**Submitted by:** Councilmembers Harrison, Robinson, and Taplin

Refer to the Agenda Committee the elements contained in the “Alternative Legislative Alignment Process” as described in the background section.



Kate Harrison  
Councilmember District 4

ACTION CALENDAR  
October 10, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison (Author), Councilmember Robinson (Co-Sponsor), and Councilmember Taplin (Co-Sponsor)

Subject: Alternative Council Legislative Process

RECOMMENDATION

Refer to the Agenda Committee the elements contained in the “Alternative Legislative Alignment Process” as described below in the background section:

1. Incorporate positive elements of the Councilmember Hahn proposal, including mandatory Council memo guidelines, a formal process for City staff to provide conceptual input to authors, re-evaluating backlogged items for potential removal, and policy committees’ using a checklist to guide their analysis;<sup>1</sup>
2. Establish objective definitions and provide for comprehensive consideration of significant items;
3. Require referrals and budget requests over a given threshold to be considered first by a policy committee.
4. Preserve and formalize rolling deadlines for significant item submission;
5. Retain policy/budget judgement and prioritization to Council as a whole rather than policy committees, while tasking committees with role of ensuring items are drafted to form and sufficiently inform Council and the public’s consideration.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

At the October 2019 Council retreat, the Council and the City Manager discussed approaches to better align the legislative process to the budget and ensure implementation was feasible. In particular, many referrals to the City Manager were not well drafted and were not reviewed by policy committees before being referred. Many budget referrals were also not considered by policy committees despite their potential to have outsized impacts on staff and budgetary resources. Even with the referral ranking system, there remain a sizeable backlog of items that are not necessarily funded or considerate of staff resources. Councilmembers have not identified a sufficient number of lower-ranked items for removal from the list and may remain there for years.

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<sup>1</sup> Councilmember Hahn, Draft Proposal, p. 44., <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-09-18%20Agenda%20Packet%20-%20Agenda%20Committee.pdf>  
2180 Milvia Street, Berkeley, CA 94704 • Tel: (510) 981-7140 • TDD: (510) 981-6903 • Fax: (510) 981-6903 E-Mail: KHarrison@cityofberkeley.info

These considerations merit Council consideration and possible action. At the same time, proposals dictating how often Council can submit legislation and overly complex rules for policy committees risks veering into limiting councilmembers' legislative authority, fails to respond to emerging circumstances, is unprecedented in comparable cities and risks violating the spirit if not the letter of the City Charter. This item finds that (1) policy committee system created in 2018 is fundamentally sound with certain enhancements, and (2) that the problem that needs to be addressed is ending the practice of allowing significant policy and budget referrals to bypass the policy committee system.

Before Council could consider the issue in depth, the COVID-19 pandemic occurred. During the first year of the COVID-19 pandemic, the Mayor and Council briefly suspended consideration of nearly all non-emergency Council legislation and meetings of committees and commissions. As the pandemic wore on, the reality of governing and the needs of the people, including the pressing need for street improvements, responses to our affordable housing crisis, the murder of George Floyd and socio-economic factors – some related and some not to the pandemic – made introducing no new policy infeasible, and Council began legislating anew.

On June 15, 2021 City Management proffered its "Systems Alignment Proposal" proposal to Council. The proposal recommended restricting the time period for submitting Council items (exempting Departments and the City Manager) to only four months per year, among other details, citing the need for more in depth budgetary and implementation analysis. However, the Council's policy committees, created shortly before this time, were tasked with vetting items for any staffing impacts in light of vacancies and considering budget impacts Current rules provide that the policy committees are to:

- review items for completeness and alignment with Strategic Plan goals;
- ensure Council items include adequate discussion of budget implications, administrative feasibility, basic legal concerns, and staff resource demands to allow for informed consideration by the full Council;
- include a positive, qualified, or negative "Committee recommendation" based on these criteria.<sup>2</sup>

Many items improved significantly through the committee process.

Questions about the impact of the city management proposal on the City Charter were outlined in an alternative Council item submitted by Councilmember Harrison in June 2021.<sup>3</sup> Ultimately the City Manager's proposal was not adopted by Council, and was

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<sup>2</sup> Berkeley City Council Rules of Procedure, <https://berkeleyca.gov/sites/default/files/documents/City%20Council%20Rules%20of%20Procedure%20-%20July%2011%202023%20-%20FINAL.pdf>.

<sup>3</sup> Councilmember Harrison, "Comments and Alternative Systems Alignment Proposal," June 15, 2021, <https://records.cityofberkeley.info/PublicAccess/api/Document/AemaKwyWOMW%C3%89OLzGWGj2m%C3%81pnQxBkfMC7W2S7PsoYWkE%C3%81c3kNbNXoWpsj%C3%891iLPosUUUV90e0sL0rH3HFNV2BEtmCo%3D/>.

instead referred to the Agenda Committee for consideration alongside alternative proposals. The City Manager has indicated that it would be inappropriate for the City Manager under the Charter to be recommending or determining how the Council makes policy decisions. Indeed, the policy and legislative function is firmly lodged under the Council per the Charter as was noted in Councilmember Harrison's 2021 alternative item.

Some of the elements of the City Manager's 2021 proposal have reemerged as part of a new proposal led by Councilmember Hahn through the Agenda Committee. According to the Agenda Committee record, Councilmember Hahn indicated that her proposal represents an understanding between the City Manager and City Clerk's office. The City Manager noted that "there are characteristics of my [the City Manager's] proposal woven into what you [Councilmember Hahn] will be providing [the Council]" but has indicated this is clearly a matter for Council to determine.

The Council's process is not fundamentally flawed, and does not require measures such as a nearly 300-day legislative process for "major items." The Council's Policy Committee and budget process systems are sound, and among other updates the main task before Council is to close outstanding loopholes to the committee process.

This alternative item builds upon the proposal submitted by Councilmember Harrison in 2021, comments directly to the positive and less positive elements of Councilmember Hahn's proposal, and offers an updated alternative proposal that better aligns the legislative process to the budget and staff implementation process without sacrificing Berkeley's democratic process, and directly deals with referrals and budget requests submitted without sufficient budget and implementation analysis.

Certain elements of the legislative processes that have largely bypassed the policy committee process include: (1) referrals to the City Manager, (2) departmental, City Manager, including some major policy items, and (3) departmental, City Manager and Council budget referrals. All of these can have an outsized impact on limited budget resources and staff time and should be incorporated in the policy committee process ahead of the respective budget process. The policy committees are where—before passing out an item—significant budgetary impacts and feasibility, in addition to the proposals merits, ought to be determined.

*We can fix the process without stripping the people's representatives of their Charter responsibility to respond to the public's needs and of due process to propose, debate, and consider legislation.*

## BACKGROUND

### ***Positive Aspects of the Councilmember Hahn Proposal***

## Alternative Council Legislative Process

- Council items are required to follow the guidelines already promulgated rather than leaving these guidelines as recommended only;<sup>4</sup>
- Formal process for City staff to provide high level conceptual input to authors before they submit proposals;<sup>5</sup>
- Process for addressing or re-prioritizing the “backlog” of unfunded items;<sup>6</sup>
- Major Items passed by Council but not funded are automatically rolled-over to future funding opportunities (this has already been implemented to a certain extent).<sup>7</sup>
- Policy Committees’ analysis is enhanced using a checklist (excluding Hahn proposal to rate items).<sup>8</sup>

**Concerns about the Councilmember Hahn Proposal**

- Does not clearly articulate the specific legislative problems it is trying to solve, or provide examples of how the current system is “[in]consistent[],” how it “overwhelm[s]” City staff, and how the current system fails to “[s]uccessfully implement state of the art and/or innovative programs and policies.”<sup>9</sup>
- Severely limits the public’s access to the democratic process and extends the legislative process for “Major Items” to nearly 300-days (September to July and beyond). This compares to the current expected 120-day timeline. Items can that quickly become stale or inadequate by the time they are finally implemented.<sup>10</sup> The proposal does not appreciate the September deadline artificially circumscribes Council’s ability to be responsive to public.<sup>11</sup> For example, if a Councilmember develops a non-time critical but nonetheless important piece of major legislation in October, the public will have to wait 11 months until September plus another nine months (July of the next year) before the item can be budgeted and implemented.
- Does not align with the fall budget process in which “excess equity” is considered and most council budget referrals are funded.
- Does not subject City Management’s “Major Items” to the same review. Neighboring cities such as Oakland require all non-time critical staff policy items to be routed through Policy Committees so all budgetary decisions (the purview of Council) are made against the same criteria.<sup>12</sup>
- Provides Agenda Committee with too much power to determine pick ‘winners and losers’ as to what constitutes a “Major Item” or time critical. Existing and proposed definition of “Major Item” and “Time Critical” are overly subjective.<sup>13</sup>
- Provides Policy Committees inappropriate authority to prioritize/score items they review. Currently, Policy Committees provide recommendations about individual

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<sup>4</sup> Councilmember Hahn Draft Proposal, p. 44.

<sup>5</sup> Id., p. 43.

<sup>6</sup> Id., p. 47.

<sup>7</sup> Id., p. 44.

<sup>8</sup> Id., p. 36.

<sup>9</sup> Id., p. 24.

<sup>10</sup> Id., p. 43.

<sup>11</sup> Id. p. 27.

<sup>12</sup> Oakland City Council Rules of Procedure, March 8, 2023, <https://www.oaklandcityattorney.org/wp-content/city-council/89588%20CMS.pdf>. See also Councilmember Hahn Draft Proposal, p. 27.

<sup>13</sup> Id., p. 44.

Alternative Council Legislative Process

policies, and Council as a whole is rightly tasked with prioritizing and scoring items in terms of approval and budgeting.<sup>14</sup>

- Asserts that Policy Committees are a burden on staff and the Council, when in fact they have been shown to benefit the legislative process and reduce discussion at full Council. The Council's policy committees would only be allowed to meet to consider major legislation during less than six months of the year (down from the current nine months).<sup>15</sup>
- Requires Council to score items as part of the budget process through opaque and non-public processes, rather than through the current deliberative Council meeting process, Budget Committee, and Mayoral budget process provided for in Charter.<sup>16</sup>
- Creates an implementation team that includes the Councilmember author after it is passed by a policy committee. The stated goal is to "establish clarity of intentions, sketch timelines, discuss opportunities, ideas, challenges, etc." These are functions that the policy committees are tasked to do. The role for the Councilmember should be circumscribed as to prevent inappropriate meddling in administrative matters that are assigned to the City Manager under the Charter.<sup>17</sup>

***Alternative Council Legislation Alignment Proposal***

From the perspective of the authors of this item, a workable and sensible democratic process proposal should include the following:

Incorporate Positive Elements of Councilmember Hahn Proposal

- The positive elements listed above under "Positive Aspects of the Councilmember Hahn Proposal."

Establish Objective Definitions and Comprehensive Consideration of Significant Items

- Establish *objective* definitions for items with "significant" or "insignificant" budgetary or staffing implications, e.g., a dollar figure threshold, number of FTE needed, or requirement for consultant work. The current system fails to define "moderate to significant" and leaves subjective discretion to the Agenda Committee. This would ensure fairness amongst all Councilmembers. Alternatively, items could be referred directly to Policy Committees for such determination bypassing the Agenda Committee, unless deemed time critical.

Under this proposal, significant items would be subject to the normal maximum 120-day Policy Committee review timeline and include some of the enhancements offered by Councilmember Hahn. Items with insignificant impacts could be routed directly to Council or be provided a more streamlined maximum 90-day timeline and a less intensive review. In the case that items referred under

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<sup>14</sup> Id.

<sup>15</sup> Id., p. 26.

<sup>16</sup> Id.

<sup>17</sup> Id., p. 45

Alternative Council Legislative Process

the 90-day timeline are found by the Policy Committee to have more significant impacts, a committee would be empowered to extend the item to 120 days for enhanced review.

- Ensure that all items submitted as referrals to the City Manager or budget referrals over the threshold are thoroughly vetted by Policy Committees and include estimates of all budget and staffing implications before coming out of the committee process so that they can be properly routed to the budget process.
- Ensure that policy items from City Management and Departments (other than time critical contracts and strictly administrative matters) are routed to policy committees as in Oakland and San Francisco.

Preserve and Formalizing Rolling Deadlines for Significant Item Submission

- Provide rolling submission deadlines ahead of applicable biennial (July), annual adjustment (July), and annual appropriation ordinance budget processes (fall/spring). The Council and City Manager may strive to encourage Councilmembers to submit the bulk of their items to the biennial and AAO #1 processes, but circumstances and community demands may warrant submission and consideration at other budget process periods. The Council, Mayor, and Budget Committee should, as in the past, continue to defer items or not fund items with significant budgetary or staffing implications as appropriate. There does not need to be an artificial deadline imposed on items.

Retain Policy/Budget Judgement and Prioritization to Council as a Body, While Tasking Committees with Ensuring Items Are Drafted to Form and Sufficiently Inform Council and Public Consideration

- Pursuant to the Council's historic rules of procedures, *subjective judgements* of legislation are appropriately the purview of the Council as a whole, not Committees.

This alternative proposal would achieve the important goal of aligning Council items with significant budget and staff impacts with legislation in an objective way that is not detrimental to the Council's obligations under the Charter and the public's right to representative democracy.

CONTACT

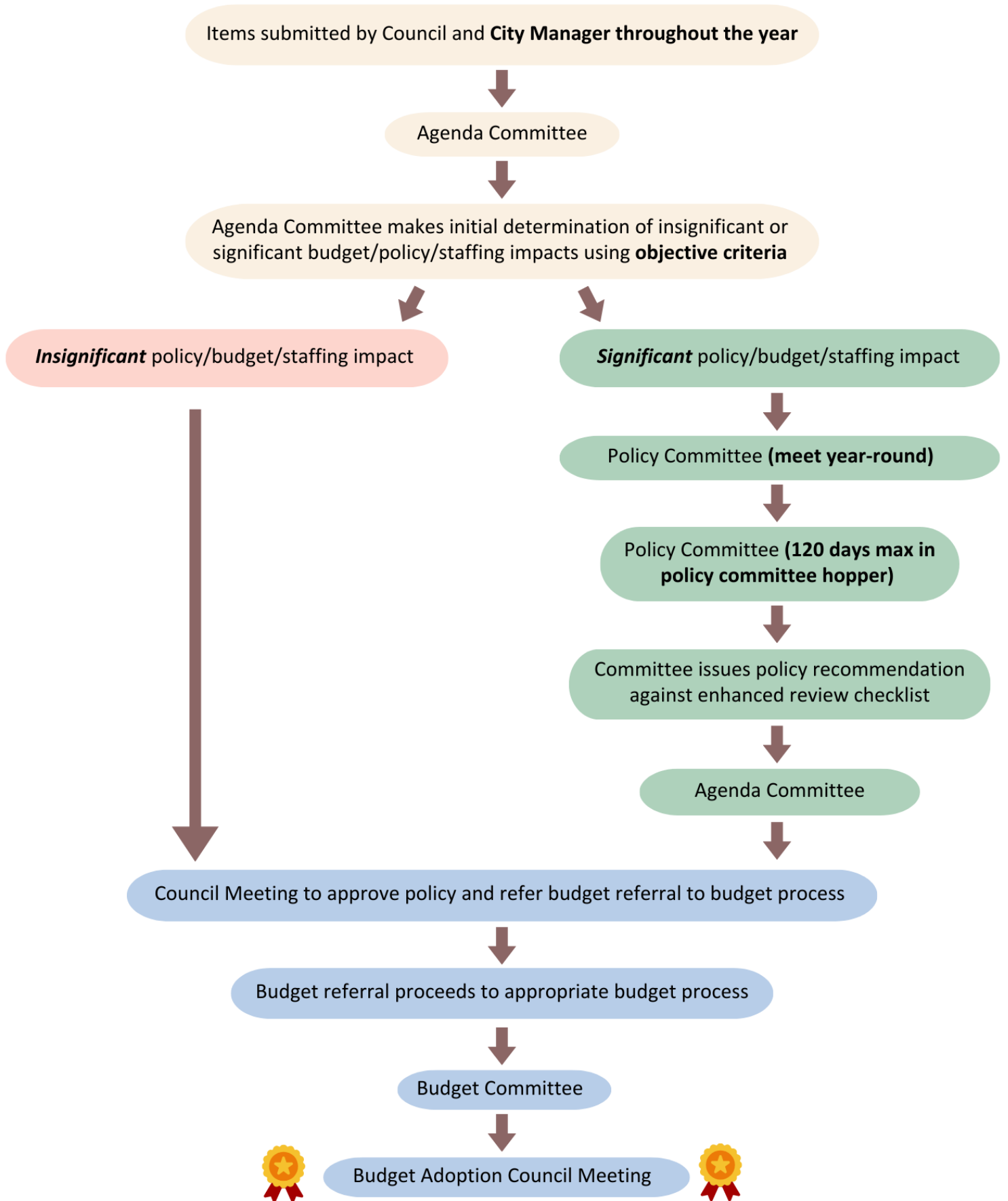
Councilmember Kate Harrison  
kharrison@cityofberkeley.info | 510-981-7140

ATTACHMENTS:

1. Flowchart of Alternative Systems Alignment Proposal



## Alternative Council Legislative Process Proposal





Office of the Mayor

WORKSESSION  
October 10, 2023

To: Honorable Members of the City Council  
From: Mayor Jesse Arreguín  
Subject: City Council Legislative Systems Redesign

**BACKGROUND**

On February 8, 2021, at the direction of City Council during a retreat, the City Manager presented a Systems Alignment Proposal to the Agenda and Rules Committee. Following discussion, the Systems Alignment proposal was calendared for a future Council meeting.

On April 26, 2021 the Systems Alignment proposal was presented to All Council.

Councilmember Droste submitted a response to the Systems Alignment proposal at the May 18, 2021 meeting followed by Councilmembers Hahn and Harrison at the June 15, 2021 meeting. During the June 15, 2023 Council engaged in discussion and referred the Systems Alignment proposal to the Agenda and Rules Committee for further consideration.

On March 14, 2023, Councilmembers Robinson and Wengraf presented Reforms to Public Comment Procedures at meetings of the City Council for discussion and action.

At the Agenda & Rules Committee Councilmember Hahn, in collaboration with the City Clerk and other staff, presented "Major Item Legislative, Budgeting & Implementation Systems Redesign". Upon deliberation, the Agenda & Rules Committee set a worksession for full council discussion on October 10, 2023.

In order to assist Council in understanding the various recommendations from previous meetings, Mayor Arreguin directed his staff, with assistance from Councilmember Wengraf's staff, to create a matrix of all the proposals and responses from City Councilmembers at the relevant meetings which was reviewed at the September 26, 2023 Agenda and Rules Committee meeting.

**CONTACT PERSON**

Mayor Jesse Arreguín      510-981-7100

City Council Legislative Systems Redesign

WORKSESSION  
October 10, 2023

Attachments:

- 1: PowerPoint Presentation
- 2: Council Rules of Procedure – Appendix B
- 3: Comparison Matrix
- 4: Background Materials

# MAJOR ITEM

## Submission, Review, Approval, Funding, & Implementation

### PROCESS SKETCH FOR DISCUSSION

Presented to Berkeley City Council  
by the Agenda & Rules Committee

October ##, 2023

# TERMINOLOGY

## MAJOR ITEM

Is an Item meeting the current/existing definition of a **Policy Committee Track Item**:

*Moderate to significant administrative, operational, budgetary, resource, or programmatic impacts*

# BIG IDEAS

**COUNCIL/MAYOR** - Successfully develop and implement State of The Art/ Innovative Programs and Policies to serve Berkeley, and to model best practices

**CITY CLERK** - Consistency in process for Major Item Development, Budgeting and implementation

**CITY ATTORNEY** – Ensure legal and drafting compliance

**CITY MANAGER** - Help the Organization deliver without overwhelm; help staff be successful in their work

# YEARLY CYCLE

Built around **JUNE 30** Budget Adoption/Update

July – September

**COUNCIL**

Finalize Y2 Items

**CITY MANAGER**

Implement Y1 Items

October – March

**COMMITTEE  
SEASON**

April – June

**COUNCIL + BUDGET  
SEASON**

# LEGISLATIVE SESSION

## One Cycle - Benefits

- **Every Year, opportunity to submit** and have Council review/vote on and fund Major Items
- **Four Subject Matter Committees** only meet during a Committee Season (except if emergency or special circumstance)
- Staff can **focus on implementation** during the “off season,” and Councilmembers can finalize the next year’s items
- Significantly **reduce gap between approval and implementation**



# MAJOR ITEM DEVELOPMENT & SUBMISSION

*All Year* → *End of September*

- Must use **Major Item Guidelines** format  
(Appendix B to Council Rules of Procedure & Order)
- September 30 **Submission Deadline**
- Major Items **can be submitted prior** to September 30 and reviewed by Agenda & Rules for **compliance with guidelines**
- Timeline allows for Councilmembers to **work all year** on items, with **concentrated opportunity** July-September
- **Staff input** at Pre-submission = high level/conceptual; early vetting of concepts with **City Attorney** to identify legal & drafting inputs

# AGENDA COMMITTEE

## OCTOBER

### *Review & Assign Major Items to Committees*

- Early October **Special Meeting(s)**
- Review Major Items for **compliance with Guidelines**
- Assign *compliant* Major Items to Policy Committees
- Send *non-compliant* Major Items back to Authors for resubmission by End of October

# POLICY COMMITTEES

## OCTOBER - MARCH

- Organizing Meeting(s) Mid-October – Plan Committee Session/Schedule Hearings
- Major Items reviewed by Committee and move out on Rolling Basis, November - March
- [Committees may also prioritize/score items they review]
- All Major Items OUT of Policy Committees by March 30

# CITY COUNCIL

## APRIL

- Vote on all Major Items by **April 30**
- May require special meeting(s) in April
- **City Attorney** sign-off on **drafting and legal conformity** of Ordinances, Resolutions, and Formal Policies
- Approved items sent to **Budget Committee**

# PRIORITIZATION OF MAJOR ITEMS\* EARLY MAY

- All **Major Items** that have been passed by Council, both NEW and PENDING/previously unfunded, to be prioritized by Councilmembers
- Prioritization due Second Friday in May (process TBD)

*\* Not the same as All-Item prioritization*

# BUDGET COMMITTEE

## MAY - JUNE

- Council [and Committee?] Prioritizations provided to Budget Committee as guides, but **not binding**
- Budget Committee makes **Recommendations** to Full Council
- Budget passed; Major Items funded move forward to **Implementation**
- ROLLOVER: Major Items passed by Council but not funded get **automatically rolled-over** to future funding opportunities

# IMPLEMENTATION

## JULY +

- **Implementation Lead** assigned by **City Manager**
- **Implementation Team** assembled by **Lead + CM**
- Meet with **Author(s)** to clarify intentions, sketch timelines, discuss opportunities, ideas, challenges
- **Implementation Team** prepares
  - **Launch Plan**
  - **Operating Plan**
- Program/Policy is **Launched + Implemented**

# OVERRIDE

## for Time Critical Items

SPECIAL TOPIC # 1

- Rules of Procedure and Order already provide Override:  
*An item that would otherwise be assigned to a Policy Committee may bypass Policy Review if the Agenda Committee deems it Time Critical. Agenda & Rules Committee retains discretion to decide the Time Critical nature of an item*
- Time Critical definition - may need to be reviewed/amended
- May still go to a Policy Committee or directly to Council, per A&R
- [**Possible Add:** Council-level override/appeal if Author doesn't agree with the A&R decision on Time Critical nature of a Major Item].



# PRE-SUBMISSION DETAILS

## SPECIAL TOPIC # 2

- **Guidelines Format Mandatory** for all Major Items
- **Only Authors (no Co-Sponsors) allowed** at Pre-Submission and Committee stages, to reduce Brown Act issues
- Available: **Pre-Submission Consult with City Manager** to recommend internal subject matter experts for high-level input
- Required: **Pre-Submission Consult with City Attorney** to identify legal and drafting considerations
- *Consider role for **COMMISSIONS** in Pre-Submission Phase*

# STRENGTHEN COMMITTEE REVIEW

## SPECIAL TOPIC # 3

### DEVELOP STANDARDS for review of Major Items:

- Relevance to Strategic Priorities or current needs/events
- Added value of program/policy
- Potential benefits/costs of program/policy to Community and COB
- Alternative means to achieve same or similar goals
- Phasing/timelines for implementation
- Staffing and Resources needed to Launch and Operate
- Evaluation/Metrics/Enforcement
- [Rate/Rank Major Items at end of Committee Session?]
- [Increase options re: positive and negative recommendations?]
- Other?

# STRENGTHEN COMMITTEE REVIEW

## SPECIAL TOPIC # 3

### Public, Staff, City Attorney, Commission Inputs

- Active Outreach to all identifiable Stakeholders
- Multiple Hearings to allow for robust community, Staff, and City Attorney inputs + Discussion
- ENHANCE/EMPOWER City Attorney & Staff participation to ensure meaningful input, without requirement for formal reports
- Committee Schedule (set early October) will help ensure the right staff/attorneys are present for each item
- *Consider how to obtain/integrate input from Commissions*

# PRIORITIZATION – SPECIAL *BACKLOGGED QUEUE*

Need a one-time process to “clear the backlog” of Major Items *currently* in queue. Suggest sending all pending (but not initiated) items to Policy Committees for review to suggest:

- Merging items and/or Updating Referrals
- Re-approval of items “as is”
- Recommendation to Sunset/Remove moot items
- Recommend disposition of all items, ranked By Lead Department
- Council reviews and approves Committee recommendations for consolidation, removal, restatement, and re-support of items
- May need some criteria - to ensure all council members get at least some of their priorities addressed
- May also include consideration of an RRV- or other kind of prioritization by full Council, organized by Lead Department and/or holistically

# PRIORITIZATION – REGULAR

## *YEARLY QUEUE*

- Enhanced Committee process should result in fewer or no backlogs and items implemented in a reasonable timeframe
- Prioritization becomes less of a BIG ISSUE

### **Prioritization in a rationalized system:**

- More fully conceived and vetted items
- Committee scoring and/or ranking of items at end of Committee Season
- Council Ranking of items by Lead Department and Overall

# Need Process & Criteria for funding Items at AA01 and AA02

## *High Level Suggestions – need input from Budget & Finance*

- Only Time Critical and Rollover (previously approved but unfunded) items considered - *same rule for Council and City Manager items*
- Not all extra funds (if any) get allocated - reservation for the annual budget process so funds are available for Council initiatives going through yearly legislative process
- AA01 and 02 only for one-time and/or time sensitive needs, except special circumstances

# IMPLEMENTATION

## SPECIAL TOPIC # 7

Once Major Item is passed + funded, move to Implementation

- **Implementation Lead** is assigned by City Manager – *Single Individual* Responsible for managing and ensuring implementation
- **Implementation Team** assembled by Lead + City Manager
- **Consult with Author(s)** to clarify intentions, sketch timelines, discuss opportunities, ideas, challenges
- Implementation Team prepares **LAUNCH** and **OPERATING** Plans
  - **LAUNCH** elements + Timeline
  - **OPERATING** Plan
- Long term/ongoing operation of program/policy

# DISCUSSION + QUESTIONS



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

**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.

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

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**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

**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

- 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,

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**

Systems Realignment Matrix - Updated 10-3-2023

|                                  | JM                                                                                                                                                                                                                                                                                                                                                                            | LM                                                                                                                                                                                                                          | LM                                                                                                                                                                                                                                                                                              | JM                                                                                                                                                                                                                                                                                                                                                                                                                           | LM                                                                                                                                                                                                                                 | LM                                                                                                                                                                                                                                                                                                                                                     | JM                                                                                                                                                                                                                                                                            | JM                                                                                                                                                                                                                                                              |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Item Date                        | City Manager's System's Realignment Proposal<br>4/26/2021                                                                                                                                                                                                                                                                                                                     | Droste Response<br>5/18/2021                                                                                                                                                                                                | Council Feedback from Work Session<br>5/18/2021                                                                                                                                                                                                                                                 | Hahn Proposal<br>6/15/2021                                                                                                                                                                                                                                                                                                                                                                                                   | Harrison Proposal<br>6/15/2021                                                                                                                                                                                                     | 2021 Council Feedback<br>6/15/2021                                                                                                                                                                                                                                                                                                                     | Droste BERIPE Plan<br>3/14/2023                                                                                                                                                                                                                                               | Hahn/City Clerk Proposal to A & R<br>10/10/2023                                                                                                                                                                                                                 |
| <b>Item Summary</b>              |                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                 | Thesis: Legislative process should support Council in passing legislation of important local concerns and value-based issues with impact locally and more broadly. New legislation should be thoroughly researched, revised and vetted with input from stakeholders, the public, City Staff and Council colleagues. City staff contribute with increased levels of input and participation as the legislation moves forward. |                                                                                                                                                                                                                                    | Thesis: Council recommendation was to review the proposal for systems alignment and provide edits and suggestions in order to compile Council feedback for the purpose of drafting a revised proposal for adoption. Sent back to A&R to prepare a new proposal and Council voices. No Councilmembers commented on the Consent Item during the meeting. |                                                                                                                                                                                                                                                                               | Thesis: Align with budget process, create consistency in process and proposal writing; ramp-up staff engagement as proposal moves through process. Create "seasons" (specific annual timeframes for development, policy committee, council and budget approval) |
| <b>Decisions/ Actions Taken</b>  | Thesis: Councilmembers to return with thoughts/proposals                                                                                                                                                                                                                                                                                                                      | Thesis: Supports CM Proposal. Recommends template adjustments to increase effectiveness and clarify reason for proposal and its recommendations and increase effectiveness.                                                 | Thesis: Mayor proposed and Council approved continuing the item to the June 15, 2021 regular meeting to allow Councilmembers to submit written comments for the public record.                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                              | Thesis: Does not support CM Proposal. Major items only put forward Jan - April to coincide with budget process limits public and Council voices. Harrison's proposal operates continuously with deadlines for each step of review. |                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                 |
| <b>Process for Council Items</b> | A & R determines if Major Item<br>If not major, agendaized for Council meeting                                                                                                                                                                                                                                                                                                | Council Agenda Item Template recommended adjustments:<br>- add: Define the Problem<br>-Include Criteria Considered &<br>-Rationale for Recommendation<br>-Make Equity its own category<br>Sample red-lined template in item | Some Councilmembers expressed concern about the yearly April deadline for Major items because it would create stale items and/or limit ability to respond to the concerns of the moment. CM reminded public and Council that this process is just for the 15 -20 Major items drafted each year. | Guideline Format drives development of Council, City Manager or Commission proposals<br>All Major Items, regardless of where originated follow the prescribed process<br>Council is encouraged to consult with staff during proposal development but may wait until during the Committee process<br>CAO must provide preliminary review prior to initial submittal                                                           | Council Streamlines Existing Backlog of staff involved items through Policy Committees' review and recommendations to Council.                                                                                                     | N/A                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                               | Built around June Budget Adoption<br>Divided into Seasons with deadlines for each phase                                                                                                                                                                         |
| <b>Major Item Definition</b>     | - Cannot be operationalized over time with existing resources<br>- Displaces an existing prioritized item<br>- Not implementable with existing resources<br>- Unable to sustain enforcement activities<br>- Subject to legal challenge and/or pre-emption<br>- Additional/new FTE on a temporary or permanent basis<br>- Additional or new infrastructure or technology costs |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                 | Any law, program, or policy that represents a significant change or addition to existing law, program, or policy and/or is likely to call for or elicit significant study, analysis, or input from the community, staff or Council colleagues, and/or is likely to require significant new resources or staffing to implement.                                                                                               |                                                                                                                                                                                                                                    | N/A                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                               | Definition required                                                                                                                                                                                                                                             |
| <b>Major Item Determination</b>  | A & R in consultation with CM<br>EXCEPTIONS:<br>- Grant deadlines<br>- Public Safety Issues<br>- Declared local emergencies<br>If exceptions granted, projects "in process" must be identified and delayed                                                                                                                                                                    | Major Item Determination Checklist recommended adjustments:<br>Define "smaller" and "less impactful" and state how that is determined.                                                                                      |                                                                                                                                                                                                                                                                                                 | (see definition above)<br>Can originate from Councilmembers, City Manager (often as referral responses) or Commissions<br>A & R makes determination if a submittal is a Major Item - can be sent back to originator for more information and compliance with Guidelines                                                                                                                                                      | Should be determined by Policy Committees, not Agenda Committee, via objective determination. No determination criteria given.                                                                                                     | N/A                                                                                                                                                                                                                                                                                                                                                    | N/A                                                                                                                                                                                                                                                                           | Submission Season: Year round submittal September 30 cut off for consideration through process<br>Submittals reviewed by A & R for Major Item Determination and compliance with Guidelines                                                                      |
| <b>Major Item Deadline</b>       | A & R agenda prior to April 30 to be considered in legislative year<br>Agendaized at A & R on rolling basis                                                                                                                                                                                                                                                                   | none provided                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                 | none provided                                                                                                                                                                                                                                                                                                                                                                                                                | 120 days maximum, which includes the Implementation Conference.                                                                                                                                                                    | N/A                                                                                                                                                                                                                                                                                                                                                    | LIMITS NUMBER OF MAYOR ITEM SUBMITTALS<br>Councilmember limited to submitting 1 major legislative item or set of amendments to existing ordinances/yr<br>Mayor limited to submitting 2 major legislative items or set of amendments to existing ordinances/yr<br>DEADLINE TBD | September 30 for next fiscal year consideration                                                                                                                                                                                                                 |

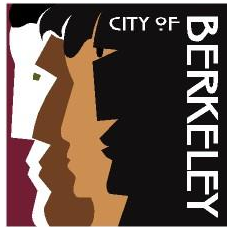
Systems Realignment Matrix - Updated 10-3-2023

| Item Date                 | JM                                                        | LM                                                                                                                                                                                                                                                                                     | LM                                                                                                                                                                                                                                | JM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | LM                                                                                                                                                                                                                              | LM                                                                                                                                              | JM                              | JM                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                   |
|---------------------------|-----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                           | City Manager's System's Realignment Proposal<br>4/26/2021 | Droste Response<br>5/18/2021                                                                                                                                                                                                                                                           | Council Feedback from Work Session<br>5/18/2021                                                                                                                                                                                   | Hahn Proposal<br>6/15/2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Harrison Proposal<br>6/15/2021                                                                                                                                                                                                  | 2021 Council Feedback<br>6/15/2021                                                                                                              | Droste BERIPE Plan<br>3/14/2023 | Hahn/City Clerk Proposal to A & R<br>10/10/2023                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                   |
| Item Distinction/ Process | <b>Policy Committee Review</b>                            | Referred by A & R Reviewed for completeness and alignment with Strategic Plan goals. Commission review. Once approved for consideration moves to Implementation Conference                                                                                                             | Policy Committee Ranking Form recommended adjustments: -Use score rather than rank NOTE: CM presentation no longer recommends using the Ranking Form                                                                              | A & R makes determination if a proposal meets information in Guidelines prior to sending on to Committees - Author has right to appeal Committees plan a timeline for hearing over multiple meetings and identify stakeholders and experts to provide input. Committee meetings to discuss proposal should be taken in order of the required components of the Guidelines Staff agendized to engage in every discussion and provides budget resources needs for Launch and                                                                                                       | Policy Committees send their recommendation and finalized Implementation report to A & R for scheduling at Council.                                                                                                             | N/A                                                                                                                                             | N/A                             | Committee Season: October 1 - March 1 A & R - October: will require special meetings. determines completeness based on Major Items Guidelines edits must be completed by 3rd Friday in October in order to move to Committees Committees determine order of hearings, create calendar, group like items together, understand staffing impacts, follow Enhanced Review Process                                                                                              |                                                                                                                                                                   |
|                           | <b>Implementation Conference</b>                          | CM or designee, CAO, Department Head or designee Collaborate with author to detail fiscal and operational impacts. Implementation Conference outcomes to be incorporated into Concil Report (see detail in 4.26.21 proposal, p3)                                                       | Implementation Conference Worksheet recommended adjustments: -Reduce amount of redundant components and specify what impact means. -Include similar additions as Council Item Template. -See sample redlined template in the item | Timing for conference: Earlier timing, perhaps just after referred to policy committee, before the Committee takes it up.<br><br>Staff analysis: Former Auditor in her 2018 presentation talked about importance of Council needing a staff analysis, resource analysis and opportunity costs in their items. Councilmember noted incredible importance for Council to have this info before passing items. At the same time, don't want staff to spend too much time on an item that doesn't pass. Tension here.<br><br>Definitions: Council needs to be comfortable with them. | The Policy Committee would facilitate an Implementation Conference hearing(s) with City staff, the author, and Committee members in order to prepare an Implementation Report. This happens during the Policy Committee Review. | N/A                                                                                                                                             | N/A                             | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                   |
|                           | <b>Implementation Conference Deadline</b>                 | August 31                                                                                                                                                                                                                                                                              | No calendar deadline                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | No calendar deadline                                                                                                                                                                                                            | No calendar deadline. Rolling basis.                                                                                                            | N/A                             | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | N/A                                                                                                                                                               |
|                           | <b>Initial Prioritization</b>                             | July 31. Policy Committees make recs Submitted to City Council                                                                                                                                                                                                                         | Sunset current RRV process Committee to "score" each proposal                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                 | Prioritized on rolling basis. Upon Council adoption, the budget aspect of the item would proceed to either the June or November budget process. | N/A                             | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | ONE TIME clearing of backlog on current list of projects                                                                                                          |
|                           | <b>Council Approval and Final Prioritization</b>          | October Council Calendar Council approval, prioritization, assign fiscal year for implementation, identify removal of items that new initiatives will replace If Council does not approve, item can be reintroduced the following year November 30 deadline for all major item actions | Sunset current RRV process Committee to "score" each proposal                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Author revises proposal to include required changes/clarifications and resources required for Launch and Implementation                                                                                                         | Council approves before item goes through budget process.                                                                                       | N/A                             | Council prioritizes all new legislative submittals through RRV process. Year 1 ONLY: Combine new legislative submittals and outstanding/incomplete items for prioritization through RRV process. Council and staff should determine what can be reasonably accomplished by staff based on RRV outcome and delete those projects that did not rise to top of priorities and cannot be accomplished. Year 2 and ongoing: Only new legislative submittals will be prioritized | Council Season: Feb 1 - April 30 CAO must confirm compliance with Ordinances<br><br>Prioritization: Council and Committee prioritize and send to Budget Committee |

Systems Realignment Matrix - Updated 10-3-2023

| Item Date                              | JM                                                                                                                                                                                                                                                                       | LM                                 | LM                                              | JM                                                                                                               | LM                                                         | LM                                 | JM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | JM                                                                                                                                                                                                                                                                                   |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                        | City Manager's System's Realignment Proposal<br>4/26/2021                                                                                                                                                                                                                | Droste Response<br>5/18/2021       | Council Feedback from Work Session<br>5/18/2021 | Hahn Proposal<br>6/15/2021                                                                                       | Harrison Proposal<br>6/15/2021                             | 2021 Council Feedback<br>6/15/2021 | Droste BERIPE Plan<br>3/14/2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Hahn/City Clerk Proposal to A & R<br>10/10/2023                                                                                                                                                                                                                                      |
| <b>Budget &amp; Strategic Planning</b> | December/January<br>Staff to incorporate approved items into Budget/workplan ranked by priority<br><b>January - March</b><br>Council and Staff revise the budget based on department presentations to BC<br><b>May/June</b><br>Budget hearings, adjustments and adoption |                                    |                                                 | Budget Implementation Conference: approves moving toward implementation or implementation is declined to proceed | Council approved items go through the next budget process. | N/A                                | (see note above)<br>Budget referrals and allocations must be explicitly tied to previously established or approved policy program, planning/strategy document and/or external funding opportunity related to one of these.<br><br>No budget referral can directly fund a specific organization or event. Organizations receiving City funding must submit application that includes civic goals/purposes, previous funding history and quantitative/qualitative results/outcomes. Funding greater than \$20,000 must include data on number of persons served and other outcomes. | Budget Season: May 1 - June 30<br>Council prioritization to Budget committee not binding. Budget Committee makes recommendations to full Council<br>Funded Council approved items move to Implementation<br>Unfunded Council approved items rollover to future funding opportunities |
| <b>Implementation</b>                  |                                                                                                                                                                                                                                                                          |                                    |                                                 |                                                                                                                  |                                                            | N/A                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | July (Month 1 of new fiscal year)<br>Implementation Lead and Team assigned<br>Meeting with Authors for clarity, timelines, challenges<br>Implementation Team prepared Launch and Operational Plans                                                                                   |
| <b>Tools</b>                           | Council Item template outlining required information<br>Major Item checklist<br>Implementation Conference Worksheet<br>Major Item Deadline: April 30                                                                                                                     | Major Item Determination Checklist | Policy Committee Ranking Form                   | Guidelines for Proposals/Council Items                                                                           | Alternate Systems Alignment Proposal flowchart.            | N/A                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Major Items Guidelines Format<br>Enhanced Review Process                                                                                                                                                                                                                             |
| <b>Consolidated Yearly Cycle</b>       | <b>Implementation Conference</b><br>Deadline: August 31<br><b>Council Prioritization</b><br>Deadline: July 31<br><b>Council Approval Deadline:</b><br>November 30<br><b>Budget Cycle:</b> January -                                                                      | none addressed                     | N/A                                             | none addressed                                                                                                   | Rolling basis rather than yearly cycle.                    | N/A                                | Based on "to be established" deadline to align with RRV process                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Submittal Season:</b> Year round with August 1 deadline for next fiscal year consideration<br><b>Committee Season:</b> Sept 1 - January 30<br><b>A &amp; R and council committee review</b><br><b>Council Season:</b> Feb 1 - April 30<br><b>Budget Season:</b> May 1 - June 30   |
| <b>Consensus</b>                       | 1 - Staff input in legislative drafting is important                                                                                                                                                                                                                     |                                    |                                                 |                                                                                                                  |                                                            |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                      |
| <b>Variable Differences</b>            | 1 - Different timelines for different types of items (some staggered, some ongoing)                                                                                                                                                                                      |                                    |                                                 |                                                                                                                  |                                                            |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                      |
| <b>Outstanding Questions</b>           | 1 - What impact does this have on the RPP process? What needs to change? What limits revisions to a systems redesign process?                                                                                                                                            |                                    |                                                 |                                                                                                                  |                                                            |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                      |





Office of the City Manager

## BACKGROUND MATERIAL

The following documents were previously submitted to the City Council for consideration, and are being provided with this item as background material.

The City Manager has removed staff's Systems Alignment Proposal from consideration. It is included in this attachment for reference and context.

