



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

**MONDAY, NOVEMBER 27, 2023**

**2:30 P.M.**

2180 Milvia Street, 6<sup>th</sup> 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 Ben Bartlett

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/1606224847>. 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: 160 622 4847**. 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](mailto: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: November 20, 2023**
2. **Review and Approve Draft Agenda:**
  - a. 12/12/23 – 6:00 p.m. 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. **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**  
**From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)**  
**Referred: November 13, 2023**  
**Deadline: May 13, 2024**  
**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.  
**Financial Implications:** None  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
9. **Discussion and Possible Action on City Council Rules of Decorum, Procedural Rules, and Remote Public Comments**

## Referred Items for Review

10. **City Council Legislative Systems Redesign**

## Unscheduled Items

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

## Items for Future Agendas

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

## Adjournment – Next Meeting Thursday, January 4, 2024

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### **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.

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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 Wednesday, November 22, 2023.

A handwritten signature in black ink that reads "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](mailto:policycommittee@berkeleyca.gov).*



## BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

MONDAY, NOVEMBER 20, 2023

2:30 P.M.

2180 Milvia Street, 6<sup>th</sup> 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 Ben Bartlett

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**Roll Call:** 2:36 p.m. All present.

**Public Comment** – 14 speakers

## Review of Agendas

**1. Approval of Minutes: November 13, 2023**

**Action:** M/S/C (Wengraf/Hahn) to approve the minutes of 11/13/23.

**Vote:** All Ayes.

**2. Review and Approve Draft Agenda:**

a. 12/5/23 – 6:00 p.m. Regular City Council Meeting

**Action:** M/S/C (Arreguin/Wengraf) to accept the Time Critical item from Councilmember Harrison for the December 5 Action Calendar and request that the author make certain changes to recommendation #5 as follows:

*Refer to City Manager and the Budget and Finance Committee to consider establishing an ongoing General Fund policy of allocating 50% of annual TNC Tax revenues to a citywide traffic calming budget and the remaining 50% to tier 1 bike/pedestrian/transit priority projects as specified under number 3.a-c.*

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Hahn) to approve the agenda of 12/5/23 with the changes noted below.

- *Item Added TNC Tax Budget Referral (Harrison) – Item added to Action Calendar and amendments requested*
- *Item Added MOU for Berkeley Firefighters (City Manager) – Item added to Consent Calendar*
- *Item 8 MLK, Jr. Celebration (Arreguin) – Councilmembers Hahn and Wengraf added as co-sponsors*
- *Item 9 Green Buildings (Harrison) – revised item submitted*
- *Item 10 Use of Force (Harrison) – Referred to the Public Safety Committee and the Police Accountability Board with a request for time-sensitive review; revised item submitted*
- *Item 12 Municipal Pier (Taplin) – Revised item submitted; moved to Consent Calendar; Councilmember Kesarwani added as a co-sponsor*

Order of Action Calendar

TNC Tax Budget Referral

Reimagining Public Safety Update

**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** – received and filed
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:** 4 speakers. Discussion held. M/S/C (Arreguin/Hahn) to formalize the rule for the Council to only hear in-person non-agenda public comments at the beginning of the meeting with certain ADA-related exceptions. Request that the City Manager return to Council to incorporate the change in to the Rules of Procedure.

**Vote:** All Ayes.

9. **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**  
**From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)**

**Referred: November 13, 2023**

**Deadline: May 13, 2024**

**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.

**Financial Implications:** None

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

**Action:** Item held over to November 27, 2023.

## **Unscheduled Items**

10. **City Council Legislative Systems Redesign**

**Action:** Moved to Action Calendar for November 27, 2023 meeting.

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

## **Unscheduled Items**

12. **Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**
13. **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 4:25 p.m.

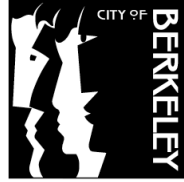
I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on November 20, 2023.

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Mark Numainville, City Clerk

## **Communications**

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**DRAFT AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, December 12, 2023**  
**6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702  
 TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

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 – 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](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.*

## Consent 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. Amendments to the Berkeley Election Reform Act to ensure consistency within the Act for cost of living adjustments and committee reporting requirement thresholds**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,889-N.S. amending the Berkeley Election Reform Act (BMC Chapter 2.12) to (1) amend provisions related to filing requirement thresholds to be consistent with recent amendment to qualification threshold for committees ; and (2) add two dollar amount thresholds to the list of amounts subject to cost of living adjustments in order to maintain consistency with other associated amounts.

**First Reading Vote:** Ayes - Kesarwani, Taplin, Bartlett, Harrison, Hahn, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

**Financial Implications:** See report

Contact: Sam Harvey, Commission Secretary, (510) 981-6950

**2. Amendments to Berkeley Municipal Code Title 23 (Zoning Ordinance), the Zoning Map, General Plan Land Use Diagram, and the General Plan Relating to the Southside Zoning Implementation Program of the 2023-2031 Housing Element Update**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,890-N.S. amending Title 23 of the Berkeley Municipal Code to increase residential development potential in the Southside Plan Area, per Program 27— Priority Development Areas, Commercial and Transit Corridors and Program 33—Zoning Code Amendment: Residential of the 2023-2031 Housing Element Update.

**First Reading Vote:** Ayes - Kesarwani, Taplin, Bartlett, Harrison, Hahn, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

**Financial Implications:** See report

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

## Consent Calendar

**3. Amendment: FY 2024 Annual Appropriations Ordinance**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance amending the FY 2024 Annual Appropriations Ordinance No. 7,879–N.S. for fiscal year 2024 based upon recommended re-appropriation of committed FY 2023 funding and other adjustments authorized since July 1, 2023, in the amount of \$255,007,251 (gross) and \$245,666,549 (net).

**Financial Implications:** See report

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

**4. Minutes for Approval**

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of October 23 (special closed), November 6 (special closed), November 7 (regular), November 13 (special closed), November 14 (special and regular), November 20, 2023 (special closed), November 21 (special) and November 28 (regular).

**Financial Implications:** None

Contact: Mark Numainville, City Clerk, (510) 981-6900

**5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 12, 2023**

**From: City Manager**

**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

**Financial Implications:** Public Art Fund - \$150,000

Contact: Henry Oyekanmi, Finance, (510) 981-7300



## Consent Calendar

### 6. **Extending the Duration of Funding Reservations for Housing Trust Fund Projects**

**From: City Manager**

**Recommendation:** Extend the duration of the previously approved funding reservations for Housing Trust Fund (HTF) projects by adopting a Resolution to: 1. Reserve Housing Trust Funds and other currently available affordable housing funds, including Measure O Bond and Permanent Local Housing Allocation funds, for the following projects: -Ashby Lofts (2909-2919 Ninth / Satellite Affordable Housing Associates) at \$850,000; -Berkeley Unified School District (BUSD) Workforce Housing project (1701 San Pablo / Satellite Affordable Housing Associates / Abode Communities) at \$24,500,000; -Supportive Housing in People's Park (2556 Haste) at \$14,359,593. 2. Authorize the City Manager to refinance the existing Housing Trust Fund development loan for Ashby Lofts and into a new loan with terms consistent with the Housing Trust Fund Guidelines. 3. Waive Section III.A.1 of the Housing Trust Fund Guidelines for the BUSD Workforce Housing project to allow affordability levels of up to 120% of area median income in order to reflect the income and needs of BUSD educators. 4. Condition disbursement of funding for the BUSD Workforce Housing and Supportive Housing in People's Park projects on site control. 5. Authorize the City Manager or her designee to execute all original or amended documents or agreements to effectuate these actions.

**Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

### 7. **Revise Classifications and Salary Ranges – (1) Parking Meter Maintenance and Collection Supervisor and (2) Traffic Maintenance Supervisor**

**From: City Manager**

**Recommendation:** Adopt a Resolution revising the represented job class specifications and salary ranges of (1) Parking Meter Maintenance and Collection Supervisor and (2) Traffic Maintenance Supervisor to align pay with that of Public Works Supervisor classification in order to promote internal equity.

**Financial Implications:** See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

### 8. **Contract: Superior, LLC for AS400 Software Maintenance and Support**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a new contract with Superior, LLC for software maintenance and support of the City's FUND\$ system on the AS400 platform for a total \$283,500 from July 1, 2023 through June 30, 2025.

**Financial Implications:** IT Cost Allocation Fund - \$283,500

Contact: Kevin Fong, Information Technology, (510) 981-6500

## Consent Calendar

**9. Grant Application – State Parks Outdoor Equity Grants Program (OEP)**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the State Parks and Recreation Outdoor Equity Grants Program; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

**Financial Implications:** Up to \$700,000 (revenue)

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**10. Grant Application – California Air Resources Board (CARB) Advanced Technology Demonstration and Pilots Program for new electric boat and charging station**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to the California Air Resources Board (CARB) Advanced Technology Demonstration and Pilots (ATDP) Grant Program to procure a new electric boat and charging station; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

**Financial Implications:** \$218,451 (revenue)

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

**11. Contract: Buhler Commercial for Willard Park Clubhouse and Restroom Replacement Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Willard Park Clubhouse and Restroom Replacement Project; and 2. Accepting the bid of the lowest responsive and responsible bidder, Buhler Commercial; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Buhler Commercial, for the Willard Park Clubhouse and Restroom Replacement Project at 2720 Hillegass Avenue, in an amount not to exceed \$6,831,067 which includes a contract amount of \$6,210,061 and a 10% contingency in the amount of \$621,006.

**Financial Implications:** Various Funds - \$6,831,067

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

## Consent Calendar

- 12. Donation: Memorial Bench at Cesar Chavez Park in memory of Ronald Henry Klein**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park in memory of Ronald Henry Klein.  
**Financial Implications:** \$3,400 (revenue)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 13. Donation: Memorial Bench at Cesar Chavez Park in memory of Ramakant Tulsian**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Cesar Chavez Park in memory of Ramakant Tulsian.  
**Financial Implications:** \$3,400 (revenue)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 14. Contract (Specification No. 24-11619-C: Koios Engineering, Inc. for The Alameda, et al. Sanitary Sewer Rehabilitation Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project located on The Alameda, Keeler Avenue, Euclid Avenue Et Al., and: Accept the bid of the lowest, responsive and responsible bidder, Koios Engineering, Inc., and Authorize the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$3,456,596, which includes a 10% contingency of \$314,236.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Public Works, (510) 981-6300
- 15. Purchase Orders: Pinnacle Petroleum, Inc. and Western States, Inc. for Bulk Renewable Diesel and Gasoline**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager to execute multi-year purchase orders as outlined below through June 30, 2029:  
1. Purchase Order with Pinnacle Petroleum to provide fuel for City vehicles and equipment in an amount not to exceed \$8,500,000 for the next four fiscal years (FY 2025 through FY 2029).  
2. Purchase Order with Western States, Inc. to provide fuel for City vehicles and equipment in an amount not to exceed \$2,000,000 for the next four fiscal years (FY 2025 through FY 2029).  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Public Works, (510) 981-6300

## Consent Calendar

- 16. Purchase Order: National Auto Fleet Group for Four (4) Tractor Trucks and Trailers**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in Sourcewell (formerly NJPA) bid procedures, and authorizing the City Manager to execute a purchase order for four (4) Tractor Trucks and Trailers with National Auto Fleet Group in an amount not to exceed \$1,600,000.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Public Works, (510) 981-6300
- 17. Purchase Order: Braun Northwest, Inc. for One (1) North Star 155 Type 1 Ambulance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City to participate in HGACBuy contract bid procedures and authorizing the City Manager to execute a purchase order for one (1) 2023 North Star 155-1 Type 1 Ambulance with Braun Northwest, Inc. in an amount not to exceed \$284,974.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Public Works, (510) 981-6300
- 18. Contract No. 102354-1 Amendment: Direct Line Tele Response for Citywide After-Hours Answering Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment for up to \$200,000 to Contract No. 102354-1 with Direct Line Tele Response to provide continued customer service support after normal business hours, on weekends and holidays, for a total contract amount not to exceed \$832,750, and extending the contract term through December 31, 2025.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Public Works, (510) 981-6300
- 19. Contract No. 32300110 Amendment: SCI Consulting Group for On-Call Civil Engineering Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300110 with SCI Consulting Group to increase the spending authority by \$150,000 for a total not to exceed \$300,000.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Public Works, (510) 981-6300

## Consent Calendar

- 20. Contract No. 32400004 Amendment: Roofing Constructors, Inc. dba Western Roofing Service for on-call roofing and gutter repair services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32400004 with Roofing Constructors, Inc. to increase the spending authority by \$200,000 for a total not to exceed \$250,000.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Public Works, (510) 981-6300
- 21. Contract No. 103266-1 Amendment - Karste Consulting, Inc. for Emergency Preparedness Services and Training**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 103266-1 with Karste Consulting, Inc. to increase the amount by \$100,000 for a total amount not to exceed \$450,000 and to extend the term through June 30, 2025.  
**Financial Implications:** See report  
Contact: LaTanya Bellow, Public Works, (510) 981-6300
- 22. Council Referral – Request for City Community Survey for placing a Modest Increase in the Parks Tax on the November 2024 Ballot**  
**From: Parks and Waterfront Commission**  
**Recommendation:** The Parks, Recreation and Waterfront Commission recommends that the City Council include in upcoming community survey for possible 2024 ballot measures, a measure to increase the Parks Tax by four cents per square foot or approximately 20%, and appropriate funding for the survey.  
**Financial Implications:** See report  
Contact: Roger Miller, Commission Secretary, (510) 981-6700
- 23. Spending Aligned with Ballot Measure FF and the City Is Improving Internal Processes**  
**From: Auditor**  
**Recommendation:** We recommend City Council request that the City Manager report back by June 2024 and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Fire Department and Human Resources. They have agreed to our findings and recommendations. Please see our report for their complete response.  
**Financial Implications:** See report  
Contact: Jenny Wong, Auditor, (510) 981-6750

## Council Consent Items

- 24. Reappointment of Dr. P. Robert Beatty to the Alameda County Mosquito Abatement District Board of Trustees**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution reappointing Dr. P. Robert Beatty to the Board of Trustees of the Alameda County Abatement District for a two-year term ending on January 1, 2026.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 25. Waterside Workshops Winter Festival and Kids Bike Giveaway: 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 an amount not to exceed \$500 per Councilmember, including \$200 from Councilmember Taplin, to support the Waterside Workshops Winter Festival and Kids Bike Giveaway.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 26. Budget Referral and Updated Guidelines and Procedures for City Council Office Staff Expenditures (Reviewed by the Budget & Finance Committee)**  
**From: Councilmember Taplin (Author), Councilmember Bartlett (Author), Councilmember Harrison (Author)**  
**Recommendation:** Refer to the Budget and Finance Committee to consider updates to the guidelines and procedures for City Council office budget expenditure accounts with regards to City Council staff salaries and an accompanying Budget Referral of up to \$219,080 for the Annual Appropriation Ordinance #1 (AAO) process to budget Council offices up to 2 FTE, meet obligations under the SEIU 1021 CSU/PTRLA MOU, and prevent layoffs.  
*Policy Committee Recommendation: To forward the item as revised to the City Council with a positive recommendation.*  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

## Action Calendar

*The public may comment on each item listed on the agenda for action as the item is taken up. 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.*

*The Presiding Officer will request that persons wishing to speak use the "raise hand" function 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 – Public Hearings

*Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak use the "raise hand" function 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. 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.*

*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.*

### 27. North Berkeley BART Objective Development Standards

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion adopt a Resolution approving the North Berkeley BART Objective Design Standards (ODS).

**Financial Implications:** See report

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

## Action Calendar – New Business

### 28. Consideration of Options for Berkeley High School Staff Parking

**From: City Manager**

**Recommendation:** Receive information on several options for providing additional parking for Berkeley High School staff and provide feedback to staff, which will then be shared with 2x2 Committee with the end goal of identifying a mutually agreeable solution for both the school district and the City.

**Financial Implications:** See report

Contact: Anne Cardwell, City Manager's Office, (510) 981-7000

### 29. Expansion of the Elmwood Business Improvement District

**From: City Manager**

**Recommendation:** Conduct a public meeting to review and discuss the expansion of the Elmwood Business Improvement District (hereafter, "Elmwood BID", "BID" or "the District").

**Financial Implications:** See report

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

## Council Action Items

30. **Adopt an Ordinance Adding Chapter 12.75 to the Berkeley Municipal Code to Establish Protections Relating to Horses Held, Owned, Used, Exhibited, or Otherwise Kept for Racing or Other Sport, Entertainment or Profit** *(Reviewed by the Health, Life Enrichment, Equity, & Community Committee)*  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Adopt an Ordinance Adding Chapter 12.75 to the Berkeley Municipal Code to Establish Protections Relating to Horses Held, Owned, Used, Exhibited, or Otherwise Kept for Racing or Other Sport, Entertainment or Profit.  
*Policy Committee Recommendation: Send the item to Council with a qualified positive recommendation to approve the Ordinance with substantial edits and as may be necessary for legal and administrative purposes.*  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

## Action Calendar – Policy Committee Track Items

31. **The Right to Reproductive Freedom**  
**From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution affirming the City of Berkeley's support to protecting the rights of those seeking reproductive care, receiving and offering reproductive care and abortion services, and deciding on their own bodily autonomy relating to their reproduction.  
Refer to the City Manager to draft an ordinance that directs City agents and employees to ensure access to abortion sites and ensure access to information related to abortion access, including posting information about reproductive health on City property, as consistent with state and federal law.  
**Financial Implications:** None  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
32. **Referral to the City Manager: Eminent Domain Feasibility Analysis for 2902 and 2908 Adeline Street Properties and Abandoned House on 1946 Russell Street**  
**From: Councilmember Bartlett (Author)**  
**Recommendation:** Refer the City Manager to conduct an analysis and report to the Council on the feasibility of using eminent domain to enable the City to purchase the blighted commercial properties on 2902 and 2908 Adeline Street, as well as the adjacent abandoned house on 1946 Russell Street for the purposes of developing mixed-use affordable housing.  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
33. **Letter to AC Transit Regarding Draft Realignment Scenarios**  
**From: Councilmember Wengraf (Author), Councilmember Humbert (Author)**  
**Recommendation:** Send a letter to AC Transit with Council feedback on their Realignment Draft Service Scenarios presented to Council on Nov 14, 2023.  
**Financial Implications:** None  
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160



## Action Calendar – Policy Committee Track Items

- 34. Referral: Use of Sidewalks for Recreation, Such as Chess**  
**From: Councilmember Robinson (Author), Councilmember Harrison (Author)**  
**Recommendation:** Refer to the City Manager to evaluate and return to City Council with recommendations and legislative alternatives for making use of tables, chairs, and other relevant objects that can be easily moved to be allowed without a permit application for non-disruptive recreational uses in the public right-of-way. Such recreational uses may include activities such as playing chess at movable tables and chairs. Consideration should be given to ensure that such use of tables and chairs does not unduly obstruct public sidewalks.  
**Financial Implications:** See report  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

## Information Reports

- 35. Settlement of Claim of D.L. Falk Construction Inc. (North Berkeley Senior Center)**  
**From: City Manager**  
Contact: Farimah Brown, City Attorney, (510) 981-6950
- 36. FY 2023 Fourth Quarter Investment Report: Ended June 30, 2023**  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 37. Section 115 Trust Investment Report for: Inception to Period Ended June 30, 2023**  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 38. Climate Action Plan and Resilience Update**  
**From: City Manager**  
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 39. Civic Arts Commission FY24 Work Plan**  
**From: Civic Arts Commission**  
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530
- 40. Housing Advisory Commission Work Plan Fiscal Year 2024**  
**From: Housing Advisory Commission**  
Contact: Mike Uberti, Commission Secretary, (510) 981-7400

## 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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City Clerk Department - 2180 Milvia Street, First Floor  
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901  
Email: [clerk@berkeleyca.gov](mailto: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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Parks, Recreation and Waterfront Commission

CONSENT CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
 From: Parks, Recreation and Waterfront Commission  
 Submitted by: Claudia Kawczynska, Chairperson  
 Subject: Council Referral – Request for City Community Survey for placing a Modest Increase in the Parks Tax on the November 2024 Ballot

### RECOMMENDATION

The Parks, Recreation and Waterfront Commission recommends that the City Council include in upcoming community survey for possible 2024 ballot measures, a measure to increase the Parks Tax by 4ct/ft<sup>2</sup> or ~20%, and appropriate funding for the survey.

### CITY MANAGER

City Manager concurs with the recommendation contained in this report.

The City Manager also requests that Council consider re-allocating the \$100,000 identified in the FY2024 Budget for the “Vision 2050 Complete Streets Parcel Tax Community Engagement and Program Plan” to a “community survey” for this and any other potential ballot measures.

### FINANCIAL IMPLICATIONS

The City’s Parks system is facing three major challenges:

- I. **Unfunded Major Maintenance and Capital Liabilities**  
 With all Measure T1 bond funds spent or allocated, the \$1M of the Parks Tax reserved for annual major maintenance/capital funding is insufficient to address the \$60 million in unfunded park capital needs. While there are federal and state grant opportunities, providing leverage of city taxpayer dollars from 1/1 to 5/1, the PRW Department does not have the matching funds required for many grants.
- II. **Declining Urban Forest**  
 Due to increased storm damage, old age, and lack of funding there are 10,000 empty tree spaces in City parks and the public right-of-way. In Berkeley, tree planting relies mainly on grant funding and volunteerism, resulting in little progress in filling empty tree spaces. While the existing urban forest coverage is adequate in the hill area, where it ranges from 20% - 50%,

it is inadequate in the flatlands, where it is 10% or less. A healthy urban forest can help address the impacts of Climate Change, by cooling urban spaces and mitigating the Heat Island Effect. The existing urban forest consists primarily of non-native trees, which do not support insect populations and the bird species that feed on them. By prioritizing native species and also using funds to increase the number of native-plant habitat gardens, the urban forest and park spaces can also help address Biodiversity Declines.

### III. Unequal Funding Across Parks

The City has 53 parks with a total of 250 acres. The 150 acres east of I-80 are maintained by the Parks Tax. West of I-80, the 100 acres of waterfront parks (Cesar Chavez, Shorebird and Horseshoe) are maintained by the much smaller Marina Fund, which has no reserves and has a structural deficit, causing the infrastructure in these parks to deteriorate.

At the City Council’s March 20, 2023 Worksession, Staff suggested that while the current Parks Tax revenue cannot adequately fund maintenance costs, a voter-approved tax measure to increase the Parks Tax could unburden the Marina Fund and help close its structural deficit.

Consolidating ALL City Parks funding into the Parks Tax would ensure adequate funding for the three Waterfront Parks that comprise 40% of the City’s total park acreage.

### IV. Solution

Addressing these problems will require additional funding, which could be provided by a modest increase in the Parks Tax that is comparable to the 17% increase approved by the voters in 2014. The estimated \$3.5M in annual revenue for this proposed new increase in November 2024 would be used to:

1. Double major maintenance/capital project funding
2. Increase grant matching funds to leverage city taxpayer dollars
3. Create a dedicated Urban Forest Unit to build a healthy urban forest of native trees.
4. Adequately fund the major/minor maintenance of the three waterfront parks.

### CURRENT SITUATION AND ITS EFFECTS

At a regular meeting on November 8, 2023, the Parks, Recreation and Waterfront Commission approved a motion to communicate a recommendation to Council to include an increase in the Parks Tax by 4cts/SF or ~20% in a community survey for possible November 2024 ballot measures. The estimated \$3.5M annually, would be split equally between: major maintenance/capital projects, Urban Forest restoration, and consolidation of three Waterfront Parks into City Park system.

M/S/C (Avellar/Kawczynska/U). Ayes: Abshez; Avellar; Cox; Diehm; Kawczynska; Lee; Ranuzzi; Wozniak; Noes: None; Absent: Hurtado; Leave of Absence: None.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

A modest increase in the Parks Tax can help the City maintain a healthy urban forest and City parks to better address the impacts of Climate Change, by cooling urban spaces and mitigating the Heat Island Effect.

**RATIONALE FOR RECOMMENDATION**

See body of the report.

**ALTERNATIVE ACTIONS CONSIDERED**

None

**CONTACT PERSON**

Roger Miller, Secretary, Parks, Recreation, and Waterfront Commission, 510-981-6704  
Claudia Kawczynska, Chairperson, Parks, Recreation and Waterfront Commission



CONSENT CALENDAR

December 12, 2023

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

**From:** Jenny Wong, City Auditor *JW*

**Subject:** Spending Aligned with Ballot Measure FF and the City Is Improving Internal Processes

RECOMMENDATION

We recommend City Council request that the City Manager report back by June 2024 and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented by the Fire Department and Human Resources. They have agreed to our findings and recommendations. Please see our report for their complete response.

FISCAL IMPACTS OF RECOMMENDATION

The audit recommendations are intended to build upon the work the City is already doing to ensure that Measure FF funds are spent according to the ballot measure and city code. We anticipate minimal financial impacts of staff time to finalize AR 2.2 and report on Measure FF programs and spending.

CURRENT SITUATION AND ITS EFFECTS

In fiscal years 2022 and 2023, Measure FF funds were used according to the ballot measure and the BMC Ch. 7.83 for broad public safety purposes including firefighter and emergency medical response and wildfire prevention. The majority of funds went toward Emergency Medical Services and Wildland Urban Interface program areas, and the top spending categories were wages and benefits, professional services, capital, and transfers to the Paramedic Tax Fund.

Our audit reports that Measure FF transactions followed city purchasing procedures, but there were some limitations in internal processes and reporting. The Fire Department did not consistently provide detailed spending information to the Disaster and Fire Safety Commission due to short-staffing and reporting limitations. The Fire Department's initial hiring of retirees led to inefficient use of funds, but the Department and Human Resources have since adjusted positions and pay rates for retirees. Additionally, Human Resources is developing stronger guidelines for hiring retirees in its revision of AR 2.2. Finally, the Wildland Urban Interface Division did not have a consistent process for reporting on the performance of its inspection program.

BACKGROUND

Measure FF is a special tax dedicated to funding firefighter and emergency medical response, upgrades to the 9-1-1 dispatch system, hazard mitigation, and wildfire prevention and preparedness activities. In November of 2020, 74.2 percent of Berkeley voters passed Measure FF which authorized a special parcel tax of 10.47 cents per square foot of improvements for each

parcel of real property in the City of Berkeley. The tax was increased to 11.26 cents in fiscal year 2023.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

Implementing our recommendations will improve the City's internal processes for use of Measure FF funds.

