

Human Welfare and Community Action Commission

AGENDA

Wednesday, July 20, 2016

7:00 PM

South Berkeley Senior Center, 2939 Ellis St. (Corner Ellis/Ashby)
Berkeley, CA 94703

Preliminary Matters

1. Roll Call
2. Public Comment

Update/Action Items

The Commission may take action related to any subject listed on the agenda, except where noted.

3. Approve Minutes from the 5/18/2016 and the 6/15/16 Regular Meetings (Attachment A)
4. Presentation On Police Militarization In The Bay Area (Speakers)
5. Presentation on Commissioner Conflict Of Interest (City Attorney) (Attachment B)
6. Review Community Services Block Grant (CSBG) Draft Plan for Spending 2016 Targeted Initiative Funds (Attachment C)
7. Review City of Berkeley Funded Agency Program And Financial Reports
 - A. Family Violence Law Center (Attachment D)
 - B. J-Sei (Attachment E)
8. Update On HWCAC Recommendation to City Council on Resources For Sexual Assault Survivors
9. Review Draft Memo to City Council on Air Quality in West Berkeley
10. Discuss Possible Action Regarding Bike Stations And Bikers Not Using Reflectors at Night
11. Review Draft HWCAC Council Report on Berkeley Homeless Policy (Attachment F)
12. Discuss HWCAC Recommendations to City Council to Change BMC Section 3.78.030, 040, and 050 Related to Commission Procedures (Attachment G)
13. Discuss Aquatic Park Development (Attachment H)
14. Review Latest City Council Meeting Agenda (Attachment I)
15. Announcements
16. Future Agenda Items

Adjournment

Attachments

- A. Draft Minutes of the 5/18/2016 and 6/15/2016 Meetings
- B. Avoiding Conflicts Of Interest Gov. Code 1090
- C. CSBG Targeted Initiative
- D. Family Violence Law Center Reports
- E. J-Sei Reports
- F. Draft Report on Homeless Policy
- G. Commission Process Improvement
- H. Aquatic Park Development
- I. Review City Council Meeting Agenda at City Clerk Dept. or
<http://www.cityofberkeley.info/citycouncil>

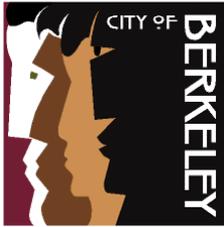
Communications

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information. Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at Housing and Community Services Department located at 2180 Milvia Street, 2nd Floor.

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 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. **Please refrain from wearing scented products to this meeting.**

Secretary:
Wing Wong
Health, Housing & Community Services Department
510-981-5428
wwong@CityofBerkeley.info

Mailing Address:
Human Welfare and Community Action Commission
Wing Wong, Secretary
2180 Milvia Street, 2nd Floor
Berkeley, CA 94704



Human Welfare and Community Action Commission

DRAFT MINUTES

Wednesday, May 18, 2016

7:00 PM

South Berkeley Senior Center, 2939 Ellis St. (Corner Ellis/Ashby)
Berkeley, CA 94703

Preliminary Matters

1. Roll Call: 7:15PM
Present: Dunner, Sood, Omodele, DaSilva, Trigueros, McMullan (7:20PM), Browne (7:23PM)
Absent: Bookstein* (excused absence, but chose to attend), Fishman, Davila
Quorum: 5 (Attended: 8, included Bookstein*)
Staff Present: Kristen Lee and Wing Wong
2. Public Present: 2
Public Comment: 1

Update/Action Items

3. Approve Minutes from the 4/20/2016 Regular Meeting
Action: M/S/C (Dunner/Omodele) to approve the 4/20/2016 minutes as submitted.
Vote: Ayes – Dunner, Sood, Omodele, DaSilva, Trigueros; Noes – None; Abstain – None; Absent – Bookstein*, Browne, McMullan, Fishman, Davila.

4. Review Letter on Air Quality in West Berkeley
Speaker: 1
Public comment: 1

Speaker L.A. Wood, a representative from Berkeleyairmonitor.org, spoke about air quality in West Berkeley. He requested that the HWCAC recommend that City Council provide \$25,000 in funding for the organization to monitor downwind of the industrial zone in residential neighborhoods in West Berkeley.

Commissioners discussed Mr. Wood's proposal, articulated concerns, and asked Mr. Wood to develop a more detailed proposal. Commission will not take action until reviewing a draft letter to City Council by Commissioner McMullan.

5. Review Key CSBG Reports (Attachment B)
Commissioners reviewed the following reports.
 - A. Building Opportunities For Self Sufficiency (BOSS) Program and Financial Reports. BOSS has 3 programs: Singles Emergency Shelter Program, Families Transitional Housing Program and the Representative Payee Program. Commissioners discussed the outcomes and the number of clients served under these programs for the period of 10/1/2015 to 12/31/2015.
 - B. 2015 City of Berkeley Single Audit. Staff presented the results of the 2015 Singles audit which included one finding in the CSBG program.
 - C. 2015 CSBG Information Survey Report. Commissioners reviewed the report.
6. Discuss Revisions to Chapter 3.78 of the Berkeley Municipal Code Regarding Elections of Low-Income Representatives
Commissioners reviewed the Berkeley Municipal Code (BMC) Chapter 3.78, which is the ordinance governing the commission. The Commission discussed

the functions of the commission and preferred the functions to remain broadly defined. Commissioners also suggested expanding the low-income representatives to be City-wide, instead of limiting to three districts. Staff will review these suggestions against the CSBG regulations, incorporate these changes if possible, and return with a revised draft Ordinance. Commissioners continued this item to the 6/15/2016 meeting.

7. Discuss Strategies for Filling HWCAC Vacancies

Commissioners requested that the Secretary update the recruitment flyer for the commissioners to use when they outreach at community events. This flyer will also be posted at various non-profit community agencies and affordable housing sites. Continued to 6/15/2016 meeting.

8. Update on Commission Process Improvement Resolution

The Commission submitted a report to City Council requesting the City Manager to add language to the BMC regarding the removal and appointment of commissioners. Chair Sood reported back to the commission that the City Council chose to take no action at its April 26, 2016 meeting.

9. Discuss Possible Action Regarding Bike Stations And Bikers Not Using Reflectors at Night

Commissioners discussed bike safety issues and possible remedies. The Secretary will solicit more information from Transportation Commission on this item. Continued to 6/15/2016.

10. Update on Berkeley Housing Authority (BHA) Project Move-Up

Project Move-up is a partnership between the City and the Berkeley Housing Authority (BHA) to assist 5 previously homeless individuals living in Single Room Occupancy Units (SRO) and 5 families in the City's Shelter Plus Care Program (SPC) each year for 5 years to move from supportive housing into private market housing with a Section 8 Voucher. This will create opportunities for currently homeless individuals and families to move into the vacated SRO and SPC units.

11. Review Latest City Council Meeting Agenda (Attachment E)

Continued to 6/15/2016.

Adjournment

Adjourned at: 9:53 pm

Minutes approved on: _____

Commission Secretary: _____



Human Welfare and Community Action Commission

DRAFT MINUTES

Wednesday, June 15, 2016

7:00 PM

South Berkeley Senior Center, 2939 Ellis St. (Corner Ellis/Ashby)
Berkeley, CA 94703

Preliminary Matters

1. Roll Call: 7:10PM
Present: Dunner, Bookstein, Sood, Omodele, Davila
Absent: McMullan (Excused Absent), Browne, DaSilva, Fishman, Trigueros
Quorum: 5 (Attended: 5)
Staff Present: Paul Buddenhagen, Kristen Lee and Wing Wong
2. Public Comment: 0

Update/Action Items

The Commission may take action related to any subject listed on the agenda, except where noted.

3. Approve Minutes from the 5/18/2016 Regular Meeting (Attachment A)
Commissioners reviewed and discussed 5/18/2016 minutes. There was discussion on whether the quorum was met because a commissioner attended the meeting even though excused absence was granted to her. Secretary will check in with the Clerk Department. This item will be continued to the 7/20/2016 meeting.
4. Review Community Services Block Grant (CSBG) 2016 Contract Amendment
Action: M/S/C (Sood/Dunner) to accept CSBG 2016 contract amendment, bringing the total 2016 contract amount to \$265,577.
Vote: Ayes – Dunner, Bookstein, Sood, Omodele, Davila; Noes – None; Abstain – None; Absent – McMullan, Browne, DaSilva, Fishman, Trigueros.

Staff Kristen Lee also reported that the City will be receiving CSBG discretionary funding this year that can be used for targeted initiatives in 3 areas: Earned Income Tax Credit (ETIC), Homeless Services and CAA Capacity Building. Commissioners asked staff to present more information ideas on potential uses of the discretionary funds at the 7/20/2016 meeting.

5. Review Key CSBG Reports
Commissioners reviewed and discussed the program and financial reports of East Bay Community Law Center, which has two programs: Housing Advocacy and Neighborhood Justice Clinic, for the period of 1/1/2016 to 3/31/2016.
6. Review HWCAC Vacancies Flyer
Commissioners reviewed a draft flyer to recruit Representatives From the Low-Income Community. Secretary will make edits and Commissioners will let the secretary know the number of copies they each need to support additional outreach to fill vacant elected seats.
7. City Council Referral Ratings

Commissioners were informed that City Council is adopting a system of Re-weighted Range Voting (RRV) to prioritize City Council referrals to staff. Currently, there are 79 outstanding referrals from 1/17/2012 to 4/5/2016. This system enables City Council to provide direction to staff on which referrals are highest priority and should be completed first.

8. Review Letter on Air Quality in West Berkeley

Commissioners reviewed a draft memo to City Council. There are edits to be made and the revisions will be reviewed at the 7/20/2016 meeting.