Attachments:

### March 14, 2023 Council Meeting

1. Bureaucratic Effectiveness and Referral Improvement and Prioritization Effort (BE RIPE)
  - a. Report – Submitted by Councilmember Droste

### June 15, 2021 Council Meeting

2. Systems Alignment Proposal
  - a. Supplemental Material – Submitted by Councilmember Hahn
  - b. Supplemental Material – Submitted by Councilmember Harrison
  - c. Report – Submitted by City Manager

### May 18, 2021 Council Meeting

3. Systems Alignment Proposal
  - a. Supplemental Material – Submitted by Councilmember Droste
  - b. Presentation – Submitted by City Manager
  - c. Report – Submitted by City Manager



Lori Droste  
Councilmember, District 8

Action Calendar  
March 14, 2023

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

**From:** Councilmember Lori Droste

**Subject:** Bureaucratic Effectiveness and Referral Improvement and Prioritization Effort (BE RIPE)

### **Recommendation**

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

1. Beginning in 2023, Councilmembers shall submit no more than one major legislative proposal or set of amendments to any existing ordinance per year, with the Mayor permitted to submit two major proposals, for a maximum of ten major Council items per year.
2. In 2023 and all future years, Councilmembers shall be required to submit major items before an established deadline. Council shall then prioritize any new legislative items as well as any incomplete major items from the previous year using the Reweighted Range Voting (RRV) process. This will help establish clear priorities for staff time, funding, and scheduling Council work sessions and meetings. For 2023 alone, the RRV process should include outstanding/incomplete Council items from all previous years. In 2024 and thereafter, the RRV process should only incorporate outstanding/incomplete major items from the prior year. However, Councilmembers may choose to renominate an incomplete major policy item from an earlier year as their single major item.
3. During deliberations at a special worksession, Council retreat, and/or departmental budget presentations, Council and the City Manager should develop a work plan that establishes reasonable expectations about what can be accomplished by staff given the list of priorities as ranked by RRV. Council should also consult with the City Manager and department heads, particularly the City Attorney's office, Planning Department, and Public Works Department on workload challenges (mandates outside Council priorities, etc.), impacts, reasonable staff output expectations, and potential corrective actions to ensure that mandated deadlines are met, basic services are provided, and policy proposals are effectively implemented.
4. Budget referrals and allocations from City Council must be explicitly related to a previously established or passed policy/program, planning/strategy document, and/or an external funding opportunity related to one of these. As a good government practice, councilmembers and the Mayor may **not** submit budget referrals which direct funds to a

specific organization or event. Organizations which receive City funding must submit at least annually an application detailing, at a minimum: the civic goal(s)/purpose(s) for which City funds are used, the amount of City funding received for each of the preceding five years, and quantitative or qualitative accounting of the results/outcomes for the projects that made use of those City funds. Organizations receiving more than \$20,000 in City funds should be required to provide quantitative data regarding the number of individuals served and other outcomes.

5. Ensuring that any exceptions to these provisions are designed to ensure flexibility in the face of an emergency, disaster, or urgent legal issue/liability and narrowly tailored to be consistent with the goals of enhanced efficiency, effectiveness, fairness, and focus.

### **Policy Committee Recommendation**

On February 14, 2023, the Agenda and Rules Committee adopted the following action: M/S/C (Hahn/Arreguin) to send the item to the City Council with a Qualified Positive Recommendation to refer the relevant concepts of the original item to the Agenda & Rules Committee for consideration under the existing committee agenda item regarding enhancements to the City's legislative process. Vote: All Ayes.

### **Current Situation and Its Effects**

Over the past few years (excluding the COVID-19 state of emergency), City Council has grappled with potential options to reduce the legislative workload on the City of Berkeley staff. While a significant portion of this workload is generated from non-legislative matters and staffing vacancies, it is important to recognize that staff also continue to struggle to keep up with Council directives while still accomplishing the City's core mission or providing high quality public infrastructure and services.

### **Background and Rationale**

Berkeley faces an enormous staffing crisis due in part to workload concerns; as such, Council should take steps to hone its focus on legislative priorities. [November 2022's Public Works Off-Agenda Memo](#) offers a benchmark for problems faced by City departments. Public Works staff struggles to complete its top strategic plan projects, respond to audit findings, and provide basic services, in addition to fulfilling legislative priorities by Council. While the "Top Goals and Priorities" outlined by Public Works is tied to 130+ directives by the City Council, it is not reasonable to assume that all will be implemented.

The challenges faced by the Public Works department are not an anomaly. Other departments share the same challenges. In addition to needing to ensure that the City can adopt a compliant state-mandated Housing Element, process permits, secure new grant funding, mitigate seismic risks, and advance our Climate Action Plan, Planning Department staff have been tasked with addressing multiple policy proposals from the City Council. The sheer number of referrals also impacts the ability of staff in the City Attorney's office to vet all ordinances, protect the City's interests, participate in litigation, and address the City's other various legal needs.

### **Best Practices**

A number of nearby, similarly-sized cities were contacted to request information about how these cities approach Councilmember referrals and prioritizations processes. Cities contacted

included Richmond, Vallejo, Santa Clara, Concord, and Sunnyvale. Of these cities, Santa Clara, Concord, and Sunnyvale replied.

### **Santa Clara**

Overall, Santa Clara staff indicated that—similar to Berkeley—the Council referrals and prioritization process is not especially formalized, with additional referrals being made outside of the prioritization process.

Each year, the Council holds an annual priority setting session at which the Council examines and updates priorities from the previous year and considers what progress was made toward those priorities. The prioritization process takes place in February so that any priorities that rise to the top may be considered for funding ahead of the budget process. In any given year, some priorities may go unfunded and even holding those priorities over to a second year is not necessarily a guarantee of funding.

Despite conducting this annual prioritization exercise, Councilmembers in Santa Clara often still do bring forward additional referrals outside of this process. Part of this less restricted approach in Santa Clara's 030 ("zero thirty") policy, which allows members of the the City Council to add items to the Council agenda with sufficient notice and even allows members of the public to petition to have items added to a special section of the Council agenda.

Despite the overally looseness of Santa Clara's approach. Council members still rely upon staff to provide direction with respect to what priorities are or are not feasible based upon available funding and staff bandwidth.

### **Concord**

According to Concord City staff, although Concord—like Berkeley and Santa Clara—does have a process for Councilmembers to request items be added to Council agendas, Councilmembers generally agree not to add referrals outside of the formal priority-setting process.

Concord City staff only work on "new" items/policies that are mandated by law, recommended by the City Manager, and have been recommended for review/work of some kind by a majority (three of the five members) of the City Council.

In general, Councilmembers agree to not add work items outside of the Council's formal priority setting process. The Concord City Council has a once-a-year goal setting workshop each spring where the City plans its Tier 1 and Tier 2 priorities for the year (or sometimes for a 2-year cycle). Most Councilmembers abide by this process and refrain from bringing forward additional items. However any Councilmember may put forward a referral outside of the process and use the method outlined below.

Outside of the prioritization process, Councilmembers can request that their colleagues (under Council reports at any Council meeting) support placing an item on a future Council meeting agenda for a discussion. The Concord City Attorney has advised councilmembers that they can make a three sentence statement, e.g. "I would like my colleagues' support to agendize [insert item]" or "to send [insert item] to a Council standing committee for discussion." Followed by: "This is an important item to me or a timely item for the Council because [insert reasoning]. Do I have your support?" The other Councilmembers then cannot engage in any detailed discussion or follow up, but may only vote yes or no to agendizing the item.

If two of the Councilmember's colleagues (for a total of 3 out of 5) agree to the request to have the item agendized for a more detailed discussion by Council, then the item will be added to a future agenda for fuller consideration. An additional referral outside the prioritization process is suggested perhaps once every month in Concord, but the Concord City Council usually does not provide the majority vote to agendize these additional items.

### Sunnyvale

Of all the cities surveyed, Sunnyvale has the most structured approach for selecting, rating, and focusing on City Council priorities. "Study issues" require support from multiple councilmembers before being included in the annual priority setting, and then must go through a relatively rigorous process to rise to the top as Council priorities. And, perhaps most importantly, policy changes *must* go through the priority setting process to be considered. The Sunnyvale City Council's Policy 7.3.26 Study Issues reads, in part:

*Any substantive policy change (large or relatively small) is subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).*

*Policy related issues include such items as proposed ordinances, new or expanded service delivery programs, changes to existing Council policy, and/or amendments to the General Plan. Exceptions to this approach include emergency issues, and urgent policy issues that must be completed in the short term to avoid serious negative consequences to the City, subject to a majority vote of Council.*

If a study issue receives the support of at least two Councilmembers, the issue will go to staff for the preparation of a study issue paper. Council-generated study issues must be submitted to staff at least three weeks ahead of the priority-setting session, with an exception for study issues raised by the public and carried by at least two Councilmembers, if the study issues hearing takes place less than three weeks before the priority setting.

At the Annual Study Issues Workshop, the Council votes whether to rank, defer, or drop study issues. If a majority votes to drop the issue, it may not return the following year; if the issue is deferred, it returns at the following year's workshop; and if a majority votes to rank an issue, it proceeds to the ranking process. Sunnyvale's process uses "forced ranking" for "departments" with ten or fewer issues and "choice ranking" for departments with eleven or more issues. (The meaning of "departments" and the process for determining the number of issues per department are not elucidated within the policy.) Forced ranking involves assigning a ranking to every policy within a given subset, while choice ranking only assigns a ranking to a third of policies within a given subset, with the others going unranked.

After the Council determines which study issues will be moving forward for the year based on the rankings, the City Manager advises Council of staff's capacity for completing ranked issues. However, if the Council provides additional funding, the number of study issues addressed may be increased.

In 2022, Sunnyvale had 24 study issues (including 17 from previous years and only 7 new ones) and **zero** budget proposals. Although Sunnyvale does consider urgency items outside the prioritization process, this generally happens only 1 to 3 times per year and usually pertains to highly urgent items, such as gun violence.

### **Status Quo and Its Effects**

Council currently uses a reweighted range proportional representation voting method to determine which priorities represent both a) a consensus and b) district/neighborhood concerns. This process allows Council to coalesce around a particular common area of concern; but if there is a specific neighborhood or district issue that is not addressed by Council consensus, it also allows for that district's councilmember's top priority to be elevated in the ratings even without broad consensus, so long as there are not multiple items designated as that councilmember's "top" item. More information about this process can be found [here](#). This [system was established](#) in 2016 due to the sheer amount of referrals by Council and the lack of cohesive direction on which of the 100+ referrals the City Manager should act upon.

Subsequent to this effort, Council created a "short-term referral" pool which was intended to be light-lift referrals that could be accomplished in less than 90 days. However, that designation was always intended to be determined by the City Manager, not Council, with respect to what was operationally feasible in terms of the 90 day window. The challenge with Council determining what is a short-term referral is that it is not always realistic given other duties that the staff has to attend to and inappropriate determinations can stymie work on other long term priorities if staff have to drop everything they are doing to attend to an "short-term" or "emergency" referral.

An added challenge is that the City Auditor [reported in 2018](#) that the City of Berkeley's Code Enforcement Unit (CEU) had insufficient capacity to enforce various Municipal Code provisions. This was due to multiple factors, including understaffing—some of which have since improved. Nevertheless, the City Auditor wrote,

*"Council passes some ordinances without fully analyzing the resources needed for enforcement and without understanding current staffing capacity. In order to enforce new ordinances, the CEU must take time away from other enforcement areas. This increases the risk of significant health and safety code violations going unaddressed. It also leads to disgruntled community members who believe that the City is failing to meet its obligations. This does not suggest that the new ordinances are not of value and needed. Council passes policy to address community concerns. However, it does mean that the City Council routinely approves policy that may never result in the intended change or protections."*

Subsequent to that report, [an update](#) was published in September of 2022. A staffing and resource analysis for Code Enforcement is still needed to ensure that the laws Council passes can be implemented.

### **Fiscal Impacts**

These reforms are likely to result in significant direct savings related to reduced staff time/overtime as well as potential decreases to costs associated with the recruitment/retention of staff.

### **Alternatives Considered**

Alternatives were considered using effectiveness and efficiency as the evaluative criteria for referrals. One missing criterion that will be necessary in developing this process will be operational considerations so the City of Berkeley can continue to deliver basic services in an efficient manner.

*All-Council determination*

Council could vote *as a body* on the top 10 legislative priorities. The drawback of this method is that it, by default, eliminates any remaining priorities that have been passed by Council. It also eliminates “minority” voices which may disproportionately impact neighborhood-specific concerns as the remainder of the Council may not value district-specific concerns outside of their council district.

*Councilmember parameters*

Councilmembers could select their top two legislative priorities (as a primary author) for the year and the Mayor could select four legislative priorities for the year for a total of 10 legislative priorities per year. These “legislative priorities” would not include resolutions of support, budget referrals for infrastructure or traffic mitigations or other non-substantive policy items.....

*Status Quo Sans Short-Term Referrals*

The status quo of rating referrals is the fairest and most equitable if Council wishes to continue to pass the same quantity of referrals; however, it does not address the overall volume and that certain legislative items skip the prioritization queue due to popularity or perceived community support. Council enacts ordinances that fall outside of the priority setting process and designates items as short-term referrals. This loophole has made this process a bit more challenging. One potential option is to continue the prioritization process but eliminate the short-term referral option unless it is undeniably and categorically an emergency or time-sensitive issue.

**Contact Person**

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Phone: 510-981-7180

**Attachments**

Update on Public Works’ Goals, Projects, Measures, and Challenges



Office of the City Manager

November 15, 2022

To: Honorable Mayor and Members of the City Council  
 From: *DWR* Dee Williams-Ridley, City Manager  
 Re: Update on Public Works' Goals, Projects, Measures, and Challenges

This memo shares an update on the department's *Performance Measures* and *FY 2023 Top Goals and Projects*, and identifies the department's highest priority challenge. I am proud of this department's work, its efforts to align its work with City Council's goals, and the department's dedication to improving project and program delivery.

#### *Performance Measures*

The department's performance measures were first placed on the department's website (<https://berkeleyca.gov/your-government/about-us/departments/public-works>) in 2020. They are updated annually in April. Progress continues in preventing trash from reaching the Bay, reducing waste, increasing bike lane miles, reducing the City fleet's reliance on gas, increasing City-owned electric chargers, expanding acres treated by green infrastructure, and reducing the sidewalk repair backlog. Challenges remain with the City's street condition and safety.

#### *Top Goals and Projects*

Public Works' top goals and projects are also on the department's website (<https://berkeleyca.gov/your-government/about-us/departments/public-works>). Department goals are developed annually. This year, after reviewing the 130+ directives from open City Council referrals, FY 2023 adopted budget referrals, audit findings, and strategic plan projects, staff matched existing resources with City Council's direction and the ability to deliver on this direction while ensuring continuity in baseline services.

The *FY 2023 Top Goals and Projects* is staff's projection of the work that the department has the capacity to advance this fiscal year. This list is intended to be both realistic and a stretch to achieve. More than three-quarters of the work on the *FY 2023 Top Goals and Projects* is tied to the existing 130+ directives from City Council referrals, budget referrals, audit findings, and strategic plan projects. The remainder are initiatives internal to the department aimed at increasing effectiveness and/or improving baseline services.

Public Works conducts quarterly monitoring of progress on the goals and projects, and status updates are shared on the department's website using a simple status reporting



procedure. Each goal or project is coded green, yellow, or red. A project coded green is either already completed or is on track and on budget. A project in yellow is at risk of being off track or over budget. A project in red either will not meet its milestone for this fiscal year or is significantly off track or off-budget. Where a project or goal has multiple sub-parts, an overall status is color-coded for the numbered goal and/or project, and exceptions within the subparts are identified by color-coding. Quarter 1's status update is [here](#). The 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarter results will be posted at the same location.

### *Challenge*

Besides the volume of direction, the most significant challenge in delivering on City Council's directions is the department's high vacancy rate. The Public Works Department is responsible for staff retention and serves as the hiring manager in the recruitment and selection process. Both retention and hiring contribute to the department's vacancy rate, and the department collaborates closely with the Human Resources Department to reduce the rate. Over the last year, the vacancy rate has ranged from 12% to 18%, and some divisions, such as Equipment Maintenance (Fleet), Transportation,<sup>1</sup> and Engineering, have exceeded 20%. While the overall vacancy rate is lower than in Oakland and San Francisco, it is higher than in Public Works Departments in Alameda, Albany, Emeryville, and San Leandro.

The high vacancy rate obviously reduces the number of services and projects that staff can deliver. It leaves little room for new direction through the course of the fiscal year and can lead to delays and diminished quality. It also detracts from staff morale as existing staff are left to juggle multiple job responsibilities over long periods with little relief. The department's last two annual staff surveys show that employee morale is in the lowest quarter of comparable public agencies and the vacancy rate is a key driver of morale.

Attachment 1 offers an excerpted list of programs and projects that the department is unable to complete or address in this fiscal year due to the elevated vacancy rate and/or the volume of directives.

Attachment 1: Selected list of program, project, referral, and audit finding impacts

cc: Paul Buddenhagen, Deputy City Manager  
LaTanya Bellow, Deputy City Manager  
Jenny Wong, City Auditor  
Mark Numainville, City Clerk  
Matthai Chakko, Assistant to the City Manager

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<sup>1</sup> Three of the City's five transportation planner positions will be vacant by December 3. Before January 1, 2023, the City Manager will share an off agenda memo that explains the impact of transportation-specific vacancies on existing projects and programs.

## Attachment 1: Selected list of program, project, referral, and audit finding impacts

### *Project and Program Impacts*

- Major infrastructure planning processes are 6+ months behind schedule, including comprehensive planning related to the City's Zero Waste goal, bicycle, stormwater/watershed, sewer, and streetlight infrastructure.
- Some flashing beacon installations have been delayed for more than 18 months, new traffic maintenance requests can take 2+ months to resolve, and the backlog of neighborhood traffic calming requests stretches to 2019.
- The City may lose its accreditation status by the American Public Works Association because of a lack of capacity to gain re-accreditation.
- Some regular inspections and enforcement of traffic control plans for the City's and others' work in the right of way are missed.
- Residents experience missed waste and compost pickups as drivers and workers cover unfamiliar routes and temporary assignments.
- Illegal dumping, ongoing encampment, and RV-related cleanups are sometimes missed or delayed.
- The backlog of parking citation appeals has increased.
- Invoice and contracting approvals can face months-long delays.
- The Janitorial Unit has reduced service levels and increased complaints.
- Maintenance of the City's fleet has declined, with preventative maintenance happening infrequently, longer repair response times, and key vehicles being unavailable during significant weather events.

### *Prior Direction Deferred or Delayed*

- Referral: Expansion of Paid Parking (DMND0003994)
- Referral: Long-Term Zero Waste Strategy (DMND0001282)
- Referral: Residential Permit Parking (PRJ0016358)
- Referral: Parking Benefits District at Marina (DMND0003997)
- Referral: Prioritizing pedestrians at intersections (DMND0002584)
- Referral: Parking Districts on Lorin and Gilman (DMND0003998)
- Budget Referral: Durant/Telegraph Plaza, 12/14/2021
- Referral: Traffic Calming Policy Revision (PRJ0012444)
- Referral: Public Realm Pedestrianization Opportunities (PRJ0019832)
- Referral: Long-Term Resurfacing Plan (PRJ0033877)
- Referral: Street Sweeping Improvement Plan (DMND0002583)
- Audit: Leases: Conflicting Directives Hinder Contract Oversight (2009)
- Audit: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal (2014)
- Audit: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity (2016)



**SOPHIE HAHN**

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## **SUPPLEMENTAL AGENDA MATERIAL**

### **for Supplemental Packet 2**

**Meeting Date:** June 15, 2021

**Item Number:** 3

**Item Description:** Systems Alignment Proposal

**Submitted by:** Councilmember Sophie Hahn

This Supplemental offers suggestions for a legislative process better aligned with the goal of creating and supporting meaningful and effective change. Our current system is strengthened by (1) supporting the completeness of Major Items as introduced by Authors by requiring adherence to the existing Guidelines, and (2) significantly strengthening the Committee process - to support robust analysis and community/stakeholder consultation and ensure items moving forward to Council include realistic estimates of resources required related to launch and implement new programs and policies.



**SOPHIE HAHN**  
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CONSENT CALENDAR  
June 15, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmember Sophie Hahn (Author)  
Subject: Systems Alignment Proposal

COMMENTS ON SYSTEMS REALIGNMENT

**My Frame for Systems Realignment: *Systems Aligned to Support Change***

We are in a time of rapid change both locally and globally. The impacts of climate change, globalization, and inequality; growing threats to democracy; and the rise of a new generation of leaders illustrate that change is both a fact and an imperative.

Berkeley has been and should continue to be on the cutting edge of that change, and our legislative processes as well as our City organization must be designed to do more than just manage the status quo, with change viewed as a threat, cost, or nuisance. *Our systems must be aligned to stimulate, support, and implement meaningful change across all sectors - quickly.*

With that framing in mind, I believe the legislative process in Berkeley should be designed to support Councilmembers and the Mayor in producing and passing legislation that addresses important local concerns as well as value-based issues with both local and broader impact. Some legislation may simply strengthen the City of Berkeley as an organization - improving the basic functions and services we provide to our community. Other legislation is designed to address city, community, regional, national, and sometimes global needs, values and priorities.

Because of the City's commitment to progressive and democratic principles and its role as a leader and innovator across many sectors, legislation will often push the envelope, which I believe requires a nimble, can-do City organization. While logistics, staffing, costs and other elements of feasibility and implementation are key to the ultimate success of any new policy or program, I view the exploration of these questions as a supporting rather than driving force for legislation; internal feasibility under the status quo should not be an end unto itself.

**Systems Aligned to Support Excellence and Effectiveness in Change:**

While I believe change is an imperative and innovation should be core to our City systems, I also know that not every idea brought forward is ultimately optimal, relevant, or feasible. We are much more than an incubator for ideas and concepts - we serve a real community and must balance a wide variety of needs and viewpoints with every decision we make. I believe our systems must therefore be aligned to ensure new programs and policies are thoroughly researched, revised, and vetted for Berkeley - to meet the needs of our community without overwhelming the City organization. If the Council has priorities for which funds or capacity are not currently available, we must identify resources to build capacity.

To achieve these goals in this frame, I envision a process wherein major items of legislation that begin with the well-researched and articulated proposals of one or a few councilmember/mayor-authors are progressively reviewed and improved with input from stakeholders, members of the public, City staff and Council colleagues.

The end result should be high quality, relevant, thoughtfully tailored and right-sized programs and policies accompanied by realistic assessments of the resources required for successful launch and implementation. City staff, with their subject matter expertise and knowledge of operations play a uniquely important role in contributing to legislative success, and should actively partner throughout the process, *with progressively increased levels of input and participation as legislation is moved forward.*

The adoption of Guidelines for legislative items and the implementation of the Committee system provide a good foundation. By clarifying expectations and improving the value we derive from our existing processes we can avoid bogging things down with too many steps.

The following are my suggestions for a legislative process better aligned with the goal of creating and supporting meaningful and effective change. Our current system is strengthened by (1) supporting the completeness of Major Items as introduced by Authors by requiring adherence to the existing Guidelines, and (2) significantly strengthening the Committee process - to support robust analysis and community/stakeholder consultation and ensure items moving forward to Council include realistic estimates of resources required related to launch and implement new programs and policies.

Proposed Systems Alignment Improvements for Major Items:

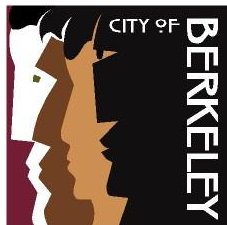
| PROCESS ELEMENT                                                             | CONTENT                                                                                                                                                                                                                                                                                                                           | NOTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MAJOR ITEM SUBMISSION</b>                                                | <b><i>Strongly encourage Authors to present Major Items in the full Guidelines format, which prompts for deep research, analysis and consultation</i></b>                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Define Major Item</b>                                                    | Any law, program, or policy that represents a significant change or addition to existing law, program, or policy, and/or is likely to call for or elicit significant study, analysis, or input from the community, staff, or Council colleagues, and/or is likely to require significant new resources or staffing to implement . | Major items are, essentially, “Policy Committee Track” items (see Rules) that are routed to a Policy Committee because they are substantial. <i>The adoption of a definition for Major Items clarifies a practice that is already in place.</i><br><br>Some items are not “Major” because they propose less significant changes or additions to existing law, programs or policies. In addition, some Major Items may be routed directly to the City Council due to urgency (“Time Critical Track”). <i>All of this is already reflected in the Rules governing Policy Committees.</i> |
| <b>Major Item Routing</b>                                                   | Major items may originate with Councilmembers, the City Manager (often as referral responses), or Commissions. Major Items generally should be routed to a Committee to be reviewed by Committee members and, if necessary, revised, with input from stakeholders, the public, and City staff.                                    | Currently, only Councilmember/Mayor items are subject to review by Policy Committees. <i>The Rules should be amended to require all Major Items, regardless of where they originated, to be reviewed in Committee</i> unless they fall under the Time Critical Track or another exception.                                                                                                                                                                                                                                                                                             |
| <b>Make Guidelines Mandatory</b> for presentation of Major Items for review | Council/Mayor and Commission authors of Major Items should present their items in accordance with the Guidelines at Appendix B of the City Council Rules of Procedure and Order. Authors should make a good faith effort to undertake the research, analysis and consultation necessary to complete all sections in substance.    | Need to specify format for “non-Major” items.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Staff Consultation is encouraged, but not required</b> at the initial    | Councilmembers and the Mayor are encouraged to consult with Staff before presenting Major Items, but may choose to engage with staff later, through the Committee process.                                                                                                                                                        | Staff should keep confidential and seek to support the positive development of ideas and initiatives of electeds who reach out for initial                                                                                                                                                                                                                                                                                                                                                                                                                                             |

|                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>development of a legislative item.</p>                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>input. Concerns, if any, should be addressed with a problem-solving lens.</p>                                                                                                                                                                                                                                                         |
| <p><b>City Attorney Consultation</b></p>                                                                                                                                               | <p>Authors should submit Major Items for preliminary review by the City Attorney to determine if there are any legal implications - which may need to be addressed before the item is submitted or could be developed/addressed later. The author should state in the section on consultation that the City Attorney has been consulted.</p>                                                                                    | <p>Not all items have legal implications. The City Attorney’s role at this juncture would be to identify whether there are legal considerations, or not. If there are, the Author can work with the City Attorney’s office to determine if the issues can be avoided/addressed, or if the legislation may not be possible/advisable.</p> |
| <p><b>Agenda Committee makes an initial determination</b> of whether an Item is “Major” and will be referred to a Committee, with input from the Author(s).</p>                        | <p><i>This tracks the current practice</i> - except that with an adopted definition of a Major Item the determination to send an item to Committee will be made according to more clearly articulated, objective standards.</p>                                                                                                                                                                                                 | <p>Per the existing rules, proclamations, sponsorships, ceremonial and similar items; Time Critical Items; and “Policy Track” items that are complete and have minimal impacts are currently <i>not</i> referred to Committees. <i>This practice will be unchanged.</i></p>                                                              |
| <p>The Agenda Committee may <b>require a Major Item not presented and/or fully rendered according to the Guidelines to be more amply developed</b> before being sent to Committee.</p> | <p>Authors of Major Items should do substantial research, analysis, and consultation before sending them to a Committee for further input and development.</p> <p>The Agenda Committee should be authorized to request that a major item not presented according to the Guidelines, or not substantially meeting the requirements, be further developed by the Author(s) before being sent to Committee.</p>                    | <p>Analysis should go beyond diagnosing the problem to be solved and focus on explaining and understanding the specific solutions/policies/programs being proposed, as well as alternatives considered.</p>                                                                                                                              |
| <p><b>Appeal/Override</b> of Agenda Committee recommendation to revise Major Item before submission to a Committee</p>                                                                 | <p>Authors should be offered the opportunity to discuss an Agenda Committee recommendation to rework a Major Item at the time the recommendation is made. If, after discussion, the lead author disagrees with the Agenda Committee’s request for further elaboration according to the Guidelines, the item may be referred to a Committee “as is” with a note that the Agenda Committee had requested the item be revised.</p> | <p>Authors should have a means to appeal a decision of the Agenda Committee to send an item back to the author for revision/expanded research, analysis or consultation and still move their items forward if they disagree with the request.</p>                                                                                        |
| <p><b>Major Items that are Complete</b> go to Committee (or items that are incomplete but subject to an override)</p>                                                                  | <p><i>Per existing rules</i>, Major Items will be routed to a policy committee unless an exception applies.</p>                                                                                                                                                                                                                                                                                                                 | <p>Exceptions are already listed in the Rules.</p>                                                                                                                                                                                                                                                                                       |



|                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                               |
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| <p><b>MAJOR ITEM COMMITTEE REVIEW</b></p>                                                                             | <p><i>Clarify and significantly improve process and substance of Major Item review @ Committee, including development of a preliminary launch and implementation plan and associated costs</i></p>                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                               |
| <p><b>Committee hears Major Item more than once -</b><br/>First hearing includes development of a plan for review</p> | <p>As a general matter, Committees should plan to schedule Major Items to be heard more than once. At the first hearing, the Committee should discuss the level of analysis and consultation envisioned, identify specific stakeholders and questions Committee members would like to explore, and sketch a process for moving the item forward over several Committee meetings.</p>                                                                                                                                      | <p>Depending on how complex and significant the Major Item appears to be, the Committee can plan out its process of review and consultation.</p>                                                                                                                                                                                              |
| <p><b>Committee reviews specific elements</b> of the proposed Major Item</p>                                          | <p>The Guidelines require, under bullets 5-9, (5) full background on the problem/issue to be addressed, (6) the existing regulatory/legal framework, (7) potential alternative solutions to address the identified concern, (8) consultation with stakeholders, and (9) a rationale for the recommendation.</p> <p>Each of these sections should be specifically agendized for discussion (can all be same day, but should be individually considered) to ensure robust consideration of the legislation as proposed.</p> | <p>By requiring the Committee to focus on each of these elements as a baseline review, Committee members are encouraged to do a deep dive into the basis, rationales and alternatives for the Major Item.</p>                                                                                                                                 |
| <p><b>Committee identifies and does specific outreach to Stakeholders and Experts</b></p>                             | <p>The “public” is always welcome at Committee Meetings. In addition to general public notice, the Committee in its first meeting to review a Major Item should identify stakeholders and experts who may have valuable input. If needed, those individuals/groups should be invited by the Committee to share their perspectives.</p> <p>Staff can support outreach to ensure identified stakeholders and experts are aware of the opportunity to comment.</p>                                                           | <p>Sectors/individuals that are supported or otherwise impacted by new policies and programs are well positioned to provide useful comments and input for the Committee. Subject matter experts may also be helpful to hear from.</p>                                                                                                         |
| <p><b>Staff input is agendized and includes preliminary review of Launch and Implementation</b></p>                   | <p>Staff is encouraged to provide input and answer questions throughout the Committee process. Staff should be encouraged to volunteer comments and Committee Chairs should call on staff to ensure time is provided for their comments throughout the process. <i>In addition, a specific time for staff input should be agendized.</i></p> <p>The Staff presentation should include <i>preliminary review of staffing and budget/resource needs for both Launch and Implementation.</i></p>                             | <p>Launching a new program or policy and running it are two different undertakings. Staff should specify what will need to be in place to LAUNCH (development of regulations, preparation of informational mailings, website updates, back-end systems, funding, etc. ) and to RUN/IMPLEMENT new programs and policies over the long run.</p> |

|                                                                  |                                                                                                                                                                                                                                 |                                                                                                                                                                                                                         |
|------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Manage/reduce <b>Staffing of Committees</b></p>               | <p>With a better articulated “plan” for Committee review of Major Items, staffing of meetings can be more closely managed to reduce waiting time for staff members/City Attorney when not needed for one or another matter.</p> | <p>Only need Clerk + Staff Lead - Chair can work with Staff Lead to bring other Staff into discussions on as-needed basis. The City Attorney may be able to be on standby for advice when presence is not required.</p> |
| <p>Major Item moves forward to Council (all recommendations)</p> | <p>Lead Author must revise/update item to include information about resources required for Launch and Implementation of the Major Item, and to reflect any other changes, before submission to City Council.</p>                |                                                                                                                                                                                                                         |
| <p>Major Item gets <b>passed by Council</b></p>                  | <p>Goes to Budget Implementation Conference, or vote no and it's over</p>                                                                                                                                                       |                                                                                                                                                                                                                         |



Kate Harrison  
Councilmember District 4

## REVISED AGENDA MATERIAL for Supplemental Packet 2

**Meeting Date:** June 15, 2021

**Item Number:** 3

**Item Description:** Systems Alignment Proposal

**Submitted by:** Councilmember Harrison

The attached item includes Councilmember Harrison's comments about the proposed Systems Alignment Proposal as well as an alternative proposal.

It is in the public interest that the Council consider this alternative proposal as part of the Mayor's development of a revised proposal for discussion and adoption at a later date.



Kate Harrison  
Councilmember District 4

CONSENT CALENDAR  
June 15, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmember Harrison  
Subject: Comments and Alternative Systems Alignment Proposal

COMMENTS AND ALTERNATIVE PROPOSAL

At the October 2019 Council retreat, the Council and the City Manager discussed various approaches to better align the legislative process to budget and implementation resources. These considerations are important and merit Council consideration and possible action. However, the proposed solution from the City Manager would also limit the voice of the public and the Council by restricting the time period for Council referrals to only four months per year.

At a Worksession on May 18, 2021 dedicated to the Systems Alignment proposal, the Council heard overwhelming public comment strongly opposed to such an approach.

A better solution lies in reexamining and modifying certain elements of the Policy Committee process as opposed to overhauling fundamental elements of Council duties.

This Supplemental discusses the shortcomings of the proposal in greater detail and advances an alternative and simpler approach to “Systems Alignment” achieving the original objective of the October 2019 retreat without sacrificing and abdicating fundamental values and responsibilities.

**A. The Proposed Systems Alignment Proposal Unduly Limits Council Duties and Responsibilities Under the City Charter**

The City Charter provides that the City Council is the “governing body of the municipality” and “shall exercise the corporate powers of the City, and... be vested with all powers of legislation in municipal affairs adequate to a complete system of local government.”

However, the proposal subjects “new significant legislation” to a labyrinth of new bureaucratic processes that will invariably and unduly limit the democratic organ of city government—the City Council—which is directly answerable to the will of the people.

## Comments and Alternative Systems Alignment Proposal

The following list provides a non-comprehensive overview/discussion of the ways the current Systems Alignment Proposal could violate the letter and spirit of the Charter:

- The proposal limits Council from submitting “new significant legislation” to four months out of the year, effectively making the Council only responsive to the people’s “significant” needs on a part-time basis as any legislation that misses the deadline is inactive for the remainder of the year. Not only does this violate the necessity of providing the Council with “all powers of legislation in municipal affairs,” but it appears to contradict the voter’s will pursuant to Measure JJ, wherein they reaffirmed the scope and appropriate remuneration of Council’s myriad legislative and oversight responsibilities.
- The determination of which legislation will be subject to additional scrutiny and processes is based on *subjective* findings by the Agenda Committee in consultation with the City Manager. This is in contrast to alternative approaches, such as those adopted in other cities, which rely upon *objective* measures such as the consideration of a piece of legislation’s budgetary or staffing implications informed by thorough discussion and investigation by Policy Committees. Furthermore, pursuant to the Council’s historic rules of procedures, *subjective judgements* of legislation are appropriately the purview of the Council as a whole, not subcommittees. The current proposal adopts an inherently conservative and subjective framework that judges all legislation by whether it “represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff.” Legislation meeting that definition is then subjected to lengthy bureaucratic processes of more than a year.

In short, the proposed framework stands in contrast to the current Policy Committee system, whereby subcommittees are tasked with improving the quality, thoroughness and comprehension of legislation, as opposed to a subjective consideration and determination of whether a given policy change is merited largely within the narrow confines of considering limited budget and staff resources.

- Under the Charter, the Council is responsible for adopting a biannual budget. However, the proposal limits Council’s ability to adopt significant new legislation with budget implications at only one of the two primary budget processes per year.
- Legislative consultation with City staff is absolutely necessary. But the proposal encourages authors to “initially consult[] with the City Manager or city staff regarding their proposed Major Item and [note] the substance of those conversations, and initial staff input” before the item is even introduced. This system could potentially create an inappropriate layer of staff power over Council legislative prerogative, a division that the Charter is very clear about.
- The proposal requires that items align with Strategic Plan goals. While these goals are important and represent a snapshot of Council and City Staff’s vision for the city, they do not necessarily represent the totality of the people’s will as expressed

through their elected representatives at any given time.

- The Council is artificially constrained from acting upon legislation receiving an unfavorable review at the Policy Committee level. Council is reduced to a choice between proceeding through the next phase, or to vetoing a matter for the remainder of the legislative calendar if a policy committee forwards a negative recommendation. Currently, under the committee system, items not acted upon in committee within 120 days are forwarded to the Council. In this way, the proposal violates the Charter by imposing unreasonable hurdles to the exercise of “all powers of legislation in municipal affairs adequate to a complete system of local government.”
- The proposal states that all significant legislation must be submitted by April 30, and City Council Policy Committees must complete review of all Major Items assigned to them no later than June 30 of each year. This raises the question of what the Council is engaged in for the majority of the year?
- Implementation Conferences, while a good idea, are currently crafted in a way that they will delay items unnecessarily and remove discussion of budgetary impacts from the substantive discussion by policy committees. Furthermore, the proposal imposes an artificial limit with respect to holding Implementation Conferences to once per year, which will further constrain the Council’s legislative obligations.
- After the implementation conference, Policy Committees are required to provide an additional subjective consideration of major items through prioritization. This is late in the life of an item. Additionally, under this proposal, the Council is expected to once again rank significant items as part of the RRV process (behind closed doors), despite the items having already endured the lengthy Systems Alignment process and final Council approval.
- When an item fails to receive Council approval, the author is barred from resubmitting it until the following year.

## **B. Alternative Systems Alignment Proposal**

This item presents a simpler and less disruptive Systems Alignment proposal that conforms to the existing Council and Policy Committee processes and prioritizes research and investigation of items with significant budgetary and staff implications in order to better inform Council’s decision-making process as opposed to hard limits on legislation:

1. To address the backlog of outstanding items that may impact staff resources and availability to implement Council and other citywide priorities, the Council should immediately direct Policy Committees to review all such referrals and items in staff’s queue for which implementation work has not yet begun.

Upon this review, Policy Committees would be tasked with making a recommendation to the full Council to modify or reconsider certain items in the queue.

Next, the Council should schedule worksessions (outside of the RRV process) to consider Policy Committee recommendations in a public forum and prepare a Resolution potentially dispensing with and/or reprioritizing items in the queue.

In totality, this process would contribute to streamlining the existing queue, and facilitate staff resources for implementation and development of other new and existing legislative items. In sum, through revisiting the existing queue, Council can continue to conduct substantial legislative work throughout the year.

2. The Council should revise Policy Committee process with respect to the budget and legislative implementation.

Specifically, to address potential incongruity between Council items with significant budget implications, the Council should modify its Rules of Procedure to task Policy Committees (not the Agenda Committee) with making an initial and objective determination of whether a prospective item has significant budget and/or staffing impacts (**See Attachment 1** for a detailed flowchart of the Alternative Proposal):

- Upon an insignificant budget determination, the item and any related budget referral would proceed through the normal Policy Committee track process on a maximum 90-day timeline.
- Upon a significant determination, the item would be placed on a different Policy Committee track such that the Policy Committee would have a maximum of 120 days to research and investigate the budget and staffing implications of the item, any related budget referral, and policy implications, in order to *inform* Council's ultimate consideration. As part of the 120 day process, the Committee would facilitate an Implementation Conference hearing(s) with City staff, the author, and Committee members in order to prepare an Implementation Report.
- Once the Committee has made its policy recommendation and finalized its Implementation Report, the item would proceed to the Agenda Committee for scheduling at Council.
- Upon Council adoption of items with either significant or insignificant budget/staffing implications, the budget aspect of the item would proceed to either the June or November budget process pursuant to Council-established deadlines for consideration of budget items. For example, the

Comments and Alternative Systems Alignment Proposal

Council could establish deadlines of May and October for the respective budget processes. Therefore, the Budget Committee would only consider budget items that were passed ahead of the respective deadlines. Those that miss the deadline or are ultimately unfunded would be automatically carried over to the next budget process.

This alternative proposal would achieve the important goal of aligning Council items with significant budget and staff impacts with legislation in an objective way that is not detrimental to the Council's obligations under the Charter.

It is in the public interest that the Council consider this alternative proposal as part of the Mayor's development of a revised proposal for discussion and adoption at a later date.