CONTACT PERSON

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

Attachments:

- 1: Audit Report: Spending Aligned with Ballot Measure FF and the City is Improving Internal Processes



Audit Report  
November 22, 2023

# Spending Aligned with Ballot Measure FF and the City Is Improving Internal Processes



BERKELEY CITY AUDITOR

Jenny Wong, City Auditor  
Caitlin Palmer, Audit Manager  
Pauline Miller, Auditor II



# Spending Aligned with Ballot Measure FF and the City Is Improving Internal Processes

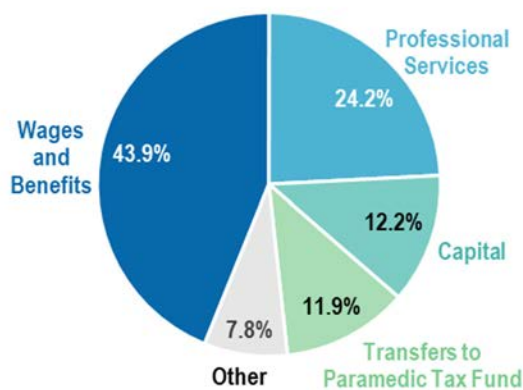
## Report Highlights

November 22, 2023

### Findings

1. Measure FF spending aligned with the ballot measure and city code. The majority of funds went toward Emergency Medical Services (EMS) and Wildland Urban Interface (WUI) program areas and the top spending categories were wages and benefits, professional services, capital, and transfers to the Paramedic Tax Fund.

Measure FF Spending by Category, Fiscal Years 2022 and 2023



Source: Berkeley's financial management system

### Objectives

1. Did Measure FF spending align with the ballot measure and city code?
2. Are there adequate internal processes in place to ensure that Measure FF funds are used as intended?

### Why This Audit Is Important

Ensuring the City spends Measure FF funds in accordance with the ballot measure and city code is important because the tax is intended to address critical public safety concerns in Berkeley, including increased fire risk associated with climate change, a growing demand for emergency medical services, and an organizational mission that has expanded and requires more education, training, and equipment. Additionally, when Measure FF passed in November 2020, the Fire Department was under pressure from responding to the COVID-19 pandemic while experiencing significant recruitment and retention challenges and changes in leadership. These factors placed strain on the Fire Department's roll out of Measure FF programs and increased risk for misuse of funds.

2. Measure FF transactions followed city purchasing procedures but there were some limitations in internal processes and reporting. The Fire Department did not consistently provide detailed spending information to the oversight commission due to short-staffing and reporting limitations. Human Resources is improving internal processes for hiring retirees to avoid future inefficient spending. The WUI Division did not have a consistent process for reporting on the performance of its defensible space inspection program.

### Recommendations

To strengthen reporting for Measure FF spending, we recommend the Fire Department work with the City Manager to develop a standard expenditure and budget reporting schedule to the Disaster and Fire Safety Commission. This should include assessing the feasibility of automated reporting on Measure FF spending. To improve internal processes for hiring retirees, we recommend Human Resources complete the revision of the City's policy for retiree employment. Finally, to better track use of Measure FF funds, we recommend the Fire Department resume regular reporting on defensible space inspections and develop performance measures. The Fire Department, City Manager, and Human Resources agreed with the recommendations.



BERKELEY CITY AUDITOR

For the full report, visit:  
<https://berkeleyca.gov/your-government/city-audits>

## Table of Contents

Page 3	Introduction
Page 4	Background
Page 5	Measure FF spending aligned with the ballot measure and city code.
Page 9	Measure FF transactions followed city procedures but there were some limitations in internal processes and reporting.
Page 13	Recommendations and Management Response
Page 16	Methodology, Scope, and Statement of Compliance

## Introduction

Our office aims to conduct periodic assessments of ballot measure funds to ensure that the spending of public funds is aligned with the intended use. The fire chief encouraged our work on this audit. Ensuring that the City spends Measure FF funds in accordance with the ballot measure and city code is a priority because the tax is intended to address critical public safety concerns in Berkeley. These include increased fire risk associated with climate change, a growing demand for emergency medical services, and an organizational mission that has expanded and requires more education, training, and equipment. Additionally, after Measure FF passed in November 2020, the Fire Department was under pressure from responding to the COVID-19 pandemic while experiencing significant recruitment and retention challenges and changes in leadership. These factors placed strain on the Fire Department's roll out of Measure FF programs and increased risk for misuse of funds.

Our objectives were to determine:

- Did Measure FF spending align with the ballot measure and city code?
- Are there adequate internal processes in place to ensure that Measure FF funds are used as intended?

To address these objectives, we examined Measure FF spending in fiscal years 2022 and 2023. We reviewed a broad sample of transactions and staffing costs to determine whether they aligned with the provisions of the tax measure. We specifically assessed internal controls to prevent fraud, waste, and abuse, including those related to purchasing policies and the City's salary schedule. While we evaluated Measure FF spending areas, our scope did not include an in-depth evaluation of all programs funded through Measure FF.

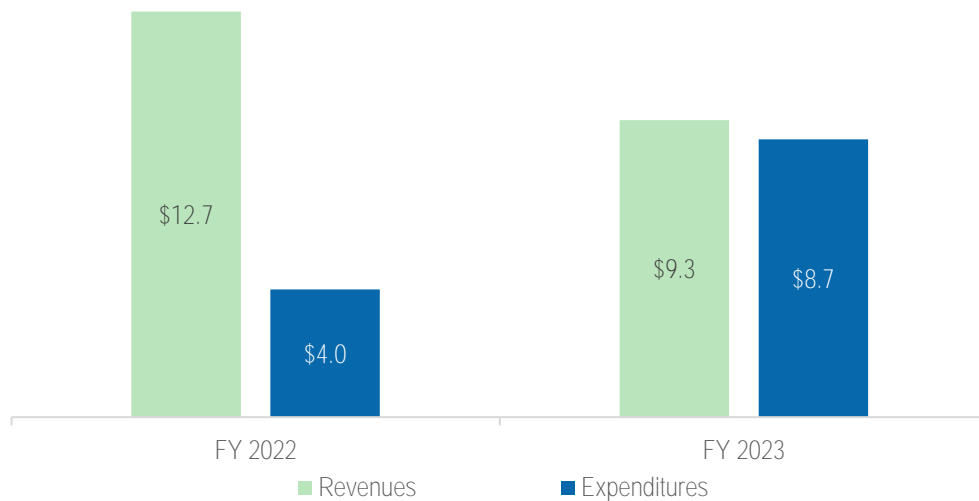
## Background

Measure FF is a special tax dedicated to funding firefighter and emergency medical response, upgrades to the 9-1-1 dispatch system, hazard mitigation, and wildfire prevention and preparedness activities. In November

2020, 74.2 percent of Berkeley voters passed Measure FF which authorized a special parcel tax of 10.47 cents per square foot of improvements for each parcel of real property in the City of Berkeley. The Measure FF tax increased to 11.26 cents in fiscal year 2023.

The City collected \$12.7 million in Measure FF revenues in fiscal year 2022 and \$9.3 million in revenues in fiscal year 2023.<sup>1</sup> Measure FF expenditures were \$4.0 million in fiscal year 2022 and \$8.7 million in fiscal year 2023 (see Figure 1).

**Figure 1. Measure FF Revenues and Expenditures by Fiscal Year, in Millions**



Source: Budget Office and Fire Department

<sup>1</sup> Revenues were higher in fiscal year 2022 because the City also billed for the second half of fiscal year 2021, from January 1, 2021 to June 30, 2021.

## Measure FF spending aligned with the ballot measure and city code.

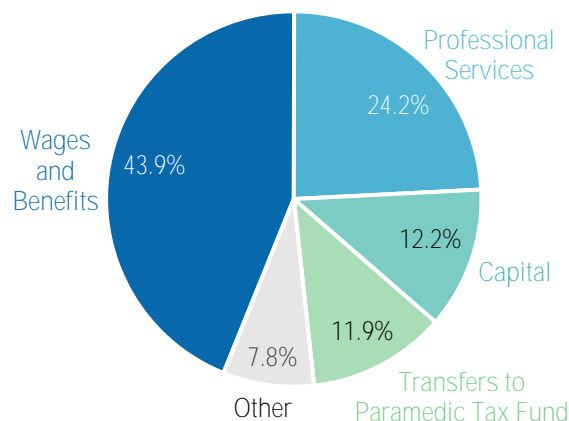
Based on our assessment of spending categories and a sample of individual transactions, the Fire Department spent Measure FF funds in accordance with the Measure FF ballot measure and city code during the audit period of fiscal years 2022 and 2023.

Measure FF broadly funds firefighter and emergency medical response and wildfire prevention. Measure FF was codified in Berkeley's municipal code (BMC) Chapter 7.83. The proceeds of the tax are placed in a special fund. We found that Measure FF funds were used according to the ballot measure language and the BMC Chapter 7.83 for the following public safety purposes:

1. Local firefighter and emergency medical response including hiring and training personnel and upgrading safety equipment and facilities;
2. Upgrading and modernizing the 9-1-1 dispatch system to implement and maintain a system to provide emergency medical dispatching; and
3. Wildfire prevention and preparedness activities including, but not limited to, vegetation management, hazard mitigation, public education, evacuation planning, and an emergency alert system.

The top spending categories were wages and benefits, professional services, capital, and transfers to the Paramedic Tax Fund (see Figure 2).

**Figure 2. Measure FF Spending by Category, Fiscal Years 2022 and 2023**



Source: Berkeley's financial management system

Note: Other includes supplies, non-capital, and internal services.

See a description of the spending categories below.

- **Wages and benefits.** Proceeds from the Measure FF tax funded 133 employees in fiscal years 2022 and 2023. This included 40 employees who were fully funded through Measure FF and 93 employees who were partially funded through Measure FF.<sup>2</sup> Fully funded positions included retired annuitants (retirees), paramedics, assistant fire chiefs, fire prevention inspectors, and administrative staff.
- **Professional services.** Purchases in this category included staffing and project management support and contracted subject matter experts in wildland fire management, emergency medical dispatch, Fire Department deployment and staffing, and architectural design services.
- **Capital.** Purchases in this category included trucks, ambulances, training equipment, and curb painting and road signage for the Safe Passages program.
- **Transfers to the Paramedic Tax Fund.** Transfers were made on a quarterly basis to cover an ongoing structural deficit in the Paramedic Tax Fund for emergency medical services.<sup>3</sup>
- **Other.** Purchases in this category included spending on supplies, non-capital (e.g., items such as computers, monitors, cameras), and internal services.

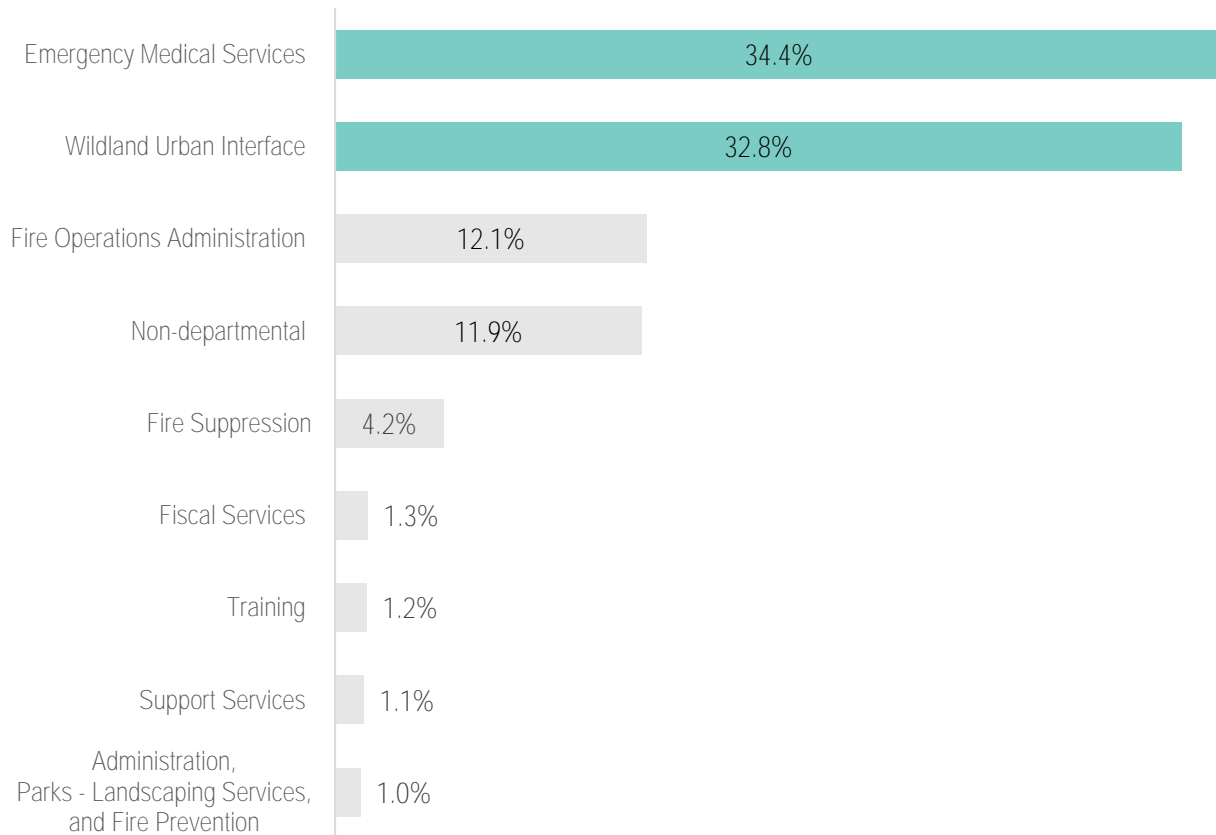
Looking at the distribution of Measure FF funds across program areas, the majority of funds were allocated to Emergency Medical Services (34.4 percent) and Wildland Urban Interface (32.8 percent). See Figure 3 for a breakdown by program area.

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<sup>2</sup> The Fire Department paid staff in designated Measure FF programs and activities, and also used Measure FF funds to cover overtime or compensatory time earned by employees whose pay and benefits were primarily covered by other funding sources during the audit period.

<sup>3</sup> The Fire Department transferred \$757,925 to the Paramedic Tax Fund in fiscal years 2022 and 2023 to help balance the fund.



**Figure 3. Measure FF Spending by Program Area, Fiscal Years 2022 and 2023**

Source: Berkeley's financial management system

Note: Non-departmental represents the transfer to the Paramedic Tax Fund. Parks - Landscaping Services refers to assistance with the removal of hazardous fire fuel.

Measure FF funds have allowed the Fire Department to accomplish a number of outcomes, including those highlighted below.

#### Local Fire and Emergency Medical Response:

- The Fire Department worked with a consultant to complete a standards of coverage analysis which included an assessment of resources within the department to determine if the City's deployment model is meeting national standards for call processing and response times.
- The Fire Department restructured its staffing by developing two new job classifications to staff ambulances: emergency medical technician (EMT) and paramedic. These new classifications allow the Fire Department to add additional ambulances and staff at a lower cost and recruit from a broader applicant pool. The paramedic classification is operational within the Fire Department and the full

transition is expected to be completed by July 1, 2025. The Fire Department has not yet recruited for the entry level EMT classification due to a lack of facility space.

- The Fire Department worked with a consultant to complete a fire facilities master plan which includes a roadmap for future facilities improvements.
- The Fire Department created a new standalone Training Division to meet training and education requirements. The Fire Department also created a separate Emergency Medical Services Division to more efficiently run emergency medical calls for service.

#### Upgrading and Modernizing the 9-1-1 Dispatch System:

- The Fire Department worked with a consultant to complete a dispatch needs assessment. The Fire Department is currently reviewing the recommendations of the study, which found that substantial investments are needed to provide modern fire and EMS dispatch services. According to the Fire Department, these needs exceed current Measure FF funding availability.

#### Wildfire Prevention and Preparedness Activities:

- The Fire Department created a new Wildland Urban Interface (WUI) Division to focus on the significant wildfire risk that faces the community.
- The Fire Department worked with a consultant and multiple stakeholders to develop the City's community wildfire protection plan, which sets goals for improving Berkeley's wildfire response.
- The Fire Department expanded the defensible space inspection program to all of fire zones 2 and 3 in Berkeley's WUI.<sup>4</sup> Properties in fire zones 2 and 3 encompass a geographical area identified in the City's fire code as a very high fire hazard severity zone. The program implemented a new inspection software during the audit period.
- The Fire Department purchased a city-wide outdoor warning system to assist with emergency notifications and is managing the installation.
- The Parks, Recreation, and Waterfront Department transferred the chipping program to the Fire Department. In addition to conducting curbside pickup and providing chipping and disposal of vegetation material from residential properties citywide, the Fire Department modernized the program with new software.

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<sup>4</sup> Defensible space is the buffer created between buildings and the vegetation that surrounds it. Adequate space is needed to slow or stop the spread of wildfire and help protect homes from catching on fire.



## Measure FF transactions followed city procedures but there were some limitations in internal processes and reporting.

We found that non-staff expenditures followed the City's purchasing procedures, but there were some limitations in internal processes and reporting. The Disaster and Fire Safety Commission (DFSC) did not consistently receive detailed information on spending to fulfill their oversight role. However, the new fire chief has worked with the DFSC to provide more detailed expenditure reports. Some retirees funded by Measure FF were hired into classifications that were inconsistent with their assigned duties, which resulted in an inefficient use of funds. To resolve this issue, the new fire chief collaborated with Human Resources (HR) to modify the retirees' positions and pay. HR is currently developing a process to ensure adequate documentation for hiring retirees. Finally, the Fire Department has not consistently reported on the defensible space inspection program and has not defined performance measures.

### The Fire Department followed the City's purchasing procedures.

Our assessment of a sample of transactions for non-staff Measure FF expenditures found that the Fire Department adequately documented purchases and followed the City's purchasing procedures.

### The Fire Department did not consistently provide detailed spending information to the oversight commission due to short-staffing and reporting limitations.

On September 20, 2020, the City Council authorized the Disaster and Fire Safety Commission (DFSC) as the oversight commission for expenditure of Measure FF proceeds. The resolution states that the DFSC may (1) request detailed expenditure plans for tax proceeds annually; (2) make recommendations to the City Manager and the City Council on the expenditure of tax proceeds; and (3) obtain a report on actual expenditures.

In the City's budgets for fiscal years 2022, 2023, and 2024, the Fire Department identified projects and programs that align with the City's strategic plan priorities to be funded through Measure FF. However, in a June 2022 report to City Council, the DFSC cited a need for more detailed and timely expenditure reports and budget information. According to the report, this lack of information impacted the commission's ability to fulfill their oversight role.

According to the Fire Department, the department was unable to pull expenditure reports on Measure FF from ERMA, the City's financial management system, at the level of detail commissioners requested. In a report to City Council, the former fire chief cited limited staff time and multiple conflicting priorities as challenges to

providing detailed expenditure reports requested by the DFSC. The Fire Department has since developed a workaround to manually compile line item spending information for quarterly expenditure reports to the DFSC. However, this process is time-intensive for staff.

Various boards and commissions are charged with an oversight role and make recommendations on tax measure spending in the City of Berkeley. The Fire Department stated that they have considered input from the DFSC on spending priorities and adjusted the budget based on their input, such as increased funding for vegetation management. While our audit scope did not include an assessment of DFSC input on the Measure FF budget, the City does not have clear guidelines on how often spending plans and expenditure reports should be shared with commissions for input. The City has also not established a standard baseline of detail necessary for commissions to fulfill their oversight duties. This lack of standard procedures contributed to unclear expectations between DFSC members and the Fire Department.

Recommendations:

To strengthen reporting on Measure FF spending, we recommend the Fire Department:

- 1.1 Work with the City Manager to develop a standard expenditure and budget reporting schedule to the Disaster and Fire Safety Commission. This schedule should be aligned with the budget process where appropriate. The Fire Department should consult with the Disaster and Fire Safety Commission to establish a baseline level of detail for spending plans and expenditure reports.
- 1.2 Assess the feasibility of automating detailed reporting on Measure FF spending to the Disaster and Fire Safety Commission to continue providing quarterly expenditure reports without excessive staff time.

### Internal processes for hiring retirees had limitations, but the City is developing stronger ones.

Discrepancies in pay for retirees hired back to staff the new WUI Division led to inefficient use of funds. In fiscal year 2022, the Fire Department hired 13 retirees in the roles of assistant fire chief and fire prevention inspector to staff the new WUI Division due to critical staffing shortages and recruitment challenges related to the pandemic. Retirees were paid various rates within the allowable range for the City's retired annuitant classification. However, some of these rates were outside of the salary range for staff in comparable positions. According to the Fire Department, the Department and HR set the retirees' pay based on the positions they retired from instead of the rates for their new roles in the WUI Division. If the Fire Department and HR had

initially hired retirees under positions more closely aligned with the work they performed, the City could have saved nearly \$56,000 in staffing costs, or approximately 1 percent of the total Measure FF staffing cost for fiscal years 2022 and 2023. Our 2023 retention audit reported that HR was facing instability and high vacancy rates at the time it set pay rates for the retirees which may have been a factor.<sup>5</sup>

HR has since addressed the pay discrepancies by adjusting positions and pay rates for retirees paid through Measure FF. This went into effect in December 2022. HR is revising its internal policy for temporary staff, Administrative Regulation (A.R.) 2.2, to include state guidelines for employment of retirees and a form for retirees, hiring departments, Human Resources, and the City Manager to sign off on prior to hiring them. A.R. 2.2 currently provides some guidance for employment of retirees, but does not explicitly advise departments on setting comparable positions or pay to ensure compliance with state employment law. According to HR, the revised A.R. 2.2 is currently undergoing final review.

Recommendations:

To improve internal processes for hiring retirees and ensure that retiree pay aligns with assigned duties, we recommend Human Resources:

- 1.3 Complete revision of A.R. 2.2 to include state requirements for employment of retirees. This should include explicit guidance to set comparable positions and pay for retirees.
- 1.4 Support the above recommendation by finalizing a form for hiring retirees that specifies their comparable position as part of A.R. 2.2. Human Resources should ensure the form prompts departments to clearly specify the comparable position, duties that will be performed, and hourly rate for the comparable position offered to retirees.

### **The Wildland Urban Interface Division did not have a consistent process for reporting on the performance of its inspection program.**

The retiree pay discrepancies impacted inspection services in the WUI Division's defensible space inspection program. The Fire Department and 11 of the 13 retirees working in the WUI Division agreed to cease work from September to December 2022 while HR adjusted their classifications and pay rates in consultation with the California Public Employees' Retirement System (CalPERS). According to the Fire Department, defensible

<sup>5</sup> Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring: [https://berkeleyca.gov/sites/default/files/documents/Staff%20Shortages%20--%20City%20Services%20Constrained%20by%20Staff%20Retention%20Challenges%20and%20Delayed%20Hiring\\_0.pdf](https://berkeleyca.gov/sites/default/files/documents/Staff%20Shortages%20--%20City%20Services%20Constrained%20by%20Staff%20Retention%20Challenges%20and%20Delayed%20Hiring_0.pdf)

space inspections declined during this time from 289 in August 2022 to 64 in November 2022. The Fire Department also stated that the disruption in the inspection cycle caused inefficiencies when retiree inspectors were unable to follow up on properties flagged with violations in a timely manner and had to start the inspection process over upon their return.

The Fire Department has since hired full-time inspectors and interns, and has phased out the retirees that were performing inspections as of June 2023. With these staff, the number of inspections has increased to 1,474 in August 2023.

The Fire Department initially reported the number of inspection violations and re-inspections at monthly DFSC meetings, but the Fire Department stopped reporting after August 2022. According to the Fire Department, the WUI Division aimed to complete at least 8,600 inspections annually, but the defensible space inspection program did not define performance measures, including to ensure violations were resolved. Defining performance measures that track progress toward goals would help the public better understand the use of Measure FF funds in this program area. The WUI Division recently implemented a new inspection software with advanced analytical tools that can provide performance reports.

Recommendations:

To better track use of Measure FF funds, we recommend the Fire Department:

- 1.5 Resume regular reporting on defensible space inspections, for example to the Disaster and Fire Safety Commission.
- 1.6 Support the above recommendation by developing performance measures for the defensible space inspection program and using the new inspection software to track and report on these measures.

## Recommendations and Management Response

We provided a draft of this report to city management and HR for review and comment. City management agreed with our findings, conclusions, and recommendations. We generally expect the City to implement audit recommendations within two years of report issuance. The department provided the implementation dates and corrective action plan below. We will be conducting our standard recommendation follow up process after the audit is issued. We have not yet confirmed to what extent the recommendations have been implemented prior to the audit release date.

- 1.1** To strengthen reporting on Measure FF spending, we recommend the Fire Department work with the City Manager to develop a standard expenditure and budget reporting schedule to the Disaster and Fire Safety Commission. This schedule should be aligned with the budget process where appropriate. The Fire Department should consult with the Disaster and Fire Safety Commission to establish a baseline level of detail for spending plans and expenditure reports.

Implementation Date: November 2023

Corrective Action Plan: The Department worked with the City Manager and the Disaster Fire & Safety Commission (DFSC) to develop a novel expenditure reporting schedule and format. The Department provides line-item expenditure reports for Measure FF on the following schedule:

- Quarter 1 (July, August, September) report due at November meeting
- Quarter 2 (October, November, December) report due at February meeting
- Quarter 3 (January, February, March) report due at May meeting
- Quarter 4 (April, May, June) report due at October meeting

The Q4 report includes a comprehensive presentation on the work achieved for the prior fiscal year and the planned work for the next fiscal year. The first such annual report was provided to the DFSC in October of 2023 and was met with a positive response from Commissioners.

**1.2** We recommend the Fire Department assess the feasibility of automating detailed reporting on Measure FF spending to the Disaster and Fire Safety Commission to continue providing quarterly expenditure reports without excessive staff time.

Implementation Date: June 30, 2024

Corrective Action Plan: The Department would very much like to automate the expenditure reports and will work with Tyler Technologies to determine to determine if this is technically possible.

**1.3** To improve internal processes for hiring retirees and ensure that retiree pay aligns with assigned duties, we recommend Human Resources complete revision of A.R. 2.2 to include state requirements for employment of retirees. This should include explicit guidance to set comparable positions and pay for retirees.

Implementation Date: December 2023

Corrective Action Plan: Human Resources has already updated A.R. 2.2 to address this recommendation in Attachment B of the A.R., which has been posted **to the City's intranet.**

**1.4** We recommend Human Resources support the above recommendation by finalizing a form for hiring retirees that specifies their comparable position as part of A.R. 2.2. Human Resources should ensure the form prompts departments to clearly specify the comparable position, duties that will be performed, and hourly rate for the comparable position offered to retirees.