9. Discuss Possible Action Regarding Bike Stations And Bikers Not Using Reflectors at Night

Commissioners reviewed and discussed 6/11/2015 minutes from Transportation Commission. The minutes outline a comprehensive plan to address bike safety at night that was abandoned by the Transportation Commission. Commissioners discussed using this plan as a blueprint for future HWCAC action.

Action: M/S/C (Sood/Dunner) to authorize commissioner Bookstein as a representative of HWCAC to attend meetings of Transportation Commission and report back in future meetings.

Vote: Ayes – Dunner, Bookstein, Sood, Omodele, Davila; Noes – None; Abstain – None; Absent – McMullan, Browne, DaSilva, Fishman, Trigueros.

10. Review City of Berkeley Homeless Policy

Commissioner Omodele led the discussion of Berkeley Homeless Policy. She will draft a memo to urge City Council to adopt permanent housing as the solution of homelessness. The draft memo will be presented at the 7/20/2016 meeting.

11. Update of Berkeley Community Fund

The Commission submitted a report to City Council requesting the City Manager to establish a fund that would allow people to make tax-deductible donations, which would be disbursed through the City's community agency allocation process. Chair Sood reported back to the commission that at its 5/24/2016 meeting, the City Council found this recommendation impractical and did not take action.

12. Discuss Commission Process Improvement

Continued to 7/20/2016.

13. Review Latest City Council Meeting Agenda

Continued to 7/20/2016.

14. Announcements

- a. Kristen Lee reported that the State Department of Community Services and Development has agreed to provide consultants to lead the HWCAC in a Strategic Planning Retreat. Commissioners also discussed possible times and dates regarding a retreat for strategic planning. Commissioners present prefer to hold the Strategic Planning session on a Sunday

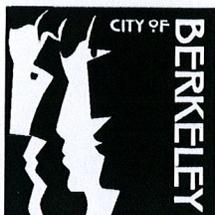
afternoon and weekday evening. Kristen Lee will submit this request to the State and report back on possible dates.

Adjournment

Adjourned at: 9:35 pm

Minutes approved on: _____

Commission Secretary: _____



Office of the City Attorney

June 4, 2015

To: Boards and Commissions

From: Zach Cowan, City Attorney 

Re: Avoiding Conflicts of Interest Under Section 1090 in the Context of Funding Recommendations

This office has been asked for advice as to the process for a board or commission should use to ensure compliance with Government Code section 1090 in making recommendations about funding community agencies or other potential recipients of City funds, including state and federal funds.

Government Code section 1090 states:

The Government Code prohibits public officers, acting in their official capacities, from making contracts in which they are financially interested. Government Code Section 1090 provides in relevant part:

Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.

If the officer is a member of a legislative body that executes or finally approves the contract, this prohibition extends to the entire body on which he or she serves. *Thomson v. Call* (1985) 38 Cal.3d 633, 649, cert denied (1986) 474 US 1057. Section 1090 "also applies to members of advisory bodies, if they participate in the making of a contract through their advisory function." (Conflicts of Interest (Cal. Dept. of Justice, pamph. 2010), p. 57, See *City Council (San Diego) v. McKinley* (1978) 80 Cal.App.3d 204; 82 Ops.Cal.Atty.Gen. 126 (1999).) The word "made" is used in "the broad sense to encompass such embodiments in the making of a contract as preliminary discussions, negotiations, compromises, reasoning, planning, drawing of plans and specifications and solicitation for bids." *Millbrae Ass'n for Residential Survival v. City of Millbrae* (1968) 262 Cal.App.2d 222, 237.

"[S]ection 1090 is to be 'strictly enforced'." 88 Cal. Op. Att'y Gen. 106 (2005). "The consequences of a violation of section 1090 can be quite harsh: Where a prohibited interest is found, the affected contract is void from its inception and the official who engaged in its making is subject to a host of civil and (if the violation was willful) criminal penalties, including imprisonment and disqualification from holding public office in perpetuity..."

Eden Twp. Healthcare Dist. v. Sutter Health (2011) 202 Cal. App. 4th 208, 219-20; See 89 Cal. Op. Att'y Gen. 121 (2006).

The California Attorney General's Office has opined that an officer or employee of a nonprofit corporation that is a contracting party qualifies as a "financial interest". *Conflicts of Interest* (Cal. Dept. of Justice, pamph. 2010), p. 62. However, state law has excepted two categories of "financial interests" from the reach of Section 1090, generally referred to as "remote interests" and "noninterests." Section 1091, subdivision (b), defines a series of remote interests, including "(1) That of an officer or employee of a nonprofit entity exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)),..." Both of the organizations at issue, BFHP and YEAH, are 501(c)(3) organizations, and the commissioners, respectively, fall into employee and board member roles with the two non-profits.

Government Code section 1091(a) provides a specific process for handling situations falling within the remote interest:

An officer shall not be deemed to be interested in a contract entered into by a body or board of which the officer is a member within the meaning of this article if the officer has only a remote interest in the contract **and** if the fact of that interest is disclosed to the body or board of which the officer is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

Government Code section 1091(c) further conditions the remote interest exception as follows: "This section is not applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he or she is a member to enter into the contract." (Cal. Gov't Code § 1091.) See *Eden Twp. Healthcare Dist.*, *supra*, 202 Cal. App. 4th at p. 219-20 [Where an interest is remote, a board member may comply with section 1090 by (1) making full disclosure of the interest, noted in the entity's official records, and (2) abstaining from voting on the affected contract or influencing other board members in any way.]

The California Attorney General's Office has interpreted Section 1091 as requiring a full recusal process.

It is to be noted that section 1091 of the Government Code speaks in terms of a board authorizing, approving or ratifying a contract 'in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

This office has characterized the requirements of section 1091 as meaning that the member **must not only disclose his interest in the proposed contract and refrain from attempting to influence other members, but that the member should completely abstain from any participation in the matter.** (See 65 Ops.Cal.Atty.Gen. 305, 307 (1982).)

Such complete abstention would also appear to be required to insure compliance with the PRA if the remote interest also falls within the purview of the act as a financial interest. (See Gov. Code, § 87100; FPPC Reg. § 18702.)

67 Cal. Op. Atty Gen. 369, at p. 377, fn. 8 (1984); See 78 Cal. Op. Att'y Gen. 230 (1995)
Under this process, simply voting to abstain is not sufficient. The officer must identify the scope of the contract "matter", and recuse him or herself from **all** discussions and actions that relate to the contract matter.

Section 36 of the City's Charter contains a prohibition that is similar to Section 1090:

No officer... shall be directly or indirectly interested in any contract, work or business of the City... No officer shall be in the employ of any public service corporation in the City or of any person having any contract with the City or of any grantee of a franchise granted by the City.

The City implemented Section 36 through BMC Chapter 3.64. Section 3.64.020.C further defines the recusal process for commissioners with a remote interest. "A ... member of a board or commission shall not be deemed to be 'interested' in a contract, work or business of the City if his or her relationship with the contracting party or entity constitutes a 'remote interest' within the meaning of Government Code Sections 1091 and 1091.5, the fact of such interest is disclosed to the department, board or commission of which he or she is a member and noted in its official records, **and the employee or member with such interest disqualifies himself or herself from participating in any manner, either directly or indirectly, in making or influencing any decision related to the contract, work or business of the City in which he or she has a remote interest.**"

What steps are required to comply with Section 1090 in any given case will depend on the potential conflicts that may exist. Some relevant factors are:

- Whether a commissioner is an employee of an agency that has applied for or might be a recipient of funding;

- Whether a commissioner is a non-compensated board member of an agency that has applied for or might be a recipient of funding;
- Whether a commissioner is a bob-compensated board member of an agency that has applied for or might be a recipient of funding;
- Whether in any instance the agency with which a commissioner is affiliated is a 501(c)(3) nonprofit agency;
- Whether the agency with which the commissioner is affiliated is competing with other agencies for the same pot of funds or whether the funds have been divided up into sub-groups for different purposes before the commissioner becomes involved;
- Other, less foreseeable issues.

In order to avoid conflicts under Section 1090, the following rules should be observed. In addition, we strongly encourage commission staff to consult with this office before beginning any funding allocation process to evaluate the best way to avoid conflicts of interest under Section 1090.

1. If an agency with which a commissioner is affiliated is identified as a potential recipient of funds, either directly or as a subrecipient, the commissioner must disclose his or her affiliation for the record (it will be noted in the minutes) and recuse his or herself before any discussion. Recusal involves announcing the potential conflict, and then leaving the room until the discussion of and any action on the commission recommendations is concluded. A commissioner is affiliated with an agency if the commissioner is a board member, officer, or employee of the agency, or a family member is an employee of the agency.
2. If an agency with which a commissioner is affiliated provides services within a funding category recommended by the commission, and the recommendation implicitly suggests an allocation of funds for that agency or could reasonably be read to do so, the commissioner must recuse his or herself, as described in paragraph 1.
3. In discussing commission recommendations that do not fall within paragraphs 1 or 2 above, if an agency with which a commissioner is affiliated provides services that could be funded by a recommendation, the commissioner should be careful not to propose or mention his or her affiliated agency. If the commissioner does mention the agency, it will be disqualified from receiving any funds.