CONTACT

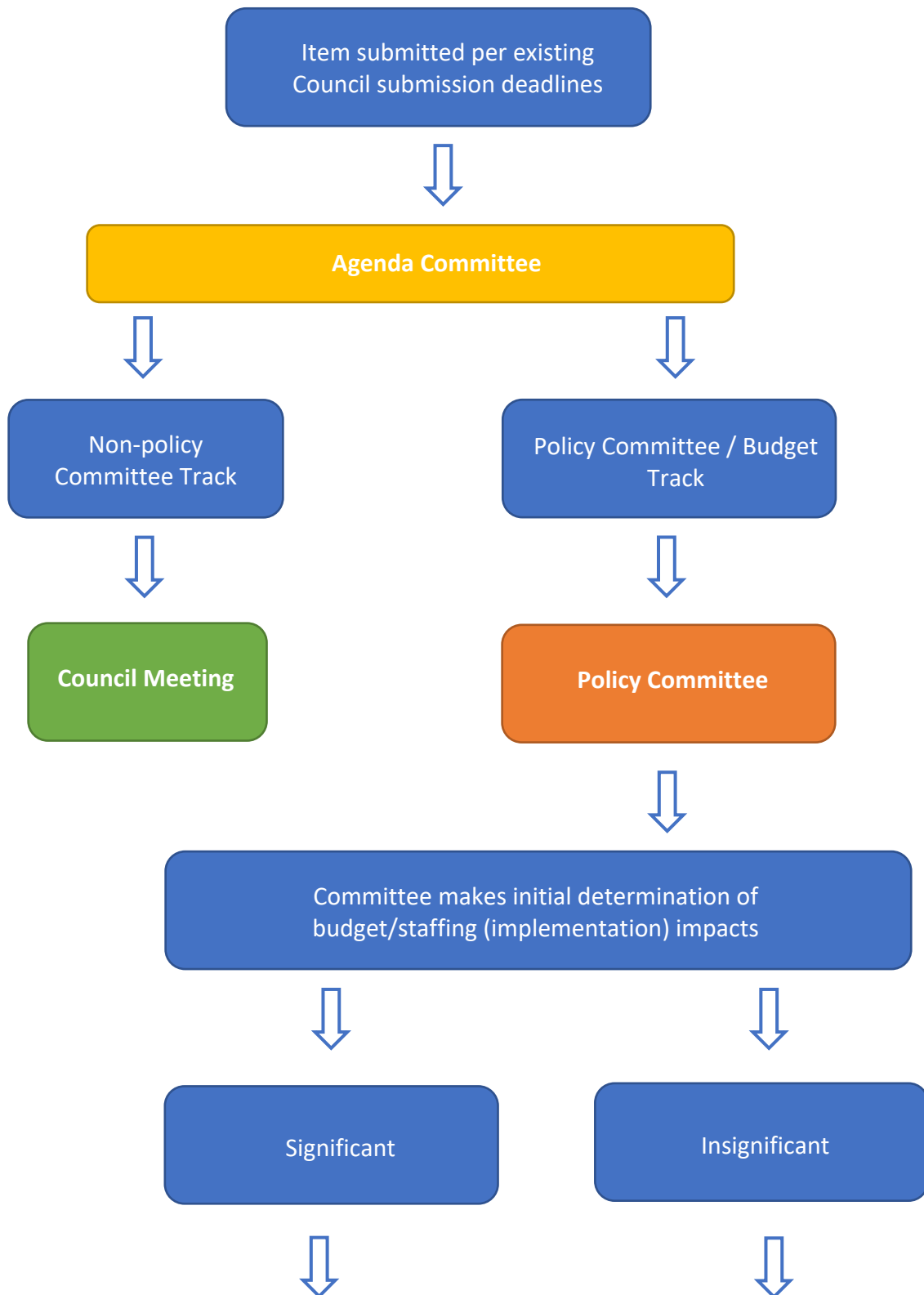
Councilmember Kate Harrison  
kharrison@cityofberkeley.info | 510-981-7140

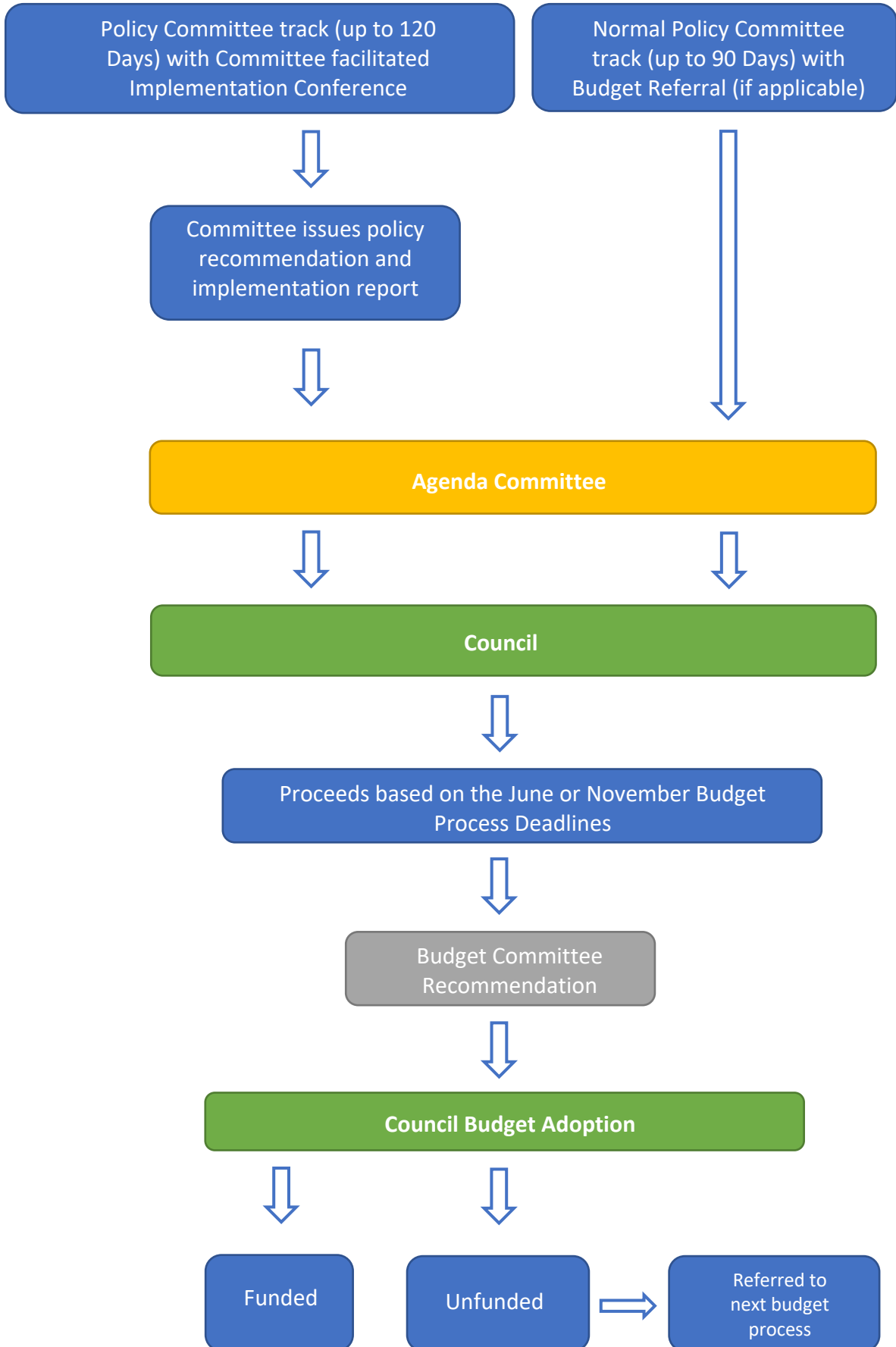
ATTACHMENTS:

1. Flowchart of Alternative Systems Alignment Proposal



### Alternative Systems Alignment Proposal







Office of the City Manager

CONSENT CALENDAR

June 15, 2021

*(continued from May 18, 2021)*

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David White, Deputy City Manager

Subject: Systems Alignment Proposal

RECOMMENDATION

Review the proposal for systems alignment and provide edits and suggestions in order to compile Council feedback for the purpose of drafting a revised proposal for adoption.

SUMMARY

The City Council discussed the Systems Alignment proposal at a Worksession on May 18, 2021. The item was continued to June 15 to allow Councilmembers to submit suggestions and changes to the original plan. The Mayor will consolidate the input from the Council and the public and return with a revised proposal for discussion and adoption at a later date.

FISCAL IMPACTS OF RECOMMENDATION

While the recommendation of this report would not entail fiscal impacts, if adopted, the proposal would have budgetary effects. Broadly speaking, the proposal is designed to better ensure adequate financial and staffing resources are identified and approved with any adopted significant legislation<sup>1</sup> (Major Item).

CURRENT SITUATION AND ITS EFFECTS

This report proposes a process to integrate various systems (e.g., budget, Strategic Plan, prioritization of referrals, etc.) to ensure that resources are appropriately allocated, to focus the organization and employees on those priorities established by the City Council and City Manager, and to enhance legislative and budget processes. Ultimately, aligning systems will help ensure our community's values as reflected in the policies of our City Council are implemented completely and efficiently, with increased fiscal prudence, while supporting more meaningful service delivery. In light of the economic and financial impacts of COVID-19 and resource constraints, it is imperative to improve

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<sup>1</sup> New significant legislation is defined, with some explicit exceptions, as "any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public". See Council Rules of Procedure, [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/City%20Council%20Rules%20of%20Procedure.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure.pdf).

vetting and costing of new projects and legislative initiatives to ensure success. In addition, the purpose of this proposal will align our work with the budget process.

The proposed changes outlined in this memorandum will better guide and inform budget development, clarify tradeoffs by identifying operational impacts, and develop a more effective and time-efficient path to implementation. These changes support a clear and full realizing of City Council policies, programs, and vision. The major features of the proposal are:

- Changing the order of the legislative process to ensure that Major Items (defined below) passed by Council are funded, as well as folded into staff workplans and staffing capacity,
- Making the City Council Rules of Procedure Appendix B guidelines mandatory,
- Ensuring that Major Items that are adopted by City Council are vetted and clearly identify the resources needed for implementation,
- Consolidating and simplifying reporting and tracking of Major Items, and
- Creating a deadline for each year's Major Items that allows for alignment with prioritization, the Strategic Plan, and the budget process.

Additionally, the proposed Systems Alignment would advance the City's Strategic Plan goal to provide an efficient and financially-health City government.

## **PROPOSED PROCESS**

The proposed process outlined in this memorandum replaces the current system of referrals (short and long term, as well as Commission referrals), directives, and new proposed ordinances, that is, all Major Items, regardless of "type" or origin will be subject to this process.

### **Step 1: Major Item Determination**

The systems alignment proposal outlines a process for Major Items.

#### ***Defined in Council Rules of Procedure***

Major Items are "new significant legislation" as defined in Appendix D of the [City Council Rules of Procedure](#):

Except as provided below, "new significant legislation" is defined as any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public.

The exceptions to the definition of new significant legislation and process state:

New significant legislation originating from the Council, Commissions, or Staff related to the City's COVID-19 response<sup>2</sup>, including but not limited to health and

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<sup>2</sup> If this proposal is adopted, "COVID-19" should be replaced with "declared emergency response" in the exception language.

economic impacts of the pandemic or recovery, or addressing other health and safety concerns, the City Budget process, or other essential or ongoing City processes or business will be allowed to move forward, as well as legislative items that are urgent, time sensitive, smaller, or less impactful.

The Agenda & Rules Committee, in consultation with the City Manager, will make the initial determination of whether something is a Major Item, using the Major Item Determination Checklist (see attachment 1). At any time in the process, if evidence demonstrates that the initial determination of the proposal as a Major Item proves incorrect, then it is no longer subject to this process. Additionally, if any legislation it originally deemed not to be a Major Item, the author or City Manager may appeal to the Agenda and Rules Committee or to the full Council and present evidence to the contrary.

### ***Required Conformance and Consultation***

All Major Items must use the agenda guidelines in Appendix B of the Council Rules, which require more detailed background information and analysis. The Agenda and Rules Committee can send the item back to the author if it is not complete and/or does not include all of the information required in Appendix B. The author must make a good faith effort to ensure all the guideline prompts are completed in substance not just in form.

Major Items must include a section noting whether the author has initially consulted with the City Manager or city staff regarding their proposed Major Item and the substance of those conversations, and initial staff input.

### ***Required Submission Date***

A Major Item must be submitted in time to appear on the agenda of an Agenda & Rules Committee meeting occurring no later than April 30 of every year. Any item submitted after that deadline, that does not meet an exemption, will be continued to the following year's legislative process.

Major Items will be referred by the Agenda & Rules committee on a rolling basis.

### **Step 2: Policy Committee Review**

A Major Item, once introduced and deemed complete and in conformance by the Agenda and Rules Committee, will be referred to one of City Council's Policy Committees (i.e., Health, Life Enrichment, Equity and Community, Public Safety, etc.), for review, recommendation, and high-level discussion of implementation (i.e., ideas, rough cost estimates, benefits, etc.). Per the [Council Rules of Procedure](#),<sup>3</sup> the Policy

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<sup>3</sup> [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf)

Committee will review the Major Item and the completed Major Item Determination Checklist to confirm Agenda & Rules initial determination that the Major Item is complete in accordance with Section III.B.2 and aligns with Strategic Plan goals. If the Major Item receives a positive or qualified positive recommendation, then it will go to an Implementation Conference (See step 3, Vetting and Costing).

If the Major Item receives a negative or qualified negative recommendation, then it will be returned to the Agenda and Rules Committee to be placed on a City Council Agenda. When heard at a City Council meeting, the author can advocate for the Major Item to be sent to an Implementation Conference. If the Major Item does not receive a vote by the majority of City Council at this step, it becomes inactive for that year's legislative calendar but may be reintroduced for the next year's calendar.

City Council Policy Committees must complete review of all Major Items assigned to them no later than June 30 of each year.

### **Step 3: Implementation Conference (Vetting and Costing)**

At an Implementation Conference, the primary author will meet with the City Manager or designee, City Manager-selected staff subject matter experts, and the City Attorney or designee.

### ***Identifying Fiscal, Operational and Implementation Impacts***

The intended outcome of an Implementation Conference is a strong analysis containing all of the considerations and resources necessary to support implementation should Council choose to approve the Major Item.

The Implementation Conference is an informal meeting where the primary author can collaborate with the City Manager, City Attorney, and staff to better define the Major Item and identify more detailed fiscal and operational impacts, as well as implementation considerations. The information discussed during the Implementation Conference will be summarized in the Council Report as part of newly required sections (see attachment 2), in conformance with Appendix B:

- *Initial Consultation*, which
  - Lists internal and external stakeholders that were consulted, including whether item was concurrently submitted to a Commission for input,
  - Summarizes and confirms what was learned from consultation,
  - Confirms legal review addressing any legal or pre-emption issues, ensuring legal form,<sup>4</sup>
- *Implementation, Administration, and Enforcement*, which
  - Identifies internal and external benefits and impacts, and

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<sup>4</sup> While consultation with the City Attorney is mentioned in Appendix B, the legal review and "confirmations" recommended in this proposal is a more specific and robust requirement.

- Considers equity implications, launch/initiation of Major Item and its ongoing administration, and
- *Fiscal & Operational Impacts*, which
  - Summarizes any operational impacts,
  - Identifies necessary resources, including specific staff resources needed and costs.<sup>5</sup>

As part of the Implementation Conference, staff will provide a high level work plan, indicating major deliverables/milestones and dates. This information can be collected and recorded using the Implementation Conference Worksheet (see attachment 2).

Implementation Conferences will be date certain meetings held in July.

### ***Revising the Major Item***

After the Major Item's author revises the original Council Report based on information from the Implementation Conference, the Major Item will be submitted to the Council agenda process. If additional full time equivalent employee(s) (FTE) or fiscal resources are needed, the Major Item must include a referral to the budget process and identify the amount for implementation of the policy or program.

### **Step 4: Initial Prioritization**

At their first meetings in September, Policy Committees must complete the ranking of the Major Items which were referred to them and also completed the Implementation Conference. The Policy Committees will provide these rankings in the form of a recommendation to the City Council. The Policy Committees prioritization will use the Policy Committee Ranking Form (see attachment 3) to standardize consideration of Major Items across Policy Committees. The Policy Committee priority rankings will be submitted to the City Council when the Council is considering items to move forward in the budget and Strategic Plan process.

### **Step 5: City Council Approval and Final Prioritization**

Under this proposal, all Major Items that the City Council considers for approved prioritization must have:

1. Received a City Council Policy Committee review and recommendation,
2. Received a City Council Policy Committee prioritization,
3. Completed the Implementation Conference, and
4. Been placed on the Agenda for a regular or special Council meeting in October for approval and inclusion in the RRV process.

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<sup>5</sup> Appendix B does require a Fiscal Impacts section, but the inclusion of operational impacts and specific noting of required staff resources and costs recommended in this proposal is a more specific and robust requirement.

At the designated Council meeting in October, staff will provide the Council with a list of all approved Major Items, including the initial prioritization by Policy Committee. The Council will consider each Major Item for approval. All approved Major Items then will be added to the RRV process (i.e., with other items, referrals, etc) and ranked. The RRV ranking will begin in late October. These rankings will be adopted by Council and used to inform the development of the draft budget. Approved and ranked Major Items have multiple opportunities to be approved for funding, when the biennial budget or mid-cycle budget is adopted in June or when the Annual Appropriations Ordinances are adopted in May and November.

If a Major Item *does not receive the endorsement* of City Council at this step, it becomes inactive for that year's legislative calendar and may be reintroduced for the next year's calendar.

City Council must complete its Major Items approval, and RRV process no later than the final meeting in December of each year.<sup>6</sup> This ensures that staff is able to develop the budget starting from and based on Council priorities.

#### **Step 6: Budget & Strategic Plan Process**

The Council's rankings are also forwarded to the Budget and Finance Committee for consideration as part of budget development. If the proposal is not ultimately funded in the biennial budget, mid-cycle budget or the Annual Appropriations Ordinance (mid-year budget amendment), then it does not move forward that year and will be added to a list of unfunded proposals for the future budget process.

During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Items, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by department presentations to the Budget and Finance Policy Committee. From late March and through early May, Council and staff will refine the budget. Council will hold budget hearings in May and June, with adoption of the budget by June 30. Although the legislative process (i.e., Policy Committee review, Implementation Conference, Prioritization) is annual, staff recommends the budget process remain biennial. A significant mid-cycle budget update can easily accommodate additions to or changes in priorities arising through the legislative process.

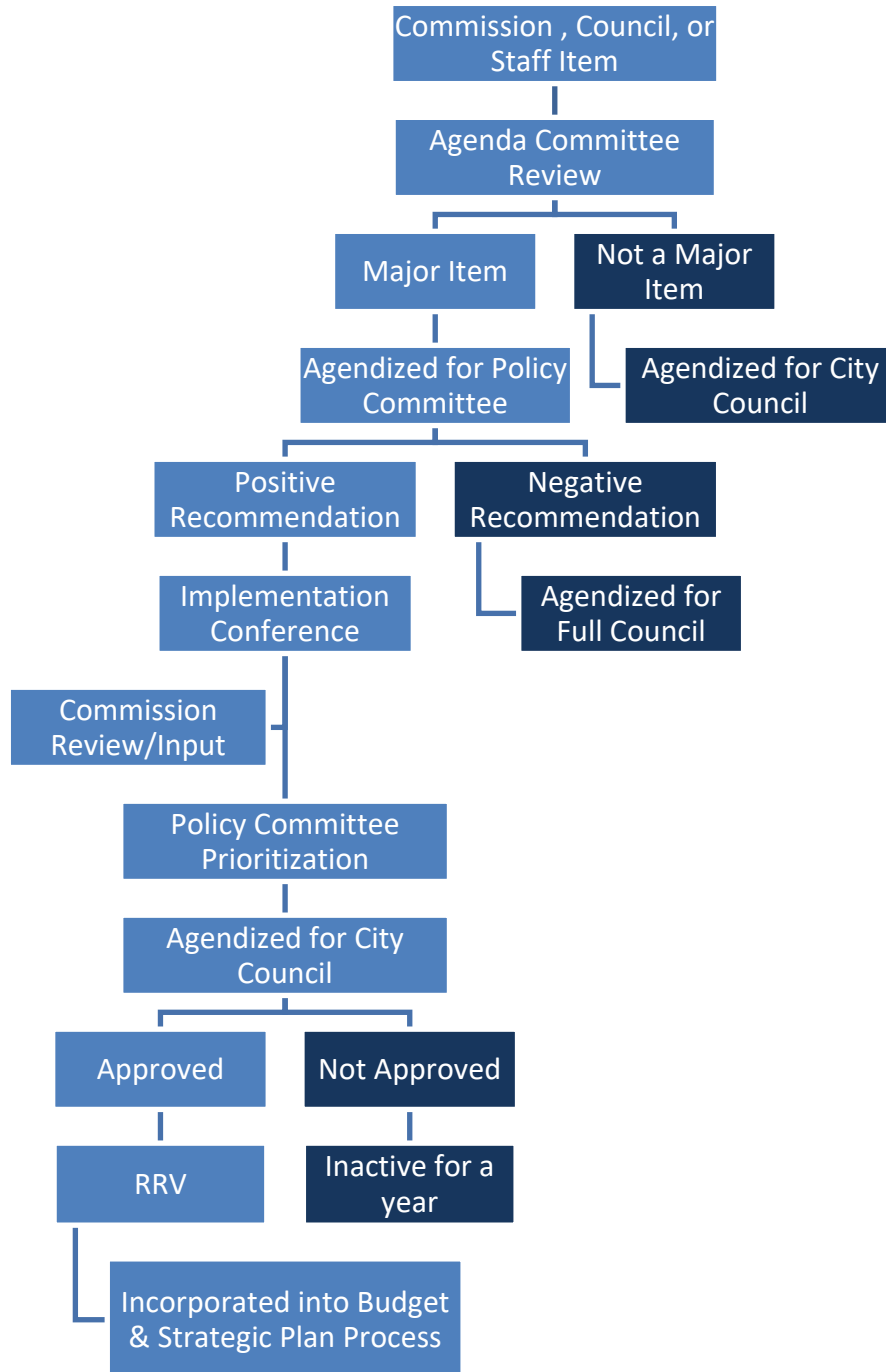
The proposed process is depicted in Figure 1 and the proposed launch calendar in Figure 2.

---

<sup>6</sup> Due to noticing requirements, an RRV process completed by November 30 may not appear on a City Council Agenda for adoption until January.



Figure 1, Proposed Process<sup>7</sup>

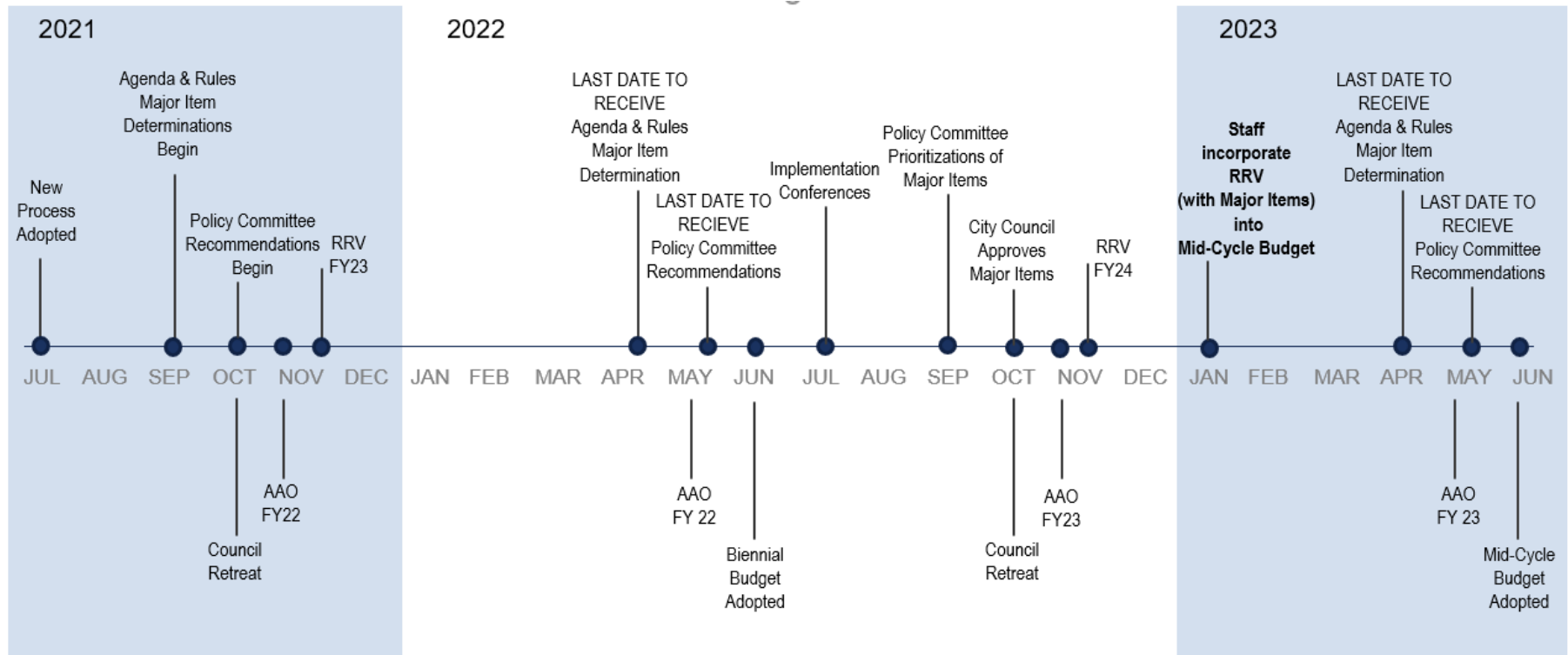


<sup>7</sup> Major Items that are ordinances will need to be examined on a case-by-case basis. Once adopted, ranked, and, if requiring resources, budgeted, the ordinance will need to be given an effective date and scheduled for first and second readings at Council.



Office of the City Manager

Figure 2, Proposed Launch





Office of the City Manager

### Next Steps

Staff will reach out to legislative aides for input and the City Manager will meet individually with Councilmembers to discuss this proposal. Staff will incorporate Council input from the worksession, and from subsequent input into a resolution and return to Council with a final Systems Alignment item for adoption by July 2021.

### Benefits

The addition of an Implementation Conference will ensure that Major Items considered by Council are properly resourced, improving our City's responsible management of fiscal resources. Analysis from the Implementation Conference will help Council to balance and consider each Major Item within the context of related programs and potential impacts (positive and negative). When considered holistically, new policy implementation can be supportive of existing work and service delivery.

Since the proposed process places the City Council prioritization of Major Items immediately before budget preparation, the Prioritization will guide and inform budget development, including components such as the Strategic Plan and work plans. Fixing the sequencing of the process is a key benefit. Currently, with prioritization occurring in May and June, the budget process is nearing completion when City Council's priorities are finally decided. This leads to inconsistencies between adopted priorities and budgeting for those priorities.

Under the current process, an idea may go into prioritization, proceed to the short term referral list or referred to the budget process. However, the resulting Major Item may not have addressed operational considerations. Adding such items to a department's work at any given time of the year may lead to staff stopping or slowing work on other prioritized projects in order to develop and implement new Major Items. Also, it may be difficult for staff to prioritize their projects: is stopping/slowing of work that is already underway in order to address new items the preference of the full Council?

Also, because consideration of implementation currently occurs after the adoption of a Major Item, features of the adopted language may unintentionally constrain effective implementation, complicating and slowing progress on the Major Item and hindering the effectiveness of the new program or regulation.

With the proposed process, a Major Item does not go through prioritization until there is an opportunity for staff to identify operational considerations. Finally, since implementation only occurs after operational considerations are reported, and funds are

allocated, the resulting Major Item should move more quickly from idea to successful completion.

### BACKGROUND

In October 2019, City Council held a half-day worksession to discuss systems realignment and provide direction on potential changes to the city's legislative process. The purpose of the meeting was to develop recommendations for how various systems (e.g., budget, Strategic Plan, RRV, etc) could better work together to ensure that the organization is able to focus on the priorities established by the City Council. The City Manager took direction from that meeting and worked with department directors and the Budget Office to create this proposal.

### ENVIRONMENTAL SUSTAINABILITY

By improving efficiency, ensuring adequate resources, and strengthening implementation, this proposal would increase the speed and full adoption of new significant legislation, including sustainability work.

### RATIONALE FOR RECOMMENDATION

The City of Berkeley is unique in comparison to many cities. It considers and approves many more policies, often at the cutting edge, than a typical city and especially for a city of its size. This proposal is a hybrid, incorporating city processes while mirroring State and Federal legislative processes which accommodate a larger number of policies and items in a given cycle. The disadvantage of this proposal is that it introduces additional steps, such as the implementation conference. The advantages of this proposal, are:

- Ensuring adopted legislation is adequately resourced, in terms of both staffing and budget;
- Providing adequate context for Council to balance and consider items in relation to potential positive and negative impacts; and
- Strengthening the effectiveness and efficiency of policy implementation.

### ALTERNATIVE ACTIONS CONSIDERED

At the Council retreat in October 2019, a variety of approaches and ideas were discussed and considered. Additionally, the original version of this proposal was substantively revised through the Policy Committee process.

If the Council takes no action on this item, the existing process will continue to result in inadequately resourced adopted legislation and inefficient and complicated implementation.

### CONTACT PERSON

David White, Deputy City Manager, (510) 981-7012

Attachments:

- 1: Major Item Determination Checklist
- 2: Council Report Template and Implementation Conference Worksheet
- 3: Policy Committee Ranking Form
- 4: Vice Mayor Droste Supplemental



# Major Item Determination Checklist

**Item Name:**

**Item Author:**

**Is this a Major Item?**

- |                          |                          |                                                                                                                                |
|--------------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Yes                      | No                       |                                                                                                                                |
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant change to existing law, program, or policy.                                                      |
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant addition to existing law, program, or policy.                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public |

**Is this eligible for an Exemption?**

- |                          |                          |                                                                     |
|--------------------------|--------------------------|---------------------------------------------------------------------|
| Yes                      | No                       |                                                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related the City's COVID-19 response.                       |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to the City Budget process.                         |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to essential or ongoing City processes or business. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is urgent.                                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is time-sensitive.                                             |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is smaller.                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is less impactful.                                             |

**Agenda Committee Determination:**

Major Item  Exempted

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

**Policy Committee Confirmation:**

Determination Confirmed  Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_



[First Lastname]  
Councilmember District [District No.]

[CONSENT OR ACTION]  
CALENDAR  
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council

From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION

Adopt a Resolution...  
or Support ...  
or write a letter to \_\_\_ in support of \_\_\_\_\_...  
or other recommendation....

FINANCIAL-FISCAL & OPERATIONAL IMPACTS IMPLICATIONS

*This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.*

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

*This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented.*

CURRENT SITUATION AND ITS EFFECTS

*For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section:*

[Insert project name] is a Strategic Plan Priority Project, advancing our goal to [pick one:]

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- provide an efficient and financially-health City government.
- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

[Title of Report]

CALENDAR

Macrobutton NoMacro [Meeting Date (MM dd, yyyy)]

- be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.
- attract and retain a talented and diverse City government workforce.

BACKGROUND

INITIAL CONSULTATION

*This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.*

ENVIRONMENTAL SUSTAINABILITY

CONTACT PERSON

Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

1: Resolution

    Exhibit A: [Title or Description of Exhibit]

    Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

3: [Title or Description of Attachment]



RESOLUTION NO. ##,###-N.S.

SHORT TITLE OF RESOLUTION HERE

WHEREAS, (Whereas' are necessary when an explanation or legislative history is required); and

WHEREAS, (Insert Additional 'Whereas Clauses' as needed); and

WHEREAS, enter text here; and

WHEREAS, enter text here; and

WHEREAS, (The last "Whereas" paragraph should contain a period (.) .

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that (Action to be taken) - ends in a period (.).

BE IT FURTHER RESOLVED that (for further action if needed; if not delete) - ends in a period (.).

Exhibits **[Delete if there are NO exhibits]**

A: Title of the Exhibit

B: Title of the Exhibit



## Implementation Conference Worksheet

**Item Name:**

**Item Author:**

### AUTHOR SECTION

The author of the item may complete this section to help record required information for the report.

|                                                                               |
|-------------------------------------------------------------------------------|
| Descriptive title:                                                            |
| Is this for Consent, Action, or Information Calendar?                         |
| Recommendation:                                                               |
| Summary statement:                                                            |
| Background (history, circumstances and concerns to be addressed by the item): |
| Plans, programs, policies and/or laws were taken into consideration:          |
| Actions/alternatives considered:                                              |
| Internal stakeholders consulted:                                              |
| Name/date of Commission(s) item submitted to for input:                       |
| List of external stakeholders consulted:                                      |

|                                                                                       |
|---------------------------------------------------------------------------------------|
| Summary of what was learned from consulting stakeholders:                             |
| Rationale for recommendation:                                                         |
| Internal Benefits of Implementation:                                                  |
| Internal Impacts of Implementation:                                                   |
| External Benefits of Implementation:                                                  |
| External Impacts of Implementation:                                                   |
| Equity Considerations:                                                                |
| Launch and Implementation Milestones (see staff section)                              |
| Environmental Impacts:                                                                |
| Operational Impacts:                                                                  |
| Staff Resources Needed:<br><br>Number of FTE/hours:<br>Type of staff resource needed: |
| Costs:<br><br>Amount(s):<br>Funding Source:                                           |

**STAFF SECTION**

Staff may complete section to provide required information for the report.

|                                                     |                    |
|-----------------------------------------------------|--------------------|
| Estimated Launch/implementation Deliverables/Dates: |                    |
| <i>Month/Year</i>                                   | <i>Deliverable</i> |
| Estimated Administration Deliverables/Dates:        |                    |
| <i>Month/Year</i>                                   | <i>Deliverable</i> |

**Legal Consultation:**

Confirmed

Name/Date \_\_\_\_\_

**Staff Consultation:**

Confirmed

Name(s)/Date(s) \_\_\_\_\_





Lori Droste  
Vice Mayor District 8

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 3**

**Meeting Date:** May 18, 2021

**Item Number:** 2

**Item Description:** Systems Realignment

**Submitted by:** Vice Mayor Lori Droste

**Subject:** Comments on Systems Realignment



Lori Droste  
Vice Mayor District 8

To: Mayor and Council  
From: Vice Mayor Lori Droste  
Subject: Comments on the Systems Realignment

P. 13- what is “smaller” and “less impactful” and how is that determined?

P. 14- the council item template should include a problem definition and frontload the evidence (background, consultation, review) and include criteria considered. Strategic plan alignment, fiscal and operational impacts, environmental sustainability can be embedded under this heading. I would also argue that “Benefit” or “Effectiveness” should be included in Criteria Considered. Also, equity and administrative feasibility are separate criteria to be considered. Council is not involved in enforcement so I recommend that it be eliminated. Furthermore, as currently written the Current Situation and Its Effects describes the Strategic Plan goals and not the status quo situation.

General Template Outline:

- 1) Recommendation
- 2) Problem Statement
- 3) Background and Consultation
- 4) Current Situation and Its Effects
- 5) Criteria Considered (*new heading*)
  - a) Benefit or Effectiveness (*new*)
  - b) Fiscal Considerations
  - c) Strategic Plan Alignment (pick a goal)
  - d) Environmental Sustainability
  - e) Equity
  - f) Operational and Administrative Considerations (*moved operational considerations to a separate category*)
- 6) Rationale for Recommendation (*new*)

P. 15 Implementation Conference Worksheet

I recommend reducing the amount of redundant components in the implementation conference worksheet and specifying what “impact” means. Does it mean benefit? Does it mean tradeoff? In either case, I believe it is covered by other elements of this worksheet.

P. 19- There is no description of *how* policy committee members' rankings will be aggregated. Furthermore, the "ranking" is orthogonal and could be completely contradictory to the staffing, benefit, and costs. Scoring legislative items instead of ranking them will allow for easier prioritization. A cardinal voting system like this is more expressive, accurate and easier to understand. It also lessens vote splitting.



[CONSENT OR ACTION] CALENDAR [Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION Adopt a Resolution... or Support ... or write a letter to \_\_\_ in support of \_\_\_\_\_... or other recommendation....

**PROBLEM STATEMENT**

**This section should identify the problem with specifics and enough context to explain why it merits public amelioration.**

*(Background and Evidence Should be Provided At the Beginning)*

BACKGROUND **AND** INITIAL CONSULTATION This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

**CURRENT SITUATION AND ITS EFFECTS**

*This section should explain the status quo and how it attempts to address the defined problem.*

**CRITERIA CONSIDERED**

- FINANCIAL FISCAL & OPERATIONAL IMPACTS IMPLICATIONS This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

~~IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented. Equity should be a standalone category separate from administrative feasibility. Rename this section Operational and Administrative Considerations~~

- ~~CURRENT SITUATION AND ITS EFFECTS~~ For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section: [Insert project name] is a Strategic Plan **Alignment** Priority Project, advancing our goal to [pick one:]
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  - champion and demonstrate social and racial equity.

- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.
- be a customer-focused organization that provides excellent, timely, easily accessible service and information to the community.
- attract and retain a talented and diverse City government workforce.
- ENVIRONMENTAL SUSTAINABILITY

### **RATIONALE FOR RECOMMENDATION**

This section should describe how the author landed on the recommendation using the criteria considered. This section can also describe other alternatives considered.

### CONTACT PERSON

Councilmember [First Last Name] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

1: Resolution Exhibit A: [Title or Description of Exhibit] Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

3: [Title or Description of Attachment]

Implementation Conference Worksheet

|                                                                                    |
|------------------------------------------------------------------------------------|
| Descriptive Title                                                                  |
| Consent Action or Information                                                      |
| Recommendation                                                                     |
| <b><u>Problem Statement</u></b>                                                    |
| Background, etc                                                                    |
| Plans, etc.                                                                        |
| <b><u>Current Situation and Its Effects</u></b>                                    |
| Actions/Alternatives Considered                                                    |
| <b><u>Stakeholders Consultation and Results</u></b>                                |
| Internal Stakeholders Consulted                                                    |
| Name/date of Commission(s) item submitted to for input                             |
| List of external stakeholders consulted                                            |
| Summary of what was learned from consulting stakeholders                           |
| Rationale for Recommendation <i>should go at the end after evaluative criteria</i> |
| <b><u>Policy Benefit</u></b>                                                       |
| Internal Benefits of Implementation:                                               |
| Internal Impacts of Implementation:                                                |
| External Benefits of Implementation:                                               |
| External Impacts of Implementation:                                                |
| Equity Considerations                                                              |
| Environmental Considerations                                                       |
| Operational Impacts                                                                |
| <b><u>Strategic Plan Goal Alignment</u></b>                                        |
| Staff Resources Needed (Number of FTE/hours, Type of staff resource needed):       |
| Costs (Amount(s), Funding Source):                                                 |
| <b><u>Rationale for Recommendation</u></b> <i>(after analysis)</i>                 |





Lori Droste  
Vice Mayor District 8

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[CONSENT OR ACTION] CALENDAR [Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION Adopt a Resolution... or Support ... or write a letter to \_\_\_ in support of \_\_\_\_\_... or other recommendation....