Implementation Date: December 2023

Corrective Action Plan: Human Resources has already updated the form that accompanies A.R. 2.2. The form includes classification title, salary, and specialized skills of the retired annuitant. Human Resources will align the proposed position and duties with the comparable classification to ensure that the hourly rate for comparable position is offered to the retired annuitant.

**1.5** To better track use of Measure FF funds, we recommend the Fire Department resume regular reporting on defensible space inspections, for example to the Disaster and Fire Safety Commission.

Implementation Date: March 2024

Corrective Action Plan: The Department will begin to include data on the Defensible Space Inspection (DSI) program beginning with the DFSC meeting in March 2024.

**1.6** We recommend the Fire Department support the above recommendation by developing performance measures for the defensible space inspection program and using the new inspection software to track and report on these measures.

Implementation Date: March 1, 2024

Corrective Action Plan: The Department will develop performance measures for the Defensible Space Inspection (DSI) program that can be publicly reported.

## Methodology, Scope, and Statement of Compliance

We audited the Fire Department's use of Measure FF tax funds during fiscal years 2022 and 2023. To address our audit objectives, we evaluated personnel and non-personnel expenditures from July 2021 to June 2023.

We reviewed a sample of a combination of judgmentally and randomly selected non-personnel transactions for alignment with the use provisions of the tax measure and to identify potential control weaknesses, including risks related to fraud, waste and abuse. We did this by tracing individual expenditures within our sample to invoices, checks and contracts, where applicable. We also reviewed personnel spending to determine whether staff spending aligned with the use provisions of the tax measure. We analyzed a subset of personnel transactions to assess the Fire Department's internal controls for waste or misuse of funds. We did this by tracing staff pay rates to the City's salary schedules.

We analyzed data from ERMA, the City's financial management system.

- We compiled and analyzed a sample of individual transactions from July 2021 to April 2023. July 31, 2021 is when the first non-personnel Measure FF transaction was made and April 12, 2023 was the cutoff date for our analysis of individual transactions.
- We analyzed spending categories for FY 2022 and FY 2023, including personnel and non-personnel spending.
- We analyzed data from ERMA's payroll module from September 2021 to June 2023. September 24, 2021 is when the first paycheck was issued using Measure FF funds. June 2, 2023 is the cutoff date for the payroll data we reviewed.

We reviewed:

- Berkeley Municipal Code
- Measure FF Ballot Measure
- Disaster and Fire Safety Commission agendas and reports
- Staff reports to City Council
- Fire Department policies, procedures, and internal staffing documents
- City's Purchasing Manual
- Fire Department's Purchasing Process
- City Council resolutions
- Human Resources' policy for temporary employees (A.R. 2.2) and internal hiring documentation
- Data on Wildland Urban Interface (WUI) vegetation inspections



We interviewed staff in the Fire Department, Finance Department, Human Resources Department, the Budget Office and the City Attorney’s Office. Additionally, we interviewed some members of the Disaster and Fire Safety Commission.

### Data Reliability

We assessed the reliability of ERMA data by reviewing it for completeness, appropriateness, and consistency. We determined that ERMA data is reliable for the audit’s purpose. We determined the reliability of ERMA data by interviewing data owners and performing logic testing on the data.

### Independence

Payroll Audit is a Division of the City Auditor’s Office. To reduce the threat to our independence, we limited our work to exclude areas overseen by our office. While City Charter Section 61 charges our office with the oversight of the Payroll Audit Division, this division does not assess the accuracy of rates paid to retirees. We limited our review of individual staff pay to retirees. We also selected data from closed payroll periods that were in read-only status.

We relied on previous consultations with representatives from the U.S. Government Accountability Office to assess the safeguards we put in place. Based on this, we determined that the safeguards mentioned above reduced the identified threats to our independence to an acceptable level to proceed with the audit.

### Statement of Compliance

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

**Mission Statement**

Promoting transparency and accountability in Berkeley government.

**Audit Team**

Caitlin Palmer, Audit Manager  
Pauline Miller, Auditor II

**City Auditor**

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Cover photographs provided by City of Berkeley



BERKELEY CITY AUDITOR



Office of the Mayor

CONSENT CALENDAR

December 12, 2023

To: Honorable Mayor and Members of the City Council

From: Mayor Jesse Arreguín

Subject: Reappointment of Dr. P. Robert Beatty to the Alameda County Mosquito Abatement District Board of Trustees

RECOMMENDATION

Adopt a Resolution reappointing Dr. P. Robert Beatty to the Board of Trustees of the Alameda County Abatement District for a two-year term ending on January 1, 2026.

BACKGROUND

Each city in Alameda County is required to appoint a resident to the Alameda County Mosquito Abatement District Board of Trustees. This term lasts for two years. The District has recently notified the City that Dr. P. Robert Beatty's term is expiring at the beginning of 2024.

Dr. Beatty has served as Berkeley's representative on the Board since April 2016. Dr. Beatty is one of fourteen members of the Board. As an infectious disease immunologist, Dr. Beatty has studied mosquitoes worldwide and provided invaluable expertise and information to the Board on dengue, Zika and other mosquito borne diseases. He has taught immunology and infectious disease classes for over 20 years in the Department of Molecular and Cellular Biology at UC Berkeley.

FINANCIAL IMPLICATIONS

None for the City of Berkeley. Trustees receive a stipend of \$100 per month paid for by the Alameda County Mosquito Abatement District.

ENVIRONMENTAL SUSTAINABILITY

No adverse effects to the environment.

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

1: Resolution

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

REAPPOINTING DR. P. ROBERT BEATTY AS THE CITY OF BERKELEY'S REPRESENTATIVE TO THE ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES

WHEREAS, Dr. P. Robert Beatty has served on the Board of Trustees of the Alameda County Mosquito Abatement District since 2016; and

WHEREAS, Dr. Beatty is an infectious disease immunologist who has taught immunology and infectious disease classes for over 20 years in the Department of Molecular and Cellular Biology at UC Berkeley; and

WHEREAS, during his term on the Board of Trustees, Dr. Beatty has provided invaluable expertise and information to the Board on Zika and other mosquito borne diseases.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Dr. P. Robert Beatty is hereby reappointed as the City of Berkeley's representative to the Alameda County Mosquito Abatement District Board of Trustees for the term commencing on January 1, 2024 ending January 1, 2026.



CONSENT CALENDAR  
Dec. 12, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: Waterside Workshops Winter Festival and Kids Bike Giveaway: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

### RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$200 from Councilmember Taplin, to support the Waterside Workshops Winter Festival and Kids Bike Giveaway.

### FINANCIAL IMPLICATIONS

No General Fund impact. \$200 is available from contributing Councilmember's Council Office Budget discretionary accounts.

### BACKGROUND

Waterside Workshops is hosting its annual Winter Festival and Kids Bike Giveaway event on Saturday, December 9. Each year, in collaboration with community partners, Waterside Workshops donates around 250 refurbished bikes, helmets, lights, and locks to Bay Area families and individuals.

This year, Waterside Workshops has set a goal to donate over 100 kids' bikes during the month of December. To achieve this goal, the organization is hosting a Winter Festival on December 9 at their facility at 84 Bolivar Drive in Berkeley that will include a large-scale bike giveaway. The event is open to all members of the public.

Waterside Workshops' bike giveaway programs prioritize increasing bike access for marginalized communities impacted by systemic inequalities, including:

- Low-income households
- Black, Indigenous, and People of Color
- Immigrants and refugees
- Unhoused families and individuals
- Women, transgender, and gender expansive individuals

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

### CONTACT PERSON

Councilmember Taplin      Council District 2      510-981-7120

Waterside Workshops

CONSENT CALENDAR  
Dec 12, 2023

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 Waterside Workshops seeks funds in the amount of \$200 to provide the following public services: Winter Festival and Kids Bike Giveaway; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: providing bicycles and equipment to children in vulnerable communities;

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 \$500 amount per office shall be granted to Waterside Workshops to support the Winter Festival and Kids Bike Giveaway.





CONSENT CALENDAR

Dec. 12, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin, Councilmember Harrison, and Vice Mayor Bartlett (co-authors)

Subject: Budget Referral and Updated Guidelines and Procedures for City Council Office Staff Expenditures

RECOMMENDATION

Refer to the Budget and Finance Committee to consider updates to the guidelines and procedures for City Council office budget expenditure accounts with regards to City Council staff salaries and an accompanying Budget Referral of up to \$219,080 for the Annual Appropriation Ordinance #1 (AAO) process to budget Council offices up to 2 FTE, meet obligations under the SEIU 1021 CSU/PTRLA MOU, and prevent layoffs.

POLICY COMMITTEE RECOMMENDATION

On November 16, 2023, the Budget & Finance Committee adopted the following action: M/S/C (Arreguín/Kesarwani) to forward the item as revised to the City Council with a positive recommendation. Vote: Ayes – Kesarwani, Arreguin; Noes – None; Abstain – None; Absent - Harrison.

CURRENT SITUATION AND ITS EFFECTS

*This item reiterates with modifications a 2022 referral from Councilmember Bartlett's office for 2 FTE per office that was funded in part at 1.5 FTE and only delayed structural shortfalls impacting at least four offices.*

As of March of 2023, four of eight Council Offices retain more than one Legislative Assistant, while the Mayor retains four Legislative Assistants in addition to a Chief of Staff. This reflects the trend over the last two decades of an increase in demand faced by Council Offices for constituent services and legislative policy output. Despite this increase, Council budget policy still assumes a staff level fixed at one Legislative Assistant per Council Office, though recent adjustments provide for budgeting the Mayor's Office at actual staff costs.

Following the 2019 unionization of Legislative Assistants with the SEIU 1021 Community Services & Part-Time Recreation Leaders Association Chapter. The City officially ratified a contract with the new unit on June 15, 2021 that, among other things, provided an increased hourly wage for Legislative Assistants more closely commensurate with internal comparators as determined by a 2006 report from the City

Manager, and placed Legislative Assistants on a salary schedule based on annual steps like other unionized positions in the City. After the adoption of the contract, Resolution No. 65.540-N.S. which provided for and regulated Council Office budgets was replaced by Resolution No. 70,054–N.S. This new Resolution adjusted Council budgets to allow for one full-time Legislative Assistant per office under the new agreement but did not account for the reality that half of Council Offices currently have had more than one Legislative Assistant. Because the new contract provides for annual step increases, Council Offices which now use their staff funds to retain two full time Legislative Assistants will be *forced to reduce hours or terminate staff* as they progress through annual steps.

The most recent adjustment to Council staff budgeting policy was made on June 28, 2022, by the unanimous vote to adopt Resolution No. 70,442–N.S. as revised. Revisions included: “Modify the proposed expenditure for the line item entitled “Increase City Council Office Expenditure Accounts” to increase each City Council office expenditure account by \$54,769.50 for FY 2023 and FY 2024, and that the amount is based on .5 FTE in the legislative assistant classification.” This represented a significant improvement over the status quo ante, but did not fully preclude the structural deficits for some Council Office budgets.

## BACKGROUND

Adequately and equitably funding Legislative Assistant positions is critical for achieving the City’s Strategic Plan goal of attracting and retaining a talented and diverse City government workforce.

Legislative Assistants aid with the management of a City Councilmember’s policy initiatives and district projects, write legislation, provide administrative office support, research and analyze policy and legislation, guide constituents in accessing critical public and nonprofit assistance, and may be called upon to represent their Councilmember before constituents, community groups, business interests, city staff and other elected officials.

Until recently, the Mayor, Councilmembers, and their aides have been significantly underpaid as compared to external and internal comparators. However, the population of Berkeley has increased by more than 20,000 since 2000, and active civic participation in matters of both local and national importance has increased significantly.

In 2020, the adoption of Measure JJ by nearly two thirds of Berkeley voters<sup>1</sup> affirmed that residents have high expectations of their local government and that the work required to deliver on those expectations should be compensated fairly and accurately. Measure JJ changed the status of City Councilmembers from part-time to full-time to reflect the increased demands of the position from when it was first created, and

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<https://www.cityofberkeley.info/uploadedFiles/Clerk/Elections/Summary%20Results%20Nov.%202020.pdf>, pg. 3

increased the salary for Councilmember and the Mayor to one sufficient for working class residents to be able to afford to run for office.<sup>2</sup>

Alongside the trend of increased demand on Council Offices for legislative and constituent services, the inauguration of the Council Policy Committee system in 2018 and the transition to full time Council positions in 2020 have both driven an increase in the workload for legislative staff. Half of Council Offices now maintain more than one Legislative Assistant, reflecting that the volume of legislative work per Council Office often exceeds 40 hours of labor per week. There are currently six Council Policy Committees, four interagency committees, and a varying number of Mayoral task forces.<sup>3</sup> Many Councilmembers also sit on regional boards, commissions, working groups and task forces, including, for example, the Association of Bay Area Governments Executive Board, Alameda County Transportation Commission, and the East Bay Community Energy Board of Directors among numerous others.

These committees and other bodies provide vital legislative functions, but also add significant workload in both staffing and preparing for these meetings each week. In addition to two regular meetings a month, Policy Committees have additional special meetings scheduled on an ad hoc basis, especially during the bi-annual budget processes, and additional work conducted by the staff, especially when a Councilmember chairs a Committee. Critically, committee members are now responsible for writing more detailed and comprehensive legislative briefs and memos as well as shepherding amended legislative matters referred from Commissions and other bodies. Due to the enhanced demand for legislative work, full and part-time Legislative Assistants regularly work hours substantially beyond their scheduled appointment.

Over the past two decades, Council has attempted to address Legislative Assistant compensation, resulting in incremental improvement.<sup>4</sup>

In 2006, in recognition of Legislative Assistant salary and classification disparities, the Council passed Resolution No. 63,259-N.S. directing the City Manager to conduct a salary equity study for the City Council Legislative Assistants and report the findings to the Council to include “a comparison with their peers in neighboring jurisdictions...[and] the salary range, qualifications and responsibilities for this job class.”<sup>5</sup>

The resulting 2006 study<sup>6</sup> from the City Manager found that Legislative Assistants were significantly underpaid as compared to external and internal comparators—namely the

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<sup>2</sup> <https://www.cityofberkeley.info/uploadedFiles/Clerk/Elections/2020%20Ballot%20Measures.pdf>, pg. 33

<sup>3</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/City\\_Council\\_Committee\\_and\\_Regional\\_Body\\_Appointees.aspx](https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Committee_and_Regional_Body_Appointees.aspx)

<sup>4</sup> <https://berkeleyca.gov/sites/default/files/documents/SEIU-CSU-Local1021-MOU.pdf>

<sup>5</sup> <https://www.cityofberkeley.info/citycouncil/agenda-committee/2006/packet/041006/2006-04-18%20Draft%20Item%2019%20MOORE%20-%20Salary%20Equity.pdf>

<sup>6</sup> <https://www.cityofberkeley.info/recordsonline/api/Document/AQwW5T053smoW4FSgoqqfPzrtx2b5Xydz2Wp12sEq9AYYtJ0JDbJ32ymekuaq6i5xy%C3%89%C3%8117rVEBYmrBFWpzKvwec%3D/>

Assistant Management Analyst in the City Manager's office. The City Manager recommended an increase to Council office salary budgets, at the time \$44,433 excluding benefits, to the minimum salary level of an Assistant Management Analyst (AMA), which would have increased the annual salary allocation by approximately \$10,248 per Council office. In 2015, nearly a decade after the City Manager's study was submitted to Council, the Mayor and Council voted to implement the 2006 Study recommendation and also acknowledged certain structural deficiencies including that Council Offices had to pull from their discretionary budgets "intended for office supplies and other office-related costs" in order to sufficiently fund staff costs.<sup>7</sup> Council ultimately referred an additional \$80,000 total to be split between the 8 Council offices. This increased staff capacity but only to the bottom end of the AMA classification range for one position.

In 2019, the Legislative Assistants across Council and Mayoral offices unionized as part of the SEIU 1021 Community Services & Part-Time Recreation Leaders Association. The contract approved in June 2021<sup>8</sup> provided for a wage step range roughly commensurate with the AMA classification. As part of that range, Legislative Assistants now receive annual pay increases along the established range like other City employees. In order to effectuate the new labor agreement, Council modified the guidelines that regulate Council Office budgets, replacing Resolution No. 65.540-N.S. with Resolution No. 70,054-N.S.<sup>9</sup>

While the wage floor for Legislative Assistants has increased under the contract, historic budget deficiencies persist. Indeed, the current budget policy artificially constrains certain Council appointments to less than full-time appointments in cases where two Legislative Assistants are needed. As a result, offices with multiple Legislative Assistants have to ration one full-time salary between two people, a fraught situation that creates awkward and precarious work schedules, inequitable compensation, burnout, high turnover, less diverse staff, less thorough legislative and constituent services, and the siphoning of office funds intended for supplies and other office-related costs. In addition, since the Legislative Assistant contract now provides for yearly step increases pursuant to favorable performance reviews like most other City positions, the Mayor and Council offices with multiple Legislative Assistants will quickly overshoot their budgets, which were designed for only one Legislative Assistant per office.

The two alternatives considered would address these shortcomings and respond to the change in legislative conditions by providing offices that wish to hire two full-time Legislative Assistants the opportunity to do so.

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<sup>7</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/2015/03\\_Mar/Documents/2015-03-10\\_Item\\_10\\_Refer\\_\\$80,000.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2015/03_Mar/Documents/2015-03-10_Item_10_Refer_$80,000.aspx)

<sup>8</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/2021/06\\_June/Documents/06-01\\_AC\\_Time\\_Critical\\_Item\\_Leg\\_Assistants\\_MOU.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/06_June/Documents/06-01_AC_Time_Critical_Item_Leg_Assistants_MOU.aspx)

<sup>9</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/2021/10\\_Oct/Documents/2021-10-12\\_Item\\_06\\_Council\\_Office\\_Expense\\_Account.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/10_Oct/Documents/2021-10-12_Item_06_Council_Office_Expense_Account.aspx)

### ALTERNATIVES CONSIDERED

Maintaining the status quo would result in those Council Offices which retain more than one Legislative Assistant encountering structural budget deficits within one to three years. In this scenario, Offices will be *forced to cut hours or lay off staff*. Though this can be remediated by reallocating non-personnel funds towards staff costs, doing so would delay but not prevent structural issues in most circumstances and results in other challenges and inequities associated with insufficient office funds.

The Budget and Finance Committee should instead consider pooling individual Council Staff Office Budgets together into a single Council Office Staff Budget, and fund it sufficient for each Office to hire two FTEs. This would raise funding to a level reflective of the demonstrated demand for Legislative Assistant work and stabilize those Offices with multiple Legislative Assistants, while simultaneously enabling budgeting practices and cost savings not practical with individual Council Staff Office Budgets. In this scenario, each Council Office would be able to draw funding for up to 2 FTEs or their equivalent from the fund, with flexibility for each Office based on the tenure of staff and the breakdown of fulltime and part-time positions.

The primary advantage of a pooled approach is in allowing more accurate budgeting practices. Normally, variation in seniority and temporary vacancies within a department create a high probability of actual costs falling close to the middle of the step range per budgeted position. It is therefore more accurate to budget staff costs at that median range, which frees some money for other priorities. The small size of each Council Office Staff Budget prevents this, instead requiring that they be budgeted at the top of the range. A pooled budget for 16 FTEs would likely be large enough to budget at the middle, allowing for more accurate budgeting and possible reallocation of scarce resources.

A pooled fund would allow for budgeting practices more reflective of the City's policies for other departments. The Budget and Finance Committee should consider what additional restrictions and policies should govern use of the fund. These should include a restriction on initial step placements for new hires at the first four steps of the Legislative Assistant salary range, and a requirement that the 80 hours available to each department be split between no more than three individual staff members. This could ensure stability of future budgets while enabling Council Offices to retain hiring discretion.

Additionally, a June 2021 Compensation Study indicated that the Legislative Assistant position in the City of Berkeley was 25% below the regional Labor Market Median in compensation (see Attachment 2). Recruitment and retention may become more difficult, as inflation measured by the Consumer Price Index (CPI) had risen to 5% that month, and peaked at a 40-year high of 8.5% in July 2022, representing a loss of real purchasing power for workers whose salary increases were below those rates.



A second alternative to address this issue would be to simply increase the amount allocated per council office from one FTE to two. While this may be easier to implement, it may be lacking in the cost control and flexibility enabled by the pooled approach.

### FINANCIAL IMPLICATIONS

Budgeting 16 FTE at the median salary step (\$90,121 per year) and pooling Council Office Staff Budgets would cost approximately \$1,441,936 for Fiscal Year 2024, if all offices exhaust their 2 FTE allocation—an annual \$114,316 increase over the status quo ante, which would otherwise total \$1,327,620 in FY 24. 2 FTE would be \$1,770,160, or an increase of \$442,540. This budget referral contains half that amount to reflect the midpoint in Fiscal Year 2024.

It is important to note that adopted and actual Council office budgets vary greatly each year. For example, in FY 2023 the actual budget resulted in 20% savings<sup>10</sup> over the adopted budget presumably due to differences in Councilmember spending and hiring preference

These cost estimates are based on projections for salary costs given scheduled raises per already agreed labor contracts for FY 2023, but assume FY 2022 allocations for fringe benefits. This may slightly underestimate the cost for the status quo, and significantly overestimate cost for the pooled alternative. Some fringe benefits, like healthcare, are unrelated to the salary of the position, while some rise with compensation. While the pooled approach budgets salaries at the median of the range, it assumes the full cost of 16 positions regardless of step for fringe benefits.

### ENVIRONMENTAL SUSTAINABILITY

None.

### ATTACHMENTS

1. Budget Referral and Updated Guidelines and Procedures for City Council Office Staff Expenditures - May 2022
2. 2021 Compensation Study for Legislative Assistants

### CONTACT

Terry Taplin, Councilmember, District 2, 510-981-7120

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<sup>10</sup> <https://berkeleyca.gov/sites/default/files/documents/FY-2024-Mid-Biennial-Adopted-Budget-Book.pdf>



**BEN BARTLETT**

CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR

May 24, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett (Author), Councilmember Rigel Robinson, Kate Harrison, and Terry Taplin (Co-Sponsors)

Subject: Budget Referral and Updated Guidelines and Procedures for City Council Office Staff Expenditures

RECOMMENDATION

Refer to the Budget and Finance Committee to consider updates to the guidelines and procedures for City Council office budget expenditure accounts with regards to City Council staff salaries and fringe benefits expenditures and an accompanying Budget Referral of approximately \$1,226,619.52 for the FY 22-23 June Budget process.

CURRENT SITUATION

As of March of 2022, four of eight Council Offices retain more than one Legislative Assistant, while the Mayor retains four Legislative Assistants in addition to a Chief of Staff. This reflects the trend over the last two decades of an increase in demand faced by Council Offices for constituent services and legislative policy output. Despite this increase, Council budget policy still assumes a staff level fixed at one Legislative Assistant per Council Office, though recent adjustments provide for budgeting the Mayor's Office at actual staff costs.

The most recent adjustment to Council staff budgeting policy was made in response to the 2019 unionization of Legislative Assistants with the SEIU 1021 Community Services & Part-Time Recreation Leaders Association Chapter. The City officially ratified a contract with the new unit on June 15, 2021 that, among other things, provided an increased hourly wage for Legislative Assistants more closely commensurate with internal comparators as determined by a 2006 report from the City Manager, and placed Legislative Assistants on a salary schedule based on annual steps like other unionized positions in the City. After the adoption of the contract, Resolution No. 65.540-N.S. which provided for and regulated Council Office budgets was replaced by Resolution No. 70,054-N.S. This new Resolution adjusted Council budgets to allow for one full-time Legislative Assistant per office under the new agreement but did not account for the reality that half of Council Offices currently have had more than one Legislative Assistant. Because the new contract provides for annual step increases, Council Offices which now use their staff funds to retain two part time Legislative Assistants will be forced to reduce hours or terminate staff as they progress through annual steps.

BACKGROUND

The Berkeley City Council and the people of Berkeley take great pride in their extremely active, engaged, and forward thinking legislative branch. This is directly tied to the expectations of Berkeley's residents, who have through their votes on ballot measures and their vocal advocacy demanded this level of activity. Additionally, this demand has risen over time. The population of Berkeley has increased by more than 20,000 since 2000, and interest in critical legislative issues including affordable housing, climate change, homelessness, transit, and public safety reimagining has increased substantially. Simultaneously, the City's budget and the total number of employees have steadily increased. The Council provides legislative output, municipal oversight, and constituent services that are more comparable to neighboring cities and counties with substantially larger populations and budgets than Berkeley. The Council's legislative assistants are key to providing these services. Legislative Assistants aid with the management of a Councilmember's policy initiatives and district projects, write legislation, provide administrative office support, research and analyze policy and legislation, guide constituents in accessing critical public and nonprofit assistance, and may be called upon to represent their Councilmember before constituents, community groups, business interests, city staff and other elected officials.

Until recently, the Mayor, Councilmembers, and their aides have been significantly underpaid as compared to external and internal comparators.

In 2020, the adoption of Measure JJ by nearly two thirds of Berkeley voters<sup>1</sup> affirmed that residents have high expectations of their local government and that the work required to deliver on those expectations should be compensated fairly and accurately. Measure JJ changed the status of City Councilmembers from part-time to full-time to reflect the increased demands of the position from when it was first created, and increased the salary for Councilmember and the Mayor to one sufficient for working class residents to be able to afford to run for office.<sup>2</sup>

Alongside the trend of increased demand on Council Offices for legislative and constituent services, the inauguration of the Council Policy Committee system in 2018<sup>3,4</sup> and the transition to full time Council positions in 2020 have both driven an increase in the workload for legislative staff. Half of Council Offices now maintain more than one Legislative Assistant, reflecting that the volume of legislative work per Council Office often exceeds 40 hours of labor per week. There are currently six Council Policy Committees, four interagency committees, and a varying number of Mayoral task

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<https://www.cityofberkeley.info/uploadedFiles/Clerk/Elections/Summary%20Results%20Nov.%202020.pdf>, pg. 3

<sup>2</sup> <https://www.cityofberkeley.info/uploadedFiles/Clerk/Elections/2020%20Ballot%20Measures.pdf>, pg. 33

<sup>3</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/12\\_Dec/Documents/2018-12-11\\_Item\\_C\\_Structure\\_for\\_City\\_Council\\_-\\_Supp.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/12_Dec/Documents/2018-12-11_Item_C_Structure_for_City_Council_-_Supp.aspx)

<sup>4</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/12\\_Dec/Documents/12-11\\_Annotated\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/12_Dec/Documents/12-11_Annotated_Agenda.aspx)



forces.<sup>5</sup> Many Councilmembers also sit on regional boards, commissions, working groups and task forces, including, for example, the Association of Bay Area Governments Executive Board, Alameda County Transportation Commission, and the East Bay Community Energy Board of Directors among numerous others.