2016 CSBG DISCRETIONARY
TARGETED INITIATIVES

AGENCY	CONTRACT #	AMOUNT
Amador/Tuolumne Community Action Agency	16F-5501	17,000
Berkeley Community Action Agency	16F-5502	17,000
Calaveras-Mariposa Community Action Agency	16F-5503	17,000
California Human Development Corporation	16F-5504	17,000
Campesinos Unidos, Inc.	16F-5505	17,000
CAP of San Luis Obispo County, Inc.	16F-5506	17,000
Center for Employment Training	16F-5507	17,000
Central Valley Opportunity Center, Inc.	16F-5508	17,000
City of Los Angeles Housing & Community Investment Dept.	16F-5509	17,000
City of Oakland, Department of Human Services	16F-5510	17,000
Community Action Agency of Butte County, Inc.	16F-5511	17,000
Community Action Board of Santa Cruz County, Inc.	16F-5512	17,000
Community Action Commission of Santa Barbara County	16F-5513	17,000
Community Action Marin	16F-5514	17,000
Community Action Napa Valley	16F-5515	17,000
Community Action of Ventura County, Inc.	16F-5516	17,000
Community Action Partnership of Kern	16F-5517	17,000
Community Action Partnership of Madera County, Inc.	16F-5518	17,000
Community Action Partnership of Orange County	16F-5519	17,000
Community Action Partnership of Riverside County	16F-5520	17,000
Community Action Partnership of San Bernardino County	16F-5521	17,000
Community Action Partnership of Solano, JPA	16F-5522	17,000
Community Action Partnership of Sonoma County	16F-5523	17,000
Community Services & Employment Training, Inc.	16F-5524	17,000
Contra Costa Employment & Human Services Dept/CSB	16F-5525	17,000
County of Los Angeles Dept. of Public Social Services	16F-5526	17,000
County of San Diego, H&HSA, CAP	16F-5527	17,000
County of Yolo Health and Human Services Agency	16F-5528	17,000
Del Norte Senior Center, Inc.	16F-5529	17,000
Economic Opportunity Council of San Francisco, Inc.	16F-5530	17,000
El Dorado County Health and Human Services Agency	16F-5531	17,000
Foothill Unity Center, Inc.	16F-5532	17,000
Fresno County Economic Opportunities Commission	16F-5533	17,000
Glenn County Health and Human Services Agency	16F-5534	17,000
Inyo Mono Advocates for Community Action, Inc.	16F-5535	17,000
Karuk Tribe of California	16F-5536	17,000
Kings Community Action Organization, Inc.	16F-5537	17,000
LAC/County NAIC of Los Angeles	16F-5538	17,000
Long Beach Community Action Partnership	16F-5539	17,000
Merced County Community Action Agency	16F-5540	17,000
Modoc-Siskiyou Community Action Agency	16F-5541	17,000
Monterey County Community Action Partnership	16F-5542	17,000
NCIDC, Inc.	16F-5543	17,000
Nevada County Dept. of Housing & Community Services	16F-5544	17,000
North Coast Opportunities, Inc.	16F-5545	17,000
Plumas County Community Development Commission	16F-5546	17,000
Project GO, Inc.	16F-5547	17,000
Proteus, Inc.	16F-5548	17,000
Redwood Community Action Agency	16F-5549	17,000
Sacramento Employment and Training Agency	16F-5550	17,000
Sacred Heart Community Service	16F-5551	17,000
San Benito County H&HSA, CS & WD	16F-5552	17,000
San Joaquin County Dept. of Aging & Community Services	16F-5553	17,000
San Mateo County Human Services Agency	16F-5554	17,000
Shasta County Community Action Agency	16F-5555	17,000
Sutter County Community Action Agency	16F-5556	17,000
Tehama County Community Action Agency	16F-5557	17,000
Yuba County Community Services Commission	16F-5558	17,000
TOTAL		986,000

to
up \$ 30,000
EITC
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LINNÉ K. STOUT
DIRECTOR

State of California-Health and Human Services Agency
DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT
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www.csd.ca.gov



2016 JUN 16 AM 11:31
 RECEIVED
 CITY MANAGER
 MUND G. BROWN JR.
 GOVERNOR

June 13, 2016

To All Community Services Block Grant (CSBG) Targeted Initiative Contractors:

2016 Community Services Block Grant (CSBG) Targeted Initiative Contract

Enclosed is your agency's contract packet for the 2016 Community Services Block Grant (CSBG) targeted Initiative Contract. It includes two copies of the face sheet (STD. 213), Part I of the contract, and an allocation spreadsheet.

Only Part I of the contract is being exchanged for execution with original signatures. Part II of the contract has been incorporated by reference in Part I of the contract as outlined in Article 2.1, Section D. Part II, and all required forms can be printed out from the CSD Provider's Website on the 2016 Contract page <http://providers.csd.ca.gov/CSBG/Contracts.aspx>.

In order to expedite the execution of your contract packet, please observe the following instructions, and feel free to use this letter as a checklist.

- Complete the section labeled "Contractor's Name" on both face sheets (STD 213). Print or type the name and title of the person who is authorized to sign the contract. Print the date signed. **Ensure that your agency's authorized representative has signed both face sheets.**
- Contractors shall submit a current roster of members of its governing board, including contact information for each board member at a location other than the office of the eligible entity and the most recent version of the organizational bylaws. Contractor's governing board must authorize the execution of this Agreement. Contractor has the option of demonstrating such authority by direct signature by a Board member or by any lawful delegation of such authority that is consistent with Contractor's bylaws. If you submitted a general resolution with another CSD contract and that general resolution applies to all CSD contracts, you need not resubmit it now. Please refer to the Contract's Part II, Article 4.1 Board Roster, Bylaws, Resolution, and Minutes.

- The following documents and forms must be completed, signed, and returned (as applicable) as part of your contract packet:
 - **CSBG Targeted Initiative Contract Part I**
 - Article 1 Scope of Work
 - Article 2 Contract Construction, Administration, Procedures
 - **CSD 627 Budget Series**
 - CSD 627 CSBG Contract Budget Summary
 - CSD 627A CSBG Budget Support Personnel Cost
 - CSD 627B CSBG Budget Support Non Personnel Cost
 - CSD 627C CSBG Contract Budget Narrative
 - CSD 627D CSBG Targeted Initiative Spending Plan
 - **CSBG/NPI Workplan CSD 801 W (Form)**
 - **CSD 626 Work Plan**
 - **Certification Regarding Lobbying/Disclosure of Lobbying Activities, STD Form LLL**
 - **Community Services and Development Federal Accountability and Transparency Act Report CSD 279 (Form)**

- Do not use correction fluid or tape. Do not make any changes or notations to the contract document. If any corrections are necessary, please contact your Field Representative. If you need to reproduce contract pages, please do so single-sided only.

- When you return the contract packet to CSD, please arrange all pages, including the face sheets and Part I in the same order in which you received them. All forms printed from the CSD Provider's Website will need to be added to the back of the contract packet. Include your budget forms, board roster, bylaws, resolution, and minutes as applicable; insurance and fidelity bond documents; advance request; and, if desired, a transmittal letter, but do not staple or otherwise attach these documents to the contracts themselves. Part II is outlined above for your reference only.

- Please return **both completed contract packets** within 30 days (45 days for public agencies) to:

Contract Services Unit
Department of Community Services and Development
2389 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833-4246

2016 CSBG Targeted Initiative Contractors
June 13, 2016
Page 3

Please keep in mind that in order for CSD to execute your contract, all of your agency's contract documents must be **complete**. Authorized persons must sign both face sheets and applicable attachments.

Except as waived for self-insured governmental entities, the Certificate of Liability Insurance must name CSD as the Certificate Holder and as an additional insured, except for workers' compensation and fidelity bond. Insurance documents that are on file at CSD must be current or replaced. Coverage must include worker's compensation insurance, fidelity bond, general liability, and vehicle insurance.

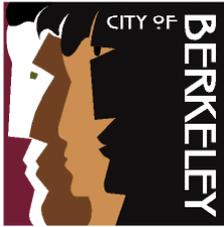
If you have any questions regarding the board roster, bylaws, resolution, and minutes; reporting forms; insurance; or any other requirements, please contact your Field Representative.

Sincerely,



Sean Hammer
Administrative Operations Manager

SH:mn
Enclosures



Health Housing and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: The Human Welfare and Community Action Commission

From: Kristen S. Lee, Manager

Date: July 13, 2016

Subject: **Recommended Allocation of CSBG Discretionary Funding and Additional 2016 Funding**

The City of Berkeley, which is a Community Action Agency (CAA), receives Community Services Block Grant funds (CSBG) to support anti-poverty programs. As you are aware, the annual City of Berkeley CSBG funding amount has been approximately \$250,000 for several years. These funds are used for homeless services provided by Building Opportunities for Self Sufficiency (BOSS), and for staffing in the Health, Housing & Community Services Department to administer the CSBG program. This includes administering funding for several homeless programs and staffing the HWCAC, which acts as the Tripartite Board for CSBG funding.

Staff were recently informed of two increases in CSBG funding that will be available for the next six months. On May 25 the State Department of Community Services and Development (CSD) issued a letter, stating that the final award amount for the City will increase to \$265,577; this is a \$15,301 increase. The HWCAC voted at its last meeting to accept this additional funding. And on June 13, CSD informed staff that, in addition to the increase in the regular allocation of CSBG funding, Berkeley will be awarded additional discretionary funds to be used for targeted initiatives. The amount available for these targeted initiatives will be approximately \$25,000 to \$30,000. CSD has not been specific on the final amount of funding.

Staff is asking that you recommend that City Council accept this targeted initiative funding, which will be awarded to us in two parts: an initial contract amount of \$17,000 and a future contract amount which will bring the total to anywhere from \$25,000 to \$30,000. Both the \$15,301 increase in our regular CSBG allocation and the additional \$25,000 to \$30,000 need to be spent by December 31, 2016.

A Vibrant and Healthy Berkeley for All

The extra \$15,301 in regular CSBG funding is technically able to be spent on a wide variety of programs, ranging from employment supports to emergency services for the homeless. Because, however, these funds need to be spent by December 31, 2016, staff recommends that these funds be used for one-time expenditures. The \$30,000 in Targeted Initiative Funding can be spent on any of the following three categories of programming:

- a. Community Action Agency Capacity Building;
- b. Homeless programs; and
- c. Programs related to promoting the Earned Income Tax Credit (EITC).