### **PROBLEM STATEMENT**

**This section should identify the problem with specifics and enough context to explain why it merits public amelioration.**

*(Background and Evidence Should be Provided At the Beginning)*

BACKGROUND **AND** INITIAL CONSULTATION This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

### **CURRENT SITUATION AND ITS EFFECTS**

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### **CRITERIA CONSIDERED**

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**CONTACT PERSON**

Councilmember [First Last Name] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

1: Resolution Exhibit A: [Title or Description of Exhibit] Exhibit B: [Title or Description of Exhibit]

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Implementation Conference Worksheet

|                                                                                    |
|------------------------------------------------------------------------------------|
| Descriptive Title                                                                  |
| Consent Action or Information                                                      |
| Recommendation                                                                     |
| <b><u>Problem Statement</u></b>                                                    |
| Background, etc                                                                    |
| Plans, etc.                                                                        |
| <b><u>Current Situation and Its Effects</u></b>                                    |
| Actions/Alternatives Considered                                                    |
| <b><u>Stakeholders Consultation and Results</u></b>                                |
| Internal Stakeholders Consulted                                                    |
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| Internal Benefits of Implementation:                                               |
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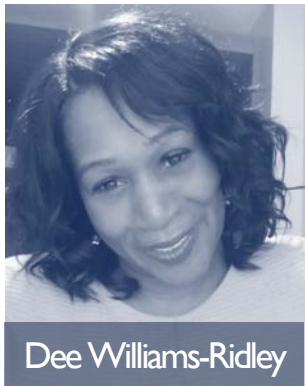


# SYSTEMS ALIGNMENT

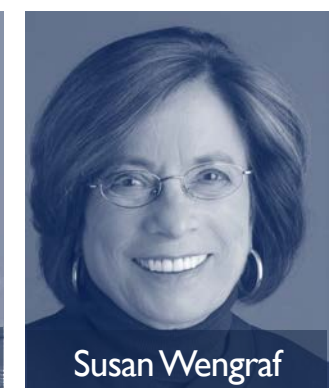
PROCESS PROPOSAL FOR VETTING & PRIORITIZING MAJOR ITEMS



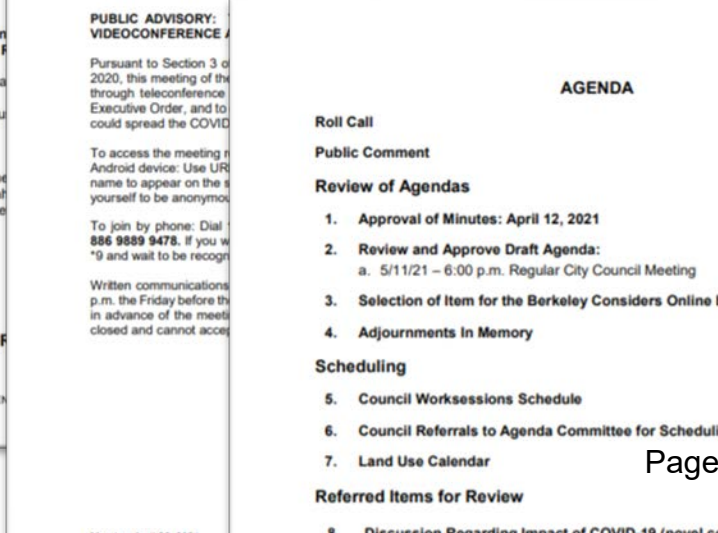
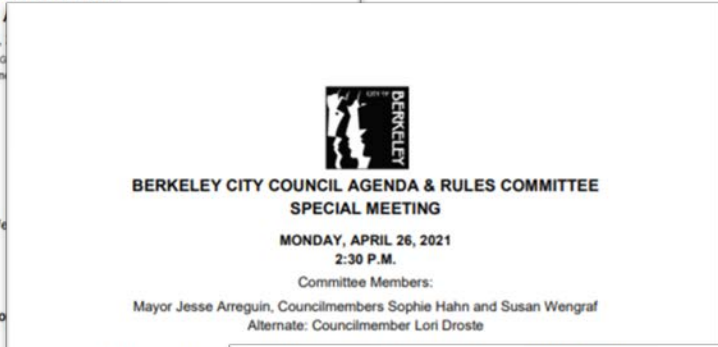
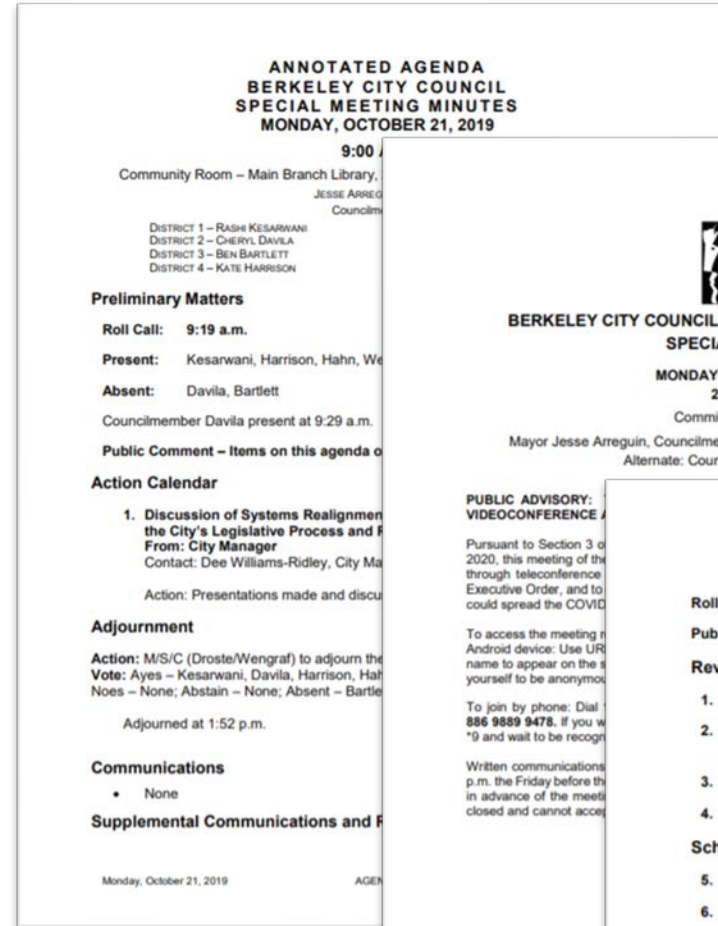
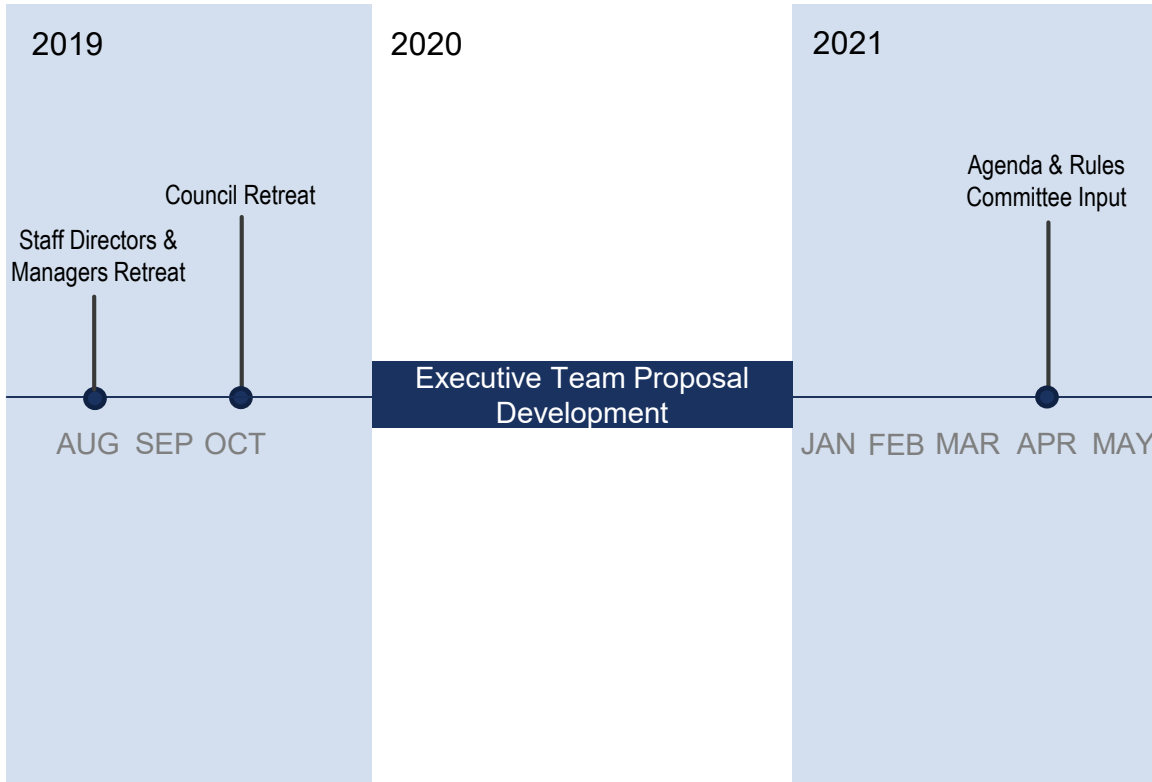
# THE TEAM



## AGENDA & RULES COMMITTEE



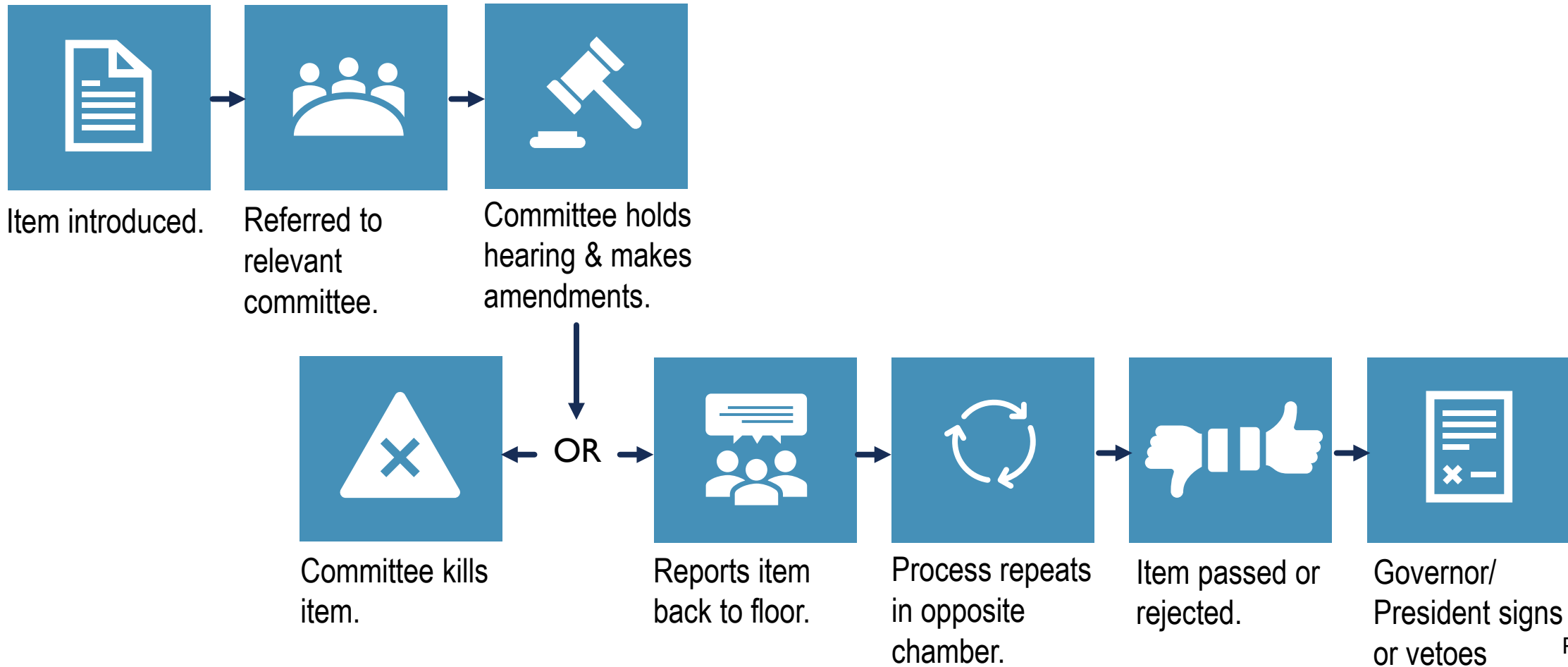
# BACKGROUND



# OBJECTIVES

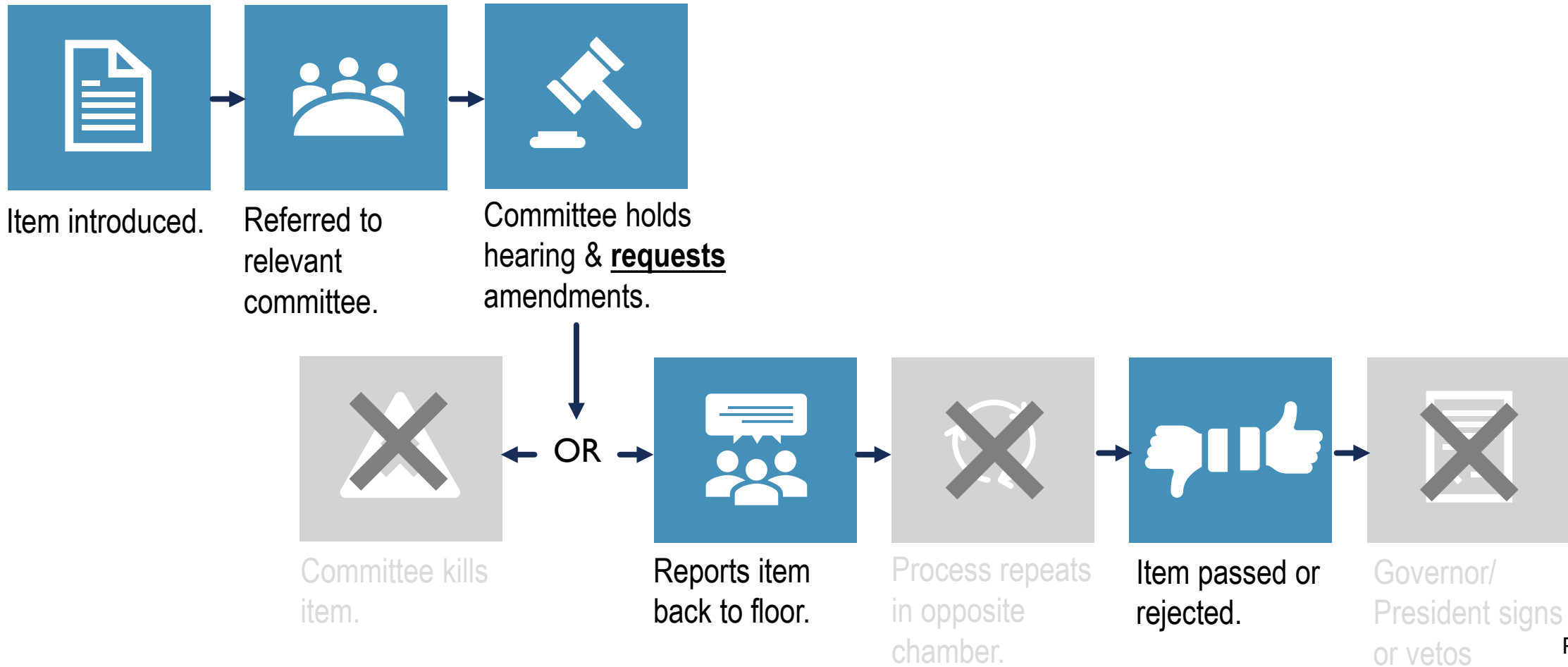
- Align timing of Council approval and resource (budget) allocation
- Communicate resource needs (and any tradeoffs) well
- Ensure Council priorities are resourced and implemented

# STATE OR FEDERAL MODEL

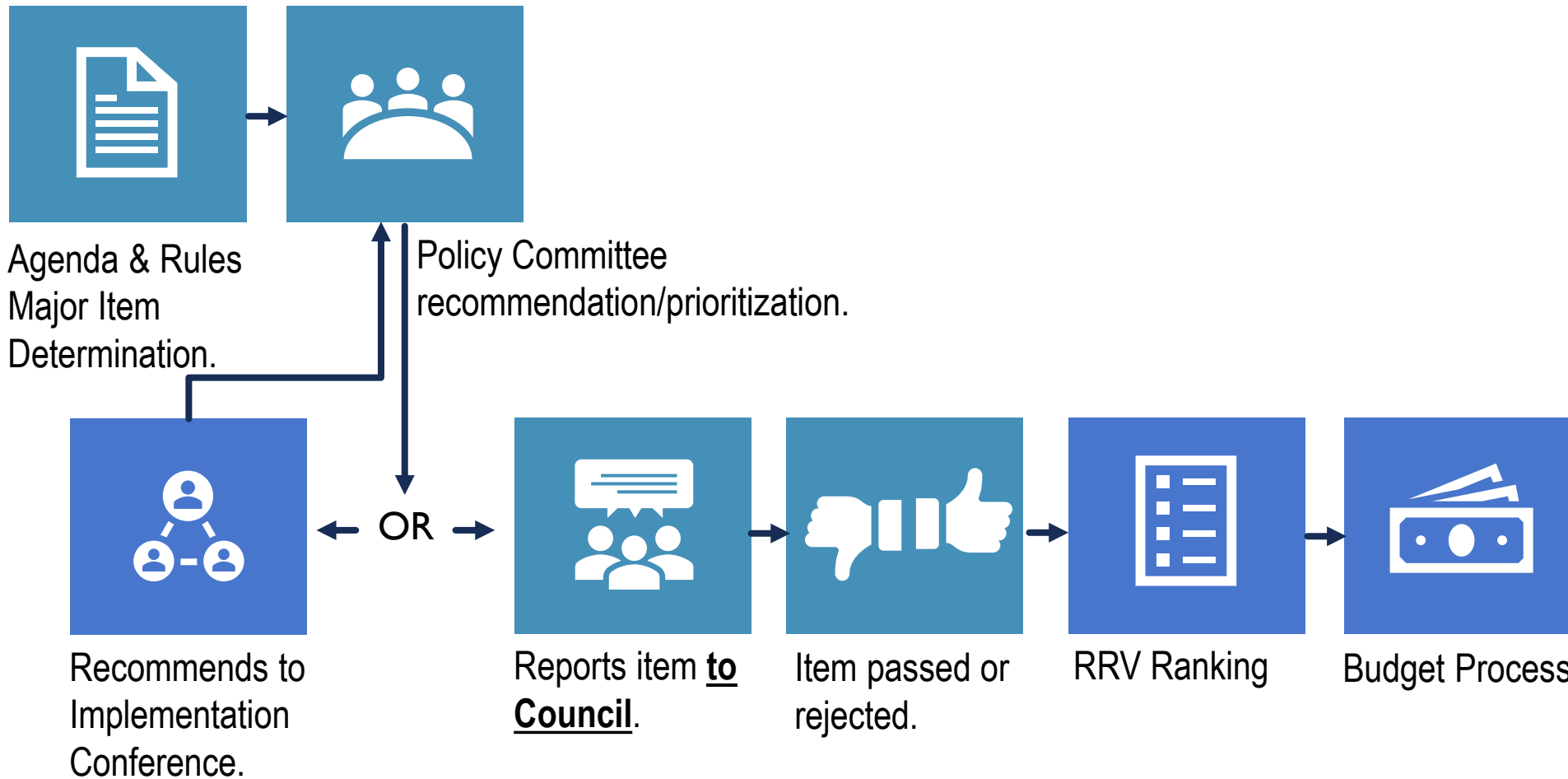




# HYBRID MODEL



# PROPOSED MODEL



# IMPLEMENTATION CONFERENCE?

- What: Strong analysis and collaborative consultation
  - Identify costs\benefits
  - Identify resource needs
  - Outline high level work plan
- Who:
  - Commission Input (e.g, Chair or Vice Chair)
  - Staff & Legal
  - External Stakeholders
- How:
  - Ensure you've done your due diligence with the above
  - Meet with staff/legal



# VETTING IS TIME WELL SPENT!

## Cousin Janice

- Researched online, in magazines
- Talked to friends, designer, contractor
- Obtained supplies
- Contractor starts work
- Moved out for **weeks**
- **Loves** the result

## Friend Cathy

- Talked to contractor
- Contractor starts work
- Waited for supplies → Contractor stops work
- Supplies arrive → Contractor restarts work
- Moved out for **months**
- **Still refining** the result

# WHY PRIORITIZE AT POLICY COMMITTEE

**NOT RECOMMENDED**

- Agenda & Rules Committee

- Appointees:

- Jesse Arreguin, [Mayor](#)
- Sophie Hahn, [Councilmember, District 5](#)
- Susan Wengraf, [Councilmember, District 6](#)

- Alternate: Lori Droste, [Councilmember, District 7](#)

- Budget & Finance Committee

- Appointees:

- Jesse Arreguin, [Mayor](#)
- Kate Harrison, [Councilmember, District 4](#)
- Rigel Robinson, [Councilmember, District 7](#)
- Susan Wengraf, [Councilmember, District 6](#)

- Public Safety, Transportation, Environment & Sustainability Committee

- Appointees:

- Terry Taplin, [Councilmember, District 2](#)
- Kate Harrison, [Councilmember, District 4](#)
- Rigel Robinson, [Councilmember, District 7](#)

- Alternate: Sophie Hahn, [Councilmember, District 5](#)

- Government, Equity & Community Committee

- Appointees:

- Rashi Kesarwani, [Councilmember, District 1](#)
- Terry Taplin, [Councilmember, District 2](#)
- Ben Bartlett, [Councilmember, District 3](#)

- Alternate: Rigel Robinson, [Councilmember, District 7](#)

- Land Use, Housing & Economic Development Committee

- Appointees:

- Sophie Hahn, [Councilmember, District 5](#)
- Rigel Robinson, [Councilmember, District 7](#)
- Lori Droste, [Councilmember, District 8](#)

- Alternate: Ben Bartlett, [Councilmember, District 3](#)

- Public Safety Committee

- Appointees:

- Rashi Kesarwani, [Councilmember, District 1](#)
- Ben Bartlett, [Councilmember, District 3](#)
- Susan Wengraf, [Councilmember, District 6](#)

- Alternate: Terry Taplin, [Councilmember, District 2](#)



# A QUICK NOTE ON FORMS

- Major Item Determination Checklist
- Implementation Conference Worksheet
- Policy Committee Ranking Form
- Revised Report Template



### Major Item Determination Checklist

Item Name:

Item Author:

**Is this a Major Item?**

Yes No

- Item represents a significant change to existing law, program, or policy.
- Item represents a significant addition to existing law, program, or policy.
- Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public

**Is this eligible for an Exemption?**

Yes No

- Item is related the City's COVID-19 response.
- Item is related to the City Budget process.
- Item is related to essential or ongoing City processes or business.
- Item is urgent.
- Item is time-sensitive.
- Item is smaller.
- Item is less impactful.

**Agenda Committee Determination:**

Major Item  Exempted

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

**Policy Committee Confirmation:**

Determination Confirmed  Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_



## Implementation Conference Worksheet

**Item Name:**

**Item Author:**

### AUTHOR SECTION

Use this section to help record required information

|                                                                |
|----------------------------------------------------------------|
| Descriptive title:                                             |
| Is this for Consent, Action, or Information Calendar?          |
| Recommendation:                                                |
| Summary statement:                                             |
| Background (history, circumstances and context):               |
| Plans, programs, policies and/or laws were taken into account: |
| Actions/alternatives considered:                               |
| Internal stakeholders consulted:                               |
| Name/date of Commission(s) item submitted to:                  |
| List of external stakeholders consulted:                       |

Summary of what was learned from consultation:

Rationale for recommendation:

Internal Benefits of Implementation:

Internal Impacts of Implementation:

External Benefits of Implementation:

External Impacts of Implementation:

Launch and Implementation Milestones (see Environmental Impacts):

Operational Impacts:

Staff Resources Needed:

### STAFF SECTION

Use this section to provide required information for the report.

|                                                     |                    |
|-----------------------------------------------------|--------------------|
| Estimated Launch/implementation Deliverables/Dates: |                    |
| <i>Month/Year</i>                                   | <i>Deliverable</i> |
| Estimated Administration Deliverables/Dates:        |                    |
| <i>Month/Year</i>                                   | <i>Deliverable</i> |

**Legal Consultation:**

Confirmed

Name/Date \_\_\_\_\_

**Staff Consultation:**

Confirmed







[First Lastname]  
Councilmember District [District No.]

[CONSENT OR ACTION]  
CALENDAR  
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council  
From: [Councilmember (lastname)]  
Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION

Adopt a Resolution...  
or Support ...  
or write a letter to \_\_\_ in support of \_\_\_\_\_...  
of other recommendation....

FISCAL IMPACTS

*This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.*

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

*This section must describe benefits and impacts to both internal and external stakeholders. It should also describe the launch or initiation of the item, as well as its ongoing administration once implemented.*

CURRENT SITUATION AND ITS EFFECTS

*For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section:*

[Insert project name] is a Strategic Plan Priority Project, advancing our goal to [pick one:]

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- provide an efficient and financially-health City government.
- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental

[Title of Report]

CALENDAR

- attract and retain a talented and diverse City government workforce.

BACKGROUND

CONSULTATION OVERVIEW

*This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.*

ENVIRONMENTAL SUSTAINABILITY

CONTACT PERSON

Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

- 1: Resolution
  - Exhibit A: [Title or Description of Exhibit]
  - Exhibit B: [Title or Description of Exhibit]
- 2: [Title or Description of Attachment]
- 3: [Title or Description of Attachment]

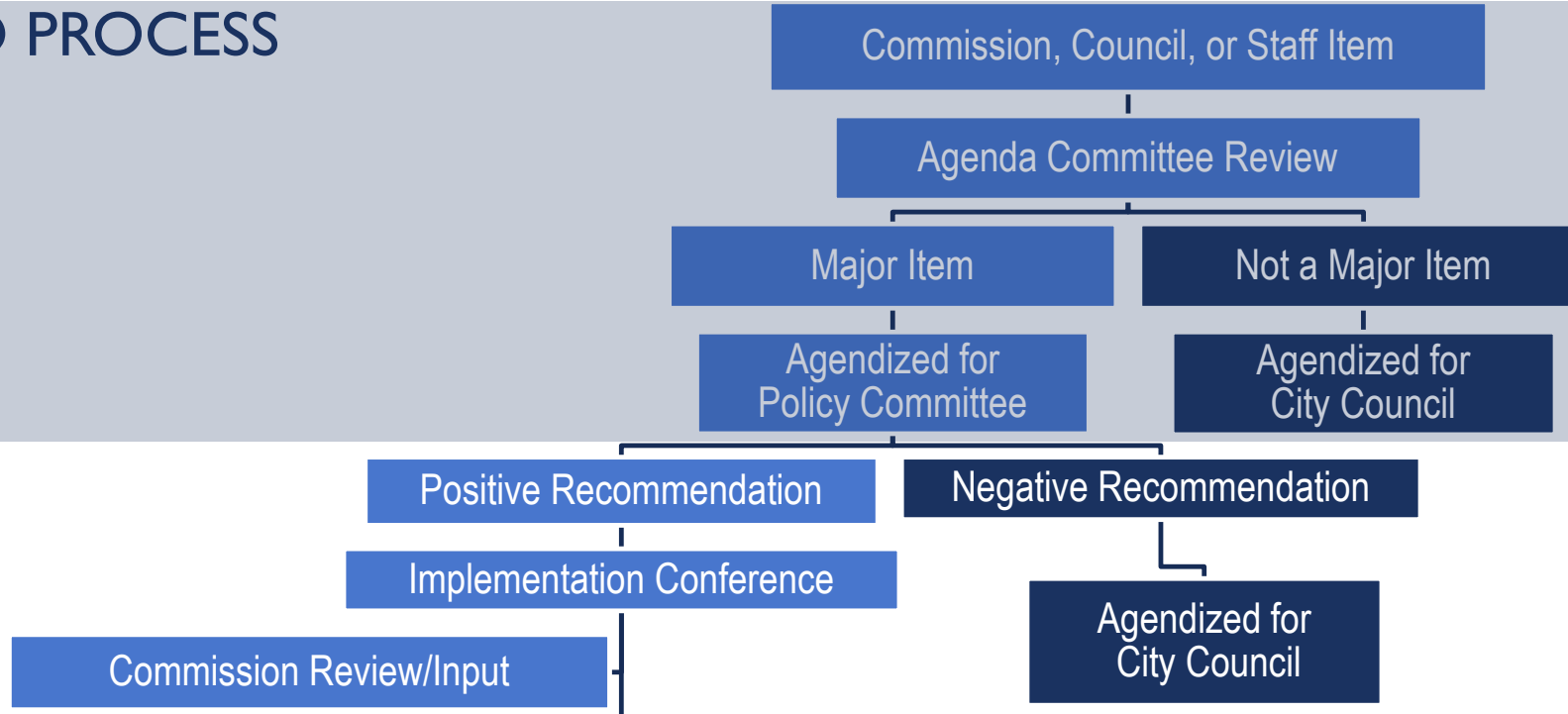
# PROPOSED PROCESS

FLOW CHART



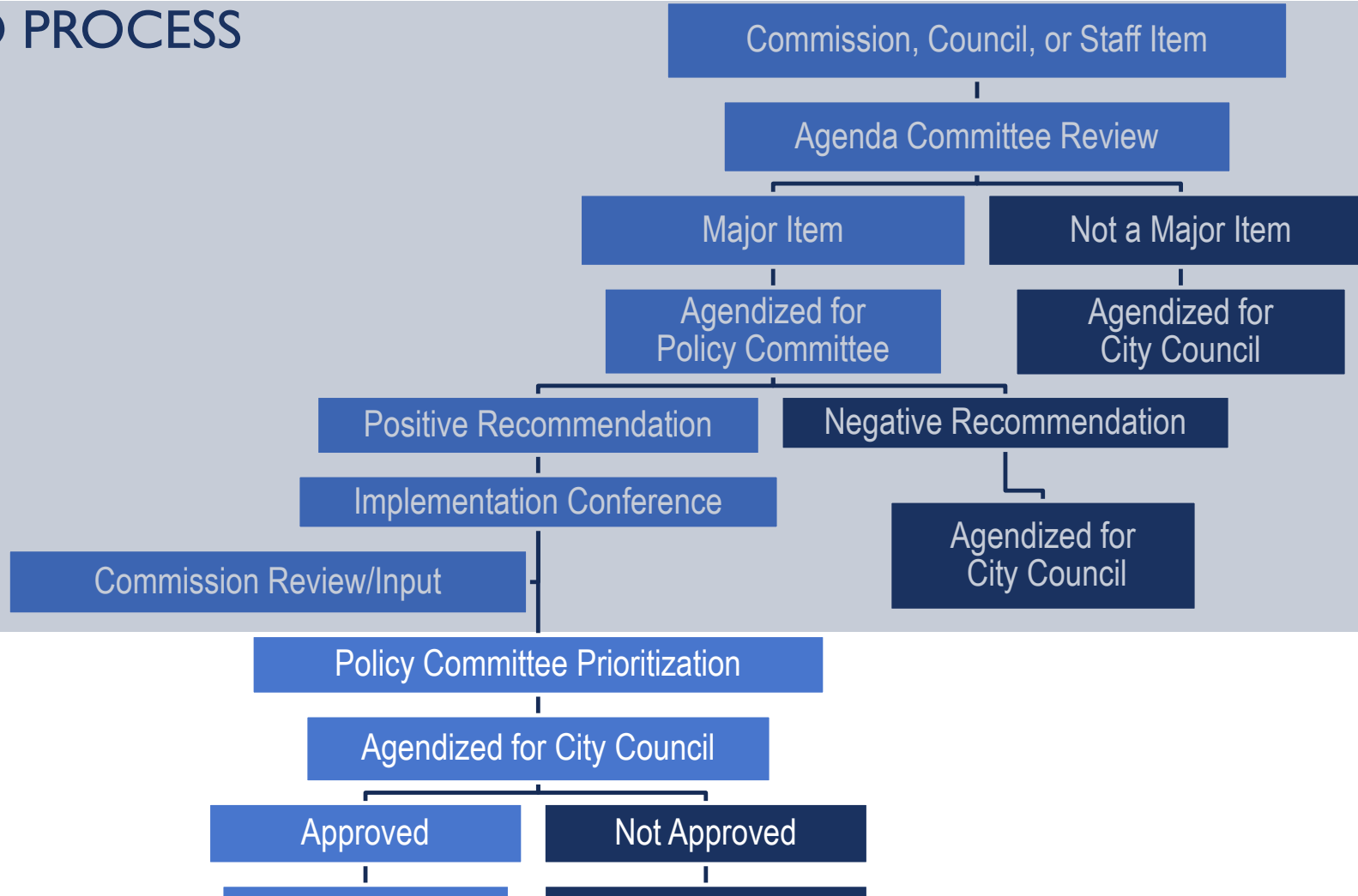
# PROPOSED PROCESS

FLOW CHART



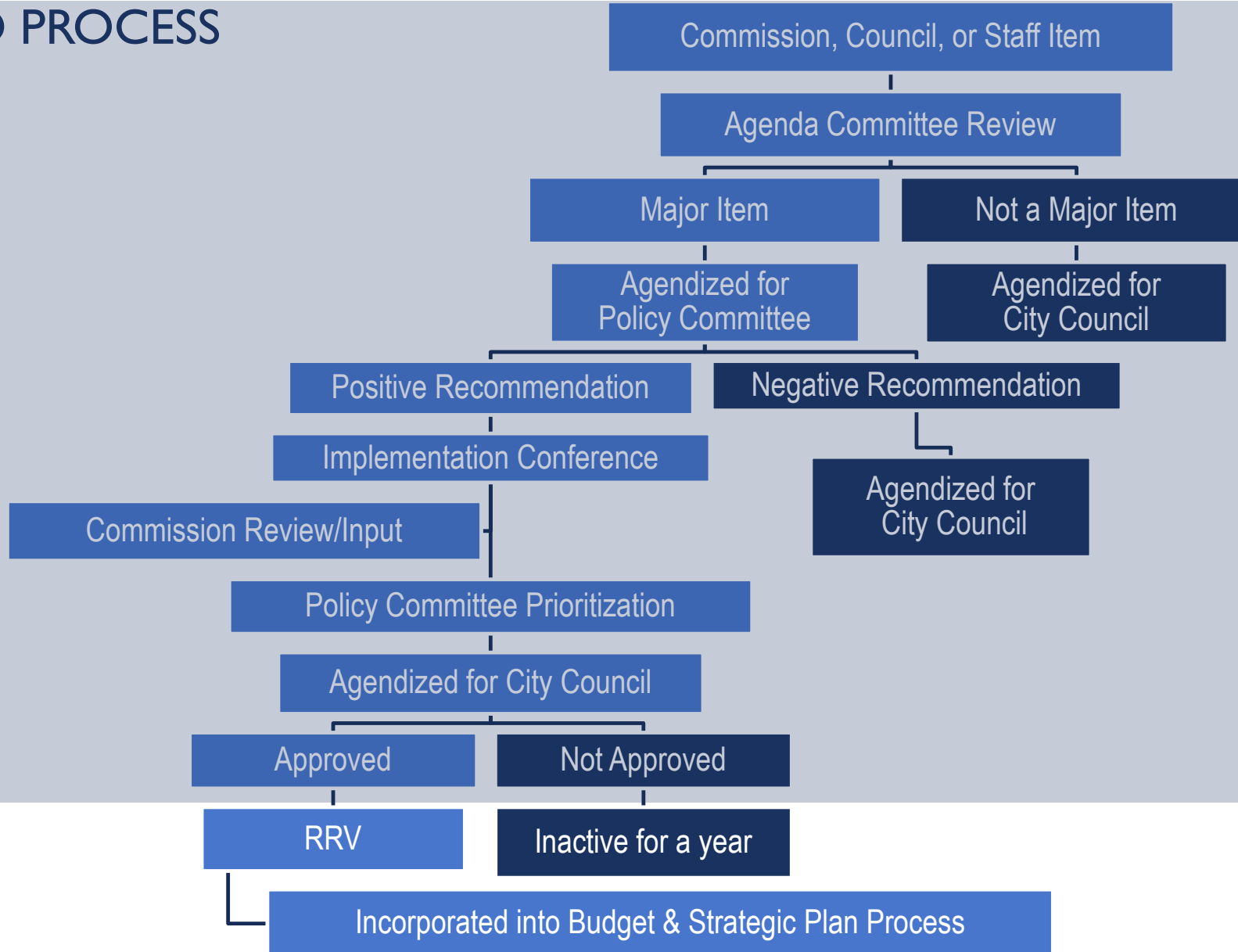
# PROPOSED PROCESS

FLOW CHART



# PROPOSED PROCESS

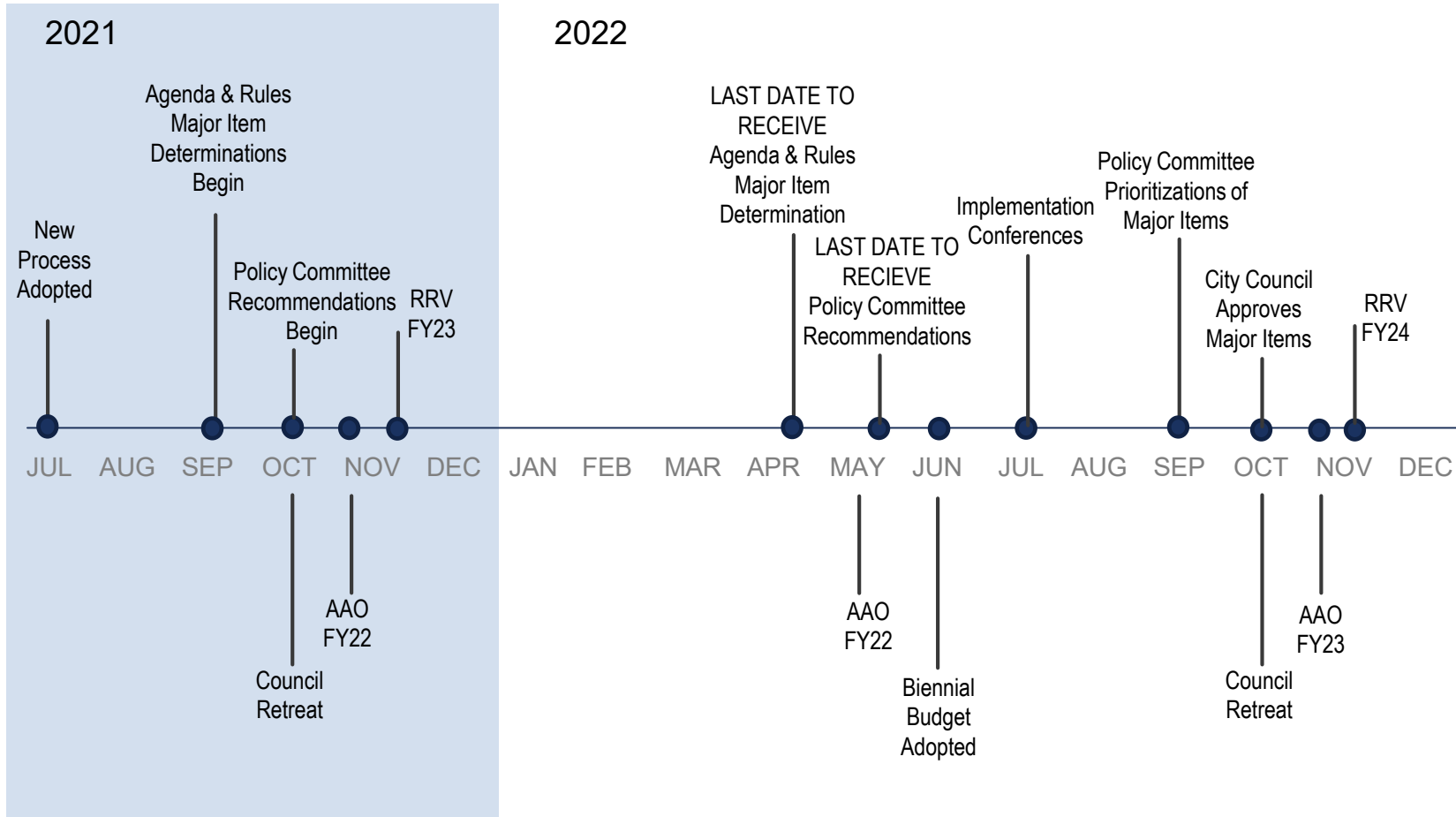
FLOW CHART





# PROPOSED IMPLEMENTATION

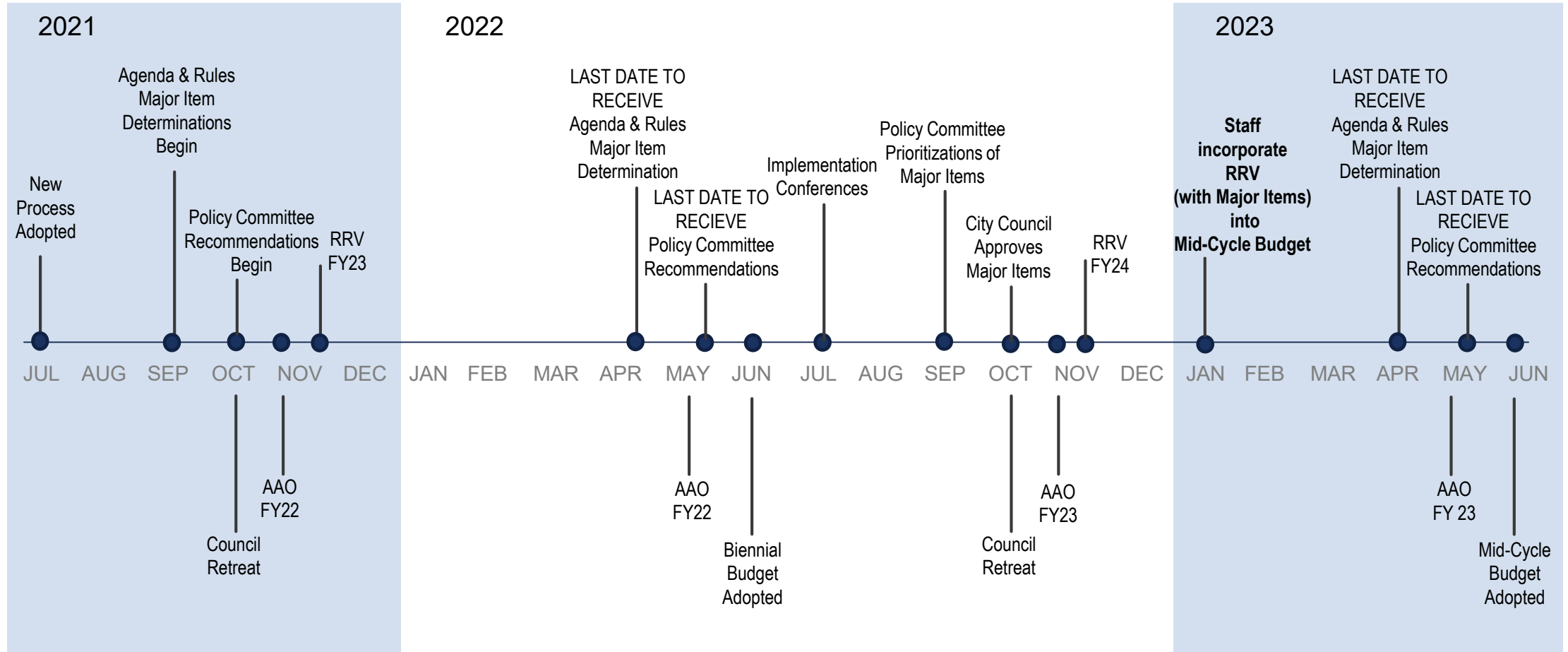
PHASE-IN OF SYSTEMS ALIGNMENT



# PROPOSED IMPLEMENTATION

PHASE-IN OF SYSTEMS ALIGNMENT





# PROPOSED IMPLEMENTATION

PHASE-IN OF SYSTEMS ALIGNMENT

# SEQUENCING & TIMING

## Existing

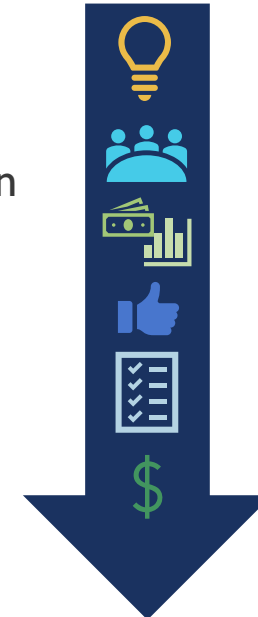
1. Idea
2. Committee Consideration
3. Council Approval
4. Costing
5. Budget development
6. RRV



Uncertain Timeline

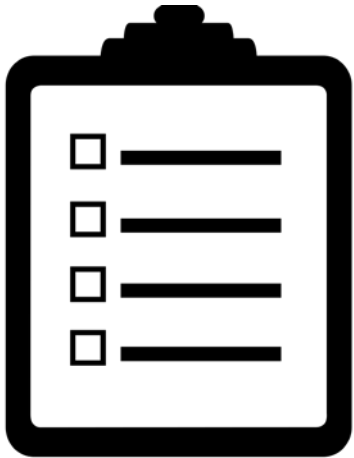
## Proposed

1. Idea
2. Committee Consideration
3. Vetting & Costing
4. Council Approval
5. RRV
6. Budget development



Certain Timeline

# WHAT'S DIFFERENT



Mandatory Guidelines

Implementation Conferences

Policy Committee Prioritization

Moving the RRV process

New required forms and processes

## 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.

## SO, HOW DO WE MAKE THIS HAPPEN?

- Adopting aligned timeline and new process
  - Incorporating vetting and costing (i.e., implementation conferences)
  - Prioritizing vetted Major Items (prioritize, assign fiscal year, identify projects to remove to accommodate new Major Items)
  - Revising City Council Rules of Procedure and Order
- Making Appendix B guidelines mandatory
- Addressing adopted, open referrals
- Addressing Council items under consideration

## BENEFITS



Ensures **continuous improvements**



Provides adequate context and impacts of items to **enhance Council decision-making**



Identifies appropriate and necessary resources so that **adopted items are adequately resourced**

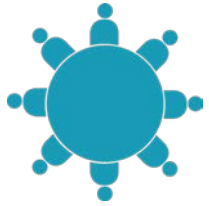


Aligns processes to **ensure efficient implementation/realization of Council items**



**Increases collaboration** among and between stakeholders

## NEXT STEPS



Legislative aide roundtable



City Manager and Councilmember One-on-Ones



Revise and return item in July

THANK YOU.



Office of the City Manager

**01****Worksession Item**WORKSESSION

May 18, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David White, Deputy City Manager

Subject: Systems Alignment Proposal

RECOMMENDATION

Direct the City Manager to bring back a resolution for adoption of the Systems Alignment proposal as described in this document and incorporating direction and input received from City Council during the worksession.

SUMMARY

This report proposes a process to integrate various systems (e.g., budget, Strategic Plan, prioritization of referrals, etc.) to ensure that resources are appropriately allocated, to focus the organization and employees on those priorities established by the City Council and City Manager, and to enhance legislative and budget processes. Ultimately, aligning systems will help ensure our community's values as reflected in the policies of our City Council are implemented completely and efficiently, with increased fiscal prudence, while supporting more meaningful service delivery. In light of the economic and financial impacts of COVID-19 and resource constraints, it is imperative to improve vetting and costing of new projects and legislative initiatives to ensure success. In addition, the purpose of this proposal will align our work with the budget process.