These committees and other bodies provide vital legislative functions, but also add significant workload in both staffing and preparing for these meetings each week. In addition to two regular meetings a month, Policy Committees have additional special meetings scheduled on an ad hoc basis, especially during the bi-annual budget processes, and additional work conducted by the staff, especially when a Councilmember chairs a Committee. Critically, committee members are now responsible for writing more detailed and comprehensive legislative briefs and memos as well as shepherding amended legislative matters referred from Commissions and other bodies. Due to the enhanced demand for legislative work, full and part-time Legislative Assistants regularly work hours substantially beyond their scheduled appointment.

Over the past two decades, Council has attempted to address Legislative Assistant compensation, resulting in incremental improvement.

In 2006, in recognition of Legislative Assistant salary and classification disparities, the Council passed Resolution No. 63,259-N.S. directing the City Manager to conduct a salary equity study for the City Council Legislative Assistants and report the findings to the Council to include “a comparison with their peers in neighboring jurisdictions...[and] the salary range, qualifications and responsibilities for this job class.”<sup>6</sup>

The resulting 2006 study<sup>7</sup> from the City Manager found that Legislative Assistants were significantly underpaid as compared to external and internal comparators—namely the Assistant Management Analyst in the City Manager’s office. The City Manager recommended an increase to Council office salary budgets, at the time \$44,433 excluding benefits, to the minimum salary level of an Assistant Management Analyst (AMA), which would have increased the annual salary allocation by approximately \$10,248 per Council office. In 2015, nearly a decade after the City Manager’s study was submitted to Council, the Mayor and Council voted to implement the 2006 Study recommendation and also acknowledged certain structural deficiencies including that Council Offices had to pull from their discretionary budgets “intended for office supplies and other office-related costs” in order to sufficiently fund staff costs.<sup>8</sup> Council ultimately referred an additional \$80,000 total to be split between the 8 Council offices. This

<sup>5</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/City\\_Council\\_Committee\\_and\\_Regional\\_Body\\_Appointees.aspx](https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Committee_and_Regional_Body_Appointees.aspx)

<sup>6</sup><https://www.cityofberkeley.info/citycouncil/agenda-committee/2006/packet/041006/2006-04-18%20Draft%20Item%2019%20MOORE%20-%20Salary%20Equity.pdf>

<sup>7</sup><https://www.cityofberkeley.info/recordsonline/api/Document/AQwW5T053smoW4FSgoqqfPzrtx2b5Xydz2Wp12sEq9AYYtJ0JDbJ32ymekuaq6i5xy%C3%89%C3%8117rVEBYmrBFWpzKvwec%3D/>

<sup>8</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/2015/03\\_Mar/Documents/2015-03-10\\_Item\\_10\\_Refer\\_\\$80,000.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2015/03_Mar/Documents/2015-03-10_Item_10_Refer_$80,000.aspx)

increased staff capacity but only to the bottom end of the AMA classification range for one position.

In 2019, the Legislative Assistants across Council and Mayoral offices unionized as part of the SEIU 1021 Community Services & Part-Time Recreation Leaders Association. The contract approved in June 2021<sup>9</sup> provided for a wage step range roughly commensurate with the AMA classification. As part of that range, Legislative Assistants now receive annual pay increases along the established range like other City employees. In order to effectuate the new labor agreement, Council modified the guidelines that regulate Council Office budgets, replacing Resolution No. 65.540-N.S. with Resolution No. 70,054–N.S.<sup>10</sup>

While the wage floor for Legislative Assistants has increased under the contract, historic budget deficiencies persist. Indeed, the current budget policy artificially constrains certain Council appointments to less than full-time appointments in cases where two Legislative Assistants are needed. As a result, offices with multiple Legislative Assistants have to ration one full-time salary between two people, a fraught situation that create awkward and precarious work schedules, inequitable compensation, burnout, high turnover, less diverse staff, less thorough legislative and constituent services, and the siphoning of office funds intended for supplies and other office-related costs. In addition, since the Legislative Assistant contract now provides for yearly step increases pursuant to favorable performance reviews like most other City positions, the Mayor and Council offices with multiple Legislative Assistants will quickly overshoot their budgets, which were designed for only one Legislative Assistant per office.

Adequately and equitably funding these positions is key to meeting the City's Strategic Plan goal of attracting and retaining a talented and diverse City government workforce. The two alternatives considered would address these shortcomings and respond to the change in legislative conditions by providing offices that wish to hire two full-time Legislative Assistants the opportunity to do so.

### ALTERNATIVES CONSIDERED

Maintaining the status quo would result in those Council Offices which retain more than one Legislative Assistant encountering structural budget deficits within one to three years. For example, an Office budgeted at the FY 2023 rate of \$109,539 for staff salaries with two staff, one for 30 hours a week and one for 20, would have a \$12,224.89 surplus in their salaries fund. The surplus would drop annually, to \$7,370.43 in the second year and \$2,239.85 in the third, and finally become negative in the fourth year at -\$3,111.47. In this scenario, Offices will be forced to cut hours or lay off staff. Though this can be remediated by reallocating non-personnel funds towards staff costs,

<sup>9</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/2021/06\\_June/Documents/06-01\\_AC\\_Time\\_Critical\\_Item\\_Leg\\_Assistants\\_MOU.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/06_June/Documents/06-01_AC_Time_Critical_Item_Leg_Assistants_MOU.aspx)

<sup>10</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/2021/10\\_Oct/Documents/2021-10-12\\_Item\\_06\\_Council\\_Office\\_Expense\\_Account.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/10_Oct/Documents/2021-10-12_Item_06_Council_Office_Expense_Account.aspx)

doing so would delay but not prevent structural issues in most circumstances and results in other challenges and inequities associated with insufficient office funds.

The Budget and Finance Committee should instead consider pooling individual Council Staff Office Budgets together into a single Council Office Staff Budget, and fund it sufficient for each Office to hire two FTEs. This would raise funding to a level reflective of the demonstrated demand for Legislative Assistant work and stabilize those Offices with multiple Legislative Assistants, while simultaneously enabling budgeting practices and cost savings not practical with individual Council Staff Office Budgets. In this scenario each Council Office would be able to draw funding for up to 2 FTEs or their equivalent from the fund, with the precise dollar amount fluctuating from Office to Office based on the tenure of an Office's staff and the breakdown of fulltime and part-time positions.

The primary advantage of a pooled approach is in allowing more accurate budgeting practices. Normally, variation in seniority and temporary vacancies within a department create a high probability of actual costs falling close to the middle of the step range per budgeted position. It is therefore more accurate to budget staff costs at that median range, which frees some money for other priorities. The small size of each Council Office Staff Budget prevents this, instead requiring that they be budgeted at the top of the range. A pooled budget for 16 FTEs would likely be large enough to budget at the middle, allowing for more accurate budgeting and possible relocation of resources.

A pooled fund would allow for budgeting practices more reflective of the City's policies for other departments. The Budget and Finance Committee should consider what additional restrictions and policies should govern use of the fund. These should include a restriction on initial step placements for new hires at the first four steps of the Legislative Assistant salary range, and a requirement that the 80 hours available to each department be split between no more than three individual staff members. These restrictions are important for maintaining the stability of the fund while allowing for the hiring discretion necessary of political positions. While these limits would place some restrictions on Councilmembers, they would retain their ability to supplement their allocation from the fund with expenditures from their non-personnel budget.

This pooled approach is a significant change from current practices and will require input and guidance from Budget staff to create and implement. Additionally, it could allow one Council Office to draw significantly more or less from the pool than others, though this would reflect variation in funding but not actual staff resources. For example, an office with two new staff at the first step would pull more from the fund than an office with staff both at the final step, though each Office would still only be receiving the benefit of 2 FTEs.

A second alternative to address this issue would be to simply increase the amount allocated per council office from one FTE to two. While this would achieve short term stabilization of Council Staff Office Budgets and be simpler and easier to implement

than the pooled approach, it would not achieve long-term stabilization and cost control features.

FINANCIAL IMPLICATIONS

The current baseline allocation for each Council Office Staff budget for FY 2023 is approximately \$187,663. This includes \$109,539 for salary and \$78,124 for fringe benefits, the largest share of which is health insurance costs. This totals \$1,501,305 across the eight Council Offices, not accounting for additional voluntary contributions from Councilmembers' own salaries.

Pooling the Council Office Staff Budgets and budgeting at the median of the step range would cost approximately \$2,727,925 in total. This would be \$1,226,620 more than current spending but \$274,686 less than the prior alternative.

Individually allocating each Council Office Staff Budget funding for two FTEs would increase costs to \$375,326 per Office or \$3,002,612 total, representing an increased allocation of \$1,501,305.

It is important to consider that these numbers represent allocations and not actual expenditures. Adopting a prohibition on the rollover of surplus funds budgeted for salaries alongside the current prohibition for fringe benefits could reduce the actual cost of the individual proposal.

Finally, these cost estimates are based on projections for salary costs given scheduled raises per already agreed labor contracts for FY 2023, but assume FY 2022 allocations for fringe benefits. This may slightly underestimate the cost for both the status quo and the first alternative, and significantly overestimate cost for the pooled alternative. Some fringe benefits, like healthcare, are unrelated to the salary of the position, while some rise with compensation. While the pooled approach budgets salaries at the median of the range, it assumes the full cost of 16 positions regardless of step for fringe benefits. Additional information from staff concerning the breakdown and calculation of fringe benefits cost would help to refine these figures.

ENVIRONMENTAL SUSTAINABILITY

No discernible impact.

CONTACT

Councilmember Ben Bartlett  
James Chang

510-981-7130  
510-981-7131

City of Berkeley  
Total Compensation Study  
7.2021- Legislative Assistant

Agency	Classification	Minimum Base Salary	Maximum Base Salary	Ranking	Employee's Portion of Retirement Paid by the Employer (%)	Employee's Portion of Retirement Paid by the Employer (\$)	Deferred Compensation	Longevity pay at 10 Years	Total Cash	Ranking	Cafeteria Plan	Health (Most Expensive Plan)	Dental	Vision	RHSA	Total Comp	Employer's Portion of Retirement Paid by the Employee (%)	Employer's Portion of Retirement Paid by the Employee (\$)	Total Compensation minus ER portion of retirement paid by EE	Ranking	
<b>Berkeley</b>	<b>Legislative Assistant</b>	<b>\$6,115</b>	<b>\$8,604</b>	<b>5</b>	<b>8%</b>	<b>\$688</b>	<b>\$181</b>	<b>\$0</b>	<b>\$9,474</b>	<b>4</b>	<b>\$0</b>	<b>\$2,449</b>	<b>\$151</b>	<b>\$0</b>	<b>\$0</b>	<b>\$12,078</b>	<b>8%</b>	<b>\$688</b>	<b>\$11,389</b>	<b>5</b>	
Alameda County	Supervisor's Assistant	\$3,876	\$11,138	2	0%	\$0	\$0	\$0	\$11,138	3	\$0	\$2,694	\$124	\$0	\$0	\$13,958	0%	\$0	\$13,958	2	
Concord	No Comparable Class																				
Fremont	No Comparable Class																				
Hayward	No Comparable Class																				
Oakland	Special Assistant to the Mayor II	\$7,864	\$12,813	1	0%	\$0	\$0	\$0	\$12,813	1	\$0	\$2,115	\$101	\$20	\$0	\$15,051	0%	\$0	\$15,051	1	
Palo Alto	No Comparable Class																				
Richmond	No Comparable Class																				
San Francisco	Legislative Assistant	\$8,847	\$10,755	3	0%	\$0	\$0	\$538	\$11,293	2	\$0	\$2,165	\$158	inc	\$0	\$13,618	4%	\$430	\$13,188	3	
San Jose	Council Policy and Legislative Advisor	\$4,427	\$7,084	6	0%	\$0	\$0	\$0	\$7,084	6	\$0	\$2,022	\$150	\$16	\$0	\$9,278	0%	\$0	\$9,278	6	
Santa Clara County	No Comparable Class																				
San Mateo County	Legislative Aide	\$7,179	\$8,973	4	0%	\$0	\$0	\$224	\$9,197	5	\$0	\$3,343	\$131	\$17	\$0	\$12,693	0%	\$0	\$12,693	4	
<i>Labor Market Median</i>		\$10,755						\$11,138										\$13,188			
<i>% Berkeley is Above or Below Median</i>		-25.00%						-17.57%												-15.79%	
<i># Of Comparable Matches</i>		5																			

Data effective as of 7/2021





Kate Harrison  
Councilmember, District 4

ACTION CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
From: Councilmember Harrison  
Subject: Adopt an Ordinance Adding Chapter 12.75 to the Berkeley Municipal Code to Establish Protections Relating to Horses Held, Owned, Used, Exhibited, or Otherwise Kept for Racing or Other Sport, Entertainment or Profit

RECOMMENDATION

Adopt an Ordinance Adding Chapter 12.75 to the Berkeley Municipal Code to Establish Protections Relating to Horses Held, Owned, Used, Exhibited, or Otherwise Kept for Racing or Other Sport, Entertainment or Profit.

POLICY COMMITTEE RECOMMENDATION

On November 12, 2023, the Health, Life Enrichment, Equity, and Community Committee adopted the following action: M/S/C (Hahn/Humbert) to send the item to Council with a qualified positive recommendation to approve the Ordinance with substantial edits and as may be necessary for legal and administrative purposes. Vote: All Ayes.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

Golden Gate Fields is one of the last remaining tracks in the Bay Area and has wide-reaching economic and institutional power. Unfortunately, Golden Gate Fields (GGF), spanning both Berkeley and Albany, remains a disturbing display of sanctioned animal abuse in our City. So far in 2023 alone, 16 horses have died at its facility.<sup>1</sup> The horses at GGF have succumbed to a range of causes of death including broken legs, abdominal issues, head injuries, sepsis, and neurological problems. Many fatalities in the horseracing industry are euthanizations after horses suffer non-fatal injuries, cutting their lives unnaturally short. When CBS Bay Area reported on the most recent horse death at GGF in May of this year it cited the fact that “domesticated horses live into their 30s, but the average age of active racehorses is [only] three to five years old”.<sup>2</sup> Some

<sup>1</sup> This is a 100% increase since this ordinance was introduced in June of 2023.

<sup>2</sup> Bay City News Service. “Injured Horse Euthanized at Golden Gate Fields; 8th Horse to Die at Track in 2023.” *CBS News*, 22 May 2023, [www.cbsnews.com/sanfrancisco/news/injured-horse-euthanized-at-golden-gate-fields-8th-horse-to-die-at-track-in-2023/](http://www.cbsnews.com/sanfrancisco/news/injured-horse-euthanized-at-golden-gate-fields-8th-horse-to-die-at-track-in-2023/).

data, however, shows that domesticated horses can live until their mid 40s if they have access to healthy living conditions.<sup>3</sup>

As horse deaths continue to rise at the horse racing tracks within City limits, it is overdue that the community ensure the well-being and safety of racehorses. Half of Golden Gate Fields deaths happen on the Berkeley side of the facilities. As a charter city, Berkeley has the authority to establish regulations and the jurisdiction to protect and promote the public health, safety and welfare by establishing safeguards for horses as long as they do not conflict with or duplicate state and federal law. It is in the public interest to adopt an ordinance prohibiting inhumane or abusive treatment of horses held, owned, used, exhibited or otherwise kept for sport, entertainment or profit within the City limits.

### BACKGROUND

In just the last three months, two nationally recognized racetracks have shut down because of the increasing number of horse deaths at their tracks. Churchill Downs, home to the Kentucky Derby, is suspending racing at its primary location following an investigation by the Kentucky Horse Racing Commission<sup>4</sup> after twelve horses died in two months. Just one month before Churchill Downs halted racing, a trainer was barred from participating in any further events at Churchill Downs or related tracks after two of his horses suddenly collapsed. At GGF, three horses have died under the same trainer this year, but Golden Gate Fields remains business as usual.

Baltimore's Laurel Racetrack also suspended horse racing indefinitely. In 2023, 13 horses died at Laurel Racetrack in 2023 and the two most recent euthanizations occurred after racing injuries.

Of the physical problems that lead to regular stable deaths, the three most common causes are (1) colic, (2) laminitis, and (3) pleuropneumonia, all of which are worsened by excessive confinement. According to Dr. Nathaniel White, Professor of Surgery at Marion DuPont Scott Equine Medical Center, one of the three primary situations that present a higher-than-normal risk factor for colic in horses is being confined to a stall for more than 12 hours per day.<sup>5</sup> VCA Veterinary Hospitals reports that "severe colic pain can cause a horse to roll and throw itself about in an uncontrolled and dangerous manner."<sup>6</sup> In extreme cases, the confined horse can violently lunge its body or head into

<sup>3</sup> University of California, Davis. "Humane Disposition of Horse Carcasses." Center for Equine Health, [https://ceh.vetmed.ucdavis.edu/sites/g/files/dgvnsk4536/files/local\\_resources/pdfs/pubs-HR24-3-bkm-sec.pdf](https://ceh.vetmed.ucdavis.edu/sites/g/files/dgvnsk4536/files/local_resources/pdfs/pubs-HR24-3-bkm-sec.pdf).

<sup>4</sup> Fuente, Homero De la, and Zoe Sottile. "Churchill Downs to Suspend All Racing Operations to Further Evaluate Safety Measures amid Increase in Horse Deaths." *CNN*, 2 June 2023, [www.cnn.com/2023/06/02/sport/churchill-downs-suspension-horse-deaths/index.html](http://www.cnn.com/2023/06/02/sport/churchill-downs-suspension-horse-deaths/index.html).

<sup>5</sup> Dr. Nathaniel A. White II DVM, MS. "Prevalence, Demographics, and Risk Factors for Colic." *Presented at: AAPE Focus on Colic, Quebec City, Quebec, 2005*.

<sup>6</sup> *Colic in Horses*, [vcahospitals.com/know-your-pet/colic-in-horses](http://vcahospitals.com/know-your-pet/colic-in-horses). Accessed 20 June 2023. See also, Jennifer Rice, DVM. "Colic in Horses." *PetMD*, 27 Apr. 2022, [www.petmd.com/horse/conditions/digestive/c\\_hr\\_equine\\_colic](http://www.petmd.com/horse/conditions/digestive/c_hr_equine_colic).



a wall or other solid object...the horse might also ‘throw itself’ to the ground.”<sup>7</sup> Horses likely will incur serious self-injury during these explosive episodes, leading to the severe injury and blunt force trauma that cause many of the stable deaths.

In contrast, providing a turnout in which a horse can graze helps reduce the chance of colic, reduces stress and stable vices/behavioral issues, and reduces the chance of respiratory system illness among other benefits.<sup>8</sup>

Beyond the severe physical problems that stabling causes, are the severe psychological problems. When a horse's special, dietary, and social needs are thwarted, so-called stereotypies, or repetitive behaviors that do not have an apparent goal or function, occur. In horses, the classic stereotypies are including cribbing, wind-sucking, bobbing, weaving, pacing, stall-circling, digging, kicking, bucking, spinning, headshaking, or self-mutilation.<sup>9</sup> Through these repetitive activities, endorphins are released which reinforce the behavior as a habit. These are the same symptoms of deep psychological distress commonly seen in other animals in captivity, such as circus elephants and bears.

According to Dr. Nicholas Dodman, Animal Behaviorist and Professor Emeritus at Tufts University:

"[t]he longer horses are confined per day the more stall vices/stereotypies they will exhibit. Racehorses are the prime example of that with long periods of confinement (up to 23 hours per day), so they exhibit an unusually high prevalence of stereotypies. The suffering can be described by referencing the suffering of people in solitary confinement. A recently released man who had spent years in solitary said he sometimes felt anxiety, paranoia, panic, hallucinations etc. The only way he could help suppress the dysphoria was to walk back and forth in his cell until the line he walked was soaked in his sweat. That's what equine stall walkers do - walk endlessly in circles (or in the case of weavers, walk to and fro)."<sup>10</sup>

Confining a 1200-pound animal to a 12x12 stall is akin to confining an elephant to a box car or a killer whale to a swimming pool. Equine veterinarian, Dr. Kraig Kulikowski, compared this to locking a child in a 4x4 closet for 23 hours a day, abuse punishable by law.<sup>11</sup> The United Nations deems solitary confinement as “cruel and unusual punishment.” Prison reserves solitary confinement for the most violent criminal as the worst punishment.

Our office has edited the ordinance to be in accordance with the recommended edits from the November 13 HLEEC Committee Meeting.

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<sup>7</sup> *Id.*

<sup>8</sup> “Turnout Areas.” *All Horse Care*, [allhorsecare.weebly.com/turnout-areas.html](http://allhorsecare.weebly.com/turnout-areas.html). Accessed 20 June 2023.

<sup>9</sup> Fernanda C. Camargo. *University of Kentucky College of Agriculture, Stereotypic Behavior In ...*, [www2.ca.uky.edu/agcomm/pubs/ASC/ASC212/ASC212.pdf](http://www2.ca.uky.edu/agcomm/pubs/ASC/ASC212/ASC212.pdf). Accessed 20 June 2023.

<sup>10</sup> Sue McDonnell. *Equine Self-Mutilation*, 28 Feb. 2019, [thehorse.com/16597/equine-self-mutilation/](http://thehorse.com/16597/equine-self-mutilation/).

<sup>11</sup> Battuello, Patrick. “Equine Vet: ‘What Impact Would 23 1/2 Hours of Standing in a Closet Have on the Mental Health of a Child?’” *Horseracing Wrongs*, 6 Aug. 2019, [horseracingwrongs.org/2019/08/06/equine-vet-what-impact-would-23-1-2-hours-of-standing-in-a-closet-have-on-the-mental-health-of-a-child/](http://horseracingwrongs.org/2019/08/06/equine-vet-what-impact-would-23-1-2-hours-of-standing-in-a-closet-have-on-the-mental-health-of-a-child/).

- Changed the term racehorse to horse to encompass a wider breadth of animals
- Included a definitions section to specify the meanings of: “Full turnout,” “Horse,” and “Overwork”
- Included all grammar revisions
- Deleted the felony stipulation under the “Penalties” section
- Changed the enforcement role of the City Manager to only be responsible for enforcing provisions under section 12.75.030 C
- Deleted the language around regulating all animal abuse to protect from state and federal preemption and duplication.
- Deleted “mental and physical abuse” to just say, “abuse”
- To ensure the penalties do not unjustly do legal harm on low-wage workers, who may also be subject to unhealthy work and housing conditions, the Ordinance penalizes the owner of the horse and/or the facility where the violation occurred, not the stable-hands, jockeys, or trainers.

### **Ordinance Overview**

This proposed ordinance:

1. Makes it illegal to confine a horse to a stable for more than 10 hours per day and;
2. Requires every horse access to a full turnout with access to a minimum of one-half acre of pasture, where the horse can freely roam, unrestricted and untethered.
3. Prohibits manual, electrical, mechanical, or other devices, implements, instruments or any method or modality that can cause injury, pain, suffering, overwork, and death, except as otherwise authorized by state or federal law.

This legislation is designed to govern only those areas not already directly covered by State and Federal laws. It specifically focuses on a limited set of conditions to supplement the existing regulatory framework.

Enforcement of the ordinance would be carried out by City officials, including police officers and the City’s Animal control officers. The City Attorney is also empowered to conduct inquiries or investigate complaints of violations of this Ordinance, and may seek injunctive relief in the courts or otherwise. Private parties may bring a private action for injunctive relief, penalties, or both, to prevent or remedy a violation of this Ordinance after the prospective plaintiff has (1) provided the City and the prospective defendant at least 30 days prior written notice of the alleged violation; and (2) the City has failed to initiate enforcement proceedings, or after initiation, has failed to diligently prosecute. In any action prosecuted under this Ordinance a court may award attorney’s fees to a prevailing party.

### **FISCAL IMPACTS OF RECOMMENDATION**

Staff time will be necessary for implementation and enforcement.

**ENVIRONMENTAL SUSTAINABILITY**

Horse breeding is extremely resource (including food, water, and medicine) and environmentally intensive. The senseless waste of precious animal life currently associated with horse racing also results in needless waste of limited and precious environmental resources.

**CONTACT PERSON**

Councilmember Kate Harrison, (510) 981-7140

**ATTACHMENTS**

1. Ordinance Adding Chapter 12.75 to the Berkeley Municipal Code to Establish Protections Relating to Horses Held, Owned, Used, Exhibited, or Otherwise Kept for Racing or Other Sport, Entertainment or Profit

ORDINANCE NO. –N.S.

ADDING CHAPTER 12.75 TO THE BERKELEY MUNICIPAL CODE  
TO ESTABLISH PROTECTIONS RELATING TO HORSES HELD, OWNED, USED,  
EXHIBITED OR OTHERWISE KEPT FOR RACING OR OTHER SPORT,  
ENTERTAINMENT OR PROFIT

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

Section 1. That Chapter 12.75 of the Berkeley Municipal Code is added to read as follows:

**Chapter 12.75**

**HORSE PROTECTION POLICY**

**Sections:**

- 12.75.010 Findings and Purpose**
- 12.75.020 Horse Protection Policy**
- 12.75.030 Enforcement, Private Right of Action**
- 12.75.040 Penalties**
- 12.75.050 Severability**
- 12.75.060 Effective Date**

**12.75.010 Findings and Purpose.**

The Council of the City of Berkeley finds and declares as follows:

A. Article XI, section 7 of the California Constitution recognizes the police power of cities to “make and enforce within [their] limits, all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.”

B. The home rule provision of the California Constitution authorizes a charter city to exercise plenary authority over municipal affairs, free from any constraint imposed by the general law and subject only to constitutional limitations.

C. The City of Berkeley, as a Charter City, has authority to make and enforce all ordinances and regulations in respect to municipal affairs.

D. California provides laws and regulations for the licensing and associated operations of horse racing tracks, which preempt the City’s authority to impose laws and regulations that conflict with such state laws and regulations or intrude into the state’s regulatory scheme.

E. The humane protection and care for horses is a matter of local concern essential to the public health, safety and general welfare of Berkeley residents and is a proper

subject of regulation by the City acting pursuant to its police powers separate and apart from issues of licensing and racetrack operations preempted by the state or federal government. To the extent that state and federal laws and regulations implicate the health and safety of horses, those provisions are limited in scope and overly narrow, necessitating additional safeguards adopted pursuant to the City of Berkeley's police power.