The Targeted Initiative Funds must be allocated to one-time expenditures.

Staff recommends using the \$15,301 and \$30,000 for the following activities:

1. Support for the City's Homeless Coordinated Entry System:
 - Outreach to Landlords to Increase the Availability of Housing for Homeless People in Berkeley (\$11,000). This could include an appreciation event for existing landlords and advertising to encourage new landlords to rent to homeless clients; and
 - Training and technical assistance for homeless services providers (\$12,000). This would include training on best practices in service delivery, including Progressive Engagement and housing problem solving strategies.
2. Training and Other Technical Assistance to Assist Berkeley's Community Action Agencies to meet the new Organizational Standards:
 - Design and implement a Customer Satisfaction Survey for consumers of services funded through CAA programs (\$9,000). The CSBG Organizational Standards require that the Berkeley CAA develop and implement a Customer Satisfaction Survey; and
 - Survey non-profit providers of services to determine other training needs (\$12,000).

Staff has indicated preliminary estimates of what some of these items may cost. Final costs have not been determined. Staff would like to hear from HWCAC members any additional ideas for one-time expenditures. Staff would like to request that the HWCAC allow staff some flexibility in entering into contracts to provide any or all of the items above, and any or all of the items that may be recommended by HWCAC at your meeting. This is due to the fact that obtaining Council approval and entering into contract takes a lot of time, and having flexibility will ensure that HHCS staff can get contracts in place and spent by the deadline. .

Staff understands that several members of the HWCAC have requested training for HWCAC members on the required duties of the body as the Berkeley CAA Board. CSD has agreed to pay its technical assistance provider, CalCAPA, to provide both board training and a strategic planning session free of cost to the Berkeley CAA.

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**CITY OF BERKELEY
COMMUNITY AGENCY STATEMENT OF EXPENSE
01/01/2016 TO 03/31/2016**

Note: Any variation from the Approved Budget exceeding ten percent (10%) requires a Budget Modification Form.

Agency Name: [Family Violence Law Center](#) Contract #: [10005](#)
 Program Name: [Domestic Violence & Homeless Prevention \(DVHP\)](#) PO #: [105543](#)
 Funding Source : General Fund

Expenditure Category	Approved Budget	Jul-Sep 2015	Oct-Dec 2015	Jan-Mar 2016	Apr-Jun 2016	Total Expenditure	Budget Balance
Executive Director	\$1,577.00	\$1,500.00	\$77.00	\$0.00		\$1,577.00	\$0.00
Crisis Intervention Specialist	\$34,879.00	\$8,963.76	\$8,803.01	\$9,260.47		\$27,027.24	\$7,851.76
Finance Director	\$1,577.00	\$474.71	\$376.23	\$376.23		\$1,227.17	\$349.83
Taxes/Benefits	\$7,176.00	\$1,802.48	\$3,737.64	\$1,635.88		\$7,176.00	\$0.00
Office Supplies	\$400.00	\$78.48	\$321.52	\$0.00		\$400.00	\$0.00
Rent	\$1,605.00	\$280.43	\$547.23	\$385.98		\$1,213.64	\$391.36
Printing and copying	\$836.00	\$115.16	\$347.63	\$168.53		\$631.32	\$204.68
Books,Subscriptions,References	\$1,554.00	\$279.24		\$496.32		\$775.56	\$778.44
Professional Srvcs	\$4,206.00	\$642.47	\$700.78	\$1,618.80		\$2,962.05	\$1,243.95
Memberships	\$775.00	\$0.00	\$572.00	\$120.00		\$692.00	\$83.00
Indirect Costs	\$5,456.00	\$1,413.67	\$1,364.00	\$1,406.22		\$4,183.89	\$1,272.11
TOTAL	\$60,041.00	\$15,550.40	\$16,847.04	\$15,468.43		\$47,865.87	\$12,175.13

Advances Received [\\$45,031.00](#)
 Underspent/(Overspent) [-\\$2,834.87](#)

Explain any staffing changes and/or spending anomalies that do not required a budget modification at this time:

- Expenditures reported in this statement are in accordance with our contract agreement and are taken from our books of account which are supported by source documentation.
- All federal and state taxes withheld from employees for this reporting period government agencies. Furthermore, the employer's share or Unemployment and State Disability insurance, and any related government contributions remitted as well.

Prepared By: [Juliet Crosby](#) Email: jcrosby@fvlc.org Date: [04/21/2016](#)
 Authorized By: [Erin Scott](#) Email: escott@fvlc.org
 Name of Authorized Signatory with Signature on File

Approved By: Wing Wong 04/21/2016 Project Manager Date	Examined By: _____ CSA Fiscal Unit Date	Approved By: _____ CSA Fiscal Unit Date
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**City of Berkeley
Community Agency
CLIENT CHARACTERISTICS REPORT**

Contract No: 10005

Agency: [Family Violence Law Center](#)
 Program: [Domestic Violence & Homeless Prevention \(DVHP\)](#)
 Phone: [\(510\) 208-0220 ext. 360](#)

Period of: **1st Half 2016**
 Report Prepared By: [Erin Scott](#)
 E-mail: escott@fvlc.org

1. CLIENT SUMMARY - 1st Half

	1st Half	YTD
A. Total New Clients Served by the Program (Berkeley and Non-Berkeley)	1,232	1,232
B. Total New Berkeley Clients Served for Whom You Were Able to Gather Statistics on Age, Race/Ethnicity, and Income:	71	71
C. Total New Berkeley Clients Served for Whom You Were NOT Able to Gather Statistics on Age, Race/Ethnicity, and Income:	14	14
D. Total New Berkeley Clients Served:	85	85

2. DEMOGRAPHIC DATA

RACE - Unduplicated Count	Previous Periods		Report Period		Year-To-Date	
	Non-Hispanic	Hispanic Ethnicity	Non-Hispanic	Hispanic Ethnicity?	Non-Hispanic	Hispanic Ethnicity
Single Race Categories						
American Indian/Alaskan Native	0	0	0	1	0	1
Asian	0	0	8	0	8	0
Black/African American	0	0	24	0	24	0
Native Hawaiian/Pacific Islander	0	0	0	0	0	0
White	0	0	20	8	20	8
Combined Race Categories						
American Indian/Alaskan Native & White	0	0	1	0	1	0
Asian & White	0	0	1	0	1	0
Black/African American & White	0	0	0	0	0	0
American Indian/Alaskan Native & Black/African American	0	0	0	0	0	0
Other Combined Race Categories	0	0	6	2	6	2
TOTALS	0	0	60	11	60	11
TOTAL SERVED	0		71		71	

3. INCOME LEVEL

Income Level - Unduplicated Count	Previous Periods	This Period	YTD
Poverty	0	10	10
Poverty to 30% of AMI (Ex. Low)	0	1	1
31-50% of AMI (Low)	0	57	57
51-80% of AMI (Moderate)	0	3	3
Above 80% of AMI	0	0	0
TOTALS	0	71	71

4. AGE

Age - Unduplicated Count	Previous Periods	This Period	YTD
0-5	0	0	0
6-11	0	1	1
12-17	0	1	1
18-24	0	14	14
25-44	0	38	38
45-54	0	11	11

55-61	0	4	4
62 and Over	0	2	2
Unknown	0	0	0
TOTALS	0	71	71

5. OTHER CHARACTERISTICS

Other Characteristics - Unduplicated Count	Previous Periods	This Period	YTD
Female	0	67	67
Male	0	4	4
Disabled	0	15	15
Homeless	0	4	4
Chronically Homeless	0	1	1
Female Head of Household	0	20	20

6. SERVICE MEASURES

Service Measures	Annual Goal		1st Half		2nd Half		Served YTD		% Served	
	UOS	New Clients	UOS	New Clients	UOS	New Clients	UOS	New Clients	UOS	New Clients
**** Legal / Mediation Services ****										
1 Legal/Mediation Sessions	50	20	199	27			199	27	398%	135%
**** Disability Services ****										
2 Advocacy Interventions/Case Management Sessions/Educ. Training Sessions/Counseling Sessions	350	125	111	74			111	74	32%	59%

1st Half Narrative

When Jessica first came to us she was very distraught after experiencing abuse with the father of her children. Jessica was afraid for her safety because her Abuser is a habitual user of hard drugs and his behavior was erratic, aggressive, and dangerous. She initiated the process to file for a Restraining Order on her own, but the court denied her Temporary Order before her hearing based on lack of evidence. Our legal team consulted with Jessica to assist her in preparing for court and our Berkeley advocate accompanied her to provide her with emotional support. With FVLC's support, she received her 5 year permanent Restraining Order. Jessica fled the abuse by moving in with her mother and she also contacted us for assistance with housing. We wrote a letter confirming that we assisted client with her Restraining Order case and she was able to qualify to move into new housing for herself and her two children.

7. OUTCOMES

Outcomes	Annual Goal	1st Half Achieved Outcome	2nd Half Achieved Outcome	Achieved Outcome YTD	% Achieved Outcome of Annual Goal	% Achieved Outcome of Total Served
1 Clients remained stably housed	10	26		26	260%	31%
1 Clients rights protected, restored or acquired	10	24		24	240%	28%
2 Participants achieved enhanced skills or knowledge	65	50		50	77%	59%

1st Half Narrative

Cindy came to FVLC during our walk-in hours regarding abuse she endured from her husband. For over six years he physically and emotionally abused Cindy. He hit her, yelled at her, called her demeaning names and refused to

return her and their children's legal documents. Cindy initially met with an FVLC advocate to discuss safety planning. She subsequently met with an FVLC attorney, who prepared and filed her request for a restraining order request, along with custody and child support orders. An FVLC attorney represented Cindy at her temporary restraining order hearing where she was granted a one year Restraining Order After Hearing protecting herself and her unborn child. Through her ROAH Cindy also received child custody orders, child support, spousal support and return of her property.