FISCAL IMPACTS OF RECOMMENDATION

While the recommendation of this report would not entail fiscal impacts, if adopted, the proposal would have budgetary effects. Broadly speaking, the proposal is designed to better ensure adequate financial and staffing resources are identified and approved with any adopted significant legislation<sup>1</sup> (Major Item).

CURRENT SITUATION AND ITS EFFECTS

The proposed changes outlined in this memorandum will better guide and inform budget development, clarify tradeoffs by identifying operational impacts, and develop a more effective and time-efficient path to implementation. These changes support a clear and

---

<sup>1</sup> New significant legislation is defined, with some explicit exceptions, as "any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public". See Council Rules of Procedure, [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/City%20Council%20Rules%20of%20Procedure.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure.pdf).



full realizing of City Council policies, programs, and vision. The major features of the proposal are:

- Changing the order of the legislative process to ensure that Major Items (defined below) passed by Council are funded, as well as folded into staff workplans and staffing capacity,
- Making the City Council Rules of Procedure Appendix B guidelines mandatory,
- Ensuring that Major Items that are adopted by City Council are vetted and clearly identify the resources needed for implementation,
- Consolidating and simplifying reporting and tracking of Major Items, and
- Creating a deadline for each year's Major Items that allows for alignment with prioritization, the Strategic Plan, and the budget process.

Additionally, the proposed Systems Alignment would advance the City's Strategic Plan goal to provide an efficient and financially-health City government.

## **PROPOSED PROCESS**

The proposed process outlined in this memorandum replaces the current system of referrals (short and long term, as well as Commission referrals), directives, and new proposed ordinances, that is, all Major Items, regardless of "type" or origin will be subject to this process.

### **Step 1: Major Item Determination**

The systems alignment proposal outlines a process for Major Items.

#### ***Defined in Council Rules of Procedure***

Major Items are "new significant legislation" as defined in Appendix D of the [City Council Rules of Procedure](#):

Except as provided below, "new significant legislation" is defined as any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public.

The exceptions to the definition of new significant legislation and process state:

New significant legislation originating from the Council, Commissions, or Staff related to the City's COVID-19 response<sup>2</sup>, including but not limited to health and economic impacts of the pandemic or recovery, or addressing other health and safety concerns, the City Budget process, or other essential or ongoing City processes or business will be allowed to move forward, as well as legislative items that are urgent, time sensitive, smaller, or less impactful.

---

<sup>2</sup> If this proposal is adopted, "COVID-19" should be replaced with "declared emergency response" in the exception language.

The Agenda & Rules Committee, in consultation with the City Manager, will make the initial determination of whether something is a Major Item, using the Major Item Determination Checklist (see attachment 1). At any time in the process, if evidence demonstrates that the initial determination of the proposal as a Major Item proves incorrect, then it is no longer subject to this process. Additionally, if any legislation it originally deemed not to be a Major Item, the author or City Manager may appeal to the Agenda and Rules Committee or to the full Council and present evidence to the contrary.

### ***Required Conformance and Consultation***

All Major Items must use the agenda guidelines in Appendix B of the Council Rules, which require more detailed background information and analysis. The Agenda and Rules Committee can send the item back to the author if it is not complete and/or does not include all of the information required in Appendix B. The author must make a good faith effort to ensure all the guideline prompts are completed in substance not just in form.

Major Items must include a section noting whether the author has initially consulted with the City Manager or city staff regarding their proposed Major Item and the substance of those conversations, and initial staff input.

### ***Required Submission Date***

A Major Item must be submitted in time to appear on the agenda of an Agenda & Rules Committee meeting occurring no later than April 30 of every year. Any item submitted after that deadline, that does not meet an exemption, will be continued to the following year's legislative process.

Major Items will be referred by the Agenda & Rules committee on a rolling basis.

### **Step 2: Policy Committee Review**

A Major Item, once introduced and deemed complete and in conformance by the Agenda and Rules Committee, will be referred to one of City Council's Policy Committees (i.e., Health, Life Enrichment, Equity and Community, Public Safety, etc.), for review, recommendation, and high-level discussion of implementation (i.e., ideas, rough cost estimates, benefits, etc.). Per the [\*Council Rules of Procedure\*](#),<sup>3</sup> the Policy Committee will review the Major Item and the completed Major Item Determination Checklist to confirm Agenda & Rules initial determination that the Major Item is complete in accordance with Section III.B.2 and aligns with Strategic Plan goals. If the Major Item receives a positive or qualified positive recommendation, then it will go to an Implementation Conference (See step 3, Vetting and Costing).

---

<sup>3</sup> [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf)

If the Major Item receives a negative or qualified negative recommendation, then it will be returned to the Agenda and Rules Committee to be placed on a City Council Agenda. When heard at a City Council meeting, the author can advocate for the Major Item to be sent to an Implementation Conference. If the Major Item does not receive a vote by the majority of City Council at this step, it becomes inactive for that year's legislative calendar but may be reintroduced for the next year's calendar.

City Council Policy Committees must complete review of all Major Items assigned to them no later than June 30 of each year.

### **Step 3: Implementation Conference (Vetting and Costing)**

At an Implementation Conference, the primary author will meet with the City Manager or designee, City Manager-selected staff subject matter experts, and the City Attorney or designee.

#### ***Identifying Fiscal, Operational and Implementation Impacts***

The intended outcome of an Implementation Conference is a strong analysis containing all of the considerations and resources necessary to support implementation should Council choose to approve the Major Item.

The Implementation Conference is an informal meeting where the primary author can collaborate with the City Manager, City Attorney, and staff to better define the Major Item and identify more detailed fiscal and operational impacts, as well as implementation considerations. The information discussed during the Implementation Conference will be summarized in the Council Report as part of newly required sections (see attachment 2), in conformance with Appendix B:

- *Initial Consultation*, which
  - Lists internal and external stakeholders that were consulted, including whether item was concurrently submitted to a Commission for input,
  - Summarizes and confirms what was learned from consultation,
  - Confirms legal review addressing any legal or pre-emption issues, ensuring legal form,<sup>4</sup>
- *Implementation, Administration, and Enforcement*, which
  - Identifies internal and external benefits and impacts, and
  - Considers equity implications, launch/initiation of Major Item and its ongoing administration, and
- *Fiscal & Operational Impacts*, which
  - Summarizes any operational impacts,

---

<sup>4</sup> While consultation with the City Attorney is mentioned in Appendix B, the legal review and "confirmations" recommended in this proposal is a more specific and robust requirement.

- Identifies necessary resources, including specific staff resources needed and costs.<sup>5</sup>

As part of the Implementation Conference, staff will provide a high level work plan, indicating major deliverables/milestones and dates. This information can be collected and recorded using the Implementation Conference Worksheet (see attachment 2).

Implementation Conferences will be date certain meetings held in July.

### ***Revising the Major Item***

After the Major Item's author revises the original Council Report based on information from the Implementation Conference, the Major Item will be submitted to the Council agenda process. If additional full time equivalent employee(s) (FTE) or fiscal resources are needed, the Major Item must include a referral to the budget process and identify the amount for implementation of the policy or program.

### **Step 4: Initial Prioritization**

At their first meetings in September, Policy Committees must complete the ranking of the Major Items which were referred to them and also completed the Implementation Conference. The Policy Committees will provide these rankings in the form of a recommendation to the City Council. The Policy Committees prioritization will use the Policy Committee Ranking Form (see attachment 3) to standardize consideration of Major Items across Policy Committees. The Policy Committee priority rankings will be submitted to the City Council when the Council is considering items to move forward in the budget and Strategic Plan process.

### **Step 5: City Council Approval and Final Prioritization**

Under this proposal, all Major Items that the City Council considers for approved prioritization must have:

1. Received a City Council Policy Committee review and recommendation,
2. Received a City Council Policy Committee prioritization,
3. Completed the Implementation Conference, and
4. Been placed on the Agenda for a regular or special Council meeting in October for approval and inclusion in the RRV process.

At the designated Council meeting in October, staff will provide the Council with a list of all approved Major Items, including the initial prioritization by Policy Committee. The Council will consider each Major Item for approval. All approved Major Items then will be added to the RRV process (i.e., with other items, referrals, etc) and ranked. The RRV ranking will begin in late October. These rankings will be adopted by Council and

---

<sup>5</sup> Appendix B does require a Fiscal Impacts section, but the inclusion of operational impacts and specific noting of required staff resources and costs recommended in this proposal is a more specific and robust requirement.

used to inform the development of the draft budget. Approved and ranked Major Items have multiple opportunities to be approved for funding, when the biennial budget or mid-cycle budget is adopted in June or when the Annual Appropriations Ordinances are adopted in May and November.

If a Major Item *does not receive the endorsement* of City Council at this step, it becomes inactive for that year's legislative calendar and may be reintroduced for the next year's calendar.

City Council must complete its Major Items approval, and RRV process no later than the final meeting in December of each year.<sup>6</sup> This ensures that staff is able to develop the budget starting from and based on Council priorities.

### **Step 6: Budget & Strategic Plan Process**

The Council's rankings are also forwarded to the Budget and Finance Committee for consideration as part of budget development. If the proposal is not ultimately funded in the biennial budget, mid-cycle budget or the Annual Appropriations Ordinance (mid-year budget amendment), then it does not move forward that year and will be added to a list of unfunded proposals for the future budget process.

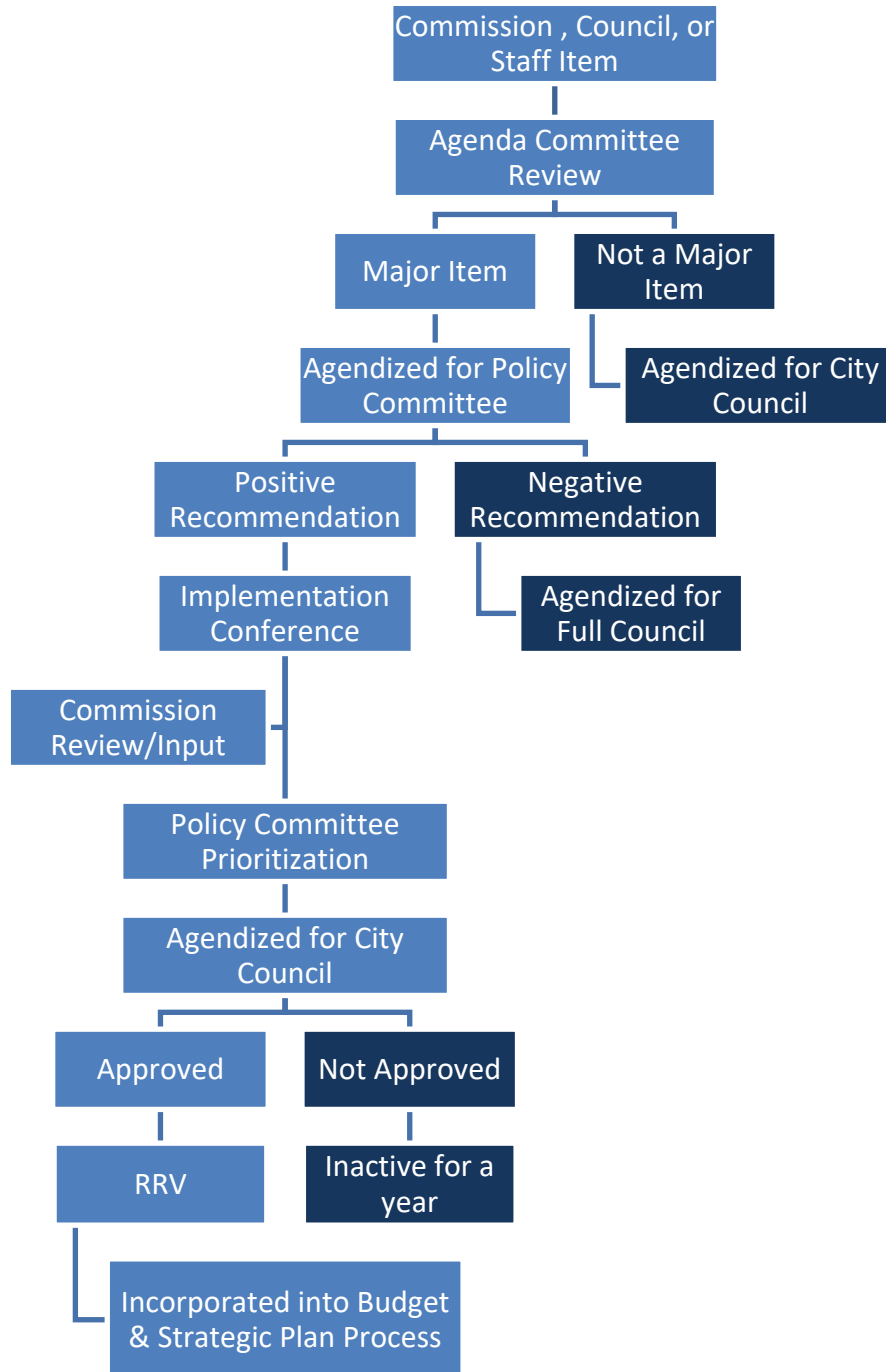
During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Items, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by department presentations to the Budget and Finance Policy Committee. From late March and through early May, Council and staff will refine the budget. Council will hold budget hearings in May and June, with adoption of the budget by June 30. Although the legislative process (i.e., Policy Committee review, Implementation Conference, Prioritization) is annual, staff recommends the budget process remain biennial. A significant mid-cycle budget update can easily accommodate additions to or changes in priorities arising through the legislative process.

The proposed process is depicted in Figure 1 and the proposed launch calendar in Figure 2.

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<sup>6</sup> Due to noticing requirements, an RRV process completed by November 30 may not appear on a City Council Agenda for adoption until January.

Figure 1, Proposed Process<sup>7</sup>

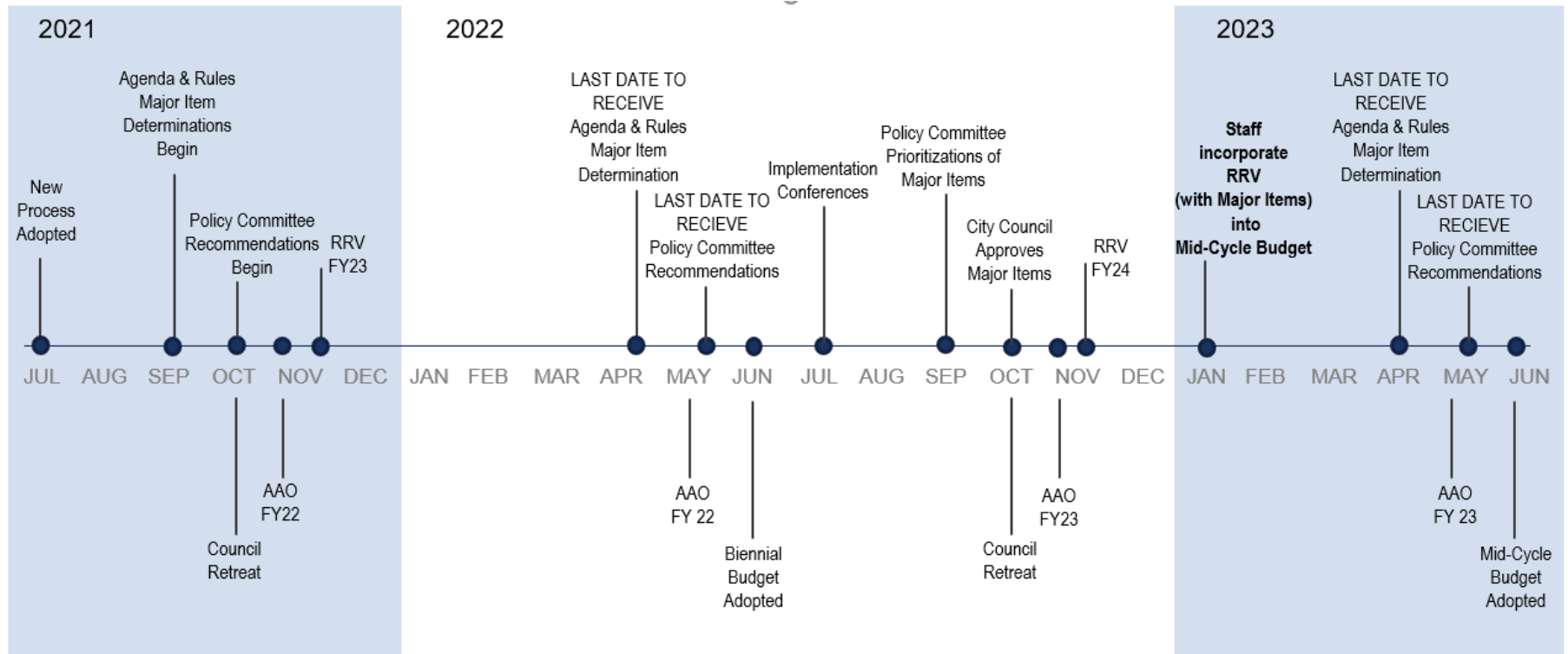


<sup>7</sup> Major Items that are ordinances will need to be examined on a case-by-case basis. Once adopted, ranked, and, if requiring resources, budgeted, the ordinance will need to be given an effective date and scheduled for first and second readings at Council.



Office of the City Manager

Figure 2, Proposed Launch





Office of the City Manager

### Next Steps

Staff will reach out to legislative aides for input and the City Manager will meet individually with Councilmembers to discuss this proposal. Staff will incorporate Council input from the worksession, and from subsequent input into a resolution and return to Council with a final Systems Alignment item for adoption by July 2021.

### Benefits

The addition of an Implementation Conference will ensure that Major Items considered by Council are properly resourced, improving our City's responsible management of fiscal resources. Analysis from the Implementation Conference will help Council to balance and consider each Major Item within the context of related programs and potential impacts (positive and negative). When considered holistically, new policy implementation can be supportive of existing work and service delivery.

Since the proposed process places the City Council prioritization of Major Items immediately before budget preparation, the Prioritization will guide and inform budget development, including components such as the Strategic Plan and work plans. Fixing the sequencing of the process is a key benefit. Currently, with prioritization occurring in May and June, the budget process is nearing completion when City Council's priorities are finally decided. This leads to inconsistencies between adopted priorities and budgeting for those priorities.

Under the current process, an idea may go into prioritization, proceed to the short term referral list or referred to the budget process. However, the resulting Major Item may not have addressed operational considerations. Adding such items to a department's work at any given time of the year may lead to staff stopping or slowing work on other prioritized projects in order to develop and implement new Major Items. Also, it may be difficult for staff to prioritize their projects: is stopping/slowing of work that is already underway in order to address new items the preference of the full Council?

Also, because consideration of implementation currently occurs after the adoption of a Major Item, features of the adopted language may unintentionally constrain effective implementation, complicating and slowing progress on the Major Item and hindering the effectiveness of the new program or regulation.

With the proposed process, a Major Item does not go through prioritization until there is an opportunity for staff to identify operational considerations. Finally, since implementation only occurs after operational considerations are reported, and funds are



allocated, the resulting Major Item should move more quickly from idea to successful completion.

### BACKGROUND

In October 2019, City Council held a half-day worksession to discuss systems realignment and provide direction on potential changes to the city's legislative process. The purpose of the meeting was to develop recommendations for how various systems (e.g., budget, Strategic Plan, RRV, etc) could better work together to ensure that the organization is able to focus on the priorities established by the City Council. The City Manager took direction from that meeting and worked with department directors and the Budget Office to create this proposal.

### ENVIRONMENTAL SUSTAINABILITY

By improving efficiency, ensuring adequate resources, and strengthening implementation, this proposal would increase the speed and full adoption of new significant legislation, including sustainability work.

### RATIONALE FOR RECOMMENDATION

The City of Berkeley is unique in comparison to many cities. It considers and approves many more policies, often at the cutting edge, than a typical city and especially for a city of its size. This proposal is a hybrid, incorporating city processes while mirroring State and Federal legislative processes which accommodate a larger number of policies and items in a given cycle. The disadvantage of this proposal is that it introduces additional steps, such as the implementation conference. The advantages of this proposal, are:

- Ensuring adopted legislation is adequately resourced, in terms of both staffing and budget;
- Providing adequate context for Council to balance and consider items in relation to potential positive and negative impacts; and
- Strengthening the effectiveness and efficiency of policy implementation.

### ALTERNATIVE ACTIONS CONSIDERED

At the Council retreat in October 2019, a variety of approaches and ideas were discussed and considered. Additionally, the original version of this proposal was substantively revised through the Policy Committee process.

If the Council takes no action on this item, the existing process will continue to result in inadequately resourced adopted legislation and inefficient and complicated implementation.

### CONTACT PERSON

David White, Deputy City Manager, 510-981-7012

Attachments:

- 1: Major Item Determination Checklist
- 2: Council Report Template and Implementation Conference Worksheet
- 3: Policy Committee Ranking Form



# Major Item Determination Checklist

Item Name:

Item Author:

### Is this a Major Item?

- |                          |                          |                                                                                                                                |
|--------------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Yes                      | No                       |                                                                                                                                |
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant change to existing law, program, or policy.                                                      |
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant addition to existing law, program, or policy.                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public |

### Is this eligible for an Exemption?

- |                          |                          |                                                                     |
|--------------------------|--------------------------|---------------------------------------------------------------------|
| Yes                      | No                       |                                                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related the City's COVID-19 response.                       |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to the City Budget process.                         |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to essential or ongoing City processes or business. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is urgent.                                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is time-sensitive.                                             |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is smaller.                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is less impactful.                                             |

### Agenda Committee Determination:

Major Item  Exempted

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

### Policy Committee Confirmation:

Determination Confirmed  Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_



[First Lastname]  
Councilmember District [District No.]

[CONSENT OR ACTION]  
CALENDAR  
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council

From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION

Adopt a Resolution...  
or Support ...  
or write a letter to \_\_\_ in support of \_\_\_\_\_...  
or other recommendation....

FINANCIAL-FISCAL & OPERATIONAL IMPACTS IMPLICATIONS

*This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.*

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

*This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented.*

CURRENT SITUATION AND ITS EFFECTS

*For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section:*

[Insert project name] is a Strategic Plan Priority Project, advancing our goal to [pick one:]

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- provide an efficient and financially-health City government.
- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

[Title of Report]

CALENDAR

Macrobutton NoMacro [Meeting Date (MM dd, yyyy)]

- be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.
- attract and retain a talented and diverse City government workforce.

BACKGROUND

INITIAL CONSULTATION

*This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.*

ENVIRONMENTAL SUSTAINABILITY

CONTACT PERSON

Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

1: Resolution

Exhibit A: [Title or Description of Exhibit]

Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

3: [Title or Description of Attachment]

RESOLUTION NO. ##,###-N.S.

SHORT TITLE OF RESOLUTION HERE

WHEREAS, (Whereas' are necessary when an explanation or legislative history is required); and

WHEREAS, (Insert Additional 'Whereas Clauses' as needed); and

WHEREAS, enter text here; and

WHEREAS, enter text here; and

WHEREAS, (The last "Whereas" paragraph should contain a period (.) .

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that (Action to be taken) - ends in a period (.).

BE IT FURTHER RESOLVED that (for further action if needed; if not delete) - ends in a period (.).

Exhibits **[Delete if there are NO exhibits]**

A: Title of the Exhibit

B: Title of the Exhibit



## Implementation Conference Worksheet

**Item Name:**

**Item Author:**

### AUTHOR SECTION

The author of the item may complete this section to help record required information for the report.

|                                                                               |
|-------------------------------------------------------------------------------|
| Descriptive title:                                                            |
| Is this for Consent, Action, or Information Calendar?                         |
| Recommendation:                                                               |
| Summary statement:                                                            |
| Background (history, circumstances and concerns to be addressed by the item): |
| Plans, programs, policies and/or laws were taken into consideration:          |
| Actions/alternatives considered:                                              |
| Internal stakeholders consulted:                                              |
| Name/date of Commission(s) item submitted to for input:                       |
| List of external stakeholders consulted:                                      |

|                                                                                       |
|---------------------------------------------------------------------------------------|
| Summary of what was learned from consulting stakeholders:                             |
| Rationale for recommendation:                                                         |
| Internal Benefits of Implementation:                                                  |
| Internal Impacts of Implementation:                                                   |
| External Benefits of Implementation:                                                  |
| External Impacts of Implementation:                                                   |
| Equity Considerations:                                                                |
| Launch and Implementation Milestones (see staff section)                              |
| Environmental Impacts:                                                                |
| Operational Impacts:                                                                  |
| Staff Resources Needed:<br><br>Number of FTE/hours:<br>Type of staff resource needed: |
| Costs:<br><br>Amount(s):<br>Funding Source:                                           |



**STAFF SECTION**

Staff may complete section to provide required information for the report.

| Estimated Launch/implementation Deliverables/Dates: |                    |
|-----------------------------------------------------|--------------------|
| <i>Month/Year</i>                                   | <i>Deliverable</i> |
|                                                     |                    |
| Estimated Administration Deliverables/Dates:        |                    |
| <i>Month/Year</i>                                   | <i>Deliverable</i> |
|                                                     |                    |

**Legal Consultation:**

Confirmed

Name/Date \_\_\_\_\_

**Staff Consultation:**

Confirmed

Name(s)/Date(s) \_\_\_\_\_





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BERKELEY SPECIAL MEETING

TUESDAY, OCTOBER 10, 2023

# Unofficial Text File

>> GOOD AFTERNOON.

THANK YOU FOR WAITING PAITENTLY.

I WOULD NOW LIKE TO CALL TO ORDER THE SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL FOR TUESDAY, OCTOBER 10<sup>TH</sup>, 2023 AT 4 P.M..

IF THE CITY CLERK CAN PLEASE CALL THE ROLL.

[ROLL CALL]

>> CLERK: COUNCILMEMBER KESARWANI.

>> R. KESARWANI: HERE.

>> CLERK: TAPLIN.

>> T. TAPLIN: PRESENT.

>> CLERK: BARTLETT.

>> B. BARTLETT: HERE.

>> CLERK: HARRISON.

>> K HARRISON: HERE.

>> CLERK: HAHN.

>> S. HAHN: PRESENT.

>> CLERK: WENGRAF.

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>> S. WENGRAF: PRESENT.

>> CLERK: ROBINSON.

>> R. ROBINSON: PRESENT.

>> CLERK: HUMBERT.

>> M. HUMBERT: PRESENT.

>> CLERK: AND MAYOR ARREGUIN.

>> MAYOR J. ARREGUIN: PRESENT.

>> CLERK: OKAY.

>> MAYOR J. ARREGUIN: OKAY.

ALL MEMBERS ARE PRESENT.

THANK YOU VERY MUCH.

SO THIS IS A SPECIAL CITY COUNCIL MEETING TO HOLD A WORK SESSION TO POTENTIAL PROPOSALS FOR THE REDESIGN OF OUR CITY COUNCIL'S LEGISLATIVE PROCESS.

AND I JUST WANT TO PROVIDE SOME INTRODUCTORY COMMENTS AND THEN TURN IT OVER TO COUNCILMEMBER HAHN, WHO IS GOING TO GO THROUGH PRESENTING THE PROPOSED FRAMEWORK THAT WE WANTED COUNCIL INPUT ON.

AND THEN, I'LL GIVE COUNCILMEMBER HARRISON AN OPPORTUNITY TO PRESENT ON HER CONCEPTS AS WELL.

SO AS THE COUNCIL KNOWS, WE HAVE BEEN DISCUSSING A REDESIGN OF OUR LEGISLATIVE SYSTEM FOR SEVERAL YEARS NOW.

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ADD OUR RETREAT IN OCTOBER, 2019, WE HAD I THINK A VERY EXCELLENT DISCUSSION AROUND POTENTIAL CHANGES TO THE PROCESS IN WHICH WE INTRODUCE AND REVIEW AND APPROVE LEGISLATION AT THE CITY COUNCIL LEVEL.

AND THERE WERE SEVERAL GOALS WE WANTED TO ACHIEVE. ONE, WE WANTED TO MAKE SURE THAT THERE WAS ALIGNMENT OF OUR LEGISLATIVE PROCESS WITH THE BUDGET PROCESS.

BECAUSE WHILE WE MAY ADOPT LAWS OR PROPOSED COUNCIL REFERRALS, IF THOSE LAWS OR PROGRAMS ARE NOT FUNDED, AND WE DON'T HAVE STAFF RESOURCES OR FUNDING ALLOCATED, THEN THEIR IMPLEMENTATION WILL NOT BE EFFECTUATED, IT WILL BE DELAYED.

IN ORDER TO FULLY REALIZE THE IMPACT OF THE LEGISLATION WE ADOPT WE WANTED TO ALIGN THE ADOPTION OF MAJOR ITEMS IN LEGISLATION WITH OUR BUDGET PROCESS TO MAKE SURE WE CAN CONSIDER THE BUDGET NEEDS, TO MAKE SURE WE CAN SET ASIDE FUNDING IN THE BUDGET FOR CITY STAFF AND IMPLEMENTATION.

ANOTHER AREA WAS LOOKING AT HOW CAN WE ENSURE MORE THOROUGH REVIEW OF ITEMS.

TO MAKE SURE THAT THEY HAVE COMPLETE INFORMATION AND ARE LOOKING AT PHYSICAL IMPACTS.

ANOTHER ISSUE WAS LOOKING AT WHAT WOULD BE AN EFFECTIVE PROCESS FOR THESE ITEMS IT BE CONSIDERED TO ALIGN WITH OUR BUDGET PROCESS, TO ALIGN WITH THE A.A.O.

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AND ON TOP OF THAT WE HAD A PRIORITIZATION PROCESS.

WHAT IS THE RELATIONSHIP TO THE PRIORITIZATION PROCESS AND THIS PROCESS.

SO WE HAD A LOT OF GOOD DISCUSSION WITH THE CITY MANAGER CAME FORWARD AFTER THAT WITH A PROPOSAL THAT WE DISCUSSED IN 2021.

AND/OR THE CITY MANAGER PUT THAT FORWARD TO STIMULATE DISCUSSION.

SHE SAID TO THE AGENDA COMMITTEE SHE HAS WITHDRAWN THAT PROPOSAL.

SO THAT IS NOT, SHE'S NOT PRESENTING THAT FOR ACTION AT THE PRESENT TIME BY COUNCIL.

BUT THAT DID SPARK A LOT OF REALLY GOOD IDEAS THAT HAD BEEN BROUGHT FORWARD THE LAST SEVERAL YEARS, ALL OF WHICH WERE INCLUDED IN THE PACKET.

WE WANT TODAY MAKE SURE THE PROPOSALS AND IDEAS THAT COUNCILMEMBERS CURRENTLY PROPOSED AROUND HOW TO IMPROVE AND STREAMLINE THE LEGISLATIVE PROCESS.

THOSE WERE INCLUDED SO WE CAN LOOK AT THE COMPREHENSIVE RECORD.

AND SO, THE AGENDA RULES COMMITTEE TASKED BY THE CITY COUNCIL TO NOT JUST APPROVE THE DRAFT AGENDA BUT TO ALSO REVIEW AND MAKE RECOMMENDATIONS ON CHANGES TO OUR COUNCIL RULES.

HAS BEEN DISCUSSING FOR SEVERAL YEARS NOW THE CHANGES TO OUR LEGISLATIVE PROCESS.

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AND OUT OF THAT, COUNCILMEMBER HAHN HAS BEEN WORKING WITH, I THINK THE CITY CLERK DEPARTMENT, THE CITY MANAGER'S OFFICE AND OTHERS TO COME UP WITH A CONCEPTUAL FRAMEWORK TO PRESENT SOME IDEAS FOR COUNCIL CONSIDERATION.

SO THAT WE CAN GATHER INPUT AND COME BACK WITH A PROPOSAL SO WE CAN FINALLY MOVE THIS CONVERSATION FORWARD.

THE PURPOSE OF TONIGHT'S WORK SESSION IS NOT TO TAKE ACTION BUT TO HEAR THE WHOLE COUNCIL'S INPUT.

BECAUSE THE AGENDA AND RULES COMMITTEE THERE ARE ONLY THREE MEMBERS THAT SIT ON THAT COMMITTEE, WE CANNOT ASK FOR YOUR IDEAS, UNFORTUNATELY.

SO REALLY, THIS IS WE'RE THE AGENDA RULES COMMITTEE PUTTING THIS FORWARD TO HEAR THE WHOLE COUNCIL'S IDEAS, SO WE CAN TAKE BACK THAT INPUT AND COME FORWARD WITH A RECOMMENDATION IN THE COMING MONTHS.

SO I REALLY APPRECIATE COUNCILMEMBER HAHN COMING FORWARD WITH A CONCEPTUAL, THOUGHTFUL FAKE WORK.

THE COMMITTEE DID NOT APPROVE THIS, I WANT TO CLARIFY.

WE WANT TO SEND IT FORWARD TO ALL COUNCIL, SO THE WHOLE COUNCIL CAN PROVIDE ITS FEEDBACK AND WE CAN TAKE THAT INTO CONSIDERATION AS WE'RE DELIBERATING ON IT.

I APPRECIATE COUNCILMEMBER HARRISON AND ROBINSON AND TAPLIN'S INPUT.



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THERE MAY BE OTHER IDEAS WE HEAR TONIGHT.

THIS IS INTENDED TO BE A DISCUSSION, AN OPPORTUNITY FOR COUNCIL INPUT AND OUR GOAL IS TO TAKE ALL THESE GOOD IDEAS, AND TO COME BACK WITH A PROCESS THAT WORKS FOR OUR CITY COUNCIL, OUR STAFF AND COMMUNITY, FOR OUR COMMISSIONS.

AND SO, WITH THE GOAL OF TRYING TO HAVE A PROCESS THAT HELPS REALIZE THE IMPACTS OF THE LEGISLATION WE'RE ADOPTED FOR THE BENEFIT OF THE PEOPLE OF BERKELEY.

AND I THINK AN IMPORTANT PART IS OUR BOARDS AND COMMISSIONS AND THE ROLE THEY PLAY ALSO IN REVIEWING A MAJOR LEGISLATION.

SO WITH THAT INTRODUCTION IN MIND, WITH THE UNDERSTANDING WE'RE NOT TAKING ACTION TONIGHT BUT INTENDED FOR DISCUSSION.

I WANT TO TURN IT OVER TO COUNCILMEMBER HAHN WHO WILL PRESENT ON THE SORT OF THE PROPOSED FRAMEWORK THAT WAS PRESENTED AT THE AGENDA RULES COMMITTEE AND THEN COUNCILMEMBER HARRISON THEREAFTER.

>> S. HAHN: THANK YOU SO MUCH, MAYOR.

SOME PRELIMINARY REMARKS.

AND I'LL ASK THE CITY CLERK IF THEY CAN GO AHEAD AND PUT UP THE FIRST PAGE.

FIRST OF ALL, I WANT TO CLARIFY THAT THE AGENDA COMMITTEE WAS WE WERE DELEGATED THE TASK OF COMING BACK TO COUNCIL WITH SOMETHING.

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AND AS YOU ALL KNOW FROM YOUR OWN COMMITTEES YOU CANNOT WORK TWO PEOPLE ON A COMMITTEE CANNOT WORK TOGETHER BEHIND THE SCENES. I WAS DESIGNATED AS A PERSON WHO WOULD WORK ON BRINGING SOMETHING FORWARD.

AND I DID I WAS ABLE TO WORK WITH THE CITY MANAGER AND THE CITY CLERK'S OFFICE, NOT JUST TO GET THEIR INPUT BUT BECAUSE I NEEDED BUDDIES TO HELP DEVELOP THIS AND HAD NO OPPORTUNITY TO WORK WITH MY COLLEAGUES.

I ALSO JUST WANT TO BE REALLY CLEAR, I'M EXTREMELY PROUD OF THE WORK PRODUCT BEING BROUGHT FORWARD AS A THOUGHT EXERCISE HERE TODAY.

BUT THIS IS NOT MY PROPOSAL.

THE PACKET HAS MY PROPOSAL.

MY PROPOSAL IS ON PAGE 43 OF THE PACKET.

AND IF ANYONE WANTS TO KNOW WHAT MY PROPOSAL IS, THAT IS IT.

I AM HAPPY TO TAKE CREDIT FOR HAVING LISTENED TO MANY DIFFERENT STAKEHOLDERS AND LOOKED AT MANY DIFFERENT PROPOSALS THAT ARE HERE IN THE RECORD.

AND TO HAVE WORKED, TO PUT SOMETHING TOGETHER THAT HOPEFULLY REFLECTS AN AMALGAMATION OF MANY DIFFERENT IDEAS AND THAT PROVIDES A CONVERSATION OPPORTUNITY FOR THE WHOLE COUNCIL, WHICH IS WHAT WAS ALWAYS INTENDED.

SO I JUST, I DO THINK THERE HAS BEEN A LITTLE CONFUSION.

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AND I WANTED TO CLARIFY WHILE I'M PROUD TO HAVE DONE WORK ON THIS, THIS IS NOT MY PROPOSAL.

MY PROPOSAL IS ELSEWHERE IN THE PACKET.

I ALSO WANTED TO JUST BRING YOUR ATTENTION TO THIS FIRST PAGE. PROCESS SKETCH FOR DISCUSSION.

WE NAMED IT THAT FOR A REASON.

IT'S ACTUALLY NOT A PROPOSAL.

IT IS A SKETCH OF A POTENTIAL PROCESS.

THAT IS INTENDED TO SPARK CONVERSATION.

IT'S NOT A PROPOSAL.

I WANTED TO MAKE THAT CLEAR AS WELL.

GIVEN THE VARIETY OF WORK PRODUCT THAT WE HAD TO GO BACK AND LOOK AT, AND TO KIND OF DIGEST AND PULL TOGETHER, IT'S NOT POSSIBLE FOR A SINGLE SKETCH TO INCLUDE ABSOLUTELY ALL THE IDEAS AT ONCE.

AND I THINK AS THE REASON WHY WE AS THE AGENDA COMMITTEE DID NOT APPROVE THIS AS A BODY IS BECAUSE WE WANT YOUR INPUT.

WHAT WE MIGHT FINALLY BRING FORWARD MAYBE VERY DIFFERENT FROM THIS.

BUT YOU HAVE TO START SOMEWHERE WITH A CONVERSATION.

AND I REALLY WANT TO MAKE SURE THAT ANY MISCHARACTERIZATION OF WHAT IS HERE IS CLEARED UP.

ALL RIGHT.

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SO LET'S GO THROUGH THIS SKETCH.

AND THE PURPOSE TODAY IS FOR US TO GET ALL YOUR IDEAS AND INPUT.

AND THERE IS NO DECISION POINT TODAY.

I ALSO WANT TO SAY THAT AS WE WERE GOING THROUGH THIS, IT'S ACTUALLY VERY COMPLEX.

AND THERE IS A LOT OF MOVING PIECES AND THERE IS A LOT OF PLACES WHERE YOU WANT TO STEP INTO A MORE COMPLICATED CORNER AND GO DOWN THAT LITTLE RABBIT HOLE.

THE WAY IT'S ORGANIZED THERE IS KIND OF AN OVERVIEW AND WE ACTUALLY DID A LITTLE WAYS DOWN A FEW RABBIT HOLES TO SORT OF SUGGEST SOME OF THE CONSIDERATIONS IN EACH OF THOSE SPECIAL TOPICS.

BUT IT IS OUR INTENT THAT WITH AN OVER-- CLEAR WITH THE OVERVIEW WE WOULD THEN TOGETHER DEVELOP AND REFINE SOME OF THE SPECIAL TOPICS.

>> MAYOR J. ARREGUIN: CAN I ADD ONE THING, COUNCILMEMBER HAHN, IF I MAY.

I FORGOT TO MENTION THAT WHAT WE INCLUDED IN THE PACKETS WAS A MATRIX, WHICH SUMMARIZED ALL THE DIFFERENT PROPOSALS THAT HAVE BEEN PUT FORWARD IN THE LAST WHAT THREE OR FOUR YEARS, INCLUDING THE MOST RECENT PROPOSAL THAT COUNCILMEMBER HAHN IS ABOUT TO PRESENT.

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AND KIND OF REALLY BROKE IT DOWN BY SORT OF ISSUE AREA, MAJOR  
ITEM DEFINITION PROCESS.

SO YOU CAN SEE ACROSS WHERE EACH PROPOSAL HAPPENED AND -- LANDED  
AND THE EVOLUTION THAT LED TO THIS PROPOSAL THAT COUNCILMEMBER  
HAHN WILL PRESENT.

I WANT TO THANK MY STAFF, JACQUELINE MCCORMICK AND LAURIE, AND  
COUNCILMEMBER WENGRAF'S OFFICE WHO WORKED QUICKLY TO PUT THIS  
TOGETHER SO WE HAD SOMETHING TO LOOK AT FOR COMPARATIVE  
PURPOSES.

BACK TO YOU.

>> S. HAHN: THANK YOU.

I ALSO WANT TO ACKNOWLEDGE AND THAT CAN THEM.

AS YOU CAN SEE BY LOOKING AT THE MATRIX, IT WAS VERY FORGET  
COMPLICATED.

AND THERE WERE A LOT OF DIFFERENT IDEAS THAT HAD BEEN FLOATED  
OVER TIME.

AND AGAIN, THIS SKETCH IS ONE OF MANY POTENTIAL PATHS FORWARD.

LET'S GO AHEAD AND WALK DOWN THE SKETCH PATH.

HOPEFULLY, THAT WILL TRIGGER MANY IDEAS AND INPUTS.

SO FIRST OF ALL, LET'S GO TO THE -- WELL, LET ME START HERE BY  
SAYING THIS IS BY MAJOR ITEMS.

SO VERY QUICKLY, YOU HAVE TO IMAGINE THAT THERE IS LOTS OF ITEMS  
THAT ARE NOT INCLUDED THAT ARE NOT BEING DISCUSSED.

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WHAT IS A MAJOR ITEM?

CURRENTLY, WE HAVE A DEFINITION.

SO IT'S NOT -- WE CALL IT A POLICY COMMITTEE TRACK ITEM.

THAT WAS TOO MUCH A MOUTHFUL.

WE'LL CALL THEM MAJOR ITEMS.

BUT IT IS THE SAME DEFINITION THAT WE HAVE CURRENTLY.

THIS IS NOT A NEW DEFINITION.

THIS IS THE OPERATIVE DEFINITION IN OUR COUNCIL RULES AND PROCEDURE AND ORDER, AND I HAVE NOT HEARD ANY CONCERNS ABOUT THE DEFINITION TO DATE.