F. According to the American Association of Equine Practitioners, as pasture provides additional health benefits to horses, allowing them to move and exercise and regular pasture turnout should be part of a horse's daily routine.

G. The UC Davis Center for Equine Health indicates that horses should not be "confine[d] ... to a stall unless absolutely necessary for medical reasons." The UC Davis Center for Equine Health defines "Abuse and Cruelty" to include "use of excessive restraint such as tethering or confining movement for long periods of time" and/or "failure to provide adequate feed, water, care or protection."

H. The City of Berkeley desires, within its jurisdiction and authority, to establish regulations that protect health, safety, and welfare by prohibiting abusive treatment of horses held, owned, used, exhibited or otherwise kept for sport, entertainment or profit within its jurisdiction and authority.

I. This Ordinance aims to protect and promote public health, safety and welfare by establishing safeguards, protections and assurances for horses held, owned, used, exhibited or otherwise kept for sport, entertainment or profit within the City's jurisdiction and authority and, to the fullest extent feasible and consistent with federal, state and local law, to prevent and deter infliction of any and all abuse, overwork, and injury and death.

#### **12.75.020 Definitions**

A. "Full turnout" means the practice of giving a horse unfettered access to a dedicated paddock, pasture, or other safe and fully fenced outdoor space in which it can roam freely, graze, and socialize with other horses.

B. "Horse" has the same meaning as in California Code of Regulations Title 4 Part 1420(g), i.e. "horse" means an equine and includes a stallion, gelding, mare, colt, filly or ridgling and includes mule, jack, jenny, ginnnet, and hinney.

C. "Overwork" means to push a horse uncomfortably past its physical capacity such that it becomes exhausted, overheated, or otherwise distressed. Indica of overwork can include but are not limited to a strained or slowing gait, a lolling tongue, strained breathing, a slowing pace, decreased responsiveness to aids, and reduced coordination.

#### **12.75.030 Horse Protection Policy**

A. Except as otherwise authorized by state or federal law, it shall be unlawful to use on any horse, manual, electrical, mechanical, or other devices, implements, instruments, or any method or modality that can cause injury, pain, suffering, overwork, and death.

B. It shall be unlawful to confine a horse to a stable for more than 10 hours per day.

C. During the remaining hours of the day, it shall be required to provide every horse with a full turnout with access to a minimum of ½ acre of shared pasture, where the horses can freely roam, unrestricted and untethered.

#### **12.75.040 Enforcement, Private Right of Action**

A. City officials shall have the power and authority to enforce the provisions of 12.75.030 C and perform all duties imposed by, or as reasonably necessary to implement, the provisions of this Section.

B. The City Attorney may conduct inquiries or investigate complaints of violations of this Ordinance. The City Attorney may seek injunctive relief, penalties, or both, or any other type of relief, in the courts or otherwise to enforce the provisions of this Ordinance. In any action prosecuted under this subdivision, the court may award reasonable attorneys' fees to the City.

C. Any resident of the City may bring a private action for injunctive relief, penalties, or both, to prevent or remedy a violation of this Ordinance. No action may be brought under this Subsection C. unless and until the prospective plaintiff has provided the City and the prospective defendant at least 30 days prior written notice of the alleged violation. In any action prosecuted under this subdivision, the court may award reasonable attorneys' fees to any prevailing party.

D. Nothing in this chapter shall be interpreted as authorizing a right of action against the City.

#### **12.75.050 Penalties**

Any violation of this Chapter shall be deemed a violation by the owner of the horse and/or the facility where the violation occurred. Agents or employees of the owner of the horse or the facility where the violation occurred, such as but not limited to stable-hands, jockeys, or trainers, shall not be deemed to have violated this Chapter. A violation of this Chapter is a misdemeanor punishable by imprisonment for a period of not less than 30 days and not exceeding six months or a fine of not less than \$1,000 per animal, per violation, per day. Any subsequent violation of this Chapter by the same actor is a misdemeanor punishable by imprisonment for a period of not less than 60 days and not exceeding six months or a fine of not less than \$1,000 per animal, per violation, per day.

### **12.75.060 Severability**

If any section, subsection, paragraph, or word of this Ordinance, or any application thereof to any person or circumstance, either on its face or as applied, is held to be invalid, the invalidity of such provision shall not affect the other sections, subsections, paragraphs, sentences or words of this act, and the applications thereof; and to that end the sections, subsections, paragraphs, sentences, and words of this act shall be deemed to be severable. The City Council of the City of Berkeley hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, phrase, and word not declared invalid without regard to whether any other portion of this Ordinance or application would be subsequently declared invalid.

### **12.75.080 Effective Date**

This Ordinance shall become effective immediately for immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency and is passed by a two-thirds vote of the City Council. Otherwise, this ordinance shall become effective 30-days after its final passage.

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.







Office of the Mayor

CONSENT CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
 From: Mayor Jesse Arreguín and Councilmember Susan Wengraf (Co-Sponsor)  
 Subject: The Right to Reproductive Freedom

RECOMMENDATION

Adopt a Resolution affirming the City of Berkeley's support to protecting the rights of those seeking reproductive care, receiving and offering reproductive care and abortion services, and deciding on their own bodily autonomy relating to their reproduction.

Refer to the City Manager to draft an ordinance that directs City agents and employees to ensure access to abortion sites and ensure access to information related to abortion access, including posting information about reproductive health on City property, as consistent with state and federal law.

BACKGROUND

The City of Berkeley has a well-established record of supporting women's rights<sup>1</sup>, reproductive health<sup>2</sup>, and creating a place for those in search of relief, support and care from their home communities.

In 1985, the City of Berkeley adopted a resolution in support of Roe v. Wade<sup>3</sup> and has reaffirmed that support annually. The City has continually endorsed state and federal legislation protecting and advancing reproductive rights, access to health care, and funds for preventative health care services.

Berkeley was the first U.S. city to become a sanctuary city, passing a resolution in 1971 to protect sailors resisting the Vietnam War<sup>4</sup>. On November 29, 2016, as attacks on the undocumented immigrant community rose, the City of Berkeley reaffirmed its status as a sanctuary city<sup>5</sup>. On January 21, 2020, the City passed a resolution<sup>6</sup> to call on

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<sup>1</sup> See Ordinance No. 7,224-N.S., adding Chapter 13.20 to the Berkeley Municipal Code Adopting the Operative Principles of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

<sup>2</sup> See Resolution No. 70,069-N.S.

<sup>3</sup> See Resolution No. 52, 558-N.S.

<sup>4</sup> See Resolution No. 44,784-N.S.

<sup>5</sup> See Resolution 67,763-N.S. Reaffirming Berkeley's Status as a City of Refuge. This was further refined with Resolution 68, 131-N.S. Amending of Refuge Policy Regarding Interaction with U.S. Immigration and Customs Enforcement.

<sup>6</sup> See Resolution No. 69,269-N.S. Condemning Trumps Illegal Assasinatins and Act of War

Congress to implement a new framework that expands public safety and protects human rights in border communities. There is existing precedent to continue the protections of our residents and visitors to meet the vulnerabilities of a changing social and political landscape.

### CURRENT SITUATION AND ITS EFFECTS

On June 24, 2022, the U.S. Supreme Court published their decision to overturn *Roe v. Wade*, rolling back the decades-long constitutional right to abortion. Without the highest court's protection for a right to choose, states have become the arbiters of a person's right to an abortion, effectively criminalizing abortion, threatening a person's bodily autonomy, limiting reproductive freedom, and restricting access to safe abortion care for millions.

Across the nation, multiple trends in State abortion laws have surfaced. 20 states have near-total abortion bans during any point in pregnancy or restrictions relative to when an abortion procedure can occur during pregnancy. With 25 states having created or expanded legal protections for abortion care, persons may be motivated to travel upwards of hundreds of miles to receive the care they seek in these states.

Abortion bans, in particular, disproportionately affect marginalized groups, with existing factors making them more likely to be uninsured or underinsured, causing abortion care, and the travel to receive care, to become considerably more expensive for these individuals. Additionally, the federal Hyde Amendment, an add-on to an approved congressional appropriations bill prohibiting federal funds from being used to pay for abortion care, disproportionately affects low-income people, and further restricts their access to abortion<sup>7</sup>. As such, millions enrolled in Medicaid do not receive coverage for their abortions, encouraging them to continue their pregnancies to term despite their desire for a different outcome. As 1 in 3 adults under the age of 65 on Medicaid has a disability, the federal Hyde restriction disproportionately keeps low-income people with disabilities from getting the abortion care they need<sup>8</sup>. States with the highest proportions of Black, Hispanic and Indigenous people, namely those from the South and Midwest, are more likely to have banned or attempted to ban abortion after the SCOTUS overturning *Roe v. Wade*<sup>9</sup>. Female-identifying persons are at a higher risk of health complications, pregnancy-related morbidity, and even death in states with abortion

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<sup>7</sup> See: Maggie Jo Buchanan and Tracy Weitz, "Hyde's Restrictions on Abortion Are Unacceptable," Center for American Progress, August 5, 2022, available at <https://www.americanprogress.org/article/hydes-restrictions-on-abortion-are-unacceptable/>.

<sup>8</sup> See: Emily DiMatteo and others, "Reproductive Justice for Disabled Women: Ending Systemic Discrimination" (Washington: Center for American Progress, 2022), available at <https://www.americanprogress.org/article/reproductive-justice-for-disabled-women-ending-systemic-discrimination/>.

<sup>9</sup> See: Katherine Gallagher Robbins and Shaina Goodman, "State Abortion Bans Could Harm Nearly 15 Million Women of Color" (Washington: National Partnership for Women and Families, 2022), available at <https://nationalpartnership.org/report/state-abortion-bans-harm-woc/>.

bans<sup>1011</sup>, demonstrating a lack of attention on systemic issues that cause gender-based harm and violence towards those who can get pregnant. Numerous legal battles are playing out across the country's courthouses as a result of these bans<sup>12</sup>.

Studies<sup>13</sup> show substantial increases in abortions in states bordering those states where abortion has been banned, with significant numbers of residents from states with bans traveling to neighboring states for abortion care. However, many healthcare professionals have become reluctant to help patients who travel from out-of-state for fear of litigation, threat to their medical license, or malicious persecution. Further, medical providers that honor their patients' personal decisions regarding their reproductive freedom and bodily autonomy can often receive death threats, challenging their ability to provide essential services.

These findings demonstrate that all aspects of abortion infrastructure – including facilities, funds and support networks – require sustained support to serve increased patient caseloads<sup>14</sup>. Increased privacy protections, legal protections, and resourcing can help increase the capacity of these service providers receiving an onslaught of care seekers.

Data sourced from our ever-present online lives—such as from applications that track a user's location, period-tracking applications, and social media platforms—can serve as evidence in lawsuits brought against both abortion patients and providers<sup>15</sup>. A general lack of cyber privacy protections, coupled with the increasing ubiquity of AI, threatens to exacerbate this risk. Without expanded protections, healthcare providers and those seeking abortion services in Berkeley, could have their location data collected and analyzed to determine whether they engaged in the delivery of abortion care.

The U.S. House of Representatives sought to increase protections for those crossing state lines through the passage of H.R. 8297<sup>16</sup>, prohibiting state officials from interfering with a person's ability to access an abortion, regardless of whether the patient lives out-of-state. While this bill was passed by the House on July 15, 2022, it did not pass the

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<sup>10</sup> See: Cecelia Lenzen, "Facing higher teen pregnancy and maternal mortality rates, Black women will largely bear the brunt of abortion limits," *The Texas Tribune*, June 30, 2022, available at <https://www.texastribune.org/2022/06/30/texas-abortion-black-women/>.

<sup>11</sup> See: Eugene Declercq and others, "The U.S. Maternal Health Divide: The Limited Maternal Health Services and Worse Outcomes of States Proposing New Abortion Restrictions," *The Commonwealth Fund*, December 14, 2022, available at <https://www.commonwealthfund.org/publications/issue-briefs/2022/dec/us-maternal-health-divide-limited-services-worse-outcomes>.

<sup>12</sup> Mother and daughter in Nebraska were both charged with violating their state's abortion law, with the mother sentenced to two years in prison and her 17-year-old daughter to 90 days in jail. See: <https://www.nytimes.com/2023/09/22/us/jessica-burgess-abortion-pill-nebraska.html>

<sup>13</sup> See Guttmacher Institute: <https://www.guttmacher.org/2023/09/new-state-abortion-data-indicate-widespread-travel-care>.

<sup>14</sup> IBID.

<sup>15</sup> See NPR: <https://www.npr.org/2021/09/19/1038717122/a-texas-doctor-says-he-defied-the-abortion-law-risking-lawsuits>

<sup>16</sup> Source: U.S. Congress, [www.congress.gov/117/bills/hr8297/BILLS-117hr8297ih.pdf](http://www.congress.gov/117/bills/hr8297/BILLS-117hr8297ih.pdf)

Senate. H.R. 12, The Women's Health Protection Act of 2023<sup>17</sup>, was re-introduced<sup>18</sup> on March 30, 2023, prohibiting governmental restrictions on the provision of, and access to, abortion services, and is awaiting further action by the Senate.

In California, AB 1242<sup>19</sup>, authored by Assemblymember Rebecca Bauer-Kahan and signed into law by Governor Newsom on September 27, 2022, now requires out-of-state law enforcement agencies seeking data or records from California businesses to attest their investigation does not involve any crime related to an abortion that is legal under California law. Under AB 1242, state or local public agencies are effectively prohibited from cooperating with or providing information regarding a lawful abortion to an individual or agency from another state or a federal law enforcement agency.

Furthermore, in California, SB 345<sup>20</sup>, authored by Senator Skinner and signed into law by Governor Newsom on September 27, 2023, created a comprehensive shield law that provides legal protections for California healthcare professionals who provide or dispense medication, abortion, or contraception care to their patients who live in states where such care is illegal. Under SB 345, people who have traveled to or live in a state that has criminalized abortion will be able to receive treatment by a California healthcare provider via telehealth or videoconferencing, and have medication shipped to them from a participating California pharmacy. As long as they are physically in California, healthcare providers and pharmacies will receive legal protections from criminal and civil actions initiated in another state. In addition, SB 345 bars California-based social media and tech companies from disclosing to law enforcement any private communications of patients regarding healthcare that is otherwise legally protected in our state.

When compared to a six-month period in 2020<sup>21</sup>, over 13,240 (20%) additional abortions were performed in California between January to June 2023.<sup>22</sup> In August 2023, healthcare providers provided an estimated 88,400 procedures across the nation, with approximately 15,700 (17%) taking place in California.<sup>23</sup>

From 2020 to 2023, 568 residents from Berkeley received care from Planned Parenthood's Mar Monte site<sup>24</sup>, located nearly 50 miles away. These patients received a spectrum of services and treatment, including abortion, behavioral health, contraception, family medicine, gender-affirming care, pregnancy, STI treatment and testing, and general wellness care. Those from Berkeley who received care from Mar Monte include cisgender men, cisgender women, non-binary people, transgender men,

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<sup>17</sup> Source: U.S. Congress, [www.congress.gov/118/bills/hr12/BILLS-118hr12ih.pdf](https://www.congress.gov/118/bills/hr12/BILLS-118hr12ih.pdf)

<sup>18</sup> Earlier versions introduced but failing to pass both Senate and House include: H.R. 8296 (117th) following the SCOTUS ruling, and H.R. 3755 (117th), shortly before the SCOTUS ruling.

<sup>19</sup> See AB 1242: [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1242](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1242)

<sup>20</sup> See SB 345: [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240SB345](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB345)

<sup>21</sup> 2020 was the Guttmacher Institute's most recent Abortion Provider Census, used as a comprehensive point in time count

<sup>22</sup> Via formal U.S. healthcare systems. Source: Guttmacher Institute. <https://www.guttmacher.org/monthly-abortion-provision-study>.

<sup>23</sup> IBID.

<sup>24</sup> Source: Planned Parenthood, using data provided through patient addresses.

and transgender women, with the majority being cisgender women<sup>25</sup>. Most patients seen from Berkeley were Black, Pacific Islander and White<sup>26</sup>, with more than 80% of them living under 100% of the federal poverty line<sup>27</sup>. Nearly 60% of the patients were between the ages of 20-29. Abortion services are essential to providing comprehensive healthcare, allowing people the ability to participate equally in making the best health, economic, and social decisions for themselves. Abortion access requires the acknowledgement of full autonomy for a person to make their own decisions about their pregnancies, their families, and their own lives.

Despite the current lack of abortion facilities in Berkeley, the need to protect those seeking to fulfill their reproductive freedom and exercise bodily autonomy is ever present. Berkeley will never wane from its history of providing safety and sanctuary for all its residents and visitors. This resolution will take another step in providing protections and security for those in pursuit of reproductive freedom and bodily autonomy.

#### RATIONALE FOR IMPLEMENTATION

Without expanded protections, the City's residents, healthcare workers and visitors may be threatened by litigation in pursuit of fulfilling their right to reproductive freedom and privacy.

The City should continue its legacy of protecting those who are vulnerable to persecution, fulfilling the human rights of its residents and visitors, and promote reproductive freedom and right to choose what to do to their body and when to carry a pregnancy to term.

#### FINANCIAL IMPLICATIONS

None.

#### ENVIRONMENTAL, SUSTAINABILITY AND CLIMATE IMPACTS

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

#### CONTACT PERSON

Mayor Jesse Arreguín

510-981-7100

Anthony Rodriguez, Senior Legislative Assistant

#### Attachments:

1: Resolution

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<sup>25</sup> Self-identified.

<sup>26</sup> Self-identified.

<sup>27</sup> Self-identified.

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

RIGHT TO REPRODUCTIVE FREEDOM

WHEREAS, the Supreme Court's 2022 decision to overturn *Roe v. Wade* threatens a person's bodily autonomy and pursuit of reproductive freedom; and

WHEREAS, without the highest court's protection for a right to choose, states have become the arbiters of a person's right to an abortion, effectively criminalizing abortion and restricting access to safe abortion care for millions; and

WHEREAS, 20 states have near-total bans during any point in pregnancy, including restricting access to abortion care, and another 25 states have created or expanded their legal protections for abortion care among its residents and visitors; and

WHEREAS, studies show substantial increases in abortions in states bordering those with abortion restrictions, adding strain to the existing abortion care infrastructure; and

WHEREAS, abortion bans disproportionately affect marginalized groups, including low-income people, those receiving Medicaid, those with disabilities, Black, Hispanic and Indigenous people, and female-identifying persons; and

WHEREAS, abortion bans cause gender-based harm and violence towards those who are of child-bearing age; and

WHEREAS, the City of Berkeley acknowledges healthcare providers are vulnerable by the politicization of the care and services they provide for others, facing lawsuits, threats to their lives and the lives of their loved ones, and provocations undermining their integrity and ability to provide care; and

WHEREAS, many speculate the influence of AI and software in mobile applications that track a user's whereabouts can collect data that may be used to bring lawsuits against patients and healthcare providers fulfilling the right to abortion and reproductive care; and

WHEREAS, the U.S. House of Representatives has made multiple attempts to protect residents crossing state lines through H.R.8297 and H.R. 12; and

WHEREAS, the City of Berkeley acknowledges the significant progress the State has made to provide protections to those seeking and providing abortion services through the passage of AB 1242 and SB 345; and

WHEREAS, California has experienced an increase in abortions performed in the state since 2022 with over 17% of all abortions across the nation being conducted within California in the month of August; and

WHEREAS, nearly 600 Berkeley residents receive care from Planned Parenthood's Mar Monte site, treating a spectrum of gender identities, with the majority of patients identifying as Black, Pacific Islander or White, low-income, and within the ages of 20-29; and

WHEREAS, the City of Berkeley declares abortion services are an essential component of comprehensive healthcare, as they both allow individuals to make the best health, economic and social decisions for themselves and honor an individual's full autonomy to make their own decisions regarding their own pregnancies, their families and their bodies; and

WHEREAS, despite a lack of abortion facilities in the City of Berkeley, the need to protect those seeking to fulfill their reproductive freedom and exercise bodily autonomy is ever-present; and

WHEREAS, the City of Berkeley has a well-established record of supporting women's rights, reproductive health, and creating a place for those in search of relief, support and care; and

WHEREAS, the City of Berkeley was the first U.S. city to become a sanctuary city, and continues to be a haven for those in search of health, freedom and safety; and

WHEREAS, the City of Berkeley believes greater protections are needed for vulnerable groups crossing state lines to seek health care and family planning services, and exercising their right to privacy; and

WHEREAS, the City of Berkeley believes healthcare professionals have a right to dispense legal medical care, to not feel threatened for offering and providing abortion services, and deserve their right to privacy.

NOW THEREFORE BE IT RESOLVED by the City Council that it affirms a person's rights to reproductive freedom and privacy, and supports those seeking abortion care by:

1. Directing City agents and employees to ensure access to information related to abortion access, including posting information about reproductive health on City property.
2. Directing City agents and employees to immediately report any communication from out-of-state groups or government agencies, including requests for documents or warrants served to their site director or supervisor. The site director or supervisor must immediately notify the Department Director who must in turn immediately consult with the City Attorney about the appropriate course of action. .



3. Suggest keeping list of proposed City actions in similar format, i.e.: Directing City Agents and employees to refer City residents who inquire about their right to reproductive freedoms to local reproductive and gender rights organizations. A list of such organizations shall be compiled and then disseminated to relevant City buildings and on the City's website. The City Manager is also encouraged to increase and enhance partnerships with community-based organizations, legal service providers, and educational institutions to provide resources for families and City residents facing prosecution or other adverse out-of-state actions.

BE IT FURTHER RESOLVED that the City of Berkeley will support a person's safety, in particular women of child-bearing age, maintaining their right to dictate their own health.

BE IT FURTHER RESOLVED that the City of Berkeley finds that reproductive justice, gender equality, gender equity, and bodily autonomy should be protected and reinforced, as a person's right to make decisions with regards to their own body is a matter of personal liberty and freedom.

BE IT FURTHER RESOLVED that the Council shall instruct the City Clerk to transmit copies of this resolution including any future amendments thereto that shall be made, to every department, agency and commission and employee of the City of Berkeley.



**BEN BARTLETT**

VICE MAYOR

CONSENT CALENDAR

December 12, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett

Subject: Referral to the City Manager: Eminent Domain Feasibility Analysis for 2902 and 2908 Adeline Street Properties and Abandoned House on 1946 Russell Street

RECOMMENDATION

Refer the City Manager to conduct an analysis and report to the Council on the feasibility of using eminent domain to enable the City to purchase the blighted commercial properties on 2902 and 2908 Adeline Street, as well as the adjacent abandoned house on 1946 Russell Street for the purposes of developing mixed-use affordable housing.

CURRENT SITUATION

Our City is estimated to have more than 100 vacant residential buildings, and numerous vacant commercial properties. These often dilapidated properties negatively impact neighborhoods, business districts, City revenues, and the overall quality of life. One such example is the blighted properties on 2902 and 2908 Adeline Street, and the adjacent abandoned house located on the corner of Adeline Street and Russell Street (collectively “2902 Adeline”). The three properties were bundled by the Realtex Group of San Francisco for the purposes of developing housing. However, the project appears to be inactive, and for years has been in a state of persistent, significant, deterioration and disrepair, which has subjected the community to unsafe, and unhealthy conditions.

Chapter 12.92 of the Berkeley Municipal Code on Anti-Blight, states that the purpose of the chapter is to require “a level of maintenance of residential and commercial property which will promote healthy neighborhoods and protect and preserve the livability and appearance of the City.” Yet the dilapidated and unsafe conditions of 2902 Adeline continue to threaten the health, safety, and general welfare of our citizens.

Numerous community members and neighbors have complained about the dangerous conditions associated with the abandoned site. Community members noted several fire hazards, and the presence of rats and other vectors that transmit disease and parasites. It is for these reasons that we find 2902 Adeline to be in violation of BMC 12.92.030.

At the same time, the City has a pronounced need for mixed-use affordable housing. According to Berkeley's 1000 Person Plan to Address Homelessness and its accompanying affordable housing report, the City's current system has not created sufficient "permanently subsidized housing resources" to service the homeless population, and, instead, relies on short-term solutions, such as rapid rehousing, that do not provide any structural changes to the housing market. Furthermore, the number of people experiencing homelessness in Berkeley has increased by an average of 10% every two years, with dramatic racial disparities: since 2006, "65% of homeless service users in Berkeley identify as Black or African American."<sup>1</sup> To add to the problem, Berkeley's homeless services shelter beds have been serving "fewer unique households over time".<sup>2</sup>

As a result, the Council should uphold BMC 12.92 and ensure we take action by referring the City Manager to analyze the feasibility of using eminent domain to purchase 2902 Adeline to develop mixed-use supportive housing that is both affordable and also provides mental and physical health care to its residents.<sup>3</sup>

This recommendation is within the City's authority. Chapter 12 of the municipal code goes on to state, "Whenever the City determines that property in the City is maintained as a nuisance," it shall follow per 12.92.050, and must provide a Notice to the Owner of Abatement of Nuisance.

As public agencies may condemn property only for public use, the City Manager should include in the analysis a resolution of necessity as set forth in CCP §§ 1245.210 et seq. Such resolution must establish all of the following:

- The public interest and necessity require the project
- The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury
- The property in question is necessary for the project

## BACKGROUND

The City has the power of eminent domain – to take private property for public use upon payment of just compensation. State law authorizes cities to condemn property necessary to carry out their municipal duties and functions. In *Kelo v. New London*, the

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<sup>1</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/2019/02\\_Feb/Documents/2019-02-26\\_Item\\_20\\_Referral\\_Response\\_1000\\_Person\\_Plan.aspx#:~:text=Simply%20put%2C%20a%20plan%20to,right%2Dsizing%E2%80%9D%20the%20system.](https://www.cityofberkeley.info/Clerk/City_Council/2019/02_Feb/Documents/2019-02-26_Item_20_Referral_Response_1000_Person_Plan.aspx#:~:text=Simply%20put%2C%20a%20plan%20to,right%2Dsizing%E2%80%9D%20the%20system.)

<sup>2</sup>[https://www.cityofberkeley.info/Clerk/City\\_Council/2019/02\\_Feb/Documents/2019-02-26\\_Item\\_20\\_Referral\\_Response\\_1000\\_Person\\_Plan.aspx#:~:text=Simply%20put%2C%20a%20plan%20to,right%2Dsizing%E2%80%9D%20the%20system.](https://www.cityofberkeley.info/Clerk/City_Council/2019/02_Feb/Documents/2019-02-26_Item_20_Referral_Response_1000_Person_Plan.aspx#:~:text=Simply%20put%2C%20a%20plan%20to,right%2Dsizing%E2%80%9D%20the%20system.)