Date Signed 01/29/2016

Approved By Wing Wong

Date Signed 02/04/2016

Initially submitted: Jan 29, 2016 - 15:15:30

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**CITY OF BERKELEY
COMMUNITY AGENCY STATEMENT OF EXPENSE
01/01/2016 TO 03/31/2016**

Note: Any variation from the Approved Budget exceeding ten percent (10%) requires a Budget Modification Form.

Agency Name: [J-Sei](#) Contract #: [10008](#)
 Program Name: [Senior Services](#) PO #: [105576](#)
 Funding Source : General Fund

Expenditure Category	Approved Budget	Jul-Sep 2015	Oct-Dec 2015	Jan-Mar 2016	Apr-Jun 2016	Total Expenditure	Budget Balance
Site Coordinator	\$3,845.00	\$961.00	\$961.00	\$961.00		\$2,883.00	\$962.00
Case Manager Bilingual	\$5,000.00	\$1,250.00	\$1,250.00	\$1,250.00		\$3,750.00	\$1,250.00
TOTAL	\$8,845.00	\$2,211.00	\$2,211.00	\$2,211.00		\$6,633.00	\$2,212.00

Advances Received	\$6,634.00
Underspent/(Overspent)	\$1.00

Explain any staffing changes and/or spending anomalies that do not required a budget modification at this time:

- Expenditures reported in this statement are in accordance with our contract agreement and are taken from our books of account which are supported by source documentation.
- All federal and state taxes withheld from employees for this reporting period government agencies. Furthermore, the employer's share or Unemployment and State Disability insurance, and any related government contribu remitted as well.

Prepared By: [Diane Wong, Suzanne Otani](#) Email: diane@j-sei.org, suzanne@j-sei.org Date: [05/12/2016](#)
 Authorized By: [Diane Wong](#) Email: diane@j-sei.org
 Name of Authorized Signatory with Signature on File

Approved By: Rhianna Babka 05/17/2016 Project Manager Date	Examined By: _____ CSA Fiscal Unit Date	Approved By: _____ CSA Fiscal Unit Date
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Initially submitted: May 12, 2016 - 14:02:11

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**City of Berkeley
Community Agency
CLIENT CHARACTERISTICS REPORT**

Contract No: 9309

Agency: J-Sei

Program: Senior Services

Phone: 510-848-3560

Period of: **FY 2015**

Report Prepared By: Diane Wong

E-mail: diane@j-sei.org

8. ANNUAL ACCOMPLISHMENTS:

Provide a short summary of your FY annual accomplishments:

J-Sei exceeded service delivery projected in the original City of Berkeley proposal. J-Sei served 324 Berkeley seniors with a wide range of preventative services. At the Senior Center, Berkeley residents accessed nutritious meals, transportation, education, cultural events, exercise, day trips, health screenings and social engagement. All Berkeley seniors also had access to home delivered lunches, Friendly Visitors, a caregiver registry and our Saturday Morning Series and youth supported home improvements. As part of our contract with City of Berkeley, we provided intensive case management to Berkeley seniors as well.

During the past year, 89% of service users were minorities, 42% were Japanese American, 29% are low-income and 22% live alone. 40% of the seniors served have two or more impairments that limit their ability to live independently. J-Sei's programs are designed to fit the unique and unmet needs of this population.

J-Sei has provided the following educational opportunities that reached over 800 people of various ages:

Senior Center Classes

- Kimekomi Doll Making
- Calligraphy
- Tai Chi/Stretching/Yoga/Meditative Movement
- Stretch, Strengthen and Balance
- Quilting
- Writing
- Sewing and Pattern Making
- Computer and technology
- Paper Crafts

Monday Lectures (topics from past 12 months)

- 10 Signs to Detecting Alzheimer's
- Fall Prevention
- Take Control of Your Driving
- Hearing Loss
- Holistic Health
- Easy Does It Emergency Services
- The Link Between Oral Health and Illness
- A Healthy Spine
- What Does It Mean to Be Japanese?
- How to Choose An Executor
- Companionship Over 60
- Understanding Your Grandkids

Senior Center Special Events

- Thanksgiving feast
- Holiday party
- New Year's Celebration
- Asian Day

Health Screening

- Foot care
- Blood pressure screening
- Vision screening
- Flu Shot Clinic

- Berkeley Outreach Library

Day Trips (destinations of past 12 months)

- Valley of the Moon CornerStone Gardens and Jack London State Park
- San Jose Egyptian Museum and Gardens and New Almaden Quicksilver Mining District
- Big Break Visitor Center, Oakley and Isleton and Locke: Historic Chinese and Japanese Communities in the Delta
- Wakamatsu Tea and Silk Colony: First Japanese Settlement in the US
- Shiva Vishnu Hindu Temple and Sutherland Craft Distillery
- Paul Kitagaki Exhibit in Sacramento, Walnut Grove Restored Bathhouse
- Asian Art Museum: Japan's Floating World Exhibition
- Levi Stadium and Santa Clara Crime Laboratory

Saturday Morning Series (lectures)

- Death and Dying
- Japanese New Year's Food: Traditions and Symbolism
- Senior Travel Tips
- Genealogy Research

Community Special Events

- East Bay documentary premiere Hidden Legacy: Japanese Traditional Performing Arts in the WWII Internment Camps
- 3rd Annual Family Festival featuring live Japanese music, dance, demonstrations and activities

With a small staff of 6 full-time equivalents, a large team of 100 volunteer provide over 6,500 hours of assistance a year. Together, we are able to achieve the agency's mission.

J-Sei is grateful to continue this wonderful partnership with the City of Berkeley to address the growing needs of a vulnerable older adult population. While we are the only senior service organization with Japanese cultural and language focus, our services are attractive and utilized by a very diverse population outside of the Japanese American community. 58% of service users are not Japanese American.

In the past, the City of Berkeley was concerned with the small number of seniors served by J-Sei, but clearly our current numbers demonstrate that J-Sei positively impacts hundreds of seniors with programs that enhance their physical and emotional well being while keeping individuals in their community.

The J-Sei Board of Directors, staff, volunteers and families thank the City of Berkeley for the steadfast support that has been critical to the agency's survival.

List below any fiscal year programmatic and administrative problems encountered and status:

J-Sei enjoyed a very smooth programmatic and administrative year with no major changes or problems. J-Sei was able to hire a new part time program coordinator for the Friendly Visitor/Caller and Caregiver Registry programs due to increased demands in this area and case management services. Again, consumers of these services are unable to contribute an amount that covers their cost of services, therefore, J-Sei still undertakes extensive fund raising efforts to generate 70% of the agency's income. J-Sei's new signature event raised more money in this second year and will continue to grow to help cover delivery costs.

The agency's new program data base has been an excellent improvement for management and planning this year. The statistics on service use and client demographics is greatly improved and will be a big benefit moving forward.

Date Signed	06/25/2015
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Approved By	Raquel Molina
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Date Signed	06/25/2015
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Proposed Action Calendar, July 2016

To: Honorable Mayor and Members of the City Council
From: Chairman Sood, HWCAC
Submitted by: Chairman Sood HWCAC

Recommendations

Direct the City Manager to prepare a resolution directing the City of Berkeley to develop a program that is aimed categorically at eradicating and preventing homelessness in the City. The program thus developed must have permanent and unconditional housing at its core. As mandated by the United Nations Charter of Human Rights, all categories of homeless people residing in the City must be housed without prioritizing one group over the other. Additionally the City is to strengthen all existing safety nets intended to avert homelessness.

Rationale for Recommendations

HUD puts the annual cost of caring for the homeless at between \$30,000 and \$50,000 per person. Housing costs a lot less.

There are various root causes of homelessness, be it fleeting or chronic. Regardless of the root cause however, the most rational, efficacious and cost effective solution is permanent, unconditional housing coupled with the appropriate management regimen.

Ours is a generous, tolerant City, but there is nothing kind about condoning homelessness; watching people defecating on themselves or sleeping in the streets, parks and underpasses. The effects of homelessness are not limited, as it is often assumed, on the homeless alone. As a fellow Commissioner once said, “It affects us all” albeit in a variety of ways.

Stubborn and ubiquitous, homelessness can be hard to uproot once it plants itself. This is why it has become one of today’s most puzzling problems. What is perhaps even more challenging is the manner in which this misfortune polarizes communities, dissipating even the most creative ones of the energy necessary to bring about permanent solutions. Yet, all around the globe and indeed in the US, the notion that homelessness is inevitable or impossible to eradicate has been proven invalid—to the surprise of many who previously viewed homelessness as a permanent feature of urban life.

In spite of good intentions and the arduous labor of many citizens, Berkeley’s \$3 million annual spending on temporary shelters and other programs has failed to deliver the desired or commensurate results. Many explanations have been given for the failure, but neither the explanations nor the ensuing recommendations have produced the desirable results particularly for the homeless. Recently, in response to the City’s own finding, namely, that “...Berkeley homeless services have not been as well coordinated as hoped for, resulting in a frustrating experience for clients and a poor use of limited resources”, the City Council approved funding

for a new Centralized Entry. As Councilmember Kriss Worthington noted however, many of the services currently available to the homeless would be more effective if “personalized” and delivered to the recipients in a home setting.

Although the causes have always been multifarious, homelessness is not a new phenomenon in the annals of urban living. As in history, our responses to homelessness in Berkeley today have largely been based on two mindsets: 1) Belief that the problem will go away naturally. 2) Applying series of bandages on the wound as needed and as best as possible--temporary shelters, soup kitchens, rapid re-housing, continuum of care to cite just a few.