IT IS THE ONE WE'VE BEEN USING FOR A COUPLE OF YEARS.

HOWEVER, AS WITH EVERYTHING THAT WE'RE LOOKING AT TODAY, IT'S ENTIRELY POSSIBLE FOR US TO ADJUST THE DEFINITION.

SO THAT'S NOT SET IN STONE.

IT'S JUST TO EXPLAIN WHERE WE GOT THAT TERMINOLOGY FROM.

WE CAN GO TO THE NEXT SLIDE.

THESE BIG IDEAS YOU CAN EACH BRING YOUR OWN TO THIS.

THIS WAS SORT OF THE BIG IDEAS, AGAIN, I WASN'T ABLE TO WORK TOGETHER WITH ANY OTHER COMMITTEE MEMBERS.

SO THE BIG IDEA FOR COUNCIL THAT CAME FROM MYSELF, SUCCESSFULLY DEVELOP AND IMPLEMENT STATE OF THE ART AND INNOVATIVE PROGRAM AND POLICIES TO SERVE BERKELEY AND MODEL BEST PRACTICES FOR OTHER JURISDICTIONS.

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THE CITY CLERK'S BIG IDEA WAS CONSISTENCY IN PROCESS FOR MAJOR ITEM DEVELOPMENT, BUDGETING AND IMPLEMENTATION.

OBVIOUSLY, CITY ATTORNEY IS INTERESTED IN ENSURING LEGAL AND DRAFTING COMPLIANCE.

AND THE CITY MANAGER'S BIG IDEA WAS TO HELP THE ORGANIZATION DELIVER WITHOUT OVERWHELM, AND HELP STAFF BE SUCCESSFUL IN THEIR WORK.

AND I THINK THAT EVEN THOUGH THOSE ARE COME FROM ONE INDIVIDUAL EACH, I THINK THEY ACTUALLY REALLY REFLECT WHAT THESE DIFFERENT ROLES MIGHT HAVE TOP OF MIND.

BUT OBVIOUSLY, YOU ALL MAY HAVE YOUR OWN RENDITIONS OF THIS AS WELL.

GOING TO THE NEXT SLIDE.

SO OBVIOUSLY, THIS IS A BIG POTENTIAL CHANGE.

BUT NOT AT ALL NECESSARY.

BUT THE IDEA OF YEARLY CYCLE REALLY I WOULD SAY IS BUILT BACKWARDS FROM THE IDEA THAT WE WANT TO GET TO A PLACE WHERE WE DON'T HAVE BACKLOGS, WHERE ITEMS WE PASS AND EVEN THAT WE FUND DON'T GET IMPLEMENTED FOR YEARS.

AND WE'RE -- THERE IS KIND OF A TIGHTER AND LOGICAL PROGRESSION FROM PROPOSALS TO BEING VET, TO BEING ELIGIBLE FOR FUNDING, TO RECEIVING FUNDING, TO HOPEFULLY BEING IMPLEMENTED PRETTY MUCH IMMEDIATELY AFTER.

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SO THAT THE CONVERSATION ABOUT IMPLEMENTATION BEGINS ESSENTIALLY AFTER THE ITEM IS FUNDED.

SO WHILE IT COULD ENTAIL A LONGER TIMELINE BEFORE AN ITEM IS PASSED AND BUDGETED, IT IS INTENDED TO SIGNIFICANTLY REDUCE THE AMOUNT OF TIME THAT IT TAKES FROM APPROVAL OR BUDGET TO IMPLEMENTATION.

AND THERE ARE OTHER WAYS TO ACHIEVE THIS.

AND PEOPLE MAY WISH TO FRONT LOAD THE WEIGHT OR BACK LOAD THE WEIGHT OR DISTRIBUTE IT DIFFERENTLY.

BUT -- I DID WANT TO EXPLAIN WHY THE IDEA OF A YEARLY CYCLE SEEMED LIKE SOMETHING WE MIGHT WANT TO PUT FORWARD.

SO, IF THERE WAS A YEARLY CYCLE, AGAIN ALL OF THESE DATES CAN BE CHANGED.

LOOKING AT IT WITH THE CITY MANAGER AND THE CITY CLERK, AND TRYING TO UNDERSTAND SORT OF THE DEADLINES BY WHICH THE BUDGET COMMITTEE NEEDS THINGS AND OTHER CONSIDERATIONS, WE CAME TO THE IDEA THAT JULY THROUGH SEPTEMBER COUNCIL WOULD BE FINALIZING ITEMS, NOW JUST TO BE CLEAR, THEY COULD DEVELOP AND SUBMIT THEM AT ANY TIME DURING THE YEAR.

BUT THERE WOULD BE FOUR MONTHS WHERE -- THREE MONTHS WHERE YOU COULD REALLY FOCUS ON THAT.



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DURING THAT TIME, THE CITY MANAGER WOULD BE FOCUSED ON STARTING TO IMPLEMENT ITEMS FROM THE PREVIOUS YEAR THAT HAD JUST BEEN FUNDED.

OCTOBER TO MARCH WOULD BE COMMITTEE SEASON.

RECOGNIZING THAT THERE IS PROBABLY A PRETTY BIG GAP IN DECEMBER.

AND THERE MIGHT BE QUITE A FEW ITEMS AND THE COMMITTEES WOULD BE DOING ROBUST REVIEWS AND WOULD NEED TO HEAR ITEMS MORE THAN ONCE.

AND THEN, APRIL THROUGH JUNE WOULD BE THE TIME WHEN COUNCIL WOULD REVIEW AND APPROVE ITEMS AND THE BUDGET WOULD FUND THOSE ITEMS THAT COUNCIL DEEMED READY TO FUND THAT YEAR.

SO IT'S BUILT BACK FROM THAT JUNE 30 BUDGET ADOPTION.

THE NEXT SLIDE.

SO SOME OF THE BENEFITS WERE WRITTEN HERE.

OBVIOUSLY, THERE IS DOWN SIDES AS WELL.

EVERYTHING CHOICE WE ME, INCLUDING THE CHOICE WE HAVE RIGHT NOW HAS UP SIDES AND DOWN SIDES.

BUT IN INTRODUCING A NEW IDEA, WE THOUGHT WE WOULD SHARE WHAT SOME OF THE BENEFITS MIGHT BE.

A YEARLY OPPORTUNITY.

THE FOUR SUBJECT MATTER COMMITTEES WOULD HAVE MORE OF A SEASON.

ALTHOUGH, THEY ABSOLUTELY COULD MEET AT ANY TIME.

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STAFF WOULD HAVE A PERIOD OF TIME WHEN THEY COULD FOCUS IN A MUCH MORE ROBUST WAY THAN THEY DO NOW.

ON IMPLEMENTATION AND COUNCILMEMBER SAID DURING THAT TIME WOULD ALSO HAVE SORT OF MORE FREE TIME, QUOTE/UNQUOTE, WITHOUT COMMITTEE MEETINGS TO FINALIZE ITEMS THEY WANTED TO SUBMIT BY THE DEADLINE.

AND AGAIN, THE IDEA BEING TO REDUCE THE GAP BETWEEN APPROVAL AND IMPLEMENTATION.

AND JUST TO BE CLEAR, WE DON'T REALLY HAVE EXPLICIT DEADLINES FOR ITEMS.

BULT BECAUSE WE HAVE A BUDGET CYCLE, THERE IS A DEADLINE, THERE IS A DATE AFTER WHICH AN ITEM CAN NO LONGER BE CONSIDERED FOR THAT BUDGET CYCLE.

EXACTLY.

SO WE DON'T HAVE THOSE DEADLINES DELINEATED VERY CLEARLY RIGHT NOW.

AND I THINK THAT CAN BE A PROBLEM.

BECAUSE PEOPLE DON'T REALLY KNOW HOW MUCH TIME THEY HAVE TO SUBMIT AN ITEM THAT MIGHT HAVE TO GO TO COUNCIL.

AND THEY DON'T KNOW IF THEY WILL MISS BEING CONSIDERED FOR ONE OR ANOTHER BUDGET CYCLE.

BY CLARIFYING, IT WOULD BE VERY FAIR AND EVERYONE WOULD BE ON NOTICE.

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THIS IS THE DATE BY WHICH YOUR ITEMS HAVE BEEN TO BE IN IN ORDER  
TO BE CONSIDERED FOR THIS CYCLE.

THERE IS OBVIOUSLY DOWN SIDES AS WELL, TRADEOFFS.

AND I THINK IT'S SOMETHING FOR EVERYONE HERE TO CONSIDER.

SO LET'S GO TO THE NEXT SLIDE.

MAJOR ITEM DEVELOPMENT AND SUBMISSION.

AGAIN, YOU WOULD HAVE ALL YEAR TO SUBMIT.

IT'S NOT THAT YOU WOULD ONLY BE ABLE TO SUBMIT DURING A THREE-  
MONTH PERIOD.

BUT THAT YOU WOULD HAVE LESS OTHER RESPONSIBILITIES DURING THAT  
TIME AND YOU COULD FOCUS MORE.

SO FIRST THE MAJOR ITEM GUIDELINES WOULD BECOME MANDATORY.

RIGHT NOW THEY ARE RECOMMENDED AND I THINK A LOT OF PEOPLE DON'T  
REALIZE THEY ARE RECOMMENDED.

AND THE AGENDA COMMITTEE HAS NOT NECESSARILY BEEN CONSISTENT AND  
APPLYING THAT.

FIRST IDEA WOULD BE MAJOR ITEM GUIDELINES.

WHY?

BECAUSE THEY REQUIRE ROBUST RESEARCH AND CONSULTATION.

AND THAT WOULD MEAN THAT ITEMS CAME TO US AS A COUNCIL MORE  
FULLY FORMED.

THEN THE SEPTEMBER 30 SUBMISSION DEADLINE.

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BUT ITEMS CAN BE SUBMITTED PRIOR AND THEY COULD BE REVIEWED BY THE AGENDA AND RULES COMMITTEE JUST FOR THE QUESTION OF DO THEY COMPLY WITH THE GUIDELINES.

TIMELINE ALLOWS FOR COUNCILMEMBERS TO WORK ALL YEAR WITH CONCENTRATED OPPORTUNITY JULY THROUGH SEPTEMBER.

AND ALSO STAFF INPUT AT THE PRESUBMISSION LEVEL AND INPUT FROM THE CITY ATTORNEY WOULD BE MORE FORMALIZED.

RATHER THAN SORT OF CATCH US IF YOU CAN AND SOMETIMES A DEPARTMENT HEAD HAS TIME TO WORK WITH YOU AND SOMETIMES THEY DON'T.

IT WOULD BE EXPLICIT, THE LEVEL OF INPUT AND CONSULTATION AVAILABLE TO COUNCILMEMBERS AS THEY ARE DEVELOPING THEIR ITEMS. WE CAN GO TO THE NEXT SLIDE.

SO IN OCTOBER, AGAIN, MAYBE OCTOBER, IT'S ALL UP TO YOUR COMMENT.

WE WOULD HAVE THE AGENDA COMMITTEE WOULD REVIEW ALL MAJOR ITEMS THAT CAME IN TOWARDS THE DEADLINE FOR COMPLIANCE WITH THE GUIDELINES.

COMPLIANT MAJOR ITEMS WOULD GO TO COMMITTEES.

IF AN ITEM WAS NONCOMPLIANT THERE WOULD BE AN OPPORTUNITY FOR THE AUTHOR TO RESUBMIT AND STILL CATCH THAT CYCLE.

NEXT SLIDE.

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OCTOBER THROUGH MARCH, THE POLICY COMMITTEES WOULD ORGANIZE THEMSELVES.

MID OCTOBER THEY WOULD PLAN THEIR SESSION.

MAYBE THERE ARE SEVERAL ITEMS ON A SIMILAR TOPIC AND IT MAKES MORE SENSE TO HEAR THEM TOGETHER.

MAYBE THERE ARE ITEMS THAT THEY FEEL ARE GOING TO REQUIRE VERY SIGNIFICANT OUTREACH AND THEY WANT TO SCHEDULE THEM IN THAT WAY. AND THIS OF COURSE IS HOW IT IS DONE IN COMMITTEES, COMMITTEE SYSTEMS THAT HAVE AN ANNUAL CYCLE AT THE STATE LEVEL AND IN OTHER CITIES.

AND IT'S NOT UNCOMMON THAT THERE IS A TIME WHEN THE COMMITTEE IS ESSENTIALLY PLANS OUT THEIR HEARINGS.

THE MAJOR ITEMS WOULD BE REVIEWED ON A ROLLING BASIS.

AND ALL THE ITEMS WOULD BE OUT OF THE POLICY COMMITTEE BY MARCH 30.

THIS BULLET POINT WITH COMMITTEES MAY PRIORITIZE OR SCORE ITEMS THEY REVIEW.

THE REASON IT'S IN BRACKETS BECAUSE IT'S A BIG QUESTION MARK.

SO MAYBE THEY WOULD MAYBE THEY WOULDN'T.

BUT THAT IS IN BRACKETS BECAUSE IT'S REALLY A QUESTION MARK HERE.

NEXT SLIDE.

SO, IN APRIL ALL MAJOR ITEMS WOULD HAVE BEEN VOTED ON.

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THEY ARE NOT ALL VOTED ON IN APRIL.

BUT THEY WOULD ALL BE VOTED ON BY APRIL 30.

MAY MIGHT REQUIRE US, IT MIGHT REQUIRE A SPECIAL MEETING IN APRIL.

THERE WERE A WHOLE LOT OF THEM.

THE CITY ATTORNEY WOULD SIGN OFF ON THE DRAFTING AND LEGAL CONFORMITY OF THE ORDINANCE AS RESOLUTIONS AND FORMAL POLICIES.

AND APPROVE ITEMS WOULD GO TO THE BUDGET COMMITTEE.

AND THEN NEXT SLIDE.

AND THEN, POSSIBLY, AGAIN, POSSIBLY MAJOR ITEMS.

AND JUST TO BE CLEAR, THAT'S NOT THE SAME AS ALL ITEMS

PRIORITIZATION, BUT POSSIBLY THERE WOULD BE A PROCESS OF TAKING

ALL THOSE MAJOR ITEMS FROM THAT CYCLE AND HAVING A

PRIORITIZATION OF THEM.

AND SENDING THAT IN BY THE MIDDLE OF MAY.

AND THAT WOULD BE GOING TO THE BUDGET COMMITTEE.

BUT NOT BE BINDING.

IT WOULD BE A NONBINDING PRIORITIZATION.

AND NEXT SLIDE.

THEN THE BUDGET COMMITTEE WOULD HAVE ALL THESE.

THE PRIORITIZATIONS AGAIN IN BRACKETS AND COMMITTEE WITH A

QUESTION MARK WOULD GO TO THE BUDGET COMMITTEE AS GUIDES BUT NOT

BE BINDING.

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BUT THE BUDGET COMMITTEE WOULD ALREADY HAVE AN IDEA OF WHAT THE COUNCIL THOUGHT WHERE THE PRIORITIZATIONS.

THE BUDGET COMMITTEE WOULD DO NORMAL RECOMMENDATION TO THE FULL COUNCIL.

THE BUDGET WOULD GET PASSED.

MAJOR ITEMS THAT WERE FUNDED WOULD MOVE FORWARD TO IMPLEMENTATION.

THAT MEANS IMMEDIATE IMPLEMENTATION.

AND THAT IS ONE OF THE BIG CHANGES THAT THIS KIND OF A SET UP HOPEFULLY WOULD ALLOW.

AS WE ALL KNOW, RIGHT NOW MAJOR ITEMS THAT ARE PASSED AND FUNDED GO INTO A BIG BUCKET AND OFTEN TIMES ARE NOT BROUGHT FORWARD TO FRUITION FOR MANY YEARS, SOMETIMES 10 YEARS.

WE HAVE SEEN THINGS LIKE THAT.

ITEMS PASSED BY COUNCIL BUT NOT FUNDED WOULD GET AN AUTOMATIC ROLL OVER TO BE CONSIDERED AT FUTURE FUNDING OPPORTUNITIES.

TO BE CLEAR, THAT ISN'T THE NEXT YEAR.

THAT'S NOT 12 MONTHS LATER.

IT WOULD BE A FUTURE FUNDING OPPORTUNITIES THROUGHOUT THE YEAR. NEXT SLIDE.

THIS IS REALLY, I THINK REALLY THE DOMAIN OF THE CITY MANAGER.

AND THIS SLIDE REFLECTS I THINK AND CITY MANAGER PLEASE STEP IN IF I DON'T PRESENT THIS CORRECTLY.

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BUT THIS REFLECTS HER THINKING.

AND I THINK WE ALL KNOW THAT SHE HAS BEEN VERY FOCUSED ON IMPLEMENTATION.

SHE WANTS THE WORK THAT WE DO TO BE SUCCESSFUL.

AND IT IS HER DREAM THAT WE ARE ABLE TO CLEAR OUR BACKLOGS AND THAT WE ACTUALLY START IMPLEMENTING RIGHT AWAY.

AND THAT THESE PROGRAMS AND POLICIES SEE THE LIGHT OF DAY SOON AFTER THEY ARE APPROVED AND FUNDED.

SO THE IDEA WOULD BE THAT THE CITY MANAGER WOULD ASSIGN A SINGLE IMPLEMENTATION LEAD, THAT THE LEAD AND CITY MANAGER WOULD ASSEMBLE THEIR TEAM, THAT MIGHT BE A COUPLE OF DIFFERENT DEPARTMENT HEADS.

THAT THEY MIGHT MEET WITH THE AUTHORS TO CLARIFY ANY INTENTIONS OR TO SKETCH TIMELINES OR DISCUSS OPPORTUNITIES, IDEAS OR CHALLENGES.

AND LET ME BE CLEAR, THOSE ARE AROUND IMPLEMENTATION.

NOT CHALLENGES WITH THE LEGISLATION ITSELF.

WHEN YOU SIT DOWN TO ACTUALLY DO AN IMPLEMENTATION PLAN, IT'S VERY DIFFERENT FROM KIND OF THE HIGH LEVEL THINKING ABOUT IMPLEMENTATION THAT OBVIOUSLY HAS TO HAPPEN BEFORE THE ITEM IS APPROVED.

THE IMPLEMENTATION TEAM HAS PREPARED TWO SEPARATE THINGS.

ONE IS A LAUNCH PLAN AND ONE IS AN OPERATING PLAN.



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AND THAT IS THE CITY MANAGER REALLY RECOGNIZING THAT LAUNCHING SOMETHING AND RUNNING IT ARE TWO DIFFERENT THINGS.

BUILDING A STRUCTURE AND KEEPING IT FUNCTIONING OVER TIME ARE DIFFERENT THINGS.

PUTTING IN A GARDEN AND KEEPING IT GOING OVER TIME ARE TWO DIFFERENT THINGS.

AND SO BOTH OF THOSE WOULD BE DEVELOPED AND THEN AS SOON AS POSSIBLE, THE PROGRAM OR POLICY WOULD BE LAUNCHED AND IMPLEMENTED.

SO LET'S GO TO THE NEXT SLIDE.

SO THAT IS, THAT WAS IT FOR THE OVERVIEW OF WHAT A WHOLE CYCLE MIGHT LOOK LIKE.

NOW, WE'RE GOING INTO WHAT I CALL SPECIAL TOPICS.

THESE ARE SOME OF THOSE THINGS THAT WE CAME UPON AS WE WERE THINKING THESE THINGS THROUGH.

THAT WOULD BE QUESTIONS WE PROBABLY WOULD WANT TO MAKE SURE WE HAD COVERED.

AND BY THE WAY, OUR SPECIAL TOPICS ARE NOT DEFINITIVE.

THERE ARE MANY MORE.

WE CHOOSE TO JUST GIVE YOU A LITTLE BIT OF A NIBBLE AND HAVE YOU UNDERSTAND THAT WE DIDN'T NOT THINK ABOUT THESE THINGS.

SO THE FIRST OBVIOUSLY IMPORTANT THING IS WHAT DID YOU DO IF THERE ARE A TIME CRITICAL MAJOR ITEM?

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IF WE'RE STUCK IN A CYCLE WHAT DO WE DO IF THERE IS AN URGENT NEED AND WHAT COMES TO MIND FOR ME IS AFTER GEORGE FLOYD WAS MURDERED, THERE WAS A VERY, VERY INTENSE DESIRE ON THE PART OF THE COMMUNITY AND OUR COUNCIL TO BE ABLE TO BE RESPONSIVE VERY QUICKLY WITH PRETTY COMPREHENSIVE IDEAS THAT WERE PUT FORWARD. I DON'T THINK ANY OF US WOULD WANT SOMETHING LIKE THAT TO HAVE TO SIT AND WAIT FOR SEVERAL MONTHS TO BE SENT TO A COMMITTEE OR TO BE CONSIDERED.

SO THE OVERRIDE FOR TIME CRITICAL ITEMS IS A CRITICAL COMPONENT OF THIS.

WE ALREADY HAVE SOME TERMS FOR OVERRIDE IN OUR COUNCIL RULES AND PROCEDURE AND ORDER.

AN ITEM THAT WOULD OTHERWISE BE ASSIGNED TO A POLICY COMMITTEE MAY BY-PASS, IF IT'S DEEMED TIME CRITICAL.

AND THE AGENDA AND RULES COMMITTEE DETERMINES WHETHER IT IS TIME CRITICAL.

LIKE EVERY THING WE COULD EXPAND THIS, WE COULD REWRITE IT, WE COULD MAKE IT HAVE MORE SPECIFICITY.

BUT THE IDEA THAT WE WOULD HAVE A SAFETY VALVE FOR TIME CRITICAL ITEMS IS VERY IMPORTANT.

AND I THINK BECOMES MORE IMPORTANT IF WE'RE GOING TO HAVE A PROCESS THAT IS A YEARLY PROCESS.

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ANOTHER IDEA THAT I THINK IS IMPORTANT FOR US TO CONSIDER, IS THAT IF THE AGENDA COMMITTEE GETS TO MAKE THESE DECISIONS WE MAY ACTUALLY WANT TO HAVE AN OVER RIDE THAT TAKES THAT DETERMINATION TO THE FULL COUNCIL.

SO LET'S SAY A COUNCILMEMBER BRINGS SOMETHING FORWARD, THEY THINK IT'S TIME CRITICAL, THE AGENDA AND RULES COMMITTEE DOESN'T AGREE.

THEY COULD THEN BRING THAT DECISION TO THE FULL COUNCIL AND THE FULL COUNCIL WOULD BE ABLE TO WEIGH IN ON WHETHER THAT ITEM WAS TIME CRITICAL.

ALL RIGHTY.

NEXT TOPIC.

MOVING TO ANOTHER SPECIAL TOPIC.

THE DETAILS OF PRE SUBMISSION.

THE GUIDELINES FORMAT WOULD BE MANDATORY.

ANOTHER SUGGESTION IS THAT AT THIS STAGE THERE WOULD ONLY BE AUTHORS AND NO CO-SPONSORS AND THAT WOULD HELP WITH BROWN ACT ISSUES AS THINGS MOVE THROUGH COMMITTEE.

THAT A PRE-SUBMISSION CONSULTATION WITH THE CITY MANAGER WOULD BE AVAILABLE.

EXPLICITLY AVAILABLE SO THAT PEOPLE DON'T FEEL LIKE THEY ARE KIND OF BUGGING SOMEBODY BY REACHING OUT AND ASKING FOR HELP OR ADVICE ON SOMETHING THEY ARE THINKING OF DEVELOPING.

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AND THEN A REQUIRED PRE-SUBMISSION CONSULTATION WITH THE CITY ATTORNEY SO HER OFFICE HAS THE OPPORTUNITY TO IDENTIFY POTENTIAL LEGAL AND DRAFTING CONSIDERATIONS VERY EARLY IN THE PROCESS. I THINK IT'S PROBABLY A GOOD IDEA FOR THE CITY ATTORNEY TO DECIDE IF THERE ARE ISSUES.

AND THIS WOULD PROVIDE NOT JUST OPPORTUNITY BUT A REQUIREMENT TO RUN THINGS BY THE CITY ATTORNEY'S OFFICE.

THE LAST BULLET POINT IS VERY IMPORTANT.

HOW DO WE FOLD IN COMMISSIONS.

THIS IS SOMETHING BIG THAT THE AGENDA AND RULES COMMITTEE MEMBERS FELT VERY STRONGLY ABOUT.

I HAVE TO SAY THAT JUST TRYING TO HARNESS A SKETCH FOR THE COUNCIL PROCESS WAS A LOT.

BUT WE'RE VERY CLEAR THAT WHATEVER PROCESS WE STICK WITH OR MOVE TOWARDS, WE HAVE TO HAVE MORE EXPLICIT ABOUT HOW OUR COMMISSIONS ARE CONSULTED AND HOW WE GET THEIR IMPORTANT ADVICE AND REVIEW AND HOW THAT GETS WOVEN IN.

WE THOUGHT THERE MIGHT BE AN IMPORTANT ROLE FOR THAT IN THE PRE SUBMISSION PHASE.

LET'S SAY YOU START DEVELOPING SOMETHING EARLY IN THE CYCLE, IT'S POSSIBLE THAT IT COULD GO TO A COMMISSION BEFORE YOU EVEN SUBMIT IT.

THERE MIGHT BE OTHER WAYS AND OTHER TIMES IN THE PROCESS.

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BUT I REALLY WANT TO HIGHLIGHT THAT AS WE GO THROUGH THIS, THE AGENDA AND RULES COMMITTEE WAS VERY CONCERNED THAT THE COMMISSIONS NOT BE SIDE LINED AND ON THE CONTRARY, THAT WE FIND EXPLICIT WAYS FOR THEIR CONTRIBUTIONS AND THOUGHTS AND OPINIONS TO BE INTEGRAL TO THE PROCESS OF MOVING LEGISLATION FORWARD.

OKAY.

NEXT SLIDE.

STRENGTHENING THE COMMITTEE REVIEW.

LOTS OF IDEAS FOR HOW TO DO THAT.

AND I'M SURE THERE IS GOING TO BE A LOT MORE.

BUT SOME OF THE IDEAS OBVIOUSLY WOULD BE THAT FOR EVERY ITEM THERE IS A WHOLE SERIES OF QUESTIONS, A CHECKLIST IF YOU WANT TO CALL IT.

BUT A SERIES OF INQUIRIES THE COMMITTEE IS REQUIRED TO MAKE SO EVERY ITEM OF LEGISLATION IN COMMITTEE AND ACROSS COMMITTEES IS GETTING THE SAME SCRUTINY AND SAME OPPORTUNITY FOR INPUT.

ONE IDEA IS RELEVANCE TO STRATEGIC PRIORITIES.

ADDED VALUE OF THE PROGRAM OR POLICY.

BENEFITS AND COSTS OF THE PROGRAM OR POLICY TO THE COMMUNITY AND THE CITY.

POTENTIAL ALTERNATIVE MEANS TO ACHIEVE THE SAME OR SIMILAR GOALS THAT MIGHT BE MORE FRUITFUL OR MORE QUICK OR LESS EXPENSIVE.

PHASING IN TIMELINES FOR IMPLEMENTATION.

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STAFFING AND RESOURCES NEEDED.

HOW THE PROGRAM OR POLICY WOULD BE EVALUATED.

HOW IT WILL BE ENFORCED.

AND THEN AGAIN, IN BRACKETS ARE THINGS WITH A REAL QUESTION MARK.

WOULD THE COMMITTEE DO SOME KIND OF RATING OR RANKING, YES OR NO, POSSIBLY.

SHOULD WE INCREASE THE OPTIONS AROUND THE POSITIVE AND NEGATIVE RECOMMENDATIONS.

I THINK YOU ARE ALL FAMILIAR.

WE HAVE ONLY FOUR OPTIONS.

WHEN WE SEND SOMETHING TO CITY COUNCIL, MAYBE THERE IS SOME ROOM TO CHANGE OR REFINE THINGS THERE.

OTHER WITH A QUESTION MARK.

THIS QUESTION OF STRENGTHENING COMMITTEES REGARDLESS OF OUR OVERALL PROGRAM IS A SPECIAL TOPIC THAT WE ARE GOING TO HAVE TO ADDRESS AS A COUNCIL.

GOING TO THE NEXT SLIDE.

CONTINUING ON THE STRENGTHENING COMMITTEES IDEA, WE WOULD ALSO NEED TO CONSIDER HOW ARE WE GOING TO GET THE INPUTS WE NEED FROM THE PUBLIC, FROM STAFF, FROM CITY ATTORNEY.

THE COMMITTEES WOULD NEED TO DO ACTIVE OUTREACH WITH STAFF SUPPORT.

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ACTUALLY IDENTIFY STAKEHOLDERS THAT WOULD EITHER BE IMPACTED OR WOULD NEED TO TAKE ACTION ON ONE OR ANOTHER PRIORITY AND DO ACTIVE OUTREACH, NOT JUST HOPE THAT THEY MIGHT HAPPEN UPON AN AGENDA SOMEWHERE.

MULTIPLE HEARINGS TO ALLOW FOR A BEST COMMUNITY STAFF AND CITY ATTORNEY INPUTS AND DISCUSSION.

ENHANCE AND EMPOWER THE CITY ATTORNEY AND STAFF PARTICIPATION. SO THAT THEY COULD GIVE MEANINGFUL VERBAL INPUT WITHOUT THE REQUIREMENT FOR A FORMAL REPORT.

AND I KNOW THAT BOTH THE CITY ATTORNEY'S OFFICE AND THE CITY MANAGER ARE VERY HESITANT TO GIVE US AND HAVE THEIR STAFF GIVE US SORT OF PRELIMINARY ADVICE THAT DOES NOT REFLECT FULL AND DEEP CONSIDERATION.

AND I THINK THIS WILL BE SOMETHING FOR THE CITY ATTORNEY'S OFFICE AND THE CITY MANAGER'S OFFICE TO THINK ABOUT WHAT KIND OF INPUT THEIR STAFF COULD PROVIDE THEY WOULD FEEL COMFORTABLE WITH THAT WOULD BE SUBSTANTIAL AND MOVE THINGS ALONG.

THE COMMITTEE SCHEDULE.

HAVING A SCHEDULE AHEAD OF TIME COULD HELP THE CITY ATTORNEY AND THE CITY MANAGER SEND THE RIGHT PEOPLE TO EACH MEETING.

KNOWING AHEAD OF TIME WHAT ITEMS ARE GOING TO BE CONSIDERED AT DIFFERENT TIMES, I THINK COULD ALLOW US TO HAVE THE RIGHT PEOPLE THERE AND MORE ROBUST INPUT FROM OUR IMPORTANT PARTNERS.

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AND THEN, AGAIN CONSIDER HOW TO ATTAIN AND INTEGRATE INPUT FROM COMMISSIONS.

AGAIN, WE DID NOT GO DEEP THERE.

BUT WE IDENTIFIED IT AS SOMETHING CRITICALLY IMPORTANT.

NEXT SLIDE.

SO ANOTHER SPECIAL TOPIC.

PRIORITIZATION.

AND WHEN WE TALKED ABOUT THIS A LOT, BUT IN DISCUSSING THIS WITH THE CITY MANAGER, I THINK WE CAME TO UNDERSTAND THAT THERE IS KIND OF TWO ISSUES.

ONE IS THAT WE WHILE REDUCED, WE STILL HAVE THE BACKLOG NOW.

WE HAVE A BIG BACK LOG.

AND SO WE NEED TO FIGURE OUT SORT OF AN END GAME FOR HOW WE'RE GOING TO DEAL WITH THOSE BACKLOG ITEMS.

AND THE END GAME MIGHT BE THAT WE SORT OF FIGURE OUT WHAT TO DO.

THE SECOND TOPIC AROUND PRIORITIZATION IS ASSUMING THE DREAM OF A SYSTEM THAT HAS NO BACKLOGS, WE STILL WOULD HAVE TO DO

PRIORITIZATION.

SO LOOKING AT THE BACKLOG QUEUE, ONE IDEA WAS A ONE TIME PROCESS FOR MAJOR ITEMS THAT ARE CURRENTLY IN THE QUEUE THAT ALL PENDING BUT NOT INITIATED ITEMS EXPONENTIALLY WOULD GO BACK TO THE POLICY COMMITTEES FOR LIKE A REREVIEW.



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AND THE POLICY COMMITTEES WOULD LOOK AT THEM AND CONSIDER MERGING ITEMS OR UPDATING REFERRALS IN CASE THEY ARE STALE OR OTHER INITIATIVES THAT COME FORWARD THAT MAYBE MAKE THEM, MAKE IT WORTH CHANGING THEM A LITTLE BIT. REAPPROVAL OF ITEMS AS IS.

RECOMMENDATIONS TO SUNSET OR REMOVE ITEMS THAT HAVE BEEN SUPERSEDED MAYBE BY STATE LAW, MAYBE BY SOMETHING ELSE THE CITY HAS DONE.

RECOMMEND DISPOSITION OF ALL THE ITEMS.

POTENTIALLY RANKED BY LEAD DEPARTMENT.

AND BRING ALL THOSE RECOMMENDATIONS FROM EACH COMMITTEE TO THE COUNCIL FOR US TO DECIDE WHAT WE WANT TO CONSOLIDATE, WHAT WE WANT TO REMOVE, WHAT DO WE WANT TO RESTATE AND WHAT DO WE WANT TO RESUPPORT.

WE MIGHT NEED SOME CRITERIA.

WE MIGHT NEED SOME KIND OF R.R.V.

THE POINT HERE IS WE WOULD HAVE TO DEAL WITH A BACKLOG IN ORDER TO GET TO THAT BEAUTIFUL DAY WHERE EVERY YEAR, THE ITEMS THAT WERE APPROVED AND FUNDED COULD BE IMPLEMENTED OR THE IMPLEMENTATION COULD BEGIN RIGHT AWAY.

SO NEXT SPECIAL TOPIC.

IS THE PRIORITIZATION ON AN ONGOING BASIS OF A YEARLY QUEUE WITH THE DREAM OF THE BACKLOG HAVING BEEN CLEARED.

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FIRST OF ALL, IT IS HOPED THE ENHANCED COMMITTEE PROCESS WOULD RESULT IN FEWER BACKLOGS, AND THAT ITEMS WOULD BE IMPLEMENTED IN A REASONABLE TIMEFRAME.

AND THEREFORE, PRIORITIZATION WOULD BECOME LESS OF AN ISSUE. OBVIOUSLY WHEN YOU HAVE 150 ITEMS YOU HAVE TO PRIORITIZE.

IF YOU HAVE 10 OR 15, IT'S MUCH LESS OF A CHALLENGE.

BUT IN A RATIONALIZED SYSTEM, ONE, YOU WOULD HAVE MORE FULLY CONCEIVED AND VETTED ITEMS.

MAYBE YOU WOULD HAVE COMMITTEE SCORING AND/OR RANKING.

AND THEN, COUNCIL RANKING.

AND IT IS SUGGESTED THAT WOULD BE EITHER BY LEAD DEPARTMENT OR OVERALL.

I THINK WE'VE ALL SEEN A SITUATION WHERE WE RANK EVERYTHING TOGETHER.

AND IT TURNS OUT THE FIRST 15 ITEMS ARE FOR PUBLIC WORKS OR PLANNING.

AND THEN OTHER DEPARTMENTS THEIR ITEMS ARE SPRINKLED IN THE QUEUE.

WE MAY WANT TO LOOK AT RANKING BY DEPARTMENT RATHER THAN JUST DOING THE UNIVERSAL RANKING.

AND AGAIN, THESE ARE ALL IDEAS.

IT'S BIG.

THERE WAS A LOT FOR US TO COVER.

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ALL RIGHT.

NEXT SPECIAL TOPIC.

WE WOULD NEED A PROCESS AT THE MIDYEAR BUDGET OPPORTUNITIES.

HERE YOU SEE IN BLUE VERY HIGH-LEVEL SUGGESTIONS.

WE'LL FELT THIS WOULD BE A TOPIC THAT WOULD HAVE TO GO TO

BUDGET AND FINANCE.

ONE IDEA WAS THAT ONLY TIME CRITICAL AND ROLL OVER ITEMS

PREVIOUSLY APPROVED BUT UNFUNDED WOULD BE CONSIDERED.

NOT JUST FOR COUNCIL ITEMS BUT ALSO FOR CITY MANAGER ITEMS.

ANOTHER WOULD BE THAT NOT ALL THE EXTRA FUNDS WOULD GET

ALLOCATED AND MORE FUNDS WOULD BE AVAILABLE FOR THE ANNUAL

BUDGET PROCESS FOR COUNCIL INITIATIVE SAID THAT GO THROUGH THE

YEAR PROCESS.

AND POSSIBLY THAT A.A.O.1 AND 2 ARE ONE TIME OR SENSITIVE NEEDS,

EXCEPT IN SPECIAL CIRCUMSTANCES.

REALLY WE FELT THIS SHOULD GO TO BUDGET AND FINANCE TO THINK

ABOUT SHOULD WE ADOPT SOMETHING LIKE A YEARLY PROCESS.

BUT WITH ANY PROCESS, THESE THINGS WOULD NEED TO BE CLARIFIED.

ALL RIGHT, NEXT SPECIAL TOPIC.

IMPLEMENTATION.

WE ALREADY SAW WHAT THAT LOOKS LIKE.

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BUT I THINK THE CITY MANAGER REALLY WOULD WANT TO WORK ON FILLING OUT WITH MORE DETAIL WHAT THE IMPLEMENTATION PROCESS WOULD LOOK LIKE.

AND I KNOW SHE'S VERY COMMITTED TO HAVING A LEAD SO THAT EVERYBODY KNOWS WHO SAID RESPONSIBLE FOR MAKING SOMETHING HAPPEN.

BUT ALSO, HAVING A TEAM AND ALSO MAKING SURE THAT THERE IS CLARITY ABOUT INTENTIONS AND OFTEN TIMES AN AUTHOR WILL HAVE THOUGHT ABOUT IMPLEMENTATION.

AND HAVE SOME GOOD IDEAS.

WE'LL HAVE CONSULTED WITH STAKEHOLDERS AND THE COMMUNITY AND MAY HAVE SOME ADDITIONAL HELPFUL IDEAS BUT ULTIMATELY, IT'S UP TO THE CITY MANAGER TO DETERMINE IMPLEMENTATION, THAT CONSULTATION IS OBVIOUSLY A COURTESY, WHICH I THINK SHE IS VERY GENEROUSLY INTERESTED IN EXTENDING.

AND I CAN'T REMEMBER DO WE HAVE ONE MORE SPECIAL TOPIC?

NO.

WE DON'T.

THAT'S IT.

SO THANK YOU VERY MUCH.

>> MAYOR J. ARREGUIN: THE LAST PIECE ON IMPLEMENTS, THAT HAS BEEN HOW WE HAVE DONE -- IMPLEMENTATION, IMPLEMENTATION OF MAJOR NEW LAWS.

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IS AFTER WE WHILE WE'RE DEVELOPING IT AND WE GET INPUT ON OPERATIONAL IMPACTS, IMPLEMENTATION, THEN WE REFER TO THE CITY MANAGER DEVELOP IMPLEMENTATION PLAN, RESOURCE THAT AND THEN IMPLEMENTATION.

SO I THINK IT'S OPERATIONALIZING THE KIND OF AD HOC PRACTICE THAT WE'VE IMPLEMENTED.

I WANT TO TURN IT OVER TO COUNCILMEMBER HARRISON.

>> K HARRISON: FIRST OF ALL, I WANT TO THANK YOU COUNCILMEMBER HAHN FOR HER HARD WORK.

IT IS NOT EASY TO TACKLE SUCH A BROAD TOPICKISM SOMEONE HAS TO START.

IF YOU DON'T START YOU NEVER GET ANYWHERE.

SO THANK YOU VERY MUCH FOR THAT.

I REALLY COMMEND YOU FOR LEADING THIS EFFORT.

SINCE WE FIRST DISCUSSED IT IN 2021, AND THE CITY MANAGER CONTRIBUTION AND DEFERRING TO COUNCIL FOR THE SHAPE ANY CHANGES TAKE.

I HEARD HER SAY A COUPLE OF TIMES, IT IS NOT HER PROPOSAL.

I WANT TO MAKE THAT STATEMENT.

I'M NOT ON THE AGENDA COMMITTEE.

AND AS YOU NOTED, I WASN'T ABLE TO WORK WITH YOU, BUT I WORKED WITH COUNCILMEMBERS ROBINSON AND TAPLIN.

THANK YOU TO BOTH.

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AND I THINK COUNCILMEMBER BARTLETT IS INTERESTED IN THE PROPOSAL ABOUT TO DISCUSS, TO UPDATE AND BUILD ON IT.

I SUBMITTED AN ALTERNATIVE.

THIS IS NOT AN ALTERNATIVE TO COUNCIL HAHN, IT WAS AN ALTERNATIVE TO THEN COUNCILMEMBER DROSTE'S PROPOSAL IN 2021.

WHICH WAS MUCH MORE CONVEIN STRAINING OF US.

CONSTRAINING OF US.

I UPDATED TO RESPOND TO COUNCILMEMBER HAHN.

IT'S MEANT TO BE TAKEN CONSIDERATION HERE AND THE PUBLIC AND COUNCIL AND THE AGENDA COMMITTEE.

THERE IS REALLY POSITIVE ASPECTS OF COUNCILMEMBER HAHN'S PROPOSAL I WANT TO HIGHLIGHT.

AND I THINK WE SHOULD MOVE AHEAD.

COUNCIL ITEMS SHOULD FOLLOW THE GUIDELINES ALREADY PROMULGATED RATHER THAN USING THEM AS RECOMMENDATIONS.

WE GET THINGS IN VERY DIFFERENT FORMAT SAID IN COMMITTEES.

AND IT MEANS WE DON'T HAVE FAIR CRITERIA AGAINST WHICH THINGS ARE EVALUATED.

I THINK WE NEED TO ADOPT THESE AS BEING MANDATORY.

I LIKE THE IDEA OF A FORMAL PROCESS FOR CITY STAFF TO PROVIDE HIGH LEVEL CONCEPTUAL INPUT TO AUTHORS BEFORE SUBMITTING PROPOSALS.

I ALWAYS DO THAT.

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I PROBABLY NEVER SUBMIT ANYTHING WITHOUT FIRST TALKING TO THE DEPARTMENTS AND THE CITY ATTORNEY'S OFFICE.

I THINK THIS IS GOOD PRACTICE AND WE'RE PROBABLY ALL DOING IT.

I LIKE THE PROCESS FOR ADDRESSING THE BACKLOG OF UNFUNDED ITEMS.