<sup>3</sup><https://www.cbpp.org/research/housing/supportive-housing-helps-vulnerable-people-live-and-thrive-in-the-community>

Supreme Court allowed the use of eminent domain to facilitate the city's redevelopment and community enhancement efforts.<sup>4</sup> In *Hawaii Housing Authority v. Midkiff*, an eminent domain was used to break up land oligopolies, again in the interest of serving the community.<sup>5</sup> Finally, in *Berman v. Parker*, the Court upheld Congress' directive to redevelop parts of DC to enhance the conditions of those living in substandard housing.<sup>6</sup> While this strategy has not been readily employed by many cities, there are significant precedent-setting cases to justify the City of Berkeley considering this option as a way to acquire the 2902 Adeline properties to serve the public.

Based on the referral response item that originally appeared on the agenda of the May 16, 2017, Council Meeting and was submitted by City Attorney Zach Cowan, cities are permitted to use their eminent domain powers for purposes beyond those that the Legislature has expressly identified as public purposes. City Attorney Cowan concluded that providing affordable housing for those who cannot afford market-rate housing is a "public use" for purposes of eminent domain. In addition, with respect to open space, it has also long been generally recognized that providing open space is a public purpose. Similarly, acquiring property to provide public services, such as courthouses, municipal buildings, public health, or recreational services, is also appropriate. In sum, the City may use its power of eminent domain to acquire property for public services and buildings, affordable housing, and open spaces.

There exist healthy precedents for the successful use of eminent domain to establish affordable housing.

- a. Vermont Housing Land Fund: The Sarah Cole House was chosen for the project because of its history as an owner-occupied rooming house. Despite having resident owners, the building had fallen into disrepair. Neighbors first objected to the development as another assault on the neighborhood and protested to the local zoning board. BCLT responded with an appropriate site plan, staffing plan, and house rules. Opposition was dropped and the zoning was approved. After BCLT rehabilitated the house and grounds, area residents expressed satisfaction with the neighborhood improvement.
- b. In Lawrence, Kansas. This CDC promotes low-income housing by providing home ownership programs and credit counseling to help people qualify for mortgages. The organization acquires properties to sell to moderate and low-income people and renovate or build homes to sell to people not qualifying for traditional loans. Tenants become homeowners through education, communication, home improvement, and creative financing.

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<sup>4</sup> Kelo et al. v. City Of New London et al. <https://www.law.cornell.edu/supct/html/04-108.ZS.html>

<sup>5</sup> Hawaii Housing Auth. v. Midkiff <https://supreme.justia.com/cases/federal/us/467/229/case.html>

<sup>6</sup> Berman v parker <https://supreme.justia.com/cases/federal/us/348/26/case.html>

## POTENTIAL USES FOR PROPERTY

After thorough consideration of alternatives for this blighted property, we find it in the best interest of the City of Berkeley and its communities that we explore more affordable housing initiatives for this property. As it stands, the 2902 Adeline properties are prime locations for construction of new residential living accommodations.

At the same time, the City has a pronounced need for mixed-use affordable housing. Mixed-use housing development allows for the placement of a variety of land uses, including commercial, office, and residential uses, within the same development or district. Mixed-use developments allow for a balanced mix of local jobs and services to be situated at or near residential areas, promoting walkability by reducing the need for commuting trips to and from work. They also offer cost savings for both developers and residents, as commercial uses can help subsidize affordable housing units. Since Berkeley is in need of more local job creation and more affordable housing, especially for young people, the Council should seek to promote these types of developments to tackle both needs at once.

Mixed-use developments can also serve as artistic spaces like theaters, performance spaces, and community art spaces for neighbors to use and enjoy.

It is also possible to use these locations for open green spaces. Open space has long been generally recognized as a public purpose for land. A green space would provide welcome refuge in such a dense, commercial section of Berkeley. South Berkeley suffers from an inequitable amount of green space. In fact, the City Council passed the Equity in Green Space policy of 2017<sup>7</sup>, specifically prioritizing the creation of green space in South Berkeley.

Acquiring property to provide public services, such as municipal buildings, public health, or recreation, is also appropriate. Services like these are often starved of land in a city where property prices have risen astronomically in recent years.

The City may use its power of eminent domain to acquire the 2902 Adeline properties for affordable housing, open spaces, and public services and buildings.

## RATIONALE FOR RECOMMENDATION

Our publicly owned land is scarce. Social service programs, housing developments, and other public services require adequate land, which is in short supply in Berkeley. There

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<sup>7</sup> Cal. Berkeley City Council, Reg. Meeting, Referral. (2017). <https://drive.google.com/file/d/1J5Ded2H-8J1UCFw35n3cQKaHEEV8syQi/view?usp=sharing>

have been voluminous complaints from residents, neighbors, and local businesses, with health and safety complaints directly stemming from these properties. These properties are located near daycare centers, a park, and a library, directly impacting the safety of families and nearby residents when out walking. Given the current unsafe conditions of the 2902 Adeline properties, which are in violation of BMC 12.92.030 and the purpose of the BMC Chapter 12.92, the Council should refer the City Manager to perform an analysis on the properties to conclude whether or not the City can and should use eminent domain to purchase the properties for public good. By using the properties for much-needed public benefits—such as recreational options— we will be serving Berkeley residents while also incentivizing property owners to maintain their parcels and promote healthy neighborhoods.

#### FISCAL IMPACTS OF RECOMMENDATION

The fiscal impacts of this recommendation are normal operating Staff time for the analysis to be conducted at normal hourly rates.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects associated with conducting an analysis on the properties. However, if the City Manager concludes the use of eminent domain is appropriate, maintaining the properties will promote healthy neighborhoods and protect and preserve the livability and appearance of the City. Given the fact that the properties are blighted, eminent domain will allow us to effectively address any potential environmental contamination of the building.

#### CONTACT PERSON

Councilmember Ben Bartlett  
James Chang

510-981-7130  
jchang@cityofberkeley.info

#### Attachment

1. Photos of 2902 - 2908 Adeline Street Properties
2. Photos of abandoned house at 1946 Russell Street

Attachment 1:













































Attachment 2:







Berkeley City Councilmembers  
Susan Wengraf, District 6  
Mark Humbert, District 8  
2180 Milvia Street, 5th Floor  
Berkeley, CA 94704

CONSENT CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
From: Councilmember Wengraf (Author), Councilmember Humbert (Author)  
Subject: Letter to AC Transit Regarding Draft Realignment Scenarios

RECOMMENDATION

Send a letter to AC Transit with Council feedback on their Realign Draft Service Scenarios presented to Council on Nov 14, 2023.

FINANCIAL IMPLICATIONS

None

BACKGROUND

At the November 14, 2023 Council Meeting, Ryan Lau and Carissa Lee from AC Transit co-presented their agency’s draft Realign scenarios for bus routes. The Realign plan options were based on changes in rider travel patterns and community input.

Although many of the changes included in AC Transit’s Realign plans were positive, there were some that were deeply concerning to the Council.

The letter urges AC Transit to revise its plans to address the following concerns:

1. Increase or, at the very least, maintain the current level of service, including preservation of both the 65 and 67 lines in the north-east Berkeley Hills.
2. Maintain direct service to the Berkeley Marina.
3. Preserve the 72 Rapid line (72 R).

ENVIRONMENTAL SUSTAINABILITY

If one of only two buses serving over 15,500 people in the steep terrain of the north-east Berkeley Hills is cut, it will force people to own and drive cars, which is not in alignment with our climate action goals.

CONTACT PERSON

Councilmember Wengraf	Council District 6	510-981-7160
Councilmember Humbert	Council District 8	510-981-7180

Attachments:

1. Letter





**Berkeley City Council**

2180 Milvia Street, 5th Floor  
Berkeley, CA 94704

Alameda-Contra Costa Transit District Board of Directors  
1600 Franklin St  
Oakland, CA 94612

RE: AC Transit Realign Proposals

December 12, 2023

Dear AC Transit Board of Directors,

The Berkeley City Council understands the challenges of devising a bus network; and we recognize that service plans are like puzzles where all the pieces must fit together and any one change can cascade through the system. We appreciate AC Transit's efforts to thread the needle and balance sometimes disparate needs and input from diverse stakeholders.

Although many of the changes included in AC Transit's Realign plans are positive, there are some that are deeply concerning to the Berkeley City Council. Berkeley has some of the highest ridership of anywhere in AC Transit's network and the final plans should support rather than hinder this success. The Berkeley City Council urges AC Transit to revise its plans to address the following concerns.

Service in the Berkeley Hills must be maintained at minimum and, if possible, expanded. The 65 and the 67 routes represent the only transit access and connection to BART for the steep NE Berkeley Hill area. The Frequent Service Scenario's merger of these two lines would cut service and access for home healthcare workers, students who would then have to be driven, and visitors to Tilden Park, among others.

Moreover, this proposal is inconsistent with Berkeley's adopted climate action goals and hills housing policies. If anything, the currently anemic service should be expanded to include later nights and weekends, as well as greater frequency. But at the very least, these independent lines must remain at current service levels, keeping both routes 65/67, as listed in the Balanced Coverage Scenario. We believe there must be a means to preserve the 65 and 67 while still allowing for higher frequency on other lines.

Direct service to the Berkeley Marina must also be maintained. Serving the Marina only via a route that is circuitous and infrequent (especially on weekends) would negatively impact recreation access and necessitate major route/frequency changes when ferry service arrives. AC Transit should find a way to maintain direct Marina access by way of University Avenue, potentially by having some buses on the new F6 route extend to the Marina.

The 72 Rapid line must also be preserved. The 72R provides critical north-south and Downtown Oakland service in a part of Berkeley that is not well served by BART. Although streetscape improvements are anticipated to improve performance of the 72 line(s), this does not justify counteracting those improvements by eliminating limited stop service. We urge AC Transit to retain the 72 and 72R, and find another way to provide access to the different areas served at the northern ends of the 72, 72R, and 72M.

Thank you for your service and for giving us the opportunity to comment on the proposed service changes.

Respectfully,  
Berkeley City Council



CONSENT CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson (Author), Councilmember Harrison (Co-Author)

Subject: Referral: Use of Sidewalks for Recreation, Such as Chess

### RECOMMENDATION

Refer to the City Manager to evaluate and return to City Council with recommendations and legislative alternatives for making use of tables, chairs, and other relevant objects that can be easily moved to be allowed without a permit application for non-disruptive recreational uses in the public right-of-way. Such recreational uses may include activities such as playing chess at movable tables and chairs. Consideration should be given to ensure that such use of tables and chairs does not unduly obstruct public sidewalks.

### BACKGROUND

Community members have gathered to play chess and socialize on the 2400 block of Telegraph Avenue since 2021. The informal “chess club” that has met on the block is a cherished community space that embodies Berkeley values of non-commercial, organic interactions between people of all ages and backgrounds on one of the most historic and storied blocks in the City. The chess club serves as a space for all to interact in a transaction-free, non-commercialized environment that does not exclude those who are unable to pay.

The chess club has recently been situated on private property, which has created conflicts with the property owner. These activities, however, are not permitted in the public right-of-way. There are steps that the property owner could have taken and could take now to welcome the chess club’s activities at their current location if that is desired, including but not limited to building a parklet or seeking to modify the use permit for the property. And there are steps the city can take to expand space for public recreation, including reactivating the Dwight Triangle and pursuing reforms to the municipal code to enable these activities in the public right-of-way. It is in the public interest to explore all options.

The chess club has revealed some fundamental legal limitations that the Berkeley Municipal Code places on these organic activities — namely, on residents setting up tables, chairs, and other objects on sidewalks to utilize public space for purposes of recreation. In an increasingly commercialized and consumerist environment, free and communal activities such as gathering to play chess are a welcome and necessary use

of public space. Moreover, they can serve to connect people of all backgrounds by enabling new “third spaces,” or places other than work and school to socialize. It is clear that there is a public interest in encouraging these uses of public space, so long as participants act and operate with respect for their neighbors and surroundings.

There is a notable dearth of public seating available on Telegraph Avenue. Much of the seating in the Telegraph commercial district is behind paywalls, located at businesses and restaurants. There are limited spaces for relaxation and social gathering on Telegraph Avenue. A shortage of publicly available seating creates a particularly hostile environment for the elderly and disabled. The city council has embraced a radical vision for the future of Telegraph Avenue, one of widened sidewalks and beautiful placemaking where the avenue can be transformed into a plaza and embraced as a place for gathering, more so than a thoroughfare. That vision, however, will take time and significant resources. There are strategies, such as allowing chairs and tables provided by community members, that can be welcomed right now to embrace gathering and recreation on Telegraph.

At present, one additional bench has been ordered by city staff to provide for seating at a bus stop on Telegraph Avenue, and the city council has provided direction and referred funding to the budget process to reactivate the Dwight Triangle as an area for recreation and gathering with new seating. All the same, given the severe shortage of publicly available seating and space for resting currently, it is in the public interest to welcome efforts from community members to create additional space for gathering.

Chess club organizers have presented options to our offices proposing Berkeley Municipal Code edits that would loosen limitations on setting up movable tables and chairs on sidewalks. It is our intent, with this legislation, to give staff direction to study and recommend policy options for allowing activities like chess at movable tables and chairs to be set up organically on our sidewalks — so long as an ADA-accessible open sidewalk width is maintained — without applying for a city permit, reducing barriers to creating precisely the organic, transaction-free public spaces we want to see in our city.

Staff are encouraged to review and consider the proposed language submitted by community members in their analysis and preparation of recommendations and legislative alternatives. They are as follows:

**Proposal 1:**

In Proposal 1, a new section (H) is added to code section 16.18.040 Exemptions from permit requirements.

***16.18.040 Exemptions from permit requirements.***

*The following encroachments may be placed or maintained without a permit:*

...

H. Objects such as, but not limited to, tables, chairs, canopies, and umbrellas that enable members of the public to assemble and engage in legal activities for the good of the community, insofar as:

1. All members of the public are allowed to utilize these objects, as long as they are engaged in legal activities such as painting, playing games, protected speech, etc.
2. Members of the public are not charged for use of these objects
3. The placement of these objects may narrow the public right of way to no less than six feet, where possible.

**Proposal 2:**

In Proposal 2, a new section (H) is added to Title 16, Chapter 18, Section 30 entitled Prohibited Encroachments.

**Title 16, Chapter 18, Section 30 entitled Prohibited Encroachments**

Notwithstanding the provisions of Section 16.18.020, the following encroachments are specifically prohibited, and no applications shall be accepted nor permits issued therefor:

...

H. Except for tables, canopies, umbrellas, and chairs with acute mobility (e.g. foldable structure and/or able to be disassembled rapidly); assembled for activities that provide a non-profitable public good; devoid of major encroachment as defined by 16.18.010 Section C

FINANCIAL IMPLICATIONS

Staff time.

ENVIRONMENTAL SUSTAINABILITY

Use of the public right-of-way for recreation can create new “third spaces” other than home and work for residents to socialize, especially on commercial corridors where there are other nearby activities and nearby dense housing. Fostering third spaces is critical for the cultivation of walkable neighborhoods, and thereby helpful in reducing vehicular traffic.

Referral: Use of Sidewalks for Recreation, Such as Chess

CONSENT CALENDAR  
12/12/2023

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Sam Greenberg, Legislative Assistant

Councilmember Kate Harrison, (510) 981-7140  
Sara Cerami, Legislative Assistant





Civic Arts Commission

INFORMATION CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council  
 From: Civic Arts Commission  
 Submitted by: Dana Blecher, Chairperson, Civic Arts Commission  
 Subject: Civic Arts Commission FY24 Work Plan

INTRODUCTION

The Civic Arts Commission has updated its work plan, which outlines Commission objectives for Fiscal Year 2024 (FY24) based upon goals articulated in the *City of Berkeley Arts & Culture Plan (2018 - 2027 Update)* and reflective of previously initiated projects that are already under way. This work plan includes a variety of objectives in three civic arts areas: Policy, Grants, and Public Art.

CURRENT SITUATION AND ITS EFFECTS

At the regular meeting on July 19, 2023, the Civic Arts Commission unanimously approved a recommendation to approve the FY24 Civic Arts Commission Work Plan, which is used to guide the Commission's work throughout the year.

Action: M/S/C (Passmore/Anno) to approve the FY24 Civic Arts Commission Annual Work Plan with change to wording of second item listed under Public Art Subcommittee to: "Complete backlog of public art projects identified in previous fiscal years Attachment 1) and the Public Art Master Plan before initiating new public art projects for implementation by Civic Arts staff."

Vote: Ayes — Anno, Blecher, Bullwinkel, Covarrubias, Dhesi, Ibarra, Ozol, Passmore, Woo; Nays — None; Abstain — None; Absent — None. Public Comment: 0

BACKGROUND

See the Civic Arts Commission Annual Work Plan FY 24 (Attachment 1).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Through the Municipal Artist-in-Residence Program, artist Cheryl Derricotte is working with the Planning Department's Climate Equity Pilot Project to creatively support the project's community engagement and coalition building efforts. For the other FY24 Civic Arts Commission Work Plan projects and initiatives there are no environmental sustainability or climate impacts identified as a result of this plan.

POSSIBLE FUTURE ACTION

Based on Commission research and public hearings, new initiatives and recommendations to City Council may be submitted to City Council at such time deemed necessary.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

No fiscal impacts determined at this time.

CONTACT PERSON

Jennifer Lovvorn, Commission Secretary, Civic Arts Commission, (510) 981-7533

Attachment: 1: FY24 Civic Arts Commission Work Plan



Civic Arts Commission

## **Civic Arts Commission FY24 Work Plan**

Approved by Civic Arts Commission: July 19, 2023

### **Policy Subcommittee**

1. Participate with staff and in consultation with the Housing Advisory Commission to advise on the development of a program and process for certifying Artists and Cultural Workers for eligibility for affordable artist housing culminating in a referral response to City Council and advocacy to fund a resulting affordable housing program.

### **Grants Subcommittee**

1. If funding is awarded to the City of Berkeley by the National Endowment for the Arts, participate with staff in development of a new Arts Program Grant which would provide grants to support art programs within non-arts nonprofit organizations in Berkeley.

### **Public Art Subcommittee**

1. Participate with staff in the development of a Public Art Master Plan for the City of Berkeley with input from the community and other stakeholders, which will provide a framework for developing new public art projects and funding for community-initiated public art projects.
2. Complete backlog of public art projects identified in previous fiscal years FYs 19-23 (Attachment 1) and the Public Art Master Plan before initiating new public art projects for implementation by Civic Arts staff.
3. Explore a possible amendment to the “Public Art in Private Development Ordinance” to facilitate the creation of permanently affordable venues for nonprofit arts organizations and affordable housing for artists and cultural workers within private development.
4. Participate with staff to update the Public Art Guidelines to reflect best practices and recommend corresponding updates to the Municipal Code where relevant.

**Attachment 1: List of Public Art Projects Included in Previous Fiscal Years (FY19 – FY23)  
Work Plans**

Active:

1. Mildred Howard sculpture at Adeline and MLK
2. Jean LaMarr sculptural seating and grinding rock at Ohlone Park
3. Turtle Island Monument
4. Peace Wall Conservation
5. Utility Box Mural Program (Assessment and Implementation of Recommendations)
6. Cube Space Exhibitions (Ongoing)
7. BART Plaza Sound Installation (Ongoing programming and equipment repair)
8. Municipal Artists in Residence (Ongoing)
9. Po Shu Wang Signage and Bell
10. Framed Art Purchases for City Buildings
11. Berkeley Art Works Projects
12. Homelessness Social Practice Project 1
13. Homelessness Social Practice Project 2
14. Homelessness Social Practice Project 3
15. Lara Kaur artwork at West Service Center
16. Re-installation of Romare Bearden artwork
17. John Wehrle mural conservation
18. Aquatic Park tile wall
19. Aquatic Park sculpture
20. Home sculpture de-installation

Not Started:

1. Santa Fe ROW
2. South Berkeley Senior Center
3. MLK Youth Service Center
4. Willard Clubhouse
5. African American Health Resource Center
6. Eric Powell Gates Assessment
7. City Flag, Song, and Motto
8. Telegraph Crosswalk Murals
9. Telegraph Avenue Public Art Project
10. Council Referral for Family Friendly Art
11. Hidden Gems in Berkeley Hills
12. Mural Commemorating Black Lives Matter Movement
13. Replacement Mural for Center for Independent Living
14. Harrison Street Corridor Project



Office of the City Manager

INFORMATION CALENDAR  
December 12, 2023

To: Honorable Mayor and Members of the City Council

From: Housing Advisory Commission

Submitted by: Debbie Potter, Chairperson, Housing Advisory Commission

Subject: Housing Advisory Commission Work Plan Fiscal Year 2024

INTRODUCTION

The Housing Advisory Commission (HAC) submits its Fiscal Year (FY) 2024 work plan to the City Council as an information item (Attachment 1).

CURRENT SITUATION AND ITS EFFECTS

In July 2016, the City Council directed all commissions (with certain exceptions) to submit work plans detailing goals and objectives for the year. Plans should be submitted at the start of each fiscal year. Commission work plans were suspended during the past two fiscal years due to the COVID pandemic. The requirement to prepare commission work plans was reinstated for FY 24 (July 1, 2023 – June 30, 2024).

At its October 5, 2023 meeting, the HAC approved its FY 2024 work plan. The goal of the work plan is to recommend to the City Council affordable housing and community development programs and policies that further social justice and address systemic racism, classism, and inequity in the city of Berkeley.

The FY 2024 work plan goal will be achieved through the following work plan activities:

1. Convene ad hoc year-round subcommittees to work with staff on proposed HTF allocations and Community Development Block Grant (CDBG)-funded public facilities improvements and make funding recommendations to the full HAC.
2. Develop an ordinance regarding fair access and transparency for rental housing applications for City Council consideration.
3. Work with the Civic Arts Commission, via a subcommittee that meets together or concurrently, regarding proposed artist housing initiatives for HAC's and the Civic Arts Commission's approval and City Council consideration of any recommended initiatives.
4. Undertake a process to: a) better inform the HAC about Emergency Shelter/Solutions Grant (ESG) and CDBG-funded agencies, programs, and funding needs, and b) enhance public participation and the public's feedback on

program effectiveness ahead of recommending five-year and annual program and funding allocations to City Council.

5. Explore a subcommittee that meets together or concurrently with the Disaster and Fire Safety Commission, or other appropriate bodies, on Housing and Wildfire Risk.
6. Increase opportunities for more direct participation, including exploring hybrid meeting access, with community members and groups to gather input to be included in decision-making and recommendations.
7. Review and make recommendations to City Council regarding various affordable housing policies including inclusionary housing fees, the Housing Preference Policy discrimination study report (if funded), etc.

### BACKGROUND

The FY 2024 work plan reflects the HAC's mission to:

1. Advise the City Council on housing matters, including affordable housing programs and policies and Community Development Block Grant (CDBG) and Emergency Services Grant (ESG) programs and their funding allocations;
2. Recommend to the City Council Housing Trust Fund (HTF) allocations;
3. Serve as the oversight body for Measure O, the \$135 million General Obligation bond to fund development of affordable housing; and
4. Review and make recommendations on items referred by the City Council, HAC members, or other commissions.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

### POSSIBLE FUTURE ACTION

The HAC will continue to work on this Work Plan in order to refine potential outputs, outcomes, activities, and required resources.

### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

It is possible that adoption of new housing-related programs or policies stemming from City Council referrals or City Council-adopted HAC recommendations could result in fiscal impacts to the City.

### CONTACT PERSON

Anna Cash, Commission Secretary, HHCS, (510) 981-5403

### ATTACHMENTS:

- 1: Housing Advisory Commission FY 2024 work plan



Housing Advisory Commission

## **FY 2024 HOUSING ADVISORY COMMISSION WORK PLAN**

### Mission Statement:

The Housing Advisory Commission:

1. Advises the City Council on housing matters, including affordable housing programs and policies and Community Development Block Grant (CDBG) and Emergency Services Grant (ESG) programs and their funding allocations;
2. Recommends to the City Council Housing Trust Fund (HTF) allocations;
3. Serves as the oversight body for Measure O, the \$135 million General Obligation bond to fund development of affordable housing; and
4. Reviews and makes recommendations on items referred by the City Council, HAC members, or other commissions.

In addition, as necessary, the HAC:

1. Hears matters regarding abatement of substandard buildings pursuant to chapter 19.40; and
2. Serves as the appeals board for relocation and correction of code violations as provided in chapter 19.40.

When advising the City Council, the HAC is committing to addressing past and present racial and social inequities in housing and other community development service delivery and approaching its recommendations through a social justice lens.

### Goal:

Recommend affordable housing and community development programs and policies that further social justice and address systemic racism, classism and inequity in the city of Berkeley as outlined in HAC's FY 2024 work plan.

### FY 2024 Work Plan Activities:

1. Convene ad hoc year-round subcommittees to work with staff on proposed HTF allocations and CDBG-funded public facilities improvements and make funding recommendations to the full HAC.
2. Develop an ordinance regarding fair access and transparency for rental housing applications for City Council consideration.
3. Work with the Civic Arts Commission, via a subcommittee that meets together or concurrently, regarding proposed artist housing initiatives for HAC's and the

Civic Arts Commission's approval and City Council consideration of any recommended initiatives.

4. Undertake a process to: 1) better inform the HAC about ESG and CDBG-funded agencies, programs, and funding needs, and 2) enhance public participation and the public's feedback on program effectiveness ahead of recommending five-year and annual program and funding allocations to City Council.
5. Explore a subcommittee that meets together or concurrently with the Disaster and Fire Safety Commission, or other appropriate bodies, on Housing and Wildfire Risk.
6. Increase opportunities for more direct participation, including exploring hybrid meeting access, with community members and groups to gather input to be included in decision-making and recommendations.
7. Review and make recommendations to City Council regarding various affordable housing policies including inclusionary housing fees, the Housing Preference Policy discrimination study report (if funded), etc.

Outcomes:

1. HTF monies pledged to affordable housing projects serving families and housing-insecure households
2. CDBG-funded public facilities constructed in support of non-profits
3. Adoption of a Fair Access and Transparency for Rental Housing Application Ordinance
4. Proposed initiatives to promote affordable artist housing to retain and build the city's cultural infrastructure
5. Five-Year and Annual CDBG/ESG Plans and funding recommendations that are grounded in service to the city's low-income and historically marginalized residents
6. Recommendations about protecting low-income residents from wildfire hazards
7. Outcomes that are reflective of the community's actual needs and concerns through increased consideration and inclusion of community voices, particularly those of low and moderate income
8. Review workplan progress quarterly.