Yet there is a 3rd way: The common sense, less expense and proven way--permanent housing. Ironically many of us believe in this third way, but politics, logistics as well as other immediate, often-cited apparent impediments get in the way, and we quickly or quietly revert to the aforementioned ways even as the problem enlarges and festers to points where we begin to believe and declare openly that homelessness is irreversible. There is something to be said for self-fulfilling prophecies. Undoubtedly part of what makes homelessness seem intractable or interminable is the false, but prevailing notion that it is impossible for everyone to be housed. This notion, once embraced and unquestioned, naturally leads to the neglect or abandonment of the proverbial stitch in time.

We have all heard the success story of Salt Lake City and its state, Utah. Yet, Utah was not always a believer in housing as a solution. As a conservative, Lloyd Pendleton, who led the Housing First experiment in Utah, didn't think the government should simply give people a place to live. As Pendleton once admitted, “Because I was raised as a cowboy in the west desert, ... I have said over the years, 'You lazy bums... get a job, pull yourself up by the bootstraps.’” But he changed his mind only after learning about the Housing First model in 2003 at a conference on homelessness led by the founder of the Housing First philosophy, Sam Tsemberis. There Pendleton learnt that chronically homeless people cost the government a lot of money when they're living on the street, due principally to services like emergency room visits and jail time.

Embracing a priori the notion of permanent housing as the main goal worth pursuing might just be the necessary path to the eradication of homelessness for once we accept this notion, it becomes self-evident that there is nothing inevitable about homelessness. What follows is the hard, but not insurmountable task of creating permanent housing for all categories of the homeless people in our City. To begin with, many of the current temporary centers could be reasonably converted to permanent lodgings.

In prioritizing our resources, we will be on par with HUD and we will find many allies. The US Interagency Council on Homelessness (USICH) is coordinating the federal government's work to end homelessness by 2020. Dr. Robert Ratner, a medical doctor and an MPH, is currently coordinating HUD's efforts in Alameda County, and working on a 2020 date for Alameda County to rid itself of homelessness. A firm believer in housing, Dr. Robert noted in a 2008 address, “Housing Options and Programs in Alameda County” that he went into housing because he saw himself “as a housing doctor.” He wished he could “write a prescription that says, ‘Here's a safe place to live and get the support you need’.”

Berkeley must come to terms with the fact that ultimately the victims of homelessness and the disastrous circumstances it creates are not only the homeless, but we as a community. It is incumbent upon us therefore to take on the hard and honest task of pursuing permanent solutions rather than seeking better ways to perfect temporary solutions. Luckily the globe provides us with ample examples of cities where homelessness does not exist as well as those where its existence is in jeopardy.

Finally, as housing becomes available and accessible, street living or encampments in streets, parks and other public spaces will make no sense, and as such, will become socially unacceptable and perhaps indeed unlawful.

The long list of Berkeley's homeless advocates, experts and programs—justifiable as they may seem--also may have produced the unintended consequences of lengthening and thickening the observable tedious bureaucracy as well as increasing expenditure. Perhaps the biggest danger is that an industrial complex has now grown bringing with it all manners of distraction and duplication, dissipating resources and stealing time while the problem festers. This is a recipe for frustration, cynicism and even pessimism, leading some of us, indeed lawmakers to--and I have heard one--conclude categorically that “eradicating homelessness is impossible”. Yet we know of cities that have successfully brought an end to homelessness, or are on their way to doing so.

Fiscal Impacts

HUD puts annual cost caring for a homeless person at [between \\$30,000 and \\$50,000 per person](#). Housing them simply costs a lot less.

Given the current state of homelessness vis-à-vis the City's expenditures and human efforts, it is improbable that permanent housing would be more expensive for the City in the long run.

Currently Berkeley spends about \$3 million on homelessness. This sum does not include the City's costs of police interventions, emergency room, encampment clean-ups by the Parks & Rec department and attorneys' fees. Encampment clean-ups, fencing and other incidentals cost Berkeley approximately \$550,000.

Following the outlaw of those ubiquitous loaded shopping carts on Berkeley's pavements, the Council has approved about \$200,000 to provide storage for the articles of the homeless. Arguably, the countless hours expended on recurring homeless issues are also hours that could be better spent on other urgent City matters, or given as vacation to our workers and law makers.

Based on the experience of other cities where permanent housing has been adopted to combat chronic homelessness, diverting aforementioned funds to provide permanent accommodations for the homeless can only save the city money.

Current situation and Its Effects

Playing whack-a-mole...

The effects of homelessness are not limited, as it is often assumed, on the homeless alone. It affects us all in a variety of ways.

A *Berkeleyside* commentator summarized it neatly: “This is a regional problem. If we continue to address it city by city we will just be playing whack a mole and solving nothing. Many of these people are mentally and/or physically disabled and have substance abuse issues. There is little work for them beyond the salvage that they engage in and very little affordable housing. Making their lives illegal does not make them go away. It just adds to their suffering and degrades our community.”

Often and rightly viewed as generous and welcoming, Berkeley boasts one of the highest resources and inventory of homeless services in Alameda County--if not in Northern California. Berkeley is host to the majority of Contra Costa County’s homeless people and others who are said to prefer the City’s inviting climate. We spend approximately \$3million annually on programs, projects and physical spaces to accommodate the homeless. This does not include the costs of emergency responses by the police, emergency room care and Park & Recreation Department’s clean-ups, to cite a few incidentals or contingencies.

In February 2016, the Allston Post Office encampment was removed, and its residents dispersed. About four months later in June 2016 there was another raid on the homeless encampment on Gilman/I80 overpass. According to an official statement to *Berkeleyside*, “It was the largest, most coordinated effort he could recall to clean up the area. Problems had gotten so bad..[that] it required a large-scale response. ...Homeless residents were cooperative, piling up items they said could be removed, and taking other items to a different sidewalk location so crews could do their work.”

Two years earlier, in June 2014 there was a raid and clean-up at the Gilman/I80 overpass, and in a statement to *The Daily Planet* an official said: "Over the past few months the conditions at the Gilman underpass have gotten worse and there have been particular concerns about the amount of garbage debris and other refuse that was creating a haven for rodents... So out of concern for those conditions and for safety, staff went in today and cleaned up all the garbage and refuse and debris." As on previous occasions, the area’s residents voiced their relief, and one parent described the anxiety she and others had experienced: “Our children were afraid to come out and play...”

A few days later (June 2014), and in what has become an ongoing operation, the City conducted another clean-up along the tracks and camps on Second Street between Cedar and Camellia.

All these efforts cost untold human pains as obscene and endless expenditures. Yet the population grows and remains underserved as evident during the particularly harsh winter season of 2015 when many homeless people were unsheltered. According to a recent head count by EveryOne Home, “There were an estimated 834 people homeless in Berkeley as of January 2015,

showing a 23% increase over 2009. Of those, 266 were in shelters or transitional housing, and 568 were unsheltered..., a 53% increase over 2009.” Guy Lee, an advocate for the homeless and a candidate for mayor of Berkeley, said that the city’s current approach is charity-based, which helps individuals in the short term but does little to solve problems in the long term.

Perhaps even more challenging to reconcile is the long-term effect or outcome of the care and services that cost the City millions of dollars annually. Many observers-- lawmakers and a study conducted by the City in 2014 among them--have blamed some of the failures on poor coordination between agencies, committees and service providers. To address this failure, new, flavor-of-the-day modifications and agencies typically emerge as corrective measures.

One of the most damaging effects of all these is cynicism and inability to see workable solutions even where they are obvious and feasible. Additional and indeed more worrisome is the risk that the longer we live with the current situation, the more likely that we could eventually develop a culture whereby our descendants view homelessness and the conditions that produce it as inevitable and acceptable.

Background

“The significant problems we have cannot be solved at the same level of thinking with which we created them.” Albert Einstein

In most human communities, homelessness, whenever it occurs, is expected to be a passing phase, and the afflicted a small number, not a growing population. This belief often leads, justifiably, to the creation of temporary measures—shelters and soup kitchens. Today, unfortunately these temporary measures have become permanent features of a typical town. In this Berkeley is not unique.

What is perhaps unique is that for its size and resources, the City spends an inordinate amount of time and money on homelessness. It also shoulders a large burden in comparison to the neighboring towns in Alameda and Contra Costa counties, offering a disproportional number of facilities and agencies to cater to the homeless.

Ubiquitous and diverse as they now are, these solutions have proven inadequate, and many of them might actually have created unintended outcomes, among which is a lack of coordination among homeless services, which in turn prevents the city from allocating its resources effectively. There is no valid reason to hope that creating yet another arrangement to mitigate the coordination dilemma, well-intentioned though that may be, would not end up in creating yet another expense and layer of bureaucracy.

Those who believe in permanent housing tend to be discouraged by what is often touted as lack of land and other real estate resources; yet, there have been, according to an August 2015 news report, 20 projects set to produce up to 1500 housing units. Rather than allocate some of these units to the needy, qualified homeless or low income people, the developers are allowed to pay a fee to the trust fund for the city to spend on the care of the homeless and the low income earners.

We have seen the result of this arrangement, and it is high time we considered a serious set of alternative solutions all centered on permanent housing.

Sustainability

Permanent housing: “It’s ultimately a lot cheaper and more effective than chasing people around from one encampment to another.” A *Berkeleyside* commentator.

Based on the anecdotes discernible from cities Salt Lake City, Utah, for example, housing is not only human but more economical. In 2005, Utah figured out that the annual cost of E.R. visits and jail stays for a homeless person was about \$16,670 per person, compared to \$11,000 to provide each homeless person with an apartment and a social worker. So, the state of Utah launched Housing First, and began giving away apartments, with no strings attached. Each participant in Housing First program also gets a caseworker and other services deemed necessary to help them become self-sufficient, but they keep the apartment even if they fail. Clients do have to pay some rent — either 30 percent of income or up to \$50 a month, whichever is greater. Still Salt Lake City and the state of Utah as a whole have continued to save money while reducing (according to Kelley McEvers of NPR’s report,) chronic homelessness by 91% as of 2015...”