I DON'T THINK IT SHOULD BE IN THE POLICY COMMITTEE.

I'LL EXPLAIN MORE IN A MINUTE.

I LIKE THE ENHANCED CHECKLIST FOR THE POLICY COMMITTEE.

I THINK WE NEED THAT.

WE OFTEN STRUGGLING, AS CHAIR OF ONE OF THEM.

EXCLUDING THE PROPOSAL THAT WE RATE ITEMS.

I DON'T WANT TO RANK ITEMS.

I'M IN A THREE PERSON COMMITTEE.

WE ALL BRING THINGS FORWARD.

I DON'T WANT TO SAY, I'M GOING TO RANK MINE AHEAD OF

COUNCILMEMBER TAPLIN.

THAT IS AWKWARD.

IT'S THE JOB OF THE FULL COUNCIL TO DO THE RANKING.

AND I DO LIKE THE IDEA OF SOMEHOW GETTING BETTER INPUT FROM

COMMISSIONS.

BUT I DON'T WANT TO DO BEFORE AN ITEM GOES BEFORE COUNCIL.

WE DON'T WORK FOR THE COMMISSION.

THAT STRUCK ME AS A LITTLE ODD, THERE ARE TIMES I HAVE WRITTEN

LEGISLATION, ASKED THEM TO HOLD HEARINGS, WHICH IS SOMETHING WE

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CAN CONSIDER DOING IF IT'S COMPLICATED AND WE BENEFIT FROM A LOT OF MORE HEARINGS THAN WE'RE ABLE TO HAVE.

BUT I DON'T WANT IT TO BE MANDATORY ANYWAY.

AND I GUESS MY MAJOR CONCERN ABOUT PROPOSALS, I'M A REALLY STRONG SUPPORTER OF THE POLICY COMMITTEE SYSTEM.

THAT COUNCILMEMBER HAHN ACTUALLY PROPOSED.

AND I DON'T BELIEVE OUR CENTRAL PROCESS IS FUNDAMENTALLY FLAWED ON MAJOR ITEMS.

I THINK WE'RE DOING A GOOD JOB ON THAT.

I'M GOING TO DESCRIBE IN A MINUTE WHY THE PROCESS WILL GO THROUGH A LENGTHY PROCESS AND DELAY US GETTING THINGS DONE.

I THINK THE MAIN THINGS WE'RE NOT DOING AS GOOD A JOB ON ARE REFERRALS AND BUDGET REQUESTS.

AND WHAT I SEE EMBEDDED IN BUDGET REQUESTS, BEING ON THE BUDGET COMMITTEE IS A LOT OF POLICY QUESTIONS NOBODY ANSWERED YET.

AND THAT REALLY CONCERNED ME.

IF WE CAN'T REALLY DISCUSS THE MONEY UNTIL WE KNOW HOW IT WILL WORK.

I'M HOPING YOUR INTENTION WAS TO INCLUDE IN THE GROUP OF ITEMS ORDINANCES WE WRITE NOW, REFERRALS, AND BUDGET REQUESTS OVER A CERTAIN DOLLAR AMOUNT.

I'M GOING TO MAKE A PROPOSAL HOW TO DO THAT.

I DON'T WANT TO SEE BUDGET REFERRALS JUST GO THROUGH.



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I THINK THAT'S NOT GOOD EITHER WHEN THEY ENTAIL A LOT OF BUDGETARY, POLICY ASPECTS.

A COUNTER EXAMPLE.

RECENTLY COUNCILMEMBER KESARWANI RECOMMENDED PUTTING MORE MONEY IN PAVING.

THAT DIDN'T NEED TO GO TO A POLICY COMMITTEE BECAUSE IT WASN'T CHANGING THE PAVING PLAN ANY WAY.

IT WAS SAYING PUT MORE MONEY IN.

IT WAS STRICTLY A BUDGET THING.

I'M NOT SURE WHY WE HAD IT AT OUR COMMITTEE.

OTHER TIMES WE HAVE THINGS THAT HAVE A LOT OF POLICY IMPLICATIONS BUT NOT MUCH MONEY AND GOING STRAIGHT TO BUDGET AND WE'RE LEFT AT BUDGET SAYING HOW ARE WE GOING TO DO THIS.

I THINK THAT IS THE WRONG PLACE TO ASK THOSE QUESTIONS.

I THINK THAT SHOULD GET WORKED OUT IN ADVANCE.

SOME OF THE MY CONCERNS ABOUT THE PROPOSAL I HAVE I AM GRATEFUL FOR, I THINK IT'S SIGNIFICANTLY LIMITS ACCESS TO THE LEGISLATIVE PROCESS BY EXTENDING TIMELINES.

RIGHT NOW, MAJOR ITEMS CAN BE SUBJECT TO NEARLY 300 DAYS.

THIS COMPARES THE CURRENT 120 DAYS IN COMMITTEE.

THAT HAPPENS BECAUSE OF THE SEPTEMBER DEADLINE.

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IF YOU TURN SOMETHING IN IN OCTOBER THAT IS NOT TIME CRITICAL BUT NONETHELESS IMPORTANT TO THE COMMUNITY IT WILL SIT THERE UNTIL NEXT YEAR.

AND THEN IT WILL SIT THERE UNTIL THE JUNE BUDGET PROCESS, THE WAY I READ IT NOW.

WE COULD BE LOOKING AT 18 MONTHS.

I DON'T THINK WE NEED TO BUILD IN EXTRA TIME.

SO I'M GOING TO SUGGEST WAYS TO NOT DO THAT.

IT ALSO DOESN'T ALIGN TIMELY LEGISLATIVE ITEMS WITH THE FALL BUDGET PROCESS.

THIS HAS BEEN A HUGE CONFUSION.

I HEARD THIS IN TWO DIFFERENT DIRECTIONS FROM THE CITY MANAGER.

ONE, SHE WOULD LIKE US TO GET ALL OF OUR PROPOSALS IN BEFORE THE JUNE BUDGET.

BUT TWO, ALSO SHE WOULD LIKE US TO NOT SUBMIT ANYTHING EXCEPT FOR THE A.A.O.

THAT'S WHEN WE KNOW MORE ABOUT REVENUES.

WE NEED A DEFINITIVE ANSWER ABOUT THE BEST PROCESS.

BUT I DO NOT WANT TO ASSUME THE BUDGET PROCESS.

I PERSONALLY THINK WE CAN HAVE TWO CYCLES.

ONE OF WHICH IS TO JUNE AND ONE OF WHICH IS TO A.A.O.

I THINK I'M RECOMMENDING WE DO THAT.

THAT WILL GET THINGS THROUGH MORE QUICKLY.

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I REALLY DON'T WANT POLICY COMMITTEES TO PRIORITIZE AS I'VE  
ALREADY DISCUSSED.

AND I THINK THAT IS REALLY A COUNCIL JOB.

ALSO, THERE IS SOMEWHERE IN HERE AN IMPLICATION THE POLICY  
COMMITTEES ARE A TIME COMMITMENT BURDEN. ON STAFF AND THE  
COUNCIL.

I THINK IT'S THE OPPOSITE.

PERSONALLY FOR ME THE STUFF WE GET AT COUNCIL IS SO MUCH BETTER  
BECAUSE OF YOUR SYSTEM, COUNCILMEMBER HAHN, OF SETTING OF THESE  
COMMITTEES AND REVIEW IT GOES THROUGH THAT I THINK THE STAFF  
BURDEN IS LESS.

AND SO THE BURDEN ON THE PUBLIC VERY CONFUSING PROPOSALS IS  
LESS.

THINGS ARE BETTER BECAUSE THEY HAVE GONE THROUGH THESE  
COMMITTEES.

SO I REALLY DON'T THINK WE SHOULD BE LIMITING THE COMMITTEES TO  
OPERATING SIX MONTHS OF THE YEAR.

WHEN WE DON'T HAVE SOMETHING TO DO.

I THINK IT'S OKAY TO KEEP THEM OPERATING DURING THE ENTIRE TIME  
THE COUNCILMEMBER IS MEETING AND TAKE THINGS UP AS THEY COME  
ALONG.

I'M GOING TO PROPOSE THAT.

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AND THEN FINALLY, I DON'T LIKE THE IMPLEMENTATION TEAM AT THE  
END AFTER THE ITEM HAS GONE OUT OF THE COMMITTEE, INCLUDING THE  
COUNCILMEMBER.

IT FEELS LIKE, BECAUSE IT INDICATES THEY WOULD BE ESTABLISHING  
CLARITY OF INTENTIONS, TIMELINES, OPPORTUNITIES, IDEAS AND  
CHALLENGES.

THAT SHOULD ALL HAPPEN AT THE COMMITTEE PROCESS.

IF WE HAVEN'T FIGURED OUT TIMELINES AND OPPORTUNITIES THEN, I  
DON'T THINK I'M COMFORTABLE WITH ONE COUNCILMEMBER BEING IN  
CHARGE OF THAT.

EVEN WHEN IT'S MINE, I DON'T THINK I LIKE THAT.

THAT I'M NOW I'M NEEDING TO FIGURE OUT HOW WE'RE REALLY GOING TO  
DO IT.

THAT SHOULD HAVE ALL BEEN TALKED ABOUT UP FRONT IN A COMMITTEE  
PROCESS.

SO I HAVE A FLOW CHART THAT TRIES TO SHOW WHERE THE DIFFERENCES  
ARE.

BUILDING OCOUNCILMEMBER HAHN'S EXCELLENT WORK.

GIVE ME ONE SECOND.

I'M ALWAYS TERRIBLE AT THIS.

I DON'T KNOW HOW TO SHARE A SCREEN.

HOLD ON A MINUTE PLEASE.

YOU WILL LAUGH AT ME BECAUSE I'M NOT GOOD AT THIS.

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I JUST FOUND IT.

THANK YOU, MR. MAYOR.

I SO APPRECIATE THAT.

HERE'S MY FLOW CHART, WHICH TRIES TO SHOW WHERE THERE ARE DIFFERENCES BETWEEN THE TWO PROPOSALS.

I'M PROPOSING THAT WE STILL SUBMIT ITEMS THROUGHOUT THE YEAR.

I THINK YOU SAID YOU WERE INTENDING FOR THE COUNCIL TO DO THAT.

A BIG DISTINCTION FOR ME IS ANOTHER THING THAT DOESN'T GO THROUGH THIS RIGOROUS ANALYSIS YOU ARE CALLING FOR ARE CITY MANAGER ITEMS.

AND I WOULD LIKE THOSE TO ALL GO THE COMMITTEE PROCESS.

THAT'S HOW THEY DO IT IN ON THE GROUND AND SAN FRANCISCO.

MY STAFF SPEND TIME LOOKING AT THOSE RULES.

IF IT'S A SIGNIFICANT THING, IT SHOULD BE USING THE SAME PROCESS THAT WE USE FOR OUR THINGS.

WE ARE THE BODY, WE APPROVE THE BUDGET AND THE ITEMS.

SO I WANT MAJOR ITEMS FROM THE CITY MANAGER TO ALSO GO TO THESE COMMITTEES.

AND I WANT TO DO IT ALL YEAR.

I ALSO WANT SOME OBJECTIVE CRITERIA FOR DETERMINING FROM THE AGENDA COMMITTEE, WHAT IS MAJOR.

I THINK RIGHT NOW THE LANGUAGE NEEDS TO BE TIGHTENED UP BUT IT IS A GOOD START.

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I THINK WE NEED TO IS SAY BUDGET ITEMS MORE THAN "X" DOLLAR.  
BUDGET ITEMS THE DOLLARS THAT CAUSE OPERATIONAL DIFFERENCES OR  
SOMETHING.

BUT WE NEED SOME CRITERIA IN THERE.

AND I WOULD HAVE THE POLICY COMMITTEES CONTINUE TO MEET DURING  
THE ENTIRE PERIOD.

AND AGAIN, KEEP THINGS FOR 120 DAYS MAXIMUM IN THE POLICY  
COMMITTEE HOPPER.

ALTHOUGH I THINK THE MAYOR WAS THINKING WE WANT TO EXTEND THAT  
TIME.

I THINK WE START WITH THE 120 AND IF WE NEED TO EXTEND, WE CAN  
ALWAYS GET ACCOMMODATIONS FROM OUR COLLEAGUES ON THAT.

ISSUING THE POLICY RECOMMENDATIONS AGAINST THE ENHANCED REVIEW  
CHECKLIST, WHICH IS I THINK IS REALLY CRITICAL.

GOES BACK TO THE AGENDA COMMITTEE.

THEN IT GOES TO COUNCIL MEETING.

THEN IT GOES TO ONE OR THE OTHER OF THE BUDGET PROCESSES  
DEPENDING ON WHAT TIME OF YEAR YOU ARE IN THROUGH THE BUDGET  
COMMITTEE.

AND THEN IT'S ADOPTED AS PART OF THE BUDGET.

A COUPLE OF OTHER COMMENTS I WANTED TO MAKE.

I'M NOT CERTAIN I THINK ALL BUDGET PROPOSALS SHOULD  
AUTOMATICALLY ROLL TO THE NEXT PERIOD.

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THE MAYOR HAS A UNIQUE AND DIFFERENT ROLE IN OUR GOVERNMENT.

WE DO HAVE A STRONG CITY MANAGER FORM OF GOVERNMENT.

AND WE DO HAVE A COLLABORATIVE COUNCIL IN WHICH HE SITS.

BUT THE CHARTER IS REALLY CLEAR THE MAYOR PRESENTS A BUDGET.

IF HE DOESN'T LIKE SOMETHING OR THINKS IT SHOULD NEVER BE

BUDGETED, I WANT HIM TO HAVE THAT OPPORTUNITY.

I'VE ACTUALLY NEVER SEEN YOU DO THAT.

BUT THERE COULD COME A TIME WHEN IT COULD HAPPEN.

AND SO I THINK THAT TAKING THAT AWAY FROM YOU IS NOT A GOOD

THING.

I DON'T THINK EVERYTHING SHOULD ROLL.

I THINK WE CAN HAVE A WORKING EXPECTATION THINGS WILL ROLL OVER

BUT I DON'T WANT EVERYTHING TO ROLL.

BECAUSE YOU MIGHT HAVE SOMETHING THAT ISN'T YOU THINK IS NOT A

GREAT IDEA OR THE CITY MANAGER MIGHT SAY THAT IS NEVER GOING TO

WORK BUDGETARILY SO DON'T DO THAT.

AND WE WANT TO MOVE ON WITH IT.

I ALSO FEEL WE HAVE TO VERY CLEARLY ESTABLISH THESE CRITERIA FOR

WHAT IS A SIGNIFICANT ITEM.

AND AGAIN IT SHOULD APPLY TO EVERYTHING FROM THE CITY MANAGER

AND FROM US.

AND ORDINANCES, REFERRALS AND BUDGET REQUESTS.

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MOST OF THE PROBLEMS I'VE SEEN IN MY COMMITTEE ARE NOT  
ORDINANCES.

WE ALREADY HAVE A GOOD PROCESS ON ORDINANCES.

THE PROBLEM ARE REFERRALS.

AND I WOULD BE PANICKED IF I WERE YOU I SAW THAT LONG LIST LIKE  
OH, MY GOD.

I JUST CAN'T GET THROUGH IT.

SO WE DO NEED, AND I SHOULD HAVE SAID THIS IN A POSITIVE ASPECT  
PARTS.

WE NEED AN ACTIVE PROCESS FOR GETTING RID OF REFERRALS.

AND I'M GOING TO SAY ON MY OWN BEHALF, I'M THE ONLY ONE IN THE  
LAST THREE CYCLES THAT HAS IDENTIFIED OTHER PEOPLE'S REFERRALS  
TO GET RID OF OTHER THAN MY OWN OR MY PREDECESSORS.

AND YOU KNOW WHAT, WE'VE SEEN THE ENEMY, AND IT IS US.

WE KEEP PUSH STUFF FORWARD.

WE DON'T WANT TO SAY NO TO EACH OTHER.

OUR PROBLEM IS US.

AND I THINK WE HAVE TO BE BRAVER IN SAYING I DON'T WANT TO  
PRIORITIZE THIS AT ALL.

I DON'T CARE IF IT COMES IN 43.

I REALLY DON'T THINK WE SHOULD BE DOING THIS THING OR 43 FITS  
WITH 22.



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BECAUSE NOW I'M "D" AND I HAVE 43 ITEMS AND I'M NEVER GOING TO DO 43.

OKAY. IT'S NEVER GOING TO HAPPEN BUT IT IS STILL THERE.

SOMEBODY IS STILL GOING TO CALL AND SAY WHAT THE HECK HAPPENED TO THAT THING WITH THE REFRIGERATORS FOR THE HOMELESS, WHICH I NOTICED WAS STILL ON THE LIST LAST YEAR.

SO YOU KNOW, WE SHOULD KILL IT.

IF WE DON'T LIKE IT, LET'S GET RID OF IT.

LET'S BE BRAVE HERE, PEOPLE.

LET'S DO OUR JOB SO DEE CAN DO HERS.

I THINK THAT'S KIND OF ONE OF MY BASIC PREMISES HERE.

I WANT US TO BE A LOT OF MORE SYSTEMATIC ABOUT THAT REFERRAL LIST.

AND I THINK WITH THOSE CHANGES, I THINK THAT I LIKE THIS GENERAL FLOW.

AGAIN, A FEW THINGS I DON'T WANT POLICY COMMITTEES DOING A COUPLE THINGS I WANT BETTER DEFINED.

AND I DON'T WANT THIS LONG TIMELINE.

I THINK IT'S WAY TOO LONG.

WE CAN DO MORE WORK THAN THIS.

WE'VE BEEN DOING MORE WORK THAN THIS.

AND I THINK WOULD BE KEEP IT UP WITH SOME BETTER STANDARDS AND FORMS.

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SO THANK YOU, COUNCILMEMBER HAHN.

>> MAYOR J. ARREGUIN: OKAY, THANK YOU VERY MUCH.

WE'LL GO TO COUNCILMEMBER HUMBERT.

>> M. HUMBERT: YES, THANK YOU, MR. MAYOR.

THOSE TWO PRESENTATIONS ARE HARD ACTS TO FOLLOW CERTAINLY.

I WANT TO SAY HOW MUCH I APPRECIATE ALL OF THE WORK THAT AGENDA AND RULES COMMITTEE DID TO REVIEW AND SUMMARIZE THE PROPOSALS CURRENTLY ON THE TABLE.

AND TO ESPECIALLY THANK THE MAYOR, COUNCILMEMBER WENGRAF AND THEIR STAFF FOR THE WORK THEY DID TO CREATE THE MATRIX.

IT WAS A LOT OF MATERIAL.

THE MATRIX TO ME WAS REALLY HELPFUL IN BEING ABLE TO DO A MORE APPLES TO APPLE COMPARISON BETWEEN THE PROPOSALS THAT HAVE COME DOWN DURING A SIGNIFICANT PERIOD OF HISTORY.

AND HOW THEY WOULD POTENTIALLY IMPACT VARIOUS COMPONENTS OF THE LEGISLATIVE PROCESS.

I ALSO WANT TO DEEPLY THANK COUNCILMEMBER HAHN FOR HER WORK IN PRESENTING A MORE STRUCTURED PROCESS THAT IMPLEMENTED WOULD CERTAINLY HELP ENSURE THE DETAILS AND POLICIES AND PROPOSALS ARE DRILLED INTO WELL BEFORE THEY REACH THE COUNCIL STAGE.

I ALSO WANT TO THANK COUNCILMEMBER HARRISON, ALONG WITH COUNCILMEMBERS TAPLIN AND ROBINSON FOR THEIR WORK TO PUT FORWARD AN ALTERNATIVE LEGISLATIVE CYCLE APPROACH.

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I APPRECIATE HAVING DIFFERENT OPTIONS TO CONSIDER.

AND I THINK THIS ALTERNATIVE HAS SOME ADDITIONAL POSITIVE CHARACTERISTICS.

INCLUDING SIMPLICITY THAT MERIT STRONG CONSIDERATION.

OVERALL THOUGH I HAVE TO AGREE, ALTHOUGH I AGREE THAT PROPOSALS SOMETIMES NEED MORE WORK BEFORE COMING TO COUNCIL, BASED ON MY LIMITED EXPERIENCE ON COUNCIL, I DON'T NECESSARILY FEEL THAT A LACK OF COMPLETENESS IS THE BIGGEST PROBLEM WE FACE IN TERMS OF COUNCIL'S APPROACH TO MAJOR ITEMS.

I THINK THAT OUR EXISTING COMMITTEE APPROACH AND EXTREMELY CAPABLE STAFF ALREADY DO A PRETTY GOOD JOB OF ENSURING ITEMS EITHER GET TO COUNCIL OR COME OUT OF COUNCIL IN DESCENT SHAPE. AND THERE IS ALSO THE FACT THAT COUNCIL WAS A POLICY SETTING BODY WITH IMPLEMENTATION AND OPERATIONS BEING THE PROVINCE OF STAFF.

I DON'T KNOW THAT COUNCIL AND COUNCIL COMMITTEES GETTING EVEN MORE INTO THE WEEDS ON MINUTE DETAILS IS NECESSARILY GOING TO HELP STAFF DO THEIR JOBS.

IT MIGHT EVEN HAVE THE OPPOSITE EFFECT FOR POLICIES AND PROGRAMS AND HAVE LESS FLEXIBILITY.

THIS BRINGS ME TO WHAT I THINK IS THE FUNDAMENTAL PROBLEM WITH OUR APPROACH TO LEGISLATING, WE DO TOO MUCH OF IT.

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I THINK THE CITY MANAGER HAS BEEN JUST ABOUT AS CLEAR AS SHE CAN BE IN TELLING US WE NEED TO SLOW OUR GENERATION OF REFERRALS WHEN IT COMES TO THE MAJOR POLICIES AND PROGRAMS COMING OFF OF THIS DAIS.

AND I JUST DON'T FEEL A LEGISLATIVE SEASON APPROACH REALLY TACKLES THE FUNDAMENTAL ISSUE.

THAT'S WHY I LEAN STRONGLY TOWARD USING MY PREDECESSOR FORMER COUNCILMEMBER DROSTE BE RIGHT PROPOSAL AS A STARTING POINT WORKING OUT FROM THERE.

IN GENERAL, I'M RELUCTANT TO SUPPORT A LEGISLATIVE OVER HAUL WITHOUT LIMITS ON COUNCIL ITEMS OR TIME OUR REWEIGHTED RANGE VOTING PRIORITIZATION EXERCISE TO TAKE PLACE BEFORE STAFF AND COMMITTEES REALLY DIVE INTO THE DETAILS OF PROPOSALS THAT COULD CLEAR OUT SOME OF THE ITEMS EFFICIENTLY.

THIS LEGISLATIVE SEASON APPROACH SEEMS POISED TO RESEARCH OUTREACH AND NATIONAL BURDENS ASSOCIATED WITH ANY GIVEN ITEM, BOTH FOR COUNCIL STAFF AND POTENTIALLY OTHER CITY STAFF.

WITHOUT SOME LIMITS ON COUNCIL ITEMS THIS PROPOSAL SEEMS LIKELY TO INCREASE THE COMPLEXITY AND WORKLOAD ASSOCIATED WITH ITEMS COMING FROM COUNCIL.

IN ADDITION, BECAUSE ALL MAJOR ITEMS WOULD BE HELD TO THE SAME TIMELINE OR SAME TIMELINES THESE INCREASED NEEDS FOR REVIEW

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HEARINGS, AND ANALYSIS SEEM LIBEL TO EXACERBATE CRUNCH TIMES DURING THE YEAR AND POSSIBLY EVEN CREATE NEW ONES.

I THINK THAT THE HARRISON, TAPLIN, ROBINSON PROPOSAL IS BETTER THAT WOULD REDUCE STAFF EFFORTS AND AVOID GIVING COMMITTEES AN APPROPRIATE VETO POWER OVER COUNCIL REFERRALS.

AGAIN, THAT SAID, I STILL THINK THIS ALTERNATIVE ALSO GIVES SHORT SHIFT TO THE FUNDAMENTAL ISSUE, THE SHEER VOLUME OF COMPLEX AND WORK INTENSIVE POLICY AND PROGRAMS COMING OUT OF COUNCIL.

THIS REMAINS THE NUMBER ONE ISSUE TO ME.

AND THIS FEELS CONSISTENT WITH WHAT WE HEARD FROM THE CITY MANAGER.

I'M NOT GOING TO SUGGEST A MORATORIUM ON NEW MAJOR NONEMERGENCY ITEMS WOULD BE IN ORDER.

I'M SURE I WOULDN'T FIND SUPPORT AND MAYBE IT DOESN'T MAKE SENSE BUT A CAP OF SOME SORTED AND PERHAPS A TEMPORARY NUMERICAL CAP IS WHAT WE SHOULD AIM FOR.

I DON'T FEEL LIKE IN SUPPORT ANY PROPOSAL THAT DOESN'T SET A FIRM LIMIT ON MAJOR COUNCIL ITEMS.

BUT I DO WANT TO THANK EVERYBODY FOR ALL THE REALLY COMPLICATED AND HARD WORK THAT THEY PUT IN ON THIS.

AND I'VE SPENT A LOT OF TIME LOOKING AT THESE PROPOSALS.

AND THANK YOU SO MUCH.

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>> MAYOR J. ARREGUIN: OKAY.

COUNCILMEMBER HAHN WANT TO MAKE A CLARIFYING COMMENT.

AND THEN, ARE THERE ANY OTHER CITY COUNCIL MEMBERS THAT HAVE COMMENTS?

WE NEED TO TAKE PUBLIC COMMENTS AS WELL.

>> S. HAHN: THANK YOU.

COUNCILMEMBER HARRISON, I WANT TO BETTER UNDERSTAND.

I COMPLETELY AGREE WITH YOU THAT CITY MANAGER ITEMS WOULD ALSO BENEFIT FROM THE SAME REVIEW.

BUT I'M TRYING TO UNDERSTAND WHERE THAT COMES UP, BECAUSE MOST OF WHAT THEY BRING TO US ARE REFERRAL RESPONSES.

AND I WAS TRYING TO REMEMBER A TIME WHEN THE CITY MANAGER SORT OF BROUGHT US SOMETHING NEW THAT HADN'T BEEN REFERRED BY THE CITY COUNCIL.

THE ONLY THING I CAN THINK OF WAS THE KIOSKS IS WHEN THE REFERRAL RESPONSE COMES BACK THAT RESPONSE SHOULD THEN BE VETTED BY A COMMITTEE?

IF YOU COULD CLARIFY WHAT YOU MEAN BY THAT.

>> K HARRISON: YES, MANY PAST REFERRALS WERE SO VAGUE THAT WE, AND WE HAD COMPLETELY DIFFERENT PEOPLE ON COUNCIL THAT I WOULD HOPE THEY WOULD COME BACK TO US.

IF WE START DOING A BETTER JOB OF REFERRALS, THE WON'T BE AS BIG AN ISSUE.

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I THINK SOMETIMES STAFFING IN THE DARK TO FIGURE OUT HOW TO RESPOND.

IT MIGHT NOT BE ON POINT WITH WHAT WE WERE THINKING.

I CAN'T THINK OF AN EXAMPLE.

THERE HAVE BEEN EXAMPLES ABOUT HOMELESS POLICY, SHE'S TRYING TO DO SOMETHING REASONABLE BUT MANY THINGS HAVE CHANGED IN THE LEGAL LANDSCAPE THAT HAVE CHANGED WHAT WE MIGHT BE ABLE TO DO OR NOT DO.

FOR EXAMPLE, WE HAD CERTAIN POLICIES ABOUT SLEEPING IN CARS AND THAT CHANGED AS YOU RECALL, THEN IT CAME BACK.

I THINK IF THAT'S GOING TO BE SOMETHING WITH A LOT OF IMPLICATIONS, IT SHOULD GO TO COMMITTEE.

>> S. HAHN: NOT NECESSARILY SOMETHING WRITTEN, A CHANGE IN POLICY.

>> K HARRISON: I THINK SHE WAS COMING BACK WITH CHANGE IN WRITTEN POLICY BASED ON CHANGE IN THE LAW.

>> S. HAHN: I SEE.

>> K HARRISON: SO I THINK AT THAT POINT DEPENDING ON HOW COMPLEX IT IS, CRITERIA, IT WOULD GO TO A COMMITTEE.

MANY THINGS AREN'T THAT COMPLEX.

SO OBUT AND STILL THINK THERE ARE ITEMS --

>> S. HAHN: YEAH.

>> K HARRISON: -- [ MULTIPLE SPEAKERS ]

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>> S. HAHN: I WAS TRYING TO UNDERSTAND EXACTLY WHAT YOU WERE REFERRING TO.

WE'RE JUST TAKING NOTES AND WE'LL TAKE IT BACK TO THE AGENDA AND RULES COMMITTEE.

BUT I WONDERED, I THINK THE CITY MANAGER MIGHT HAVE HAD, MAYOR, IF I MAY, I THOUGHT IT LOOKED THE CITY MANAGER MIGHT HAVE A COMMENT ON THAT.

>> I JUST WANTED TO ECHO YOUR CONCERNS, COUNCILMEMBER HAHN, THAT WE RARELY IN EVER BRING FORWARD OUR OWN MAJOR, I DON'T BRING FORWARD POLICY.

I'M RESPONDING TO THIS BODY'S POLICY.

BUT IF THAT'S THE ROUTE THAT IS BEING RECOMMENDED WE BRING IT BACK TO A POLICY COMMITTEE BEFORE BRINGING IT TO THE FULL COUNCIL FOR ADOPTION, WE'RE OPEN TO THAT AS WELL.

>> S. HAHN: OKAY.

ANYTHING ELSE COUNCILMEMBER HARRISON, FOR US TO FULLY UNDERSTAND YOUR VISION ON THIS?

>> K HARRISON: AS AN EXAMPLE.

I THINK THE RESPONSE TO A.L.P.R.'S IS A GOOD EXAMPLE.

WE HAD A REFERRAL A LONG TIME AGO.

WE HAVE SO MUCH COMPLICATION, THE PARKING L.P.R.'S, THE OTHER CAMERAS THAT DID FINALLY GO TO PUBLIC SAFETY BUT IT WENT TO BUDGET FIRST.



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AND THAT WAS ODD.

SO IT'S REALLY NEED THAT NEEDED THAT PUBLIC SAFETY COMMITTEE  
REVIEW.

AND YOU GUYS DID A GREAT JOB BUT THAT WAS A BIG DEAL.  
IT IS THINGS LIKE THAT.

I DON'T THINK IT WILL COME UP EVERY DAY.

BUT WE'RE DEALING, YOU ARE DEALING WITH A LOT NOW, CITY MANAGER,  
MADAM CITY ATTORNEY, COMPLICATED ITEMS, AND I THINK SOMETIMES  
THEY BENEFIT FROM THAT FORUM.

THE COMMITTEES ARE BETTER FOR HAVING PUBLIC INPUT.

ONE REASON I LOVE THEM, WE REDUCED CONFUSION AT THE COUNCIL  
ABOUT WHAT THINGS ARE.

IT'S BEEN VERY HELPFUL.

>> THANK YOU.

VERY HELPFUL FOR US TO BETTER UNDERSTAND THE VISION ON THAT.

>> MAYOR J. ARREGUIN: COUNCILMEMBER ROBINSON.

>> R. ROBINSON: SURE.

GOOD AFTERNOON, I'LL TAKE THIS OPPORTUNITY TO JUMP IN.

AND FIRST, THANK YOU TO THE AGENDA COMMITTEE WHO HAVE BEEN  
ENGAGING WITH THE DISCUSSION AND INCREDIBLY DEEP LEVEL.

THE REST ARE STUCK OUTSIDE WITH OUR FACES PUSHED AGAINST THE  
WINDOW EAVESDROPPING AND UNABLE TO PARTICIPATE.

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COUNCILMEMBER HAHN, IT IS SO MUCH EASIER FOR THE REST OF US TO  
POKE AT PROPOSALS AND IDENTIFY THINGS WE'RE CRITICAL OF TO  
ASSEMBLE FOR CONSIDERATION.

THANK FOR THE HEAVY LIFTING.

MY FEEDBACK IS LARGELY REFLECTED IN THE SERIES OF NOTES WITH  
COUNCILMEMBER HARRISON.

I'M GLAD THE COMMITTEE WILL BE ABLE TO WEIGH THAT AND CONSIDER  
ALL PATHS AVAILABLE TO US.

REALLY I THINK COUNCILMEMBER HARRISON, TAPLIN, AND I, IT'S NOT  
REALLY A PROPOSAL.

IT'S A STRING OF IDEAS AND PRIORITIES REALLY FOR THE PROPOSAL  
THAT I THINK WILL BE SHAPED BY THE AGENDA COMMITTEE.

I'LL FOCUS MY COMMENTS ON THE TINY HANDFUL OF THOUGHTS IN MY  
TIME SITTING HERE.

ONE, WHICH I THINK COUNCILMEMBER HUMBERT ALLUDED TO, BUT WE  
HAVEN'T TALKED TO SUPER DIRECTLY.

THE IDEA OF QUANTITATIVE LIMITS ON THE NUMBER OF PIECES OF LIMITED  
LEGISLATION THAT COUNCILMEMBERS AND INTRODUCE, THIS HAS BEEN  
FLOATED BEFORE AND IT'S SOMETHING I THINK CANDIDLY INITIALLY I  
HAD A BIT MORE HOSTILE OF A REACTION TO.

I THINK IT FELT A LITTLE UNDEMOCRATIC IF YOU WILL.

WE'RE REPRESENTATIVES OF OUR DISTRICTS.

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I THINK WE SHOULD BE ABLE TO INTRODUCE THE VOLUME OF LEGISLATION THAT OUR RESIDENTS EMPOWER US TO.

BUT THAT SAID, WE HAVE A REAL ISSUE HERE.

AND I THINK IF I'M A LITTLE HONEST WITH MYSELF, I THINK THERE IS PROBABLY NUMBERS OUT THERE, MAYBE IT'S FIVE.

A NUMBER OF MAJOR ITEMS THAT ONE COUNCIL MEMBER COULD INTRODUCE THAT IS HIGHER THAN THE NUMBER OF MAJOR ITEMS I OR SOMEONE WAS GOING TO INTRODUCE ANYWAY BUT COULD HAVE AN INTERESTING SELECTIVE AFFECT IN OUR DECISION-MAKING PROCESS, TO EXERCISE JUST A LITTLE BIT MORE HESITATION TO VET AN IDEA JUST A LITTLE BIT MORE BECAUSE YOU KNOW THERE IS AN OPPORTUNITY COST TO INTRODUCING IT.

THAT LEVEL OF ANALYSIS, THAT LEVEL OF PATIENCE, REALLY THAT LEVEL OF HESITATION I THINK IS VALUABLE.

AND COUNCILMEMBER HARRISON, AS YOU SAID, IF THE PROBLEM IS US, IT'S REALLY HARD TO DEFINE RULES THAT WILL SHAPE THAT.

BUT I THINK THERE IS PROMISE THERE.

I THINK THERE ARE LIMITS SO WE COULD PUT IN PLACE THAT REALLY DON'T MEANINGFULLY CURTAIL THE EXTENT TOO MUCH WE CAN BE INNOVATIVE AND PUT THINGS ON THE TABLE AND FORCE US TO ASK OURSELVES BEFORE WE THROW SOMETHING ON THE HOPPER IF IT'S THE HILL WE WANT TO DIE ON.

I'M RUMINATING ON THAT.

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OPEN TO POSSIBILITY SAID THERE.

A LOT OF OTHER THINGS I LIKE THAT ARE IN THE MIX ACROSS PROPOSALS, I THINK REQUIRING THE ITEM GUIDELINES WE HAVE BE IN PLACE WOULD BE VALUABLE.

I'M CERTAINLY NOT ALWAYS THE BEST AT FOLLOWING THEM.

I THINK EXPLICIT CLARITY ABOUT ITEM DEADLINES FOR BUDGETING/IMPLEMENTATION WILL BE VALUABLE.

I THINK IT WILL BE GOOD, REALLY WE'RE DOING THIS CYCLE I THINK IT'S A GOOD PRACTICE TO MAKE PERMANENT TO BE CLEAR ABOUT WHAT THE ROLE OF BUDGET REFERRALS FOR A.A.O. ONE AND TWO SHOULD BE. AS ONE TIME OR SENSITIVE NEEDS.

THAT I THINK WOULD BE REALLY POSITIVE.

AND I CALLED TOGETHER A LIST OF THINGS I WOULDN'T EVEN SAY I'M OPPOSED TO BUT THINGS I WORRY A LITTLE ABOUT.

IN CONTEMPLATING SORT OF THE IDEA OF A SESSION.

OBVIOUSLY THAT WORKS AT A LOT OF OTHER LEVELS OF GOVERNMENTS.

I FIND MYSELF BEING ANXIOUS THE SURGES OF CERTAIN TYPES OF WORKLOAD AT CERTAIN TIMES MIGHT BE UNTENABLE.

I THINK OF THE WORK THAT OUR COMMITTEES ARE DOING RIGHT NOW SOMETIMES THEY EBB AND FLOW, SOMETIMES THEY HAVE SWELLS, SOMETIMES A LITTLE BACK LOG THAT TAKES MONTHS, SOMETIMES I GO FOUR MONTHS WITHOUT A LAND USE MEETING.

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TO DO THAT AT ONCE, TO HAVE PACKED AGENDAS FOR THAT COMMITTEE, WE HAVE A HARD TIME GETTING TO TWO AGENDA ITEMS AT THE COMMITTEE LEVEL.

I THINK AT OUR TUESDAY EVENING COUNCIL MEETINGS THERE IS OFTEN A LOT ON THE AGENDA AND WE HAVE AN INCENTIVE TO BE BRISK AND MAKE SURE WE GET TO WHATEVER ELSE WE HAVE.

I THINK THE BEAUTIFUL THING ABOUT THE POLICY COMMITTEE, WE CAN RUN IN CIRCLES AND ASK ALL SORTS TECHNICAL SMALL QUESTIONS TO REALLY VET SOMETHING AND SPEND THREE HOURS WITH ONE ITEM WORKSHOPPING IT.

AND SO I THINK I HAVE LOGISTICAL WORRIES ABOUT WHAT IT WOULD LOOK LIKE TO PACK THAT STAGE TO HAVE THE POLICY VETTING PROCESS FOR THE WHOLE CYCLE INTO A FEW MONTHS.

I SHARE AND WANT TO RESONATE WITH COMMENTS MADE ABOUT A ROLE FOR COMMITTEES PRIORITIZING OR SCORING ITEMS.

I THINK IT'S VERY VALUABLE THAT IS COMING FROM THE FULL COUNCIL. AND ALSO, WANTS US TO STIR AWAY FROM BEING LIMITED TO ONLY HAVING AUTHORS NOT CO-SPONSORS AT THE PRE-SUBMISSION STAGE.

I FLOAT AROUND A LOT OF IDEAS WITH COLLEAGUES AND I THINK HAVING THE OPPORTUNITY TO BRAINSTORM AND VET SOMETHING WITH OTHER COUNCILMEMBERS BEFORE I BRING IT FORWARD IS VALUABLE AND OFTEN RESULTS IN ME NOT INTRODUCING THINGS BECAUSE THERE IS A BETTER WAY TO GO ABOUT IT OR SOMETHING I DIDN'T KNOW.

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THAT IS VALUABLE AND I DON'T WANT TO MAKE THAT HARDER TO DO.

IN SUMMATION, THANK YOU TO EVERYONE WHO PUT ITEMS ON THE TABLE.

I DO NOT ENVY THE COMMITTEE TO FIGURE OUT A PATH FORWARD.

THANK YOU.

>> MAYOR J. ARREGUIN: COUNCIL WENGRAF.

>> S. WENGRAF: YEAH, THANK YOU VERY MUCH.

FIRST, I WANT TO THANK COUNCILMEMBER HAHN FOR DOING ALL OF THE HARD WORK.

AND TAKING ON THE BURDEN OF FORMULATING THIS WITH THE CLERK, CITY MANAGER AND PRESENTING IT TO US.

I THINK IT WAS A HUGE TASK.

AND I'M VERY GRATEFUL TO HER FOR DOING IT.

AND AS SHE EXPLAINED, THE MAYOR AND I COULD NOT PARTICIPATE BECAUSE OF THE BROWN ACT.

SO THANK YOU VERY MUCH, COUNCILMEMBER HAHN.

I ALSO WANT TO THANK COUNCILMEMBER HARRISON FOR PUTTING FORWARD AN ALTERNATIVE.

BUT THESE ARE NOT THE ONLY TWO THINGS THAT ARE BEFORE US.

WE CAN, BOTH OF THESE THINGS I CONSIDER JUMPING OFF POINTS FOR THE DISCUSSION.

AND I WOULD LIKE TO SUGGEST WE TAKE A STEP BACK AND THINK ABOUT WHAT OUR GOAL IS.

IT'S BEEN YEARS YOU KNOW, WE'VE HAD SO MANY PROPOSALS.

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WHAT IS THE PROBLEM WE'RE TRYING TO SOLVE.

AND BOTH PROPOSALS BEFORE US ARE PRETTY COMPLEX.

I'M NOT SURE THAT LEVEL OF COMPLEXITY IS NECESSARY.

I THINK IT WAS COUNCIL HUMBERT WHO BROUGHT UP THE IDEA OF  
LIMITING THE NUMBER OF ITEMS.

ORIGINALLY, YOU KNOW, I REMEMBER THE CITY MANAGER COMING TO US  
AND BASICALLY BEGGING US TO STOP DOING MAJOR ITEMS BECAUSE STAFF  
WAS SO OVERWHELMED.

AND I THINK THERE IS STILL A BACKLOG.

I DON'T KNOW WHAT IT IS.

BUT MAYBE 90 ITEMS OR SOMETHING LIKE THAT.

YOU KNOW, GIVEN THE STAFFING SITUATION MAYBE WHAT WE DECIDE TO  
DO WILL BE TEMPORARY.

MAYBE WE CAN LINK IT TO STAFFING.

BUT I THINK THERE IS AN URGENCY IN US DOING SOMETHING RIGHT NOW  
TO ALLEVIATE THE PROBLEM THAT STAFF IS FACING, WHICH IS THAT  
THEY JUST CAN'T DEAL WITH EVERYTHING WE'RE GIVING THEM.

SO I WOULD LIKE TO AT OUR NEXT, WHEN WE DISCUSS THIS AGAIN, I  
DON'T THINK WE'RE GOING TO BE ABLE TO MAKE A DECISION TONIGHT,  
ARE WE MAYOR?

>> MAYOR J. ARREGUIN: WE'RE NOT MAKING A DECISION TONIGHT.

>> S. WENGRAF: YEAH, OKAY.