Upcoming Worksessions and Special Meetings <i>start time is 6:00 p.m. unless otherwise noted</i>	
Scheduled Dates	
Dec 5	1. Re-Imagining Public Safety Update (regular meeting agenda)
Jan 23	1. Draft Waterfront Specific Plan (Tentative)
Feb 6	1. OED Economic Dashboards Presentation

Unscheduled Workshops and Special Meetings
None

Unscheduled Presentations (City Manager)
<ol style="list-style-type: none"> <li>1. Fire Dept Standards of Coverage and Community Risk Assessment (TBD regular agenda)</li> <li>2. Dispatch Needs Assessment Presentation</li> <li>3. Presentation on Homelessness/Re-Housing/Thousand-Person Plan (TBD regular agenda)</li> </ol>

	<b>City Council Referrals to the Agenda &amp; Rules Committee and Unfinished Business for Scheduling</b>
	<b>None</b>

CITY CLERK DEPARTMENT			
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL			
Address	Board/ Commission	Appeal Period Ends	Public Hearing
<b>NOD – Notices of Decision</b>			
<b>Public Hearings Scheduled</b>			
1960 San Antonio & 645 Arlington Avenue	LPC		2/13/2024
2924 Russell Street	ZAB		2/27/2024
3000 Shattuck Avenue - (construct 10-story mixed-use building)	ZAB		TBD
<b>Remanded to ZAB or LPC</b>			
<b>Notes</b>			

11/20/2023





Kate Harrison  
Councilmember, District 4

CONSENT CALENDAR  
November 28, 2023

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.

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.

**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*

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<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>

~~*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.

ENVIRONMENTAL SUSTAINABILITY

This budget referral has no effect on environmental sustainability.

CONTACT PERSON



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

CONSENT CALENDAR  
November 28, 2023

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 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. 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.





No Material  
Available for  
this Item

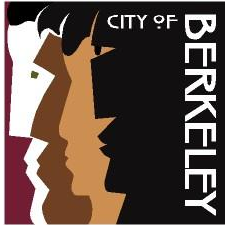
There is no material for this item.

**City Clerk Department**  
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(510) 981-6900

**City of Berkeley City Council Agenda Index Webpage:**  
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>







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.

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.

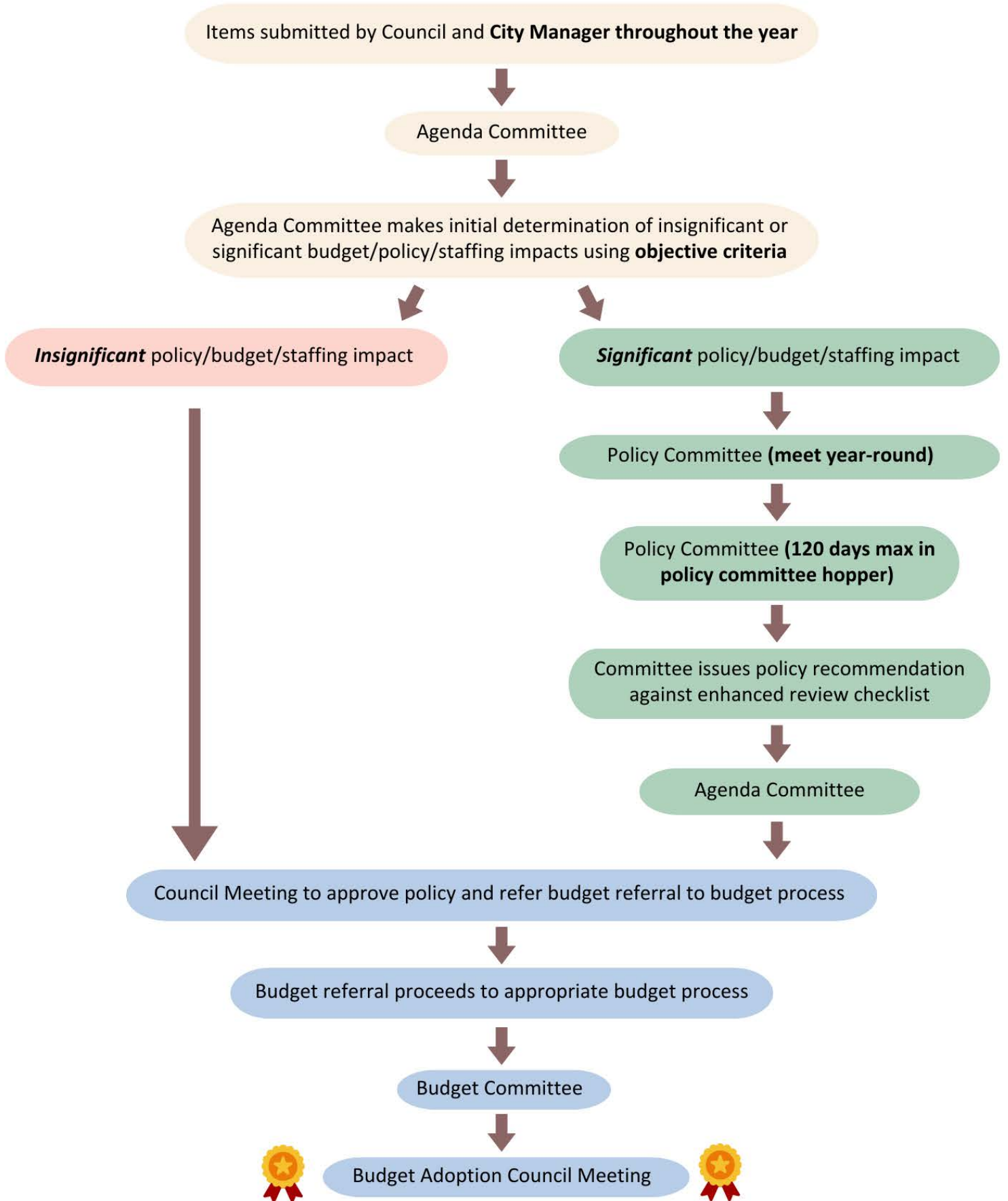
CONTACT

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

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
- 

**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

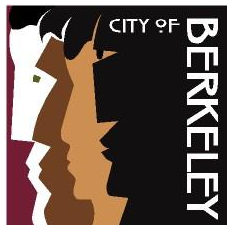
Item Date	JM	LM	LM	JM	LM	LM	JM	JM
	City Manager's System's Realignment Proposal 4/26/2021	Droste Response 5/18/2021	Council Feedback from Work Session 5/18/2021	Hahn Proposal 6/15/2021	Harrison Proposal 6/15/2021	2021 Council Feedback 6/15/2021	Droste BERIPE Plan 3/14/2023	Hahn/City Clerk Proposal to A & R 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.					
<b>Process for Council Items</b>	A & R determines if Major Item If not major, agendaized for Council meeting	Council Agenda Item Template recommended adjustments: - add: Define the Problem -Include Criteria Considered & -Rationale for Recommendation -Make Equity its own category 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 All Major Items, regardless of where originated follow the prescribed process Council is encouraged to consult with staff during proposal development but may wait until during the Committee process 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 Divided into Seasons with deadlines for each phase
<b>Major Item Definition</b>	- Cannot be operationalized over time with existing resources - Displaces an existing prioritized item - Not implementable with existing resources - Unable to sustain enforcement activities - Subject to legal challenge and/or pre-emption - Additional/new FTE on a temporary or permanent basis - 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 EXCEPTIONS: - Grant deadlines - Public Safety Issues - Declared local emergencies If exceptions granted, projects "in process" must be identified and delayed	Major Item Determination Checklist recommended adjustments: Define "smaller" and "less impactful" and state how that is determined.		(see definition above) Can originate from Councilmembers, City Manager (often as referral responses) or Commissions 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	Submittal Season: Year round submittal September 30 cut off for consideration through process 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 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 Councilmember limited to submitting 1 major legislative item or set of amendments to existing ordinances/yr Mayor limited to submitting 2 major legislative items or set of amendments to existing ordinances/yr 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 4/26/2021	Droste Response 5/18/2021	Council Feedback from Work Session 5/18/2021	Hahn Proposal 6/15/2021	Harrison Proposal 6/15/2021	2021 Council Feedback 6/15/2021	Droste BERIPE Plan 3/14/2023	Hahn/City Clerk Proposal to A & R 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.  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.  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  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 4/26/2021	Droste Response 5/18/2021	Council Feedback from Work Session 5/18/2021	Hahn Proposal 6/15/2021	Harrison Proposal 6/15/2021	2021 Council Feedback 6/15/2021	Droste BERIPE Plan 3/14/2023	Hahn/City Clerk Proposal to A & R 10/10/2023
<b>Budget &amp; Strategic Planning</b>	December/January Staff to incorporate approved items into Budget/workplan ranked by priority <b>January - March</b> Council and Staff revise the budget based on department presentations to BC <b>May/June</b> 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) 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.  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 Council prioritization to Budget committee not binding. Budget Committee makes recommendations to full Council Funded Council approved items move to Implementation Unfunded Council approved items rollover to future funding opportunities
<b>Implementation</b>						N/A		July (Month 1 of new fiscal year) Implementation Lead and Team assigned Meeting with Authors for clarity, timelines, challenges Implementation Team prepared Launch and Operational Plans
<b>Tools</b>	Council Item template outlining required information Major Item checklist Implementation Conference Worksheet 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 Enhanced Review Process
<b>Consolidated Yearly Cycle</b>	<b>Implementation Conference</b> Deadline: August 31 <b>Council Prioritization</b> Deadline: July 31 <b>Council Approval Deadline:</b> November 30 <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 <b>Committee Season:</b> Sept 1 - January 30 <b>Council Season:</b> Feb 1 - April 30 <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

**25**

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 agendaized 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 agendaize 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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**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)



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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.



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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:

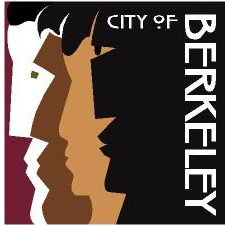
PROCESS ELEMENT	CONTENT	NOTES
<b>MAJOR ITEM SUBMISSION</b>	<b><i>Strongly encourage Authors to present Major Items in the full Guidelines format, which prompts for deep research, analysis and consultation</i></b>	
<b>Define Major Item</b>	Any law, program, or policy that represents a significant change 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>  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>

<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> 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.

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.

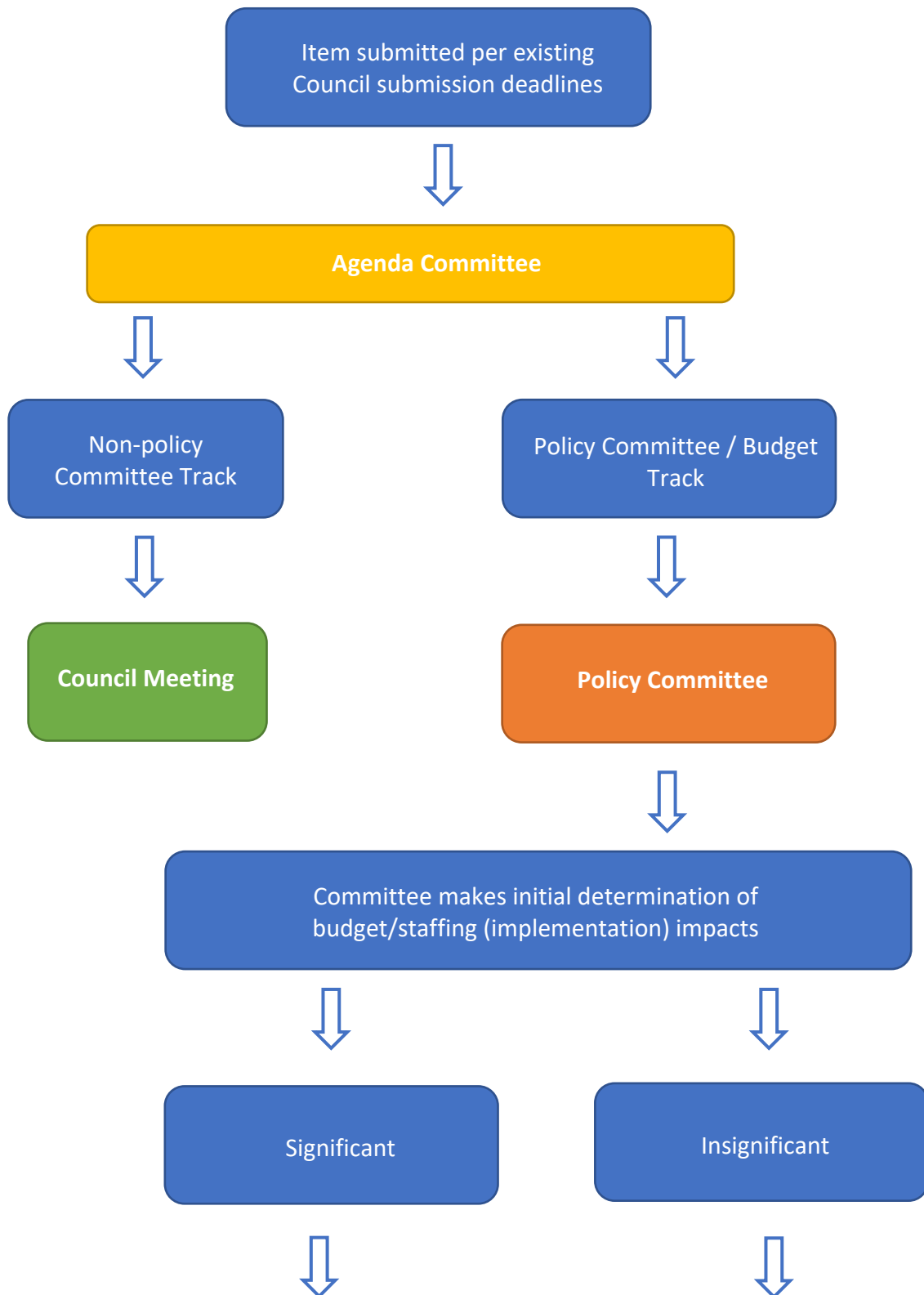
CONTACT

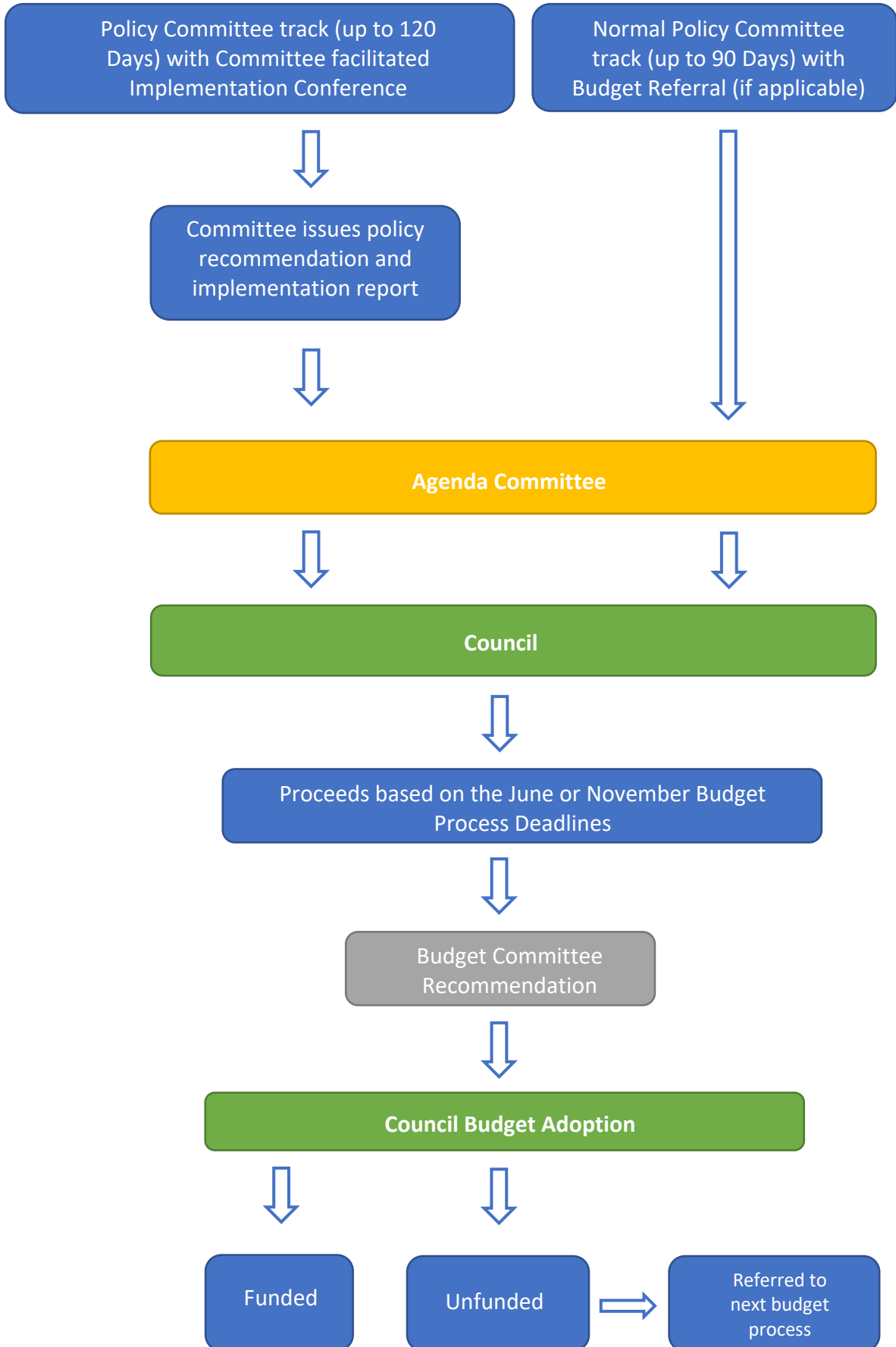
Councilmember Kate Harrison  
kharrison@cityofberkeley.info | 510-981-7140

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.

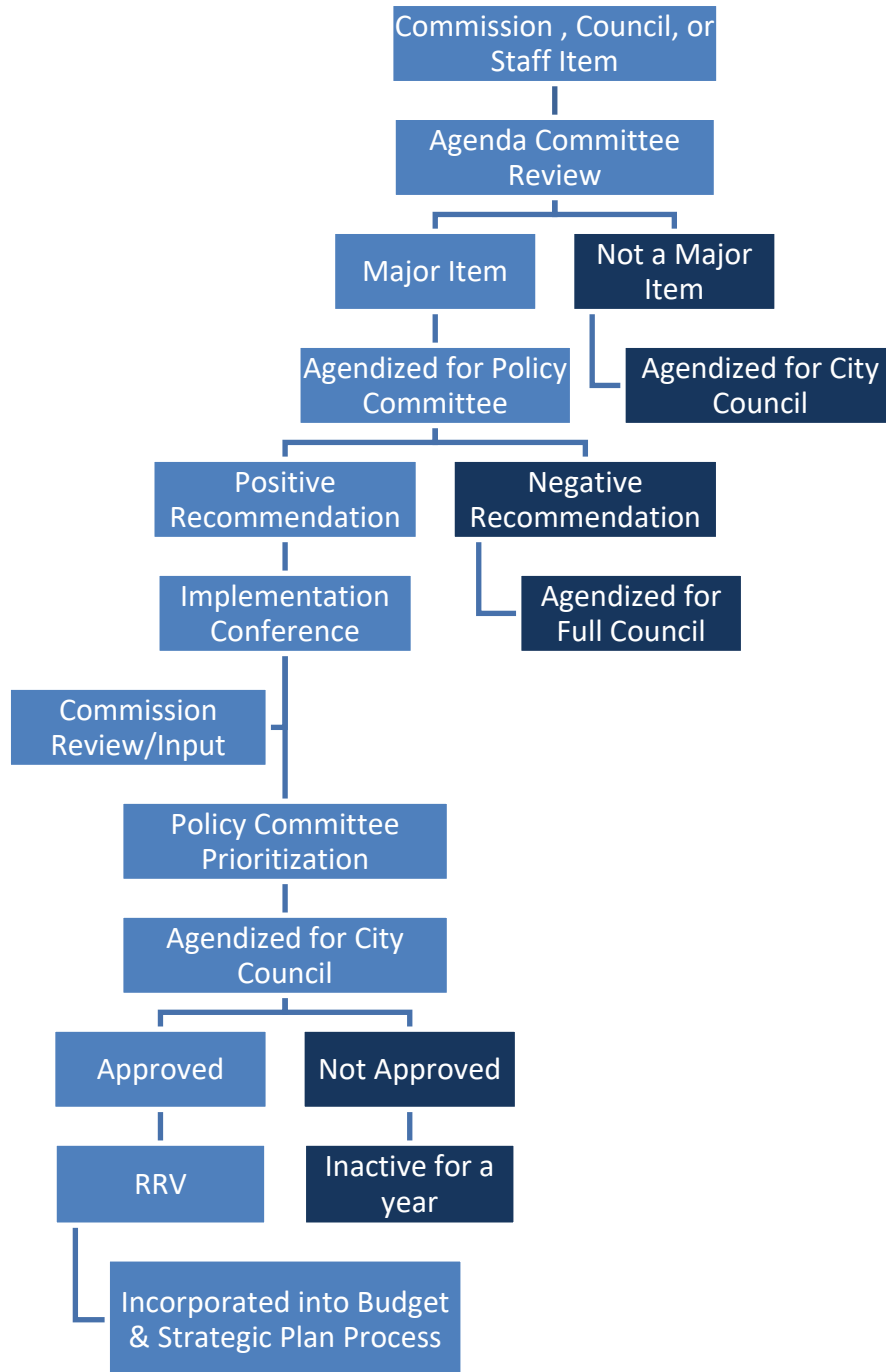
During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Items, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by 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.

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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>

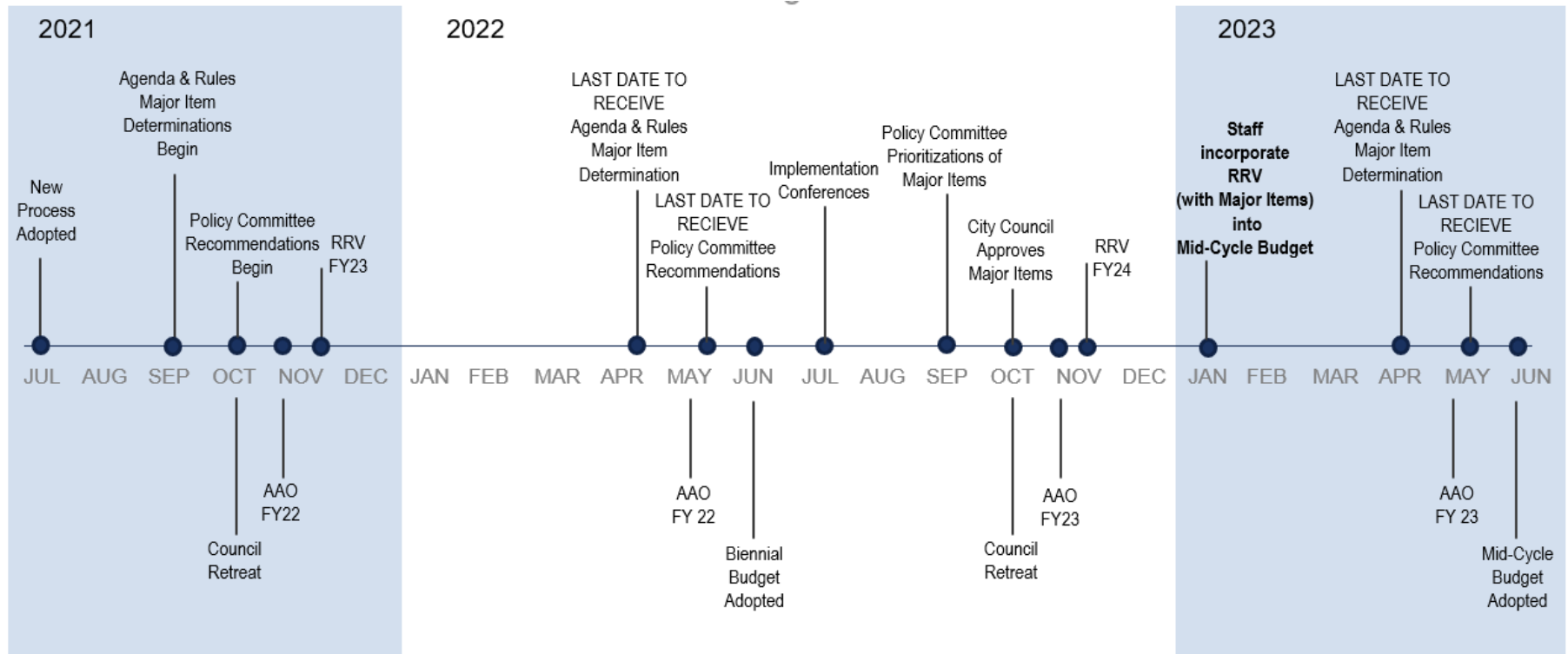


<sup>7</sup> Major Items that are ordinances will need to be examined on a case-by-case basis. Once adopted, ranked, and, if requiring resources, budgeted, the ordinance will need to be given an effective date and scheduled for first and second readings at Council.



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
- 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:  Number of FTE/hours: Type of staff resource needed:
Costs:  Amount(s): 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) \_\_\_\_\_



# Policy Committee Ranking Form

Starting on the right, think about and then indicate whether each consideration is high (H), medium (M) or low (L). Then rank the list of priorities. The highest priority would be "1", the next highest "2" and so on.