If Salt Lake City--a city in an ultra-conservative state--can adopt this unequivocally progressive solution to its own advantage, Berkeley and do better, and in the process, profit economically and simultaneous enhance its image.

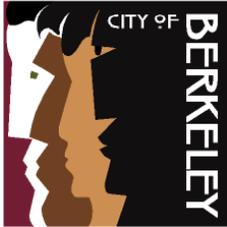
Ideas for stemming and preventing homelessness on multiple fronts and making permanent housing both practical and viable:

- Demand units not fees from the developers and such units should be allocated judiciously among those who are capable of independent living.
- Change the current height ordinance to allow developers to add one or two more levels where heights do not constitute any egregious dynamics to the City’s outlook or aesthetics.
- Elicit the participation of neighboring towns in search for properties/vacant lots to hostels
- Where possible, convert current temporary shelters to a variety of houses--apartment units for those capable of living by themselves; cohousing, hostels a la retirement homes for those who need support.
- Expand the City’s current single family rent control exemption ordinance to 2 or 3 units, and eliminate some of the rent control draconian laws that discourage even single family owners from renting. (There are currently too many empty homes for a city in dire need of rentals)
- Instead of a cluster of tiny houses, incentivize private citizens to build more golden units and tiny houses on their properties. In addition to the recently approved accessory building ordinance, provide low or interest free loans to home owners who commit to renting to qualified tenants
- Develop a County initiative to help owners who rent to underprivileged and core persons receive reduced property tax bills
- Develop a City/County based program to offer subsidies to the landlords who rent to tenants whose vouchers are below fair market value
- Expand the current relationship with YMCA to produce more permanent housing units

Funding & Sources

- Grants and philanthropy: Silicon Valley, Exxon ...
- Investors/foundations: Fixed % profit?
- Government and developers: For hostels and Scattered-site Apartments throughout Alameda and Contra Costa

Commission Process Improvement		
Commission	Date	Action
Medical Cannabis	7/21/2016	
Children Youth and Recreation	5/2/2016	no action
Transportation	4/21/2016	no action
Aging	4/20/2016	support
Community Environmental Advisory	4/14/2016	
Mental Health		did not choose to put on the agenda or to discuss it
Homeless	4/13/2016	no action
sent follow-up e-mail	4/13/2016	-
Board of Library Trustees	4/13/2016	report does not apply to them, different composition and appt methodology
Housing Advisory	4/7/2016	no action
SSBPPE	4/7/2016	support
Community Health	3/24/2016	support
Police Review Commission	3/23/2016	informational only; report does not apply to them, established by initiative, changes BMC made by the voters only
Fair Campaign Practices Commission	3/17/2016	informational only
Commission on Labor	3/16/2016	no action
Zoning Adjustments Board	3/10/2016	no action
Parks & Waterfront	3/9/2016	informational only
sent to all commissions	3/2/2016	-



Human Welfare and Community Action Commission

ACTION CALENDAR

April 26, 2016

To: Honorable Mayor and Members of the City Council
From: Human Welfare and Community Action Commission
Submitted by: Praveen Sood, Chairperson, Human Welfare and Community Action Commission
Subject: Commission Process Improvement

RECOMMENDATION

Adopt a Resolution requesting that the City Manager examine the addition of language to the Berkeley Municipal Code that clarifies aspects of the management of City of Berkeley commissions and the removal and appointment of commissioners.

FISCAL IMPACTS OF RECOMMENDATION

There are minimal costs associated with the actions recommended beyond amending the policy as appears in city publications.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley has a unique system of commissions that acts on a consultative basis with City Council on a variety of topics. Like most organizations, commissions need to constantly look at ways to improve their process. The current code regarding the operations of the city commissions is unclear in several areas and this resolution attempts to find solutions to these needs.

BACKGROUND

On 9/16/2015 the HWCAC held a public meeting with a resolution on Divestment from Israel as one of the agenda items. Shortly before the start of that meeting, the commissioner who had brought the resolution forward was informed that she was being removed by her appointing councilperson. This dismissal removed the commissioner from the debate that night and from any potential vote on the resolution.

In addition to the dismissal, several members of the council appointed new commissioners to the HWCAC just before a vote on the resolution. One of these last minute appointments was for only one meeting, which happened to be the one on 10/21/2015 where the divestment resolution was being voted on. Two other last minute appointments provided votes against the resolution. Other appointees didn't even show up for the meetings, and were eventually removed from the HWCAC. Whether these appointments were made to purposely manipulate the vote is a separate discussion, but they gave that impression to many commissioners and members of the public. We firmly

believe that whatever your feelings are in regards to a topic, in this case Divestment from Israel, the rights of commissioners and the public to engage in open debate and to a fair vote on the topic should not be compromised. These actions by City Council highlight how the current code is vague on dealing with some aspects of commissioner dismissals and appointments and how that lack of clarity may be used to exert influence on commissioners and manipulate open debate. This resolution recommends several changes to the code regarding commissions in an effort to clarify these points and protect the role of the commissioner and improve the performance of these valuable groups.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental impacts or opportunities associated the action suggested in this report.

RATIONALE FOR RECOMMENDATION

As a member of the commission system the Human Welfare and Community Action Commission has a vested interest in the improved operations of the commission system. In addition, we believe that clarifying certain parts of the process will help the commission system to better serve the community by providing the opportunity for people to tackle difficult subjects.

ALTERNATIVE ACTIONS CONSIDERED

None

CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission's Report.

CONTACT PERSON

Wingyin Wong, Commission Secretary, HHCS, (510)981-5428

Attachments:

1: Resolution

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

Commission Improvement Process

WHEREAS, the Human Welfare and Community Action Commission is organization with the city's commission program and has a vested interest in the approved function of the commissions.

WHEREAS, here is potential for the commission appointment process to be used in ways that it may not have been intended.

WHEREAS, the set of rules regarding the removal of commissioners by their appointing city council member is not clearly defined.

WHEREAS, we believe the system could be improved with closer contact between commissioners and their appointing city councilpersons.

NOW THEREFORE BE IT RESOLVED by the City Council of the city of Berkeley that the City Manager examine the feasibility making changes to the existing city code to improve the operations of the commission process.

BE IT FURTHER RESOLVED that BMC 3.78.030 Vacancy and Removal Section A Sentence 2 be amended with the following or similar language. "Vacancies on the board shall result when a member notifies the City Clerk of his/her resignation, or when an elected member moves and establishes residence outside of his/her election district, or when a commissioner's appointment is revoked by the appointing city council member in writing with a minimum of 30 days' notice." This will ensure that any terminations of appointment are done with advanced notice and will ensure against the conflicts of interest that may arise from last minute removals of commissioners.

BE IT FURTHER RESOLVED that BMC 3.78.030 Vacancy and Removal Section B Sentence 1 be amended with the following or similar language.."..finish the unexpired term of the appointment. This vacancy appointment may not vote on commission items till the 2nd meeting following their appointment." This will ensure against the conflicts of interest that may arise from that last minute appointments made to affect the outcomes of votes.

BE IT FURTHER RESOLVED that BMC 3.78.040 Temporary Vacancies Sentence 3 shall be amended with the following language.."..remaining representatives of the poor, as long as that appointment is approved by a minimum of 3 representatives of the poor, if three representatives of the poor are not available then the temporary appointment may be voted on by a quorum of commissioners and may be approved by a majority of the quorum." This change ensures that any temporary vacancies on the Human Welfare

and community Action Commission are approved by a minimum number of members of the commission, currently there is no defined number of voting members required.

BE IT FURTHER RESOLVED that BMC 3.78.050 officers, meeting, and procedures be amended with the following or similar language “E. City Council members will meet with the commissioner appointees in person, or via a phone call or online meeting every 6 months starting on the day of their appointment.” This will help ensure better communication between council members and their appointees.

BE IT FURTHER RESOLVED by the city council of the city of Berkeley that the city manager and city attorney examine and changes necessary to apply the appropriate changes to the code in regards to all of the city’s commissions.