SO I WOULD LIKE TO REVISIT THE GOAL.

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AND REVISIT THE PROBLEM THAT WE'RE TRYING TO SOLVE.

BECAUSE I CERTAINLY DON'T WANT TO REPLACE A NEW BUNCH OF BUREAUCRATIC AND VERY COMPLICATED PROCEDURES WITH WHAT WE HAVE NOW.

I'M NOT SURE THAT IS GOING TO FIX ANYTHING.

SO THAT'S MY SUGGESTION FOR TONIGHT.

THANK YOU.

>> MAYOR J. ARREGUIN: THANK YOU VERY MUCH.

VICE MAYOR BARTLETT.

>> B. BARTLETT: THANK YOU, MR. MAYOR.

I WANT TO THANK COUNCILMEMBER HAHN FOR YOUR DILIGENT WORK.

DEEP, DEEP WORK HERE.

SCHEMATICS OF A MICROCHIP.

[ LAUGHTER ]

>> B. BARTLETT: AND THANK YOU, AS WELL, COUNCILMEMBER HARRISON FOR YOUR APPROACH, COUNCILMEMBER ROBINSON, COAUTHORING.

WE TALKED ABOUT THIS THROUGH THERE YEARS.

AND YOU KNOW, A COUPLE OF THINGS COME TO MIND.

ONE, YOU KNOW, I THINK JUST A KNEE JERK I HAVE A KNEE JERK

RESPONSE WHEN I FUNDAMENTALLY TEND NOT TO SUPPORT LIMITATIONS ON DEMOCRACY AND REPRESENTATION.

BUT YOU HAVE ANSWERS SOME OF THE ISSUES WITH THE EXCEPTIONS YOU PROVIDE TO TIME CRITICAL MEASURES.



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BUT I GUESS THE REAL QUESTION IS, AND IT'S THIS KIND OF HARKENS TO WHAT COUNCILMEMBER WENGRAF JUST MENTIONED.

DOES ANYONE KNOW HOW MANY MAJOR ITEMS THE COUNCIL PRODUCED IN THE LAST YEAR?

I CAN'T THINK OF TOO MANY.

THERE ANY DATA ON THAT?

>> I'LL SAY I THINK JUST GOING OFF OF THE FLOW THROUGH THE AGENDA COMMITTEE, OBVIOUSLY NOTHING SCIENTIFIC, BUT I THINK DURING THE PANDEMIC WE SORT OF HAD A UNSPOKEN AGREEMENT.

THAT WE WERE GOING TO LEAVE THE

>> S. HAHN: CITY MANAGER TO ADDRESS THE PANDEMIC.

SO THE FLOW WENT DOWN.

AND SINCE THAT IS LIFTED I WOULD SAY THE FLOW OF MAJOR ITEMS IS LOWER THAN IT WAS BEFORE THE PANDEMIC.

MAYOR, WOULD THAT?

I MEAN, IF YOU LOOK AT FOR EXAMPLE OUR AGENDA TONIGHT, I THINK IT'S THE FIRST TIME IN MY TIME ON THE AGENDA COMMITTEE THAT WE ACTUALLY DON'T HAVE AN ACTION ITEM EITHER FROM STAFF OR FROM THE COUNCIL --

I THINK PEOPLE ARE BEING MORE I DON'T KNOW, RESTRAINED.

>> B. BARTLETT: THAT WAS MY ANECDOTAL OBSERVATION AS WELL.

IT SEEMS WE UNDERSTAND THE STAFF IS OVERWHELMED.

WE LOST MANY MEMBERS OF OUR TRANSPORTATION DIVISION.

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I SEE US WITHHOLDING AND WAITING FOR THINGS TO NORMALIZE.

I FOR ONE HAVE TAKEN MUCH TIME TO WORK WITH CITY STAFF ON MAJOR ITEMS THAT ARE IN DEVELOPMENT.

AND MAYBE DO ONE THIS YEAR.

WHICH SHOULD BE AMAZING TOO.

I CAN'T WAIT TO SHARE WITH YOU ALL.

[ LAUGHTER ]

>> B. BARTLETT: YOU KNOW, BUT THE YOU KNOW, THE LEANING INTO LEGISLATION THAT IS, AND THIS IS WHAT WE DO THROUGH THE PROCESS, THROUGH THE COMMITTEE PROCESS, WHICH I'M A FAN OF, IT HELPS YOU THINK IT THROUGH.

WE HELP OTHERS COME WITH THEIR -- WE LEND OUR EXPERTISE AND GROUP KNOWLEDGE AND HELP AUTHOR REFINE THEIR WORK.

WE HELP THEM SIMPLIFY THEIR WORK.

AND SO I THINK THIS MEASURE WE'RE TALKING ABOUT TO UNDERSTAND IS PRIORITIZATIONS, THEY KIND OF NEED THE SAME PROCESS, THEY NEED TO BECOME SIMPLIFIED.

THIS IS TOO COMPLEX.

THERE IS A MORE ELEGANT WAY.

PARTICULARLY IN THE LIGHT OF THE FACT THAT THE COUNCIL APPEARS TO BE RESPONSIVE TO THE NEEDS OF THE BUREAUCRACY.

BUT NOT GIVING THEM ANYTHING TO DO.

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IT SEEMS LIKE WE MAY NOT NEED TO OVERLAY THIS MUCH BUREAUCRATIC TO SOMETHING THAT IS NOT EXISTING RIGHT NOW.

WITH ALSO ANOTHER QUESTION, DOES THIS KEEP THE R.V. V. PROCESS AS WELL OR SUPPLANT IT?

>> S. HAHN: I THINK THE IDEA WAS THAT WHEN YOU DON'T HAVE A BIG BACK LOG OF OLD ITEMS THAT HAVEN'T BEEN IMPLEMENTED AND YOU HAVE A RESTRICTED FLOW BASICALLY MORE BASED ON QUALITY THEN ON QUOTAS, BY RAISING OUR STANDARDS, THE IDEA WOULD BE THAT LESS WOULD BE GOING FORWARD.

THEN THE PRIORITIZATION BECOMES MUCH EASIER.

YOU ARE NOT PRIORITIZING 100 ITEMS, MAYBE 15 OR 20.

AND MAYBE YOU USE R.R.V. OR MAYBE THERE IS ANOTHER PROCESS.

IT DEFINITELY DID NOT RECOMMEND GETTING RID OF IT.

BUT THE IDEA WAS THAT IT WOULD ESSENTIALLY BECOME LARGELY MOOT.

>> B. BARTLETT: IF UNDER THIS PROPOSAL YOU HAVE TO WAIT 16 MONTHS TO SUBMIT SOMETHING OR THEN YOU GET R.R.V.ED TO THE BOTTOM OF THE LIST, YOU EFFECTIVELY DENIED THE RESIDENTS WHO PAY EXORBITANT PROPERTY TAXES AND RENTED, THE OPPORTUNITY TO HAVE SOMETHING THEY CARE ABOUT SEEN BY THE COUNCIL.

FOR NEXT, THAT PERSON IS OUT OF OFFICE.

IT'S OVER.

YOU ARE TALKING SEVEN YEARS LATER.

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AND TRUST ME, I LIVED HERE SEVEN YEARS CYCLES OF LEGISLATION AND IT TAKES DILIGENCE TO SEE IT THROUGH.

AGAIN, I DON'T THINK -- I DON'T SEE THE NEED TO KEEP ADDING SO MUCH TIME AND DISTANCE BETWEEN PEOPLE AND THEIR ASPIRATIONS.

AND THEN, THE CO-SPONSOR'S MEASURE, COUNCILMEMBER ROBINSON BROUGHT IT UP.

I THINK IT'S IMPORTANT FOR COLLEAGUES AND COUNCILMEMBERS TO THINK THROUGH THE STRATEGIES AND YOU KNOW, IT'S PART OF THE KEY TO SUCCESS.

YOU KNOW, NEWER COUNCILMEMBERS COME ON AND TEAM UP WITH OTHERS AND FIGURE OUT HOW TO WIN THE RIGHT COMBINATIONS, I THINK IT'S A GOOD PROVING GROUND FOR LEGISLATION BECAUSE IN THE DAY THE AUTHORS GOAL IS TO GET IT PASSED ON BEHALF OF THE CONSTITUENTS WHO REQUESTED IT OR BENEFIT FROM THEM.

SO I THINK WE NEED TO BAN THEIR ABILITY TO STRATEGIZE ESSENTIALLY.

RIGHT?

AND GET HELP TOO. RIGHT?

AND THEN, LASTLY, I DO SUPPORT ATTACKING THE BACKLOG QUEUE.

SPECIAL TOPIC NUMBER FOUR.

I THINK THAT'S IMPORTANT.

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SITTING ON THIS DEEP BENCH OF MATERIALS THAT IS RAPIDLY TURNING FROM COAL INTO DIAMONDS AS IT SITS THE TECTONIC PRESSURE OF BUREAUCRATIC TIME, RIGHT?

YES, ABSOLUTELY, I THINK THAT'S IMPORTANT.

WE SHOULD GO THROUGH THIS AND GET THESE THINGS DEALT WITH.

THOSE ARE MY POINTS.

THAT'S ALL.

I THINK ULTIMATELY, I DON'T THINK ANY OF THIS IS NECESSARY.

>> MAYOR J. ARREGUIN: COUNCILMEMBER HARRISON, AGAIN.

>> K HARRISON: I WANT TO ANSWER COUNCILMEMBER BARTLETT'S

QUESTION ABOUT MY PROPOSAL DOES NOT GET RID OF R.R.V.

IT'S STILL THERE.

I DON'T THINK WE SHOULD DO IT AT THE COMMITTEE LEVEL.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

THANK YOU.

ARE THERE ANY OTHER CITY COUNCIL MEMBERS THAT HAVE COMMENTS?

COUNCILMEMBER WENGRAF?

>> S. WENGRAF: YES.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

>> S. WENGRAF: YEAH, I JUST WANT TO SAY THAT YOU KNOW, THE STAFF ISN'T JUST WORKING ON OUR ITEMS.

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I MEAN, THEY HAVE TO WORK ON ALL KINDS OF OTHER STUFF AS WELL.  
AND THEY HAVE PARTNERS, THE SCHOOL BOARD, THE RENT BOARD, YOU  
KNOW, ALL OF THESE STATE AGENCIES THAT THEY HAVE TO WORK WITH.  
SO I THINK WE'RE BEING A LITTLE NEAR SIGHTED WHEN WE THINK THAT  
STAFF ONLY WORKS WITH OUR ITEMS.

I THINK THEIR WORKLOAD IS HUGE.

AND WE'RE ONLY THINKING OF A LITTLE PART OF IT.

SO MAYBE IT WOULD BE ACTUALLY HELPFUL FOR US TO KNOW MORE ABOUT  
WHAT THE DEMANDS ARE ON THE DEPARTMENTS FROM ALL OF OUR  
PARTNERING AGENCIES.

SO THAT WE WOULD HAVE A BETTER UNDERSTANDING AND A BETTER  
PERSPECTIVE ON THE WORKLOAD.

THANK YOU.

>> MAYOR J. ARREGUIN: THANK YOU.

SO FOLLOWING UP ON THAT POINT, I RECALL I THINK IT WAS THE LAST  
BIENNIAL BUDGET PROCESS, WE GOT A COMPREHENSIVE LIST OF  
OUTSTANDING COUNCIL REFERRALS THAT HAD NOT BEEN PRIORITIZED I  
BELIEVE.

AND WE DO GET STATUS UPDATES FROM THE CITY MANAGER ON THE  
IMPLEMENTATION OF COUNCIL REFERRALS, SHORT TERM AND LONG TERM.  
AND WE HAD THAT DATABASE.

BUT I DO THINK, YOU KNOW, AT SOME POINT YOU KNOW PROBABLY  
LEADING UP TO THE NEXT BUDGET DEVELOPMENT, I THINK GOING OVER

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THAT LIST AGAIN WOULD BE HELPFUL BECAUSE THINGS MAYBE OBSOLETE OR REDUNDANT.

I SEEM TO RECALL MULTIPLE REFERRALS ABOUT ADU POLICY OR HOUSING POLICY, MULTIPLE FIRE SAFETY RECOMMENDATIONS.

AND YOU KNOW, WE MAY BE ABLE TO FIND A WAY TO CONSOLIDATE OR ELIMINATE REDUNDANT OR OBSOLETE COUNCIL REFERS SO WE CAN FOCUS ON THE THINGS WE THINK ARE RELEVANT AND WE WANT TO HAVE STAFF DEDICATE TIME TO ADDRESS.

SO I HEAR THAT AS AN OVERARCHING AGREEMENT AMONGST COUNCIL WE NEED TO LOOK AT DEALING WITH THE QUOTE, BACK LOG.

I HOPE WE CAN WHETHER IT'S THROUGH NEW PROCESS OR JUST LEADING UP TO THE BUDGET ADOPTION, WE CAN DO THAT.

I THOUGHT THAT WAS VERY HELPFUL.

SO MAYBE IN ALIGNMENT WITH THE R.R.V. PROCESS THAT MAYBE ONE WAY TO DO IT BEFORE THE R.R.V. PROCESS.

I'M SURE ASSOCIATION WITH THE APPRECIATE IF WE CAN CLARIFY AND REDUCE THE OUTSTANDING NUMBER OF ITEMS.

SO WITH THAT, WHY DON'T WE PROCEED TO PUBLIC COMMENT.

ANY MEMBER HERE THAT WOULD LIKE TO SPEAK TO THE ITEM ON OUR 4:00 P.M. SPECIAL CITY COUNCIL MEETING AGENDA, THE CITY COUNCIL LEGISLATIVE SYSTEMS REDESIGN?

YES, MISS MOROSOVIC.

>> THANK YOU.

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I ATTENDED THE JUNE 29TH RETREAT.

AND I HEARD THE CITY MANAGER'S FRUSTRATION, AND TOTALLY

UNDERSTOOD IT.

HOW THERE WERE TOO MANY ITEMS THAT WERE POSSIBLE FOR STAFF TO  
POSSIBLY IMPLEMENT PROPERLY.

AND IT SEEMED AS IF SOME ITEMS COULD BE CONSOLIDATED AS THE  
MAYOR JUST MENTIONED AND SOME COULD BE FOLDED INTO ONE ANOTHER.

I UNDERSTAND THAT'S CHANGED THAT THERE AROUND AS MANY ITEMS  
COMING BEFORE COUNCIL BUT THERE ARE STILL OUTSTANDING ITEMS THAT  
ARE OUT THERE.

THERE IS A NEED FOR TIME CRITICAL ITEMS FOR OBVIOUS REASONS,  
STATE LAWS CHANGE, FEDERAL LAWS CHANGE, AND FUNDING CHANGES THAT  
COMES IN.

AND SO YOU ARE GOING TO HAVE TO HAVE TIME CRITICAL ITEMS THAT  
CANNOT BE LIMITED IN NUMBER IF THEY ARE GENERALLY TIME CRITICAL  
ITEMS.

THERE IS A NEED TO WORK WITH COMMISSIONS.

NOT ONLY HAS TO REFERRALS TO THEM, BUT ALSO REFERRALS FROM THEM.

NOW, THIS IS PERHAPS A SEPARATE ITEM.

BUT I BELIEVE IT'S IMPORTANT TO HAVE TRANSPARENCY TO THE PUBLIC  
SO THE PUBLIC NEEDS TO SEE WHAT STAFF IS DOING.

OR RATHER WHAT COUNCIL IS DOING, BUT ALSO WHAT STAFF IS DOING IN  
TERMS OF IMPLEMENTATION OF THE ITEMS THAT PASSED BEFORE YOU.



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I'M GOING TO RAISE THAT THE AGENDA, HOMELESS COMMISSION BROUGHT AN ITEM BEFORE THE AGENDA COMMITTEE THAT WAS PASSED IN EARLY 2020.

AND IT SOMEHOW STAYED AT THE AGENDA COMMITTEE LEVEL.

AND THAT WAS THAT ALL THE COMMISSION RECOMMENDATIONS FROM VARIOUS COMMISSIONS BECOME COMPILED ONLINE AND IN A BINDER SO THEY COULD BE TRACKED HOW THEY GO TO COUNCIL.

AND ALSO, IN TERMS OF IMPLEMENTATION.

AND THIS IS IMPORTANT, NOT ONLY FOR INFORMATION SHARING BETWEEN COMMISSIONS BUT ALSO FOR COUNCIL TO KNOW WHAT COMMISSIONS IS DOING, FOR STAFF TO FOLLOW IT, AND ALSO FOR TRANSPARENCY TO THE PUBLIC.

AND I HOPE THAT THIS IS ACTED ON.

EDIS GOING TO GIVE ME HIS TWO MINUTES, RIGHT?

THANK YOU. SO LET ME GIVE YOU AN EXAMPLE HOW DIFFICULT IT IS TO RESEARCH AN ITEM.

AND I THINK THE SAME THING HAPPENS WITH COUNCIL ITEMS THAT, AGAIN, THERE HAS TO BE THIS TRANSPARENCY TO THE PUBLIC.

ON THE COMMISSION OF STATUS OF WOMEN, I WANTED TO RESEARCH WHAT IS HAPPENING WITH PREVIOUS ITEMS THAT I WOULD NOT HAVE EVEN KNOWN THESE ITEMS EXISTED EXCEPT I'VE BEEN ATTENDING COUNCIL MEETINGS GENERALLY FOR THE LAST 17 YEARS.

SO I RECALLED SOMETHING ABOUT SMALL BUSINESSES AND WOMEN.

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I RECALLED IT PASSED BEFORE COUNCIL SEVERAL YEARS AGO.

I RECALLED OVER 10 YEARS AGO, THIS WAS SOMETHING ON SEX

TRAFFICKING THAT CAME FROM THE STATUS OF WOMEN.

I WOULDN'T HAVE KNOWN HAD I NOT ATTENDED THOSE ITEMS.

I WENT TO THE CITY CLERK'S OFFICE, WHO IS EXCELLENT AT DOING THE RESEARCH.

BUT I AM VERY RESPONSIVE.

HAD TO KEEP GOING BACK AND SAY WHAT HAPPENED TO THAT AFTER THAT.

WHERE IS SETTING, DID IT JUST DIE?

AND IT'S REALLY IMPORTANT WE HAVE THIS INFORMATION, AGAIN, FOR COMMISSIONS, FOR COUNCIL, FOR STAFF, AND FOR THE PUBLIC.

WE HAVE TO BE TRANSPARENT ABOUT WHAT HAPPENS.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

THANK YOU VERY MUCH.

ARE THERE ANY OTHER MEMBERS OF THE PUBLIC HERE IN THE BOARDROOM AT 1231 ADDISON THAT WOULD LIKE TO SPEAK TO ITEM ONE, THE COUNCIL'S REDESIGN.

I'LL ASK ARE THERE SPEAKERS ON ZOOM, PLEASE RAISE YOUR HAND.

MONI LAW.

>> GOOD EVENING, MAYOR AND COUNCIL AND COMMUNITY.

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I AM JUST VERY THANKFUL FOR EVERYONE'S HARD WORK AND MY COUNCILMEMBER, KATE HARRISON AND OTHERS WHO MAY HAVE PROPOSED AMENDMENTS.

I UNDERSTAND THIS IS GOING BACK TO AGENDA COMMITTEE FOR REVIEW.

I WANTED TO MAKE A QUICK REFLECTION AND IMPORTANCE OF THE OPENNESS OF CONTINUED DEMOCRACY.

AND I APPRECIATE COUNCILMEMBER BARTLETT'S COMMENT ABOUT NOT DISTANCING THE PEOPLE FROM THE PROCESS.

AND TO ENSURE THIS OPEN SPACE FOR OUR ASPIRATIONS TO GROW.

WITH THAT IN MIND, I'M THINKING OF THE MAYOR'S FAIR AND IMPARTIAL POLICING WORK GROUP THAT I'M THANKFUL FOR THE MAYOR HAVE APPOINTED ME TO THAT.

AND ALL THE WORK THAT PEOPLE ON THE REIMAGINING TASK FORCE FOR CONSTRUCTIVE IDEAS, POLICIES AND PROGRAMS TO PREVENT VIOLENCE AND KEEP US SAFE IN ALL WAYS FROM EDUCATION, ECONOMIC SECURITY, AND POLICE ACCOUNTABILITY.

THOSE PROPOSALS ARE IMPORTANT AND TIME SENSITIVE AND SHOULDN'T BE CONSTRAINED OR PUSHED OUT TO A YEAR LATER.

OR YEAR AND A HALF LATER.

SO TIME LOST IS -- JUSTICE AND GOOD POLICY AND BASIC GOVERNANCE AS DELAYED.

AND SO WE REALLY HAVE A BEAUTIFUL COMMUNITY IN BERKELEY.

I DON'T WANT IT PUT TO THE SIDE AND TOO MANY BITS AND PIECES.

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WE SHOULD HAVE A HOLISTIC CONSTRUCTIVE PROCESS THAT IS OPEN AND OTHERS SAID, TRANSPARENT AND AVAILABLE.

FINALLY, I WANT TO KIND OF SAY THAT WITH REGARD TO BUDGETS AND ALL THE OTHER THINGS THAT WAS SAID, SHE WOULD POINT OUT TO THE BUDGET AND FINANCING ISSUES THAT COME UP.

AND FINALLY, THERE ARE SO MANY THINGS WE HAD AN EXHIBIT "D" WAS CALLED, PART OF THE CITY MANAGER'S ATTACHMENT, AS I RECALL OF THE THINGS THAT HAD NOT BEEN COMPLETED.

I THINK WE COULD HAVE CONTINUED TO CHISEL ON THAT.

I BELIEVE IT'S WORKED ON I HOPE BECAUSE THERE ARE A NUMBER OF IMPORTANT PARTS OF GOVERNANCE AND COMMUNITY ACTIVITIES THAT NEED TO BE COMPLETED IN THAT EXHIBIT "D" AS I BELIEVE IT WAS REFERENCED FOR ALL OF THE BACK UP WORK THAT NEEDED TO BE DONE STILL.

I HOPE AS A CITY WORKER MYSELF, WE DO WORK HARD BUT WE ALSO WANTED TO MAKE THE BEST CITY WE CAN.

THANK YOU SO MUCH.

>> MAYOR J. ARREGUIN: THANK YOU VERY MUCH.

ARE THERE ANY OTHER MEMBERS OF THE PUBLIC ON ZOOM WHO WOULD LIKE TO SPEAK TO ITEM ONE, THE CITY COUNCIL LEGISLATIVE SYSTEMS REDESIGN?

ANY OTHER MEMBERS OF THE PUBLIC?

THIS IS THE LAST CALL.

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OKAY.

THANK YOU.

WE'LL CLOSE PUBLIC COMMENT.

AND COLLEAGUES, I'LL ASK ARE THERE ADDITIONAL QUESTIONS OR COMMENTS?

COUNCILMEMBER KESARWANI.

>> R. KESARWANI: THANK YOU VERY MUCH, MR. MAYOR.

AND THANK YOU, COUNCILMEMBER HAHN, FOR YOUR PROPOSAL.

AND COUNCILMEMBERS HARRISON, ROBINSON, AND TAPLIN, FOR YOUR PROPOSAL AS WELL.

I DID WANT TO JUST TURN TO THE CITY MANAGER.

BECAUSE I WAS LOOKING BACK AT THE AUDITOR'S RECORD REPORT ON THE STAFFING.

SHE DID NOTE WORKLOAD ISSUES.

DRIVEN IN PART BY COUNCIL ITEMS BUT ALSO BY UNDERSTAFFING AND VACANCIES AS WELL.

AND SO I WANTED TO ASK THE CITY MANAGER FROM WHERE YOU SIT TODAY, COULD YOU HELP US JUST HONE IN ON WHAT YOU SEE AS THE MAJOR PROBLEMS IN TERMS OF MANAGING WORKLOAD IN TERMS OF WHAT IS RECEIVED BY COUNCIL.

>> THANK YOU, COUNCILMEMBER KESARWANI.

THERE ARE A NUMBER OF THE THINGS THAT INFLUENCE HOW QUICKLY WE CAN IMPLEMENT TURN AROUND LEGISLATION AND PRODUCT.

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THERE ARE LOTS OF THINGS.

BUT I THINK HALL MARK TO WHAT WE DO HERE AT THE CITY IS THE MATH WE WANT TO BE THOUGHTFUL ABOUT THE WORK WE'RE DOING FOR YOU ALL AND FOR THE COMMUNITY.

SO THERE IS A BIG COMMUNITY PIECE THAT IS THERE FOR US AS WELL.

I THINK THAT DRIVES US LOTS OF WHAT WE DO AS IN TERMS OF STAFF AND HOW WE PROCESS INFORMATION AND GATHER INFORMATION.

STAFFING, WE ARE IN A STAFFING CRISIS.

WE'VE KNOWN THAT FOR QUITE SOME TIME.

WE'RE CHIPPING AWAY AT IT AND DOING WELL AT CHIPPING AWAY AT GETTING NEW HIRES ONBOARD.

ADDRESSING ISSUES WHERE WE HAVE DIFFICULT TO FILL POSITIONS.

WE'RE DOING A GREAT JOB IN THAT REGARD.

WHEN IT COMES TO THE NUMBER, THIS IS ABOUT VOLUME FOR US TRULY.

WE MAKE OUR OWN WORK TOO.

SO LET'S TALK ABOUT THAT A LITTLE BIT.

BECAUSE WE DEVELOP A STRATEGIC PLAN.

WHERE DEPARTMENTS PUT IN 30 OR 40 TYPES OF PROGRAMS THEY WANTED TO DO TO IMPROVE COMMUNITY SERVICE, AND TO WORK HARDER, WHETHER THAT IS ABOUT HOW WE DEVELOP ADMINISTRATIVE REGULATIONS, TO HIRE THE BEST EMPLOYEES, TO TRAINING, TO WHATEVER IT IS, WE HAD OUR OWN SET OF INITIATIVES COMING THROUGH THE STRATEGIC PLAN AS WELL.

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ON TOP OF THAT WE HAD REFERRALS.

SO WE AT ONE POINT WE HAD OVER 300 REFERRALS.

AND I WOULD PROBABLY REDUCE THAT TO ABOUT 250.

NOW WE'RE DOWN TO 80 TO 90 REFERRALS.

I THINK THE OTHER THING THAT KIND OF CHALLENGED US IS THAT THESE THINGS WOULD COME IN AT VARIOUS TIMES THROUGH THE YEAR AND IT WILL BE A START STOP FOR US.

WE WOULD START THE WORK ON A PROJECT.

AND THEN WE WOULD GET TWO OR THREE NEW PROJECTS THAT WOULD REQUIRE US TO STOP AND RESTART.

SO THAT CREATED BACK LOG FOR THOSE PRIOR AS WE START LIFTING UP NEW.

WE WERE UNABLE TO SHIFT AND BE AS FLEXIBILITY AS WE WOULD LIKE TO BE IN TERMS OF ADDRESSING AND IMPLEMENTING THAT POLICY.

WHOLE STAFFING HAS BEEN AN ISSUE FOR US, I THINK PRIORITIES KNOWING WHAT THEY ARE FOR THE CITY HAS BEEN SOMETHING I'VE BEEN CHALLENGED WITH IN TRYING TO ADDRESS WHAT ARE OUR TRUE PRIORITIES ACROSS-THE-BOARD AND HOW DO I GET TO WHAT IS MOST IMPORTANT TO THIS COUNCIL FIRST, SECOND AND THIRD SO I HAVE THAT IN MY QUEUE.

SO WE'VE USED R.R.V. TO TRY AND GATHER THAT AS A PRIORITY BASE FOR US TO LAUNCH AND COMPLETE INITIATIVES AND WORK.

I THINK WE'VE DONE WELL WITH THAT.

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WE'VE NOT ALWAYS BEEN ABLE TO ADDRESS THE NUMBER-ONE PRIORITY BECAUSE BEEN, REMEMBER THE YEAR PRIOR WE WORKED ON NEW INITIATIVE SAID.

THOSE ARE EITHER UNDERWAY OR NOT STARTED. ESPECIALLY IF YOU ARE A DEPARTMENT WITH FIVE OR 10 REFERRALS THAT COME TO YOU.

SO IT'S NOT ONLY THE AMOUNT AND NUMBERS.

WE ALSO GET LOTS OF PROJECTS FROM STATE AGENCIES, OUR LOCAL PARTNERS, OUR COMMISSIONS, AND OF COURSER, WITH POLICY COMMITTEES WE'RE DOING WORK WITH THEM AS WELL.

OUR PLATES ARE EXTREMELY FULL GENERALLY.

BUT WHAT I THINK IS HELPFUL FOR US IS NOT GOING TO BE THE A CONVOLUTED OR COMPLEX PROCESS.

I AGREE.

I THINK WE DON'T WANT TO PUT IN SOME COMPLICATED OR YOU KNOW, PROCESS THAT IS GOING TO RENDER US PARALLELIZED IN TERMS OF INITIATIVES I'M NOT SAYING THESE ARE DOING THAT.

MY POINT IS WE DON'T WANT TO PUT TOO MUCH IN THERE.

WHAT IS HELPFUL FOR ME AS THE CITY MANAGER WHICH I SHARED BEFORE IS HAVING CORE PRIORITIES.

EVERYTHING CAN'T BE AN EMERGENCY OR AT THE SAME LEVEL OF PRIORITY AS -- THEY ALL CAN'T HAVE EQUAL PRIORITY FOR US.



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BECAUSE AND WE DON'T WANT TO SHIFT EVERY TIME THERE IS A NEW THING.

BUT WE'RE SHIFTING AND WE PUT SOMETHING ON THE BACK BURNER, WE START ANEW.

WHAT IS HELP IF ME, IF WE TRULY HAVE A PROCESS, WE CAN LEAN IN AND SAY, YOU GOT THESE 30 MAJOR INITIATIVES OR THINGS YOU ARE WORKING ON, THESE 20 WE WANT YOU TO PUT ON HOLD SO YOU CAN GET THEM DONE AND COME BACK TO THESE.

WE KNOW WHAT WE'RE PUTTING ON HOLD, WE KNOW WHAT IS STOPPED OR YIELDED.

RIGHT NOW WE TRY TO PECK AT ALL OF THEM AND NEVER GET ALL YOU HAVE THEM DONE.

IT WOULD BE GOOD TO KNOW IF WE HAVE A PROCESS TO ALLOW US TO COME TO YOU AND SAY, WE'VE GOT THIS SIX YOU HAVE GIVEN US TO WORK ON, WE NEED TO MOVE THESE FIVE TO THE BACK BURNER.

THAT IS HELPFUL SO EXPECTATIONS FOR THE COMMUNITY AND COUNCIL AND STAFF ARE CLEAR.

SO WHENEVER WE HAVE NEW THINGS THAT ARE GOING TO IMPACT OLD THINGS, WE NEED TO PUT SOMETHING ON HOLD.

AND I THINK A CLEAR PROCESS TO DO SO WOULD BE HELPFUL.

I THINK THE COMPLEXITY OF THE WORK THAT WE DO IS SOMETIMES NOT SEEN.

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THE WORK THAT COMES FROM NOT ONLY THE COUNCIL BUT OUR DEPARTMENTS AS WELL, OUR COMMISSIONS AND PARTNERS OUT THERE, STATE AGENCIES, THAT WORK IS COMPLICATED, DETAILED AND IT'S HARD.

SO AS WE'RE TRYING TO CHALLENGE OUR WAY THROUGH ALL OF THAT IT TAKES TIME.

TO ME THOSE ARE THE THINGS THAT KIND OF IMPACT THIS WORK. AND THE WORKLOAD FOR ME AS CITY MANAGER.

THANK YOU FOR GIVING ME A MOMENT TO SAY ALL OF THAT.

I APPRECIATE IT.

>> R. KESARWANI: THANK YOU, MADAM CITY MANAGER.

I APPRECIATE HEARING THAT.

I THINK IT'S NOT ALWAYS CLEAR TO ME AND PERHAPS NOT TO MY COLLEAGUES WHAT EXACTLY IS ON YOUR PLATE.

AND I DO KNOW SOME OF THE MY COLLEAGUES TALKED ABOUT EXAMPLES, THINKING ABOUT THE ACCESSORY DWELLING ORDINANCE THE OTHER NIGHT. WE DID ADD TWO REFERRAL SAID AND PART OF WHAT I UNDERSTOOD FROM THE PLANNING DIRECTOR WAS DOING THAT SURVEY YOU KNOW THAT'S ADDITIONAL STAFF TIME POTENTIALLY, MAYBE NOT SO MUCH IF WE USE PUBLICLY AVAILABLE DATA.

I WAS THINKING ABOUT STATE MANDATES AS IT RELATES TO THE HOUSING ELEMENT AND DEADLINES WE HAVE TO ATTEMPT TO LIVE UP TO.

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AND SO I THINK THAT'S AN EXAMPLE WHERE WE HAVE GIVEN MORE REFERRALS NOW TO THAT DEPARTMENT BUT THAT DOESN'T TAKE AWAY THE STATE MANDATES AND THINGS THAT ARE CURRENTLY IN PROCESS THAT HAVE TO BE COMPLETED.

SO I KNOW OUR AGENDAS IS GOING TO TAKE THIS BACK.

AND SOLVE IT ALL IN THE NEXT MEETING PROBABLY IN SHORT ORDER.

SO IN ANY CASE, I WANT TO THANK THOSE WHO THOUGHT ABOUT THIS AND YEAH, I DO, I JUST WANT TO SAY GENERALLY AM A LITTLE BIT CONCERNED ABOUT A LENGTHY BUREAUCRATIC PROCESS.

BUT I DO THINK WE HAVE TO GIVE OUR CITY STAFF CLEAR PRIORITIES THAT ARE ACHIEVABLE SO THAT MEANS THERE DOES HAVE TO BE SOME KIND OF LIMIT TO IT THAT WE DO HAVE THINK ABOUT.

AND I THINK THE BIGGEST CONCERN THAT I HAVE AS A MEMBER OF THIS BODY IS WHEN WE GET A LARGE NEW PROGRAM THAT THE CITY HAS NEVER DONE BEFORE THAT WOULD REQUIRE YOU KNOW NEW STAFF, NEW SIGNIFICANT BUDGET ON AN ONGOING BASIS.

THOSE ARE THE THINGS THAT YOU KNOW, I JUST WANT US TO BE AWARE OF THOSE COMMITMENTS WHEN WE MAKE THEM.

BECAUSE THOSE ARE THINGS WE HAVE TO PLAN FOR ON AN ONGOING BASIS.

SO THERE IS SOME WAY, YOU KNOW, IF WE'RE GOING TO TAKE THOSE THINGS ON, WE HAVE TO THINK ABOUT WHAT ARE WE NOT GOING TO DO. IN SOME CASES I THINK ABOUT DEPARTMENTS LIKE H.H.C.S.

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HOUSING HEALTH AND COMMUNITY SERVICES, A LOT OF WHAT THEY DO IS MANDATED.

THESE ARE REQUIRED PROGRAMS THAT WE'RE ADMINISTERING, WE RUN A PUBLIC HEALTH DEPARTMENT, WE HAVE A MENTAL HEALTH DIVISION, WE HAVE TO RUN THESE PROGRAMS.

AND SO, YOU KNOW, WE HAVE TO FIGURE OUT WHAT DOES IT MEAN WHEN WE GIVE THAT DEPARTMENT A WHOLE NEW PROGRAM TO LIFT UP AND HOW IS THAT GOING TO HAPPEN WITH A STAFFING SITUATION WE'RE IN.

AND YOU KNOW, I THINK IT MAY BE A NEW NORMAL BECAUSE I'M HEARING A LOT ABOUT GOVERNMENT AGENCIES THAT HAVE HIGH VACANCY AND YOU KNOW, IT'S A CHALLENGE BECAUSE ALL OF THESE ENTITIES ARE RECRUITING AND IT'S A CHALLENGING LABOR SITUATION RIGHT NOW.

SO IN ANY CASE, I WILL LEAVE IT AT THAT AND THANK EVERYONE FOR THE THEIR CONTRIBUTIONS TO THIS ITEM.

THANK YOU.

>> MAYOR J. ARREGUIN: COUNCILMEMBER HARRISON, THEN WRAP IT UP.

>> K HARRISON: MADAM CITY MANAGER, THAT WAS HELPFUL.

I THINK WE INSTITUTE THE R. R.V. TO DO WHAT YOU ARE TALKING ABOUT.

I WOULD LOVE FOR YOU TO DISCUSS WITH THE AGENDA COMMITTEE WHY THAT DOESN'T FUNCTION THAT WAY.

I THOUGHT THAT'S WHY WE HAD IT.

THERE IS SOMETHING MISSING WE NEED TO DEAL WITH.

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I WANTED TO MAKE SURE ALL OF US RECOGNIZE THERE IS SOMETHING NOT QUITE RIGHT ABOUT THE R.R.V. AND IT'S NOT GETTING THE CITY MANAGER WHAT SHE NEEDS.

HOWEVER WE CAN GET THAT RESOLVED WOULD BE GREAT.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

THANK YOU VERY MUCH.

I THINK THIS WAS A GOOD DISCUSSION.

I APPRECIATE WE HAD THIS FORUM TO HEAR EVERYONE'S INPUT.

SO WE'LL TAKE ALL THIS FEEDBACK BACK TO THE COMMITTEE.

AND TRY TO IDENTIFY THE AREAS WHERE THERE IS CONSENSUS.

FIRST AND FOREMOST, I HEARD CONSENSUS THAT STAFF INPUT INTO THE PROCESS OF DRAFTING LEGISLATION IS IMPORTANT EARLIER IN THE PROCESS.

I THINK EVERYONE IS IN AGREEMENT ON THAT.

THAT WE NEED TO DEVELOP SOME CLEAR CRITERION FOR DETERMINING WHAT IS A MAJOR ITEM.

I THINK- AND THE CITY MANAGER ACTUALLY PROVIDED SOME SUGGESTED LANGUAGE FOR DEFINITION CANNOT BE OPERATIONALIZED OVER TIME, NOT IMPLEMENTABLE WITH EXISTING RESOURCES.

ADDITIONAL AND NEW FTE NEEDED.

ADDITIONAL COSTS.

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SOME METRIC BY WHICH THIS CAN'T BE ABSORBED BY EXISTING RESOURCES WE NEED TO DEDICATE NEW RESOURCES AND THAT IS NOT A PROBLEM.

AND I HAVE TO SAY THAT, YOU KNOW, WE'RE BERKELEY. YOU KNOW, WE'RE ALWAYS AT THE CUTTING EDGE.

YES WE HAVE TO PROVIDE BASELINE SERVICES BUT WE ALSO ARE REALLY AT THE FOREFRONT OF INNOVATIVE PUBLIC POLICY.

AND RESPONDING TO A LARGE MACRO ISSUES.

THAT ARE FACING THIS COUNTRY AND THIS REGION.

AND THAT WE'RE RESPONDING TO AND PROGRESS WE'RE MAKING IN BERKELEY TO ADDRESS THE HOUSING CRISIS, HOMELESSNESS, PUBLIC SAFETY.

AND MODELING BEST PRACTICES THAT OTHER CITIES CAN FOLLOW IN THE STATE.

AND THAT DOES MEAN WE HAVE TO THINK OUTSIDE THE BOX AND DO NEW THINGS.

AND TAKE ON NEW LEVELS OF RESPONSIBILITY AND ADAPT AND EVOLVE IN THE WAY WE SERVE THE COMMUNITY.

THERE IS ONLY SO MUCH STAFF AND BUDGET.

HAVING A CLEAR PROCESS AND WAY TO PRIORITIZE, AND MAKING SURE WE HAVE FLEXIBILITY TO BE RESPONSIVE TO WHAT IS HAPPENING IN THE COMMUNITY AND WHAT THE COMMUNITY WANTS.

THAT'S WHAT THE PEOPLE OF BERKELEY WANT FROM US.

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GOING BACK TO A FEW OTHER THINGS.

WE NEED TO DEAL WITH THE BACKLOG.

I THINK AS WE GO BACK TO THE AGENDA COMMITTEE, DEFINITELY LOVE TO HEAR MORE FROM THE CITY MANAGER, CITY CLERK AND OTHER STAFF ABOUT YOUR THOUGHTS TOXIC THIS INPUT INTO CONSIDERATION.

WE'LL TRYING TO SUMMARIZE THE FEEDBACK AND NOTES TO THE COMMITTEE THAT WILL BE IN THE PACKET.

SO I THINK THERE IS AREAS OF AGREEMENT.

LOOKING AT USING A TEMPLATE WITH MORE REQUIRING MORE SPECIFIC INFORMATION ABOUT WHAT SHOULD BE IN AN ITEM TO MAKE SURE WE HAVE THE RELEVANT INFORMATION AND MAKE A DECISION THAT WE SHOULD TRY TO ALIGN IT WITH THE BUDGET PROCESS.

WE NEED TO FIGURE OUT THE TIMING OF THAT.

IS IT ONE TIME LINE, IS IT A ROLLING TIMELINE, WHAT IS THE TIMELINE FOR WHERE THE INPUTS ARE COMING IN AND OUTPUTS ARE COMING OUT.

AND REALLY SORT OF HELPING STRENGTHEN THE ROLE OF THE POLICY COMMITTEE TO REVIEW ITEMS IS ONE THING I HEARD AS WELL AND MAKING SURE WE HAVE CITY ATTORNEY REVIEW AND WE'RE ABLE TO HAVE THINGS OUT OF THE PROCESS IN ORDER FOR US TO BUDGET FOR THEM AND IMPLEMENT THEM.

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SO I THINK WE HAVE SOME COMMONALITY FROM THE FEEDBACK WE'VE  
GOTTEN AND WE'LL TRY TO CONSOLIDATE THIS INPUT AND COME BACK  
WITH A FRAMEWORK FOR THE COUNCIL TO CONSIDER.

WE DO NEED TO MOVE ON.

WE'RE PAST DUE FOR OUR 6:00 MEETING.

UNLESS IT IS CRITICAL, I WOULD LIKE TO WRAP UP THE DISCUSSION.

THANK YOU FOR YOUR COMMENTS.

I MAKE A MOTION TO ADJOURN THE 4:00 P.M. MEETING.

>> SECOND.

>> MAYOR J. ARREGUIN: IF WE CAN PLEASE CALL THE ROLL.

[ROLL CALL]

>> R. KESARWANI: YES.

>> T. TAPLIN: YES.

>> B. BARTLETT: YES.

>> K HARRISON: YES.

>> S. HAHN: YES.


>> S. WENGRAF: YES.

>> R. ROBINSON: YES.

>> M. HUMBERT: YES.

>> MAYOR J. ARREGUIN: YES.






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