



PROCLAMATION CALLING A SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

MONDAY, NOVEMBER 14, 2022

4:30 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/85347936644>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 853 4793 6644. 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 teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

Preliminary Matters

Roll Call

Public Comment - Limited to items on this agenda only

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):**
 - a. Ruegg & Ellsworth v. City of Berkeley, Alameda County Superior Court, Case No. RG18930003

2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(3):**
 - a. Significant exposure to litigation pursuant to Section 54956.9(d)(3): One (1) case. See attached letter from the City Attorney regarding the threat of litigation as required by *Fowler v. City of Lafayette*, 46 Cal. App. 5th 360 (2020).

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

Adjournment

I hereby request that the City Clerk of the City of Berkeley cause personal notice to be given to each member of the Berkeley City Council on the time and place of said meeting, forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Berkeley to be affixed on this 10th day of November, 2022.


Jesse Arreguin, Mayor

Public Notice – this Proclamation serves as the official agenda for this meeting.

ATTEST:



Mark Numainville, City Clerk

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable emergency Executive Orders issued by the Governor. Any member of the public may participate in the public comment portion of this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.


NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City 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 Zoning Adjustments Board decision, 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.*

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.

COMMUNICATION ACCESS INFORMATION:

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) 981-6346(V) or (510) 981-7075 (TDD) at least three business days before the meeting date.





No Material
Available for
this Item

There is no material for this item.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

City of Berkeley City Council Agenda Index Webpage:

https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Index.aspx



Office of the City Attorney

02a
Closed Session Item

November 9, 2022

Re: November 14, 2022 Closed Session

Hon. Mayor and Councilmembers,

On November 14, 2022, the City Council will meet in closed session to confer with legal counsel about a letter received that poses significant exposure of litigation for the City, pursuant to Government Code Section 54956.9(a). This provision of the Brown Act authorizes local agencies to meet in closed session to “confer with, or receive advice from, its legal counsel regarding pending litigation.”

On November 9, 2022, the City received a confidential written letter of complaint on behalf of a City official. The letter alleges potential violations of the California Fair Employment and Housing Act (FEHA) and poses significant exposure to litigation for the City.

The letter and any related complaint(s), if any, include private personnel information protected by the right to privacy, as recognized in the California Constitution, Article I, Section I. As such, the City cannot publicly disclose the confidential contents of the letter or related complaints, if any. This public notice in no way constitutes a waiver of the attorney-client privilege or any other legal privilege that may attach to the City’s communications or work product or any admission regarding the allegations.

Respectfully,

Farimah Faiz Brown
City Attorney