Major office/R&D campus proposed near Aquatic Park

berkeleyside.com/2016/05/23/major-officerd-campus-proposed-near-aquatic-park/

By Frances Dinkelspiel

May 23, 2016 1:00 pm



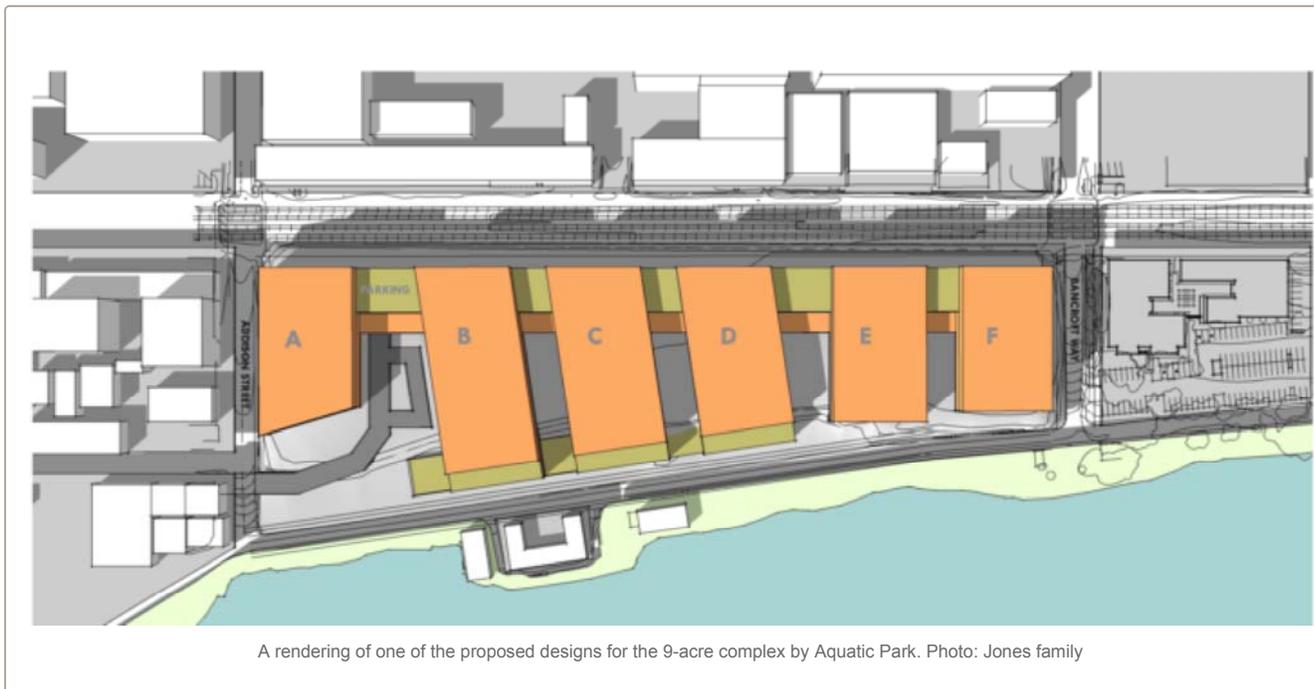
The Jones family, which owns this 9-acre parcel fronting Aquatic Park, is asking Berkeley for a Master Use Permit to develop a life science “campus” of four to six buildings. Photo: Joe DeCredico

The family that has owned a two-block-long swath of land along Aquatic Park since 1979 is asking the city of Berkeley for a Master Use Permit to construct “a premier life science research and development campus” along the waterfront.

Jason Jones, who owns the land with his father, Charles, wants to transform the 8.67-acre parcel, which is bordered by Bolivar Drive to the west, Addison Street to the north, Union Pacific Railroad Tracks (aka Third Street) to the east, and Bancroft to the south, into a cluster of four to six buildings that will hold light industrial manufacturing, research and development space, offices and stores, [according to documents submitted to the city](#).

There will be a community meeting about the project, known as Aquatic Park Campus, on Tuesday at 6:30 p.m. at the Frances Albrier Community Center Auditorium, 200 Park St. The official addresses for the proposed MUP are 600 Addison St., 91 Bolivar Dr., and 2222 Third St.

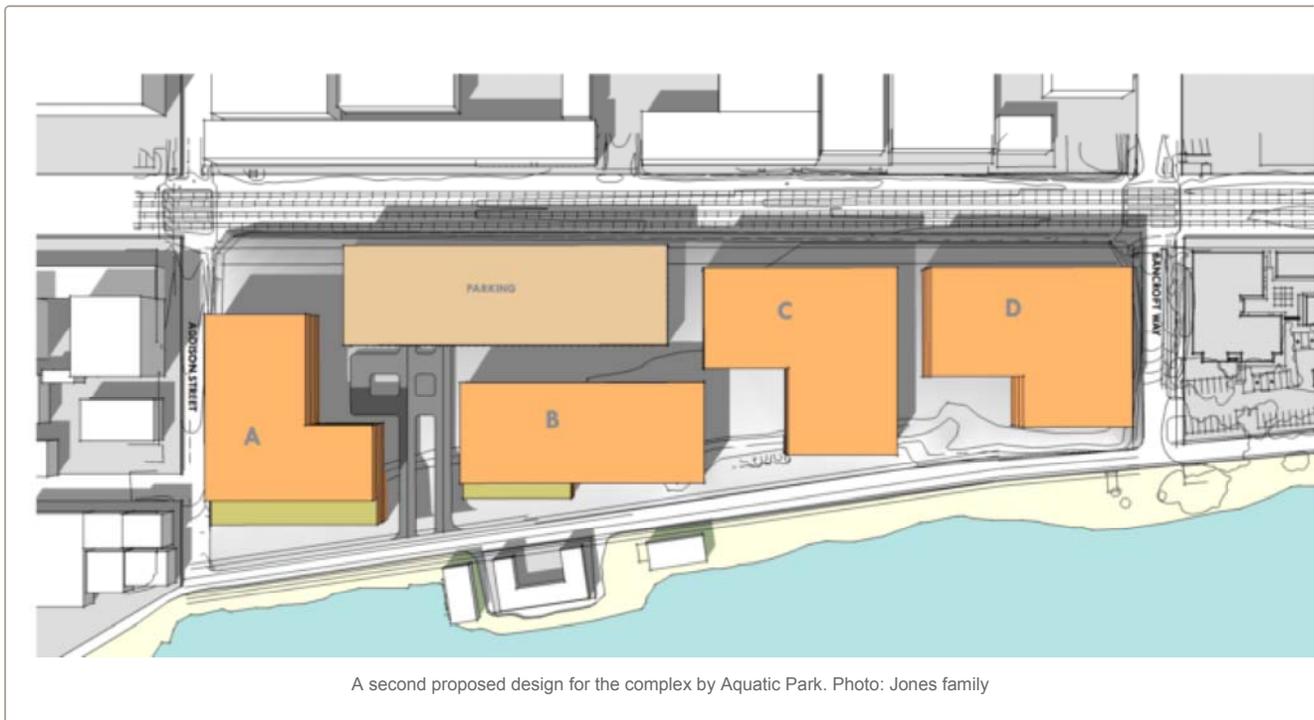
The complex would cover 475,000 square feet of land and would include “an urban-style mini-plaza” at the corner of Addison Street and Bolivar Drive to provide “a gateway experience to the project,” according to documents. There would be a 300,000 square foot parking structure, a 2,500-square-foot manufacturing building, (a mitigation for a plant that was torn down about three years ago so Jones could do an environmental clean-up of the land). As a community benefit, the project would also widen Bolivar Street and add paths, sidewalks, landscaping, bike paths, and parking, according to Joe DeCredico, the land use planning consultant for the project.



Jones' vision "is to create the Aquatic Park Campus, a premier life science research and development campus within a West Berkeley area already home to established firms like Bayer Pharmaceuticals, XOMA, and Dynavax; as well as a number of innovative startups like Polyplus, Acuity, and SEEO," the project manager, DeCredico, wrote to Berkeley.

Jones, operating as Aquatic Park Science Center, LLC, may develop the project himself, may hire another contractor to build the project, or may sell the property if the MUP is granted, said DeCredico.

The application presents two alternatives for the site and Jones wants the city to approve both designs for maximum flexibility, said DeCredico. One design would have the main entrance to the complex off of Addison Street and would allow for a parking structure to be built along the railroad tracks. That building would act as a sound buffer for the office/R&D buildings that would jut from the parking structure like fingers. There would be courtyards between the buildings.



The second design also has the parking structure along the railroad tracks, but in a more centralized structure with L-shaped buildings coming off that building, said DeCredico.

To create the complex, the developer will have to demolish two warehouses and a laboratory building, although construction would be phased in and probably start on the southern end which now just contains a number of large dirt piles, said DeCredico. All of the proposed new buildings would comply with existing zoning codes, which allow 45-foot high structures in the area. The neighborhood is zoned for Mixed Industrial and Light Manufacturing (MULI), according to documents presented to the city.

Berkeley has not processed a Master Use Permit since Bayer applied for one, and there is no-one in the Planning Department who has experience with the process, said DeCredico. One advantage of getting a MUP is that it provides more flexibility in what the buildings are used for. An MUP allows for a shift of up to 25% of one approved use to another, he said. So if 75% of the buildings are initially constructed for commercial and office uses and another 25% is built for R&D, the complex could, if needed, become 100% commercial or 50% R&D, said DeCredico. "Innovation" companies of today often have to change up their space to respond to changes in their markets and the economy, he said.

The community meeting is just one of a long list of steps that Jones will have to take while seeking approval for a MUP. The city has indicated that Jones will have to obtain an environmental impact report for the project. The project will also have to go through a series of reviews by the Landmark Preservation Commission, Design Review, and Zoning Adjustments Board.

This part of West Berkeley was the focus of 2012's [Measure T](#), a controversial proposal to increase the height and density of a few blocks of the neighborhood to allow development. Measure T, which would have permitted construction of six large developments over ten years, was defeated by just 512 votes. Residents of the area, however, were mostly against the plan because they said it would affect views and quality of life.

While this project is in its early stages, Toni Mester, a longtime West Berkeley resident, has already raised concern about its impact on the view of Aquatic Park. In [an article in the Daily Planet](#), Mester wrote: "Even building heights of 45' would block views from the Aquatic Park, less so from the pedestrian bridge. The alignment and placement of the

proposed buildings would impact the views, especially since the project site is sloped from Fourth Street to Bolivar Drive along the lagoon, which once formed the eastern edge of San Francisco Bay.”

DeCredico said he expects there will be pushback on the proposed complex, probably around the height and bulk of the structures, the land use, and the community benefits package. He said environmentalists already have asked that the developer do a thorough clean-up of Aquatic Park as a mitigation, he said. That is too big a task for the Jones family, he said. The developer is currently talking to the Parks Department about how improvements to the city-owned Bolivar Street could serve as a mitigation.

Since it is an election year, “politically it could become a football,” said DeCredico. But since the complex fits in with current zoning code and height limits he expects it to be approved, he said.

This article has been corrected to say that the second design also has parking in a structure off the railroad track. It originally said the structure was next to Bolivar Drive.

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