Priority 1 is highest	Major Item Name	Major Item Author	Considerations H high M medium L low		
			Staff Resources	Cost	Benefits/ Savings

### Policy Committee Determination:

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_





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~~

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- 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]

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3: [Title or Description of Attachment]

Implementation Conference Worksheet

Descriptive Title
Consent Action or Information
Recommendation
<b><u>Problem</u></b> Statement
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

## **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

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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.**

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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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- ~~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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- be a customer-focused organization that provides excellent, timely, easily accessible service and information to the community.
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- ENVIRONMENTAL SUSTAINABILITY

**RATIONALE FOR RECOMMENDATION**

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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]

2: [Title or Description of Attachment]

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Implementation Conference Worksheet

Descriptive Title
Consent Action or Information
Recommendation
<b><u>Problem</u></b> Statement
Background, etc
Plans, etc.
<b><u>Current Situation and Its Effects</u></b>
Actions/Alternatives Considered
<b><u>Stakeholders Consultation and Results</u></b>
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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>

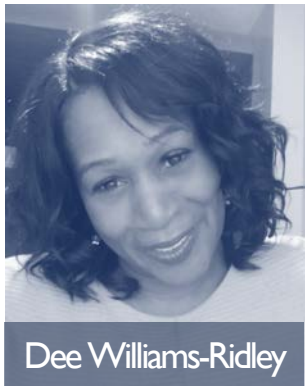


# SYSTEMS ALIGNMENT

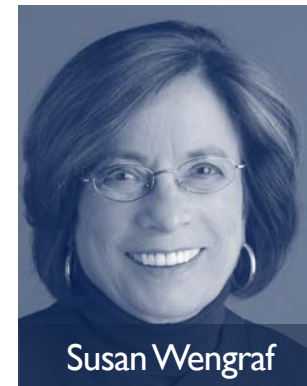
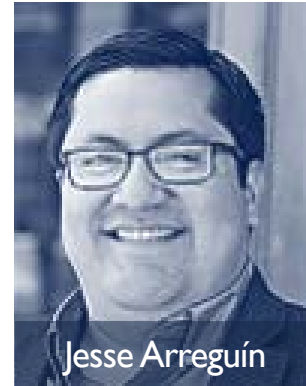
PROCESS PROPOSAL FOR VETTING & PRIORITIZING MAJOR ITEMS



# THE TEAM

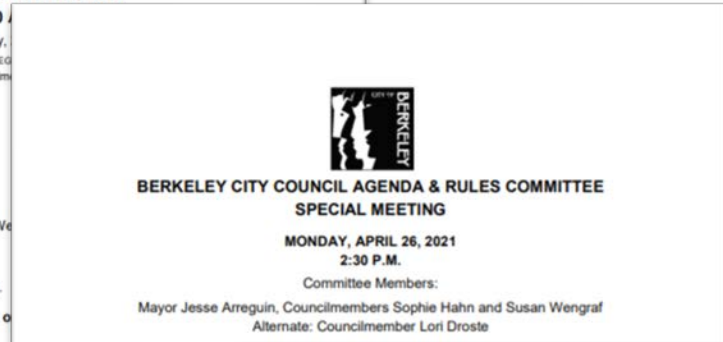
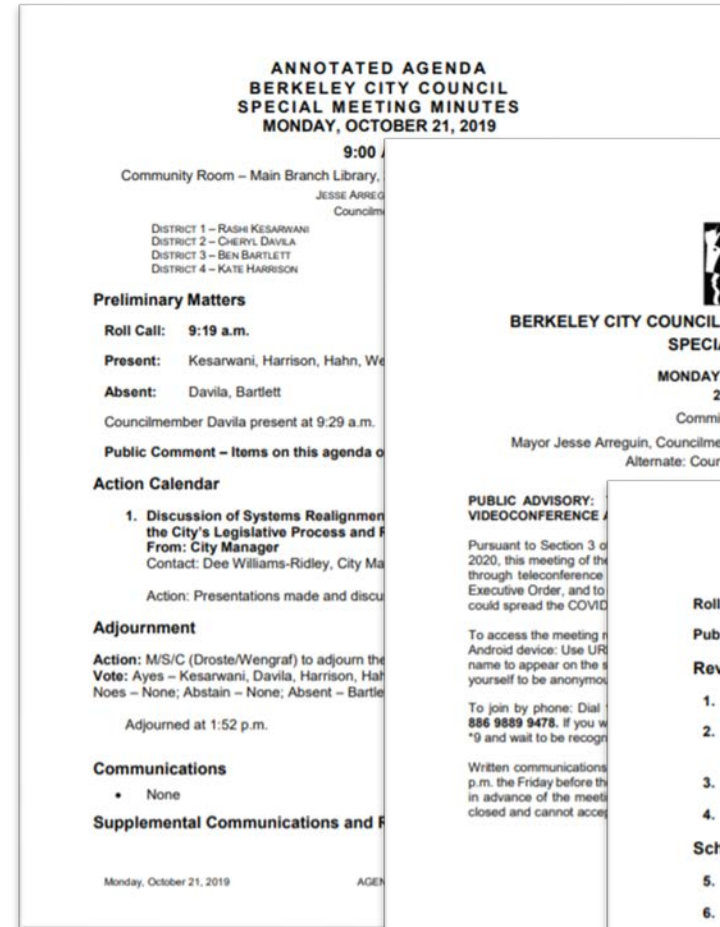
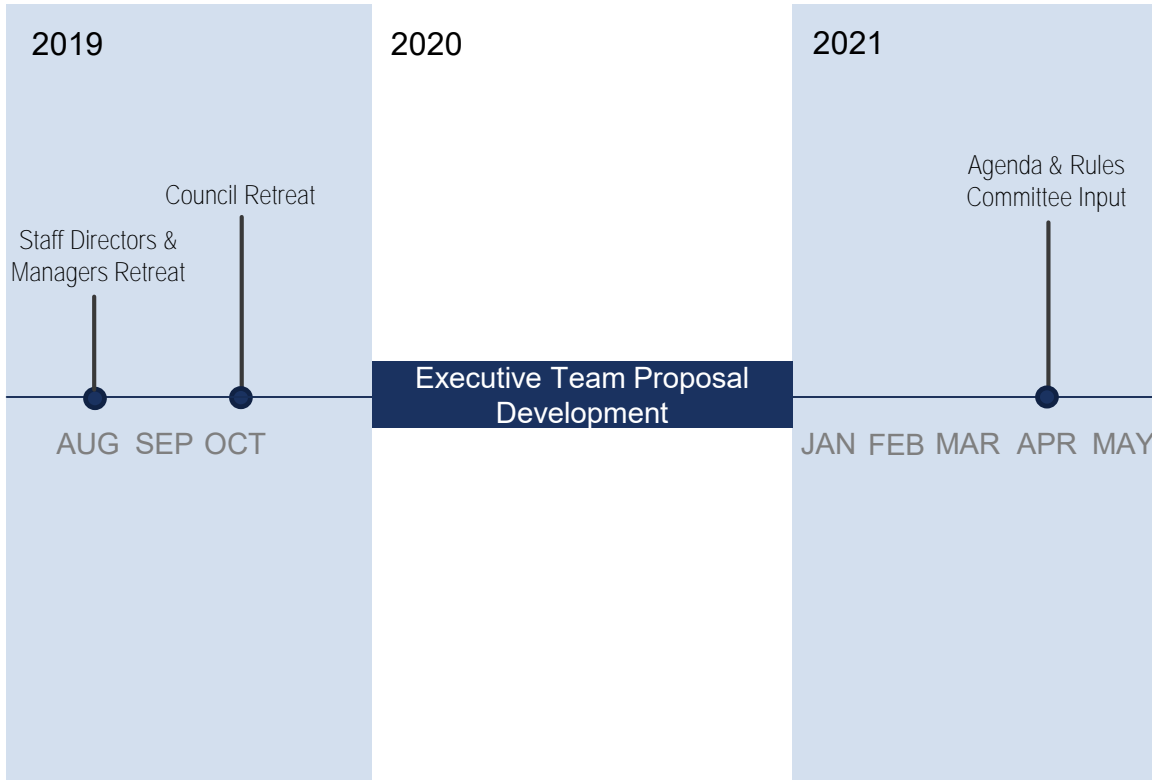


## AGENDA & RULES COMMITTEE





# BACKGROUND



**PUBLIC ADVISORY:  
VIDEOCONFERENCE /**

Pursuant to Section 3 of the City Charter, this meeting of the Berkeley City Council will be held through teleconference in accordance with Executive Order, and to protect the health and safety of the community and to prevent the spread of COVID-19.

To access the meeting on a computer: Use a web browser to access the meeting through teleconference. To access the meeting on an Android device: Use the City of Berkeley mobile app. To appear on the meeting: Please call the City of Berkeley at 886 9889 9478, if you wish to appear on the meeting, please call 9 and wait to be recognized.

Written communications should be submitted in advance of the meeting. Written communications should be submitted in advance of the meeting and cannot accept

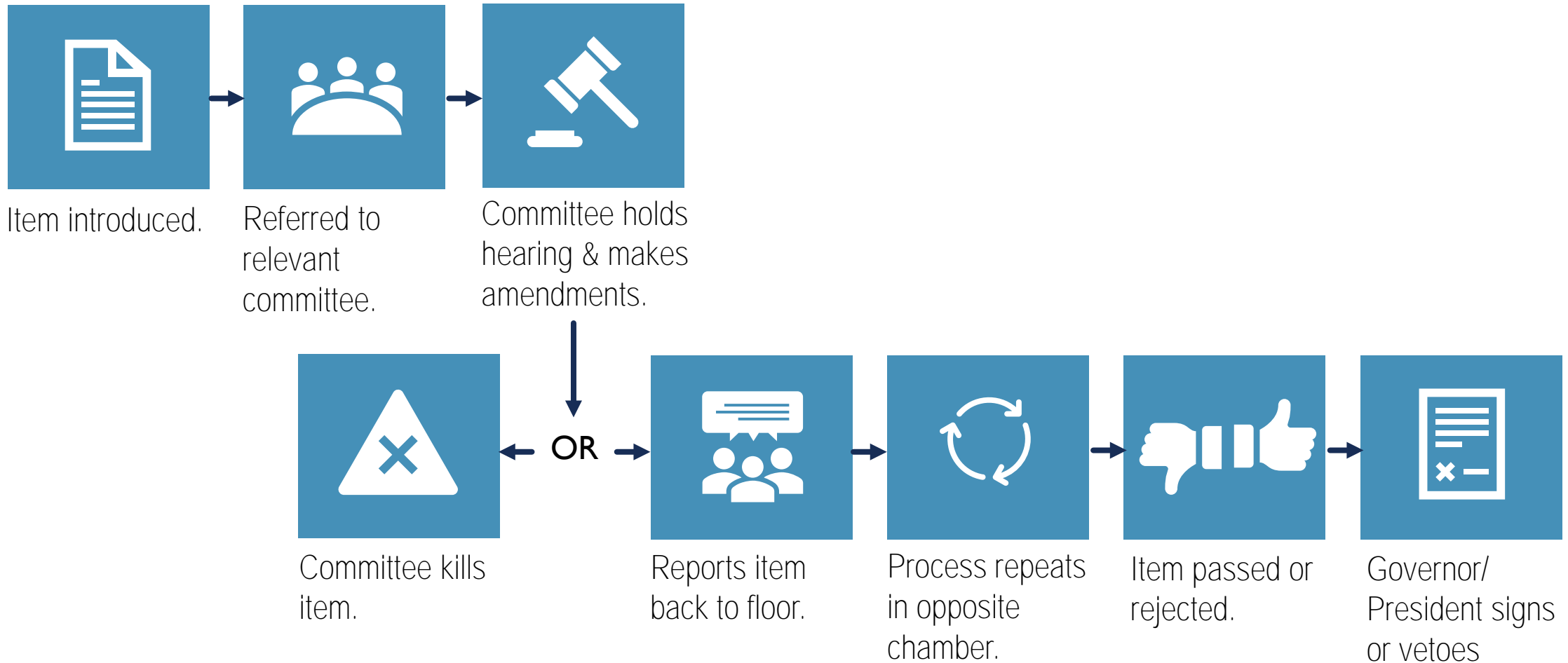
**AGENDA**

- Roll Call**
- Public Comment**
- Review of Agendas**
  - Approval of Minutes: April 12, 2021**
  - Review and Approve Draft Agenda:**
    - 5/11/21 – 6:00 p.m. Regular City Council Meeting
  - Selection of Item for the Berkeley Considers Online Engagement Portal**
  - Adjournments In Memory**
- Scheduling**
  - Council Worksessions Schedule**
  - Council Referrals to Agenda Committee for Scheduling**
  - Land Use Calendar**
- Referred Items for Review**
  - Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings**

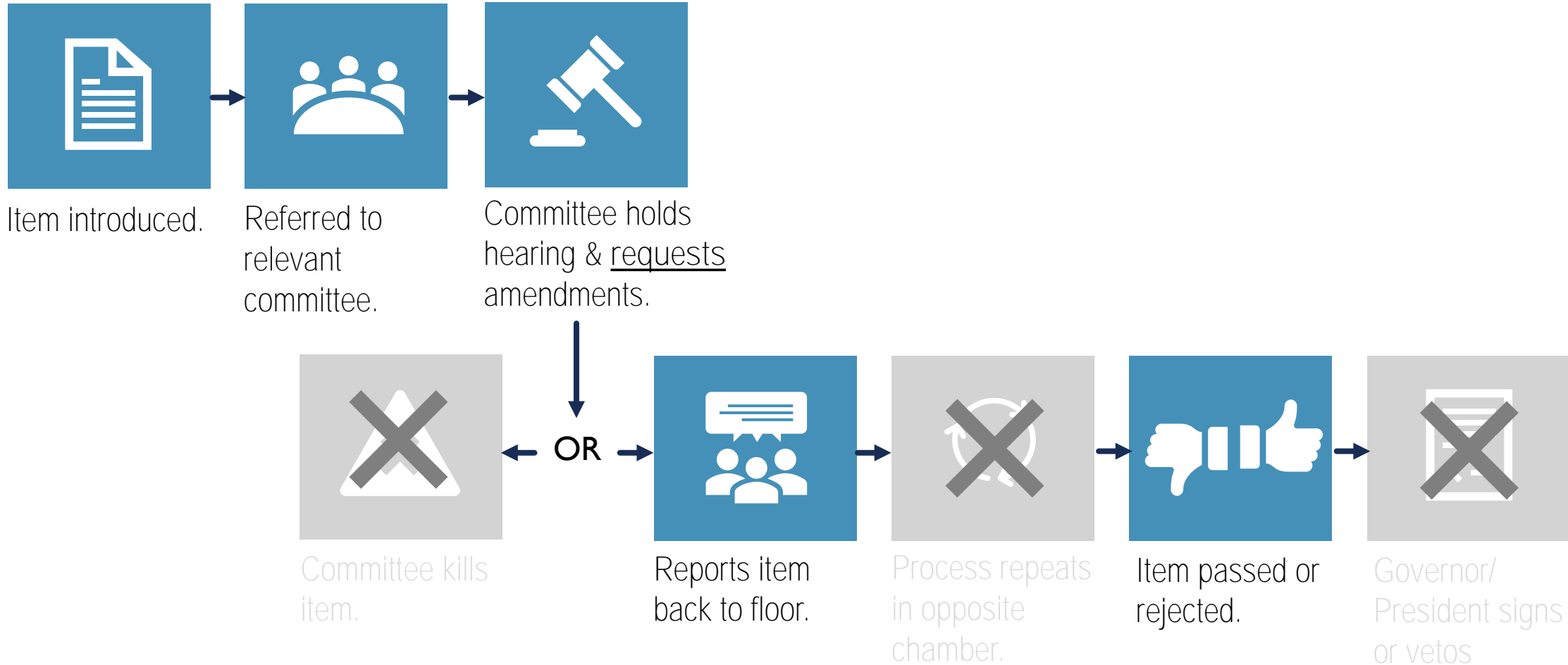
# OBJECTIVES

- Align timing of Council approval and resource (budget) allocation
- Communicate resource needs (and any tradeoffs) well
- Ensure Council priorities are resourced and implemented

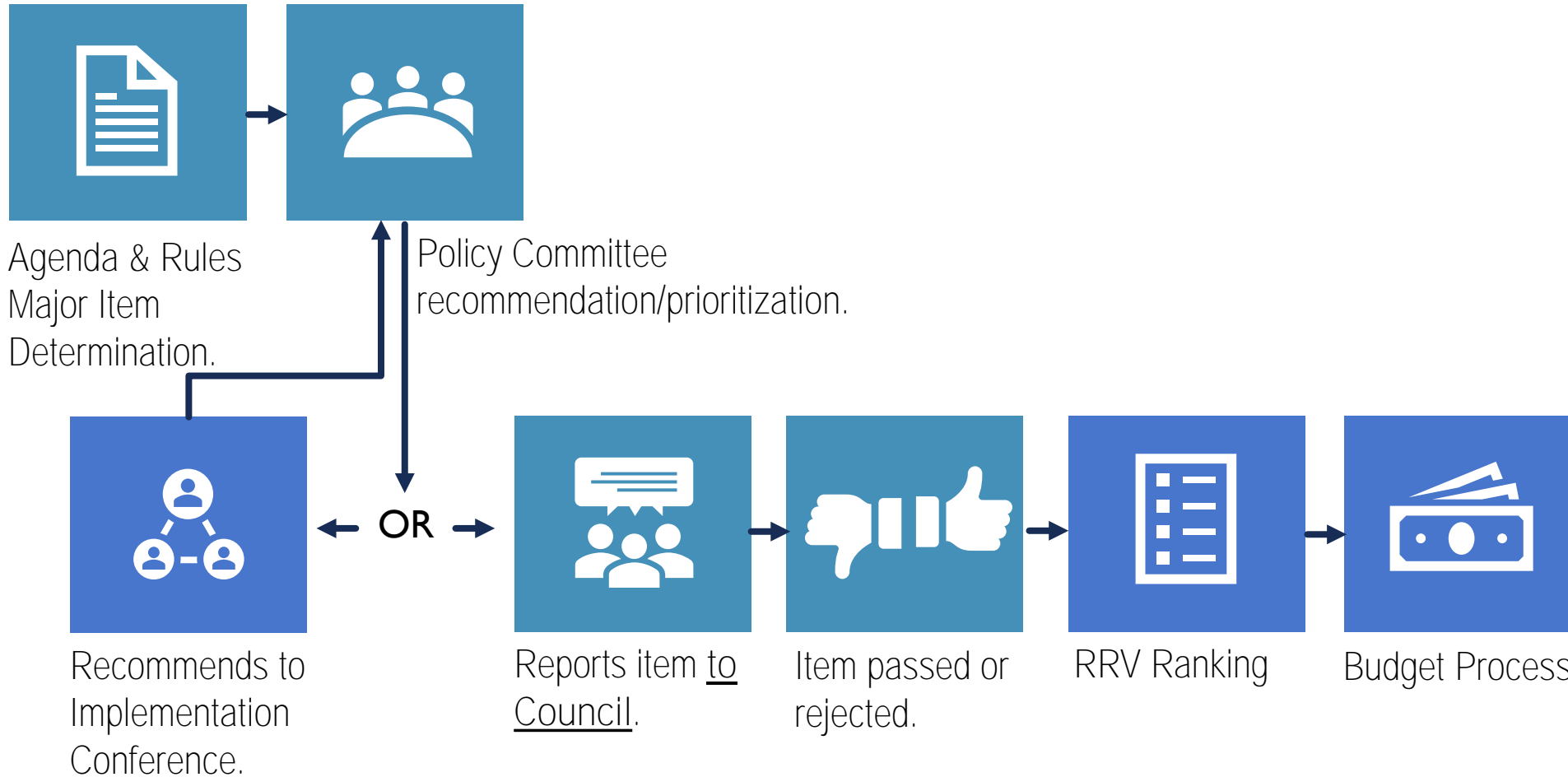
# STATE OR FEDERAL MODEL



# 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                       |  |
| <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 \_\_\_\_\_



## 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:
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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

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- 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]

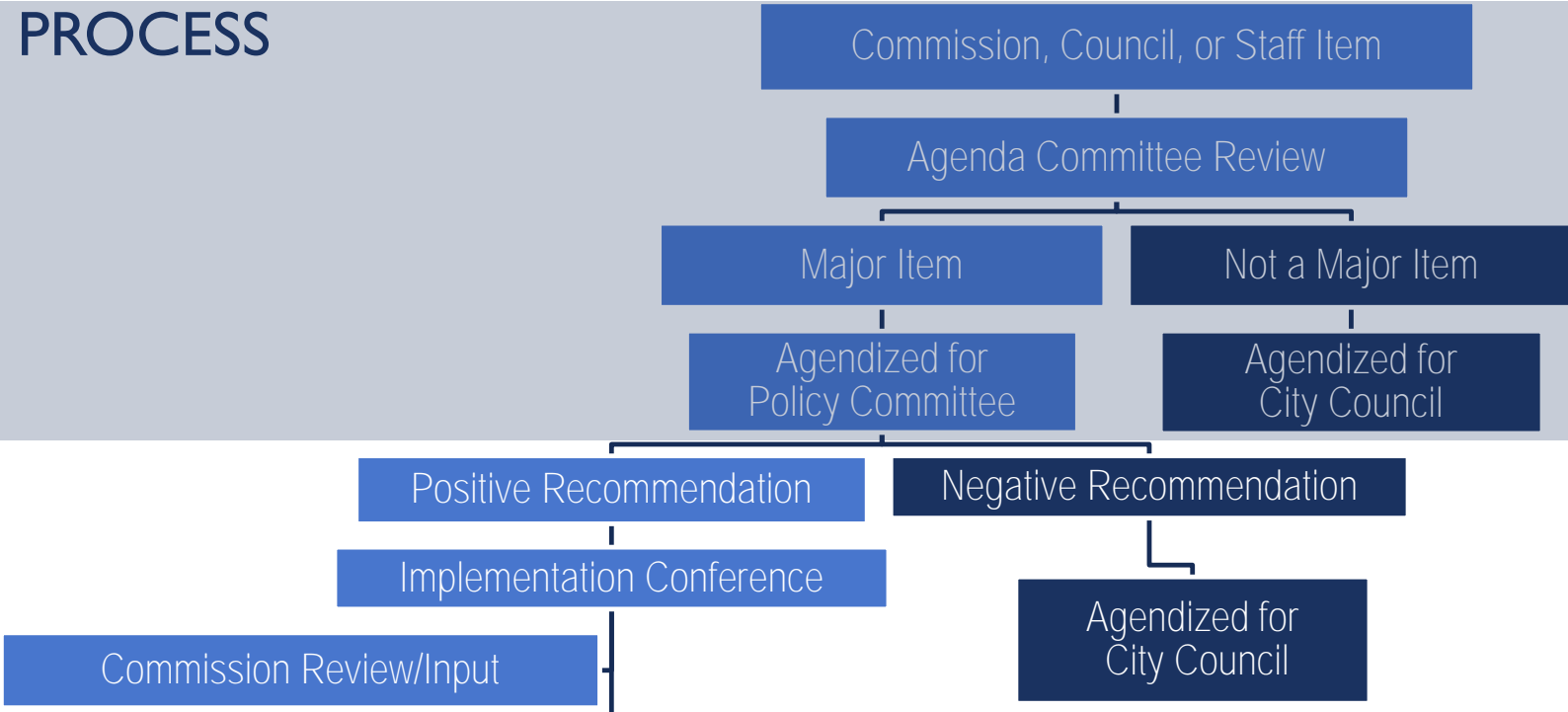
# PROPOSED PROCESS

FLOW CHART



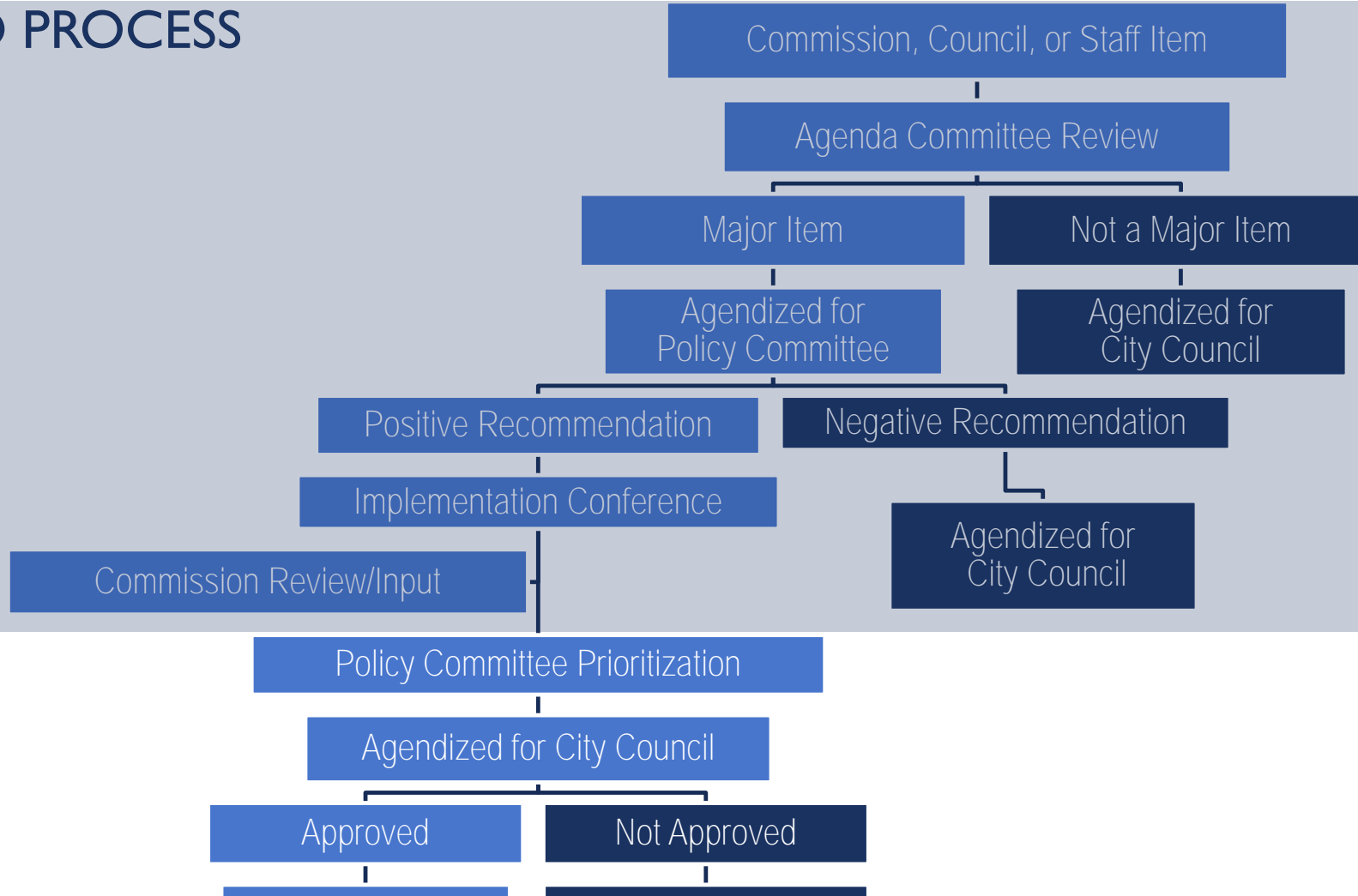
# PROPOSED PROCESS

FLOW CHART



# PROPOSED PROCESS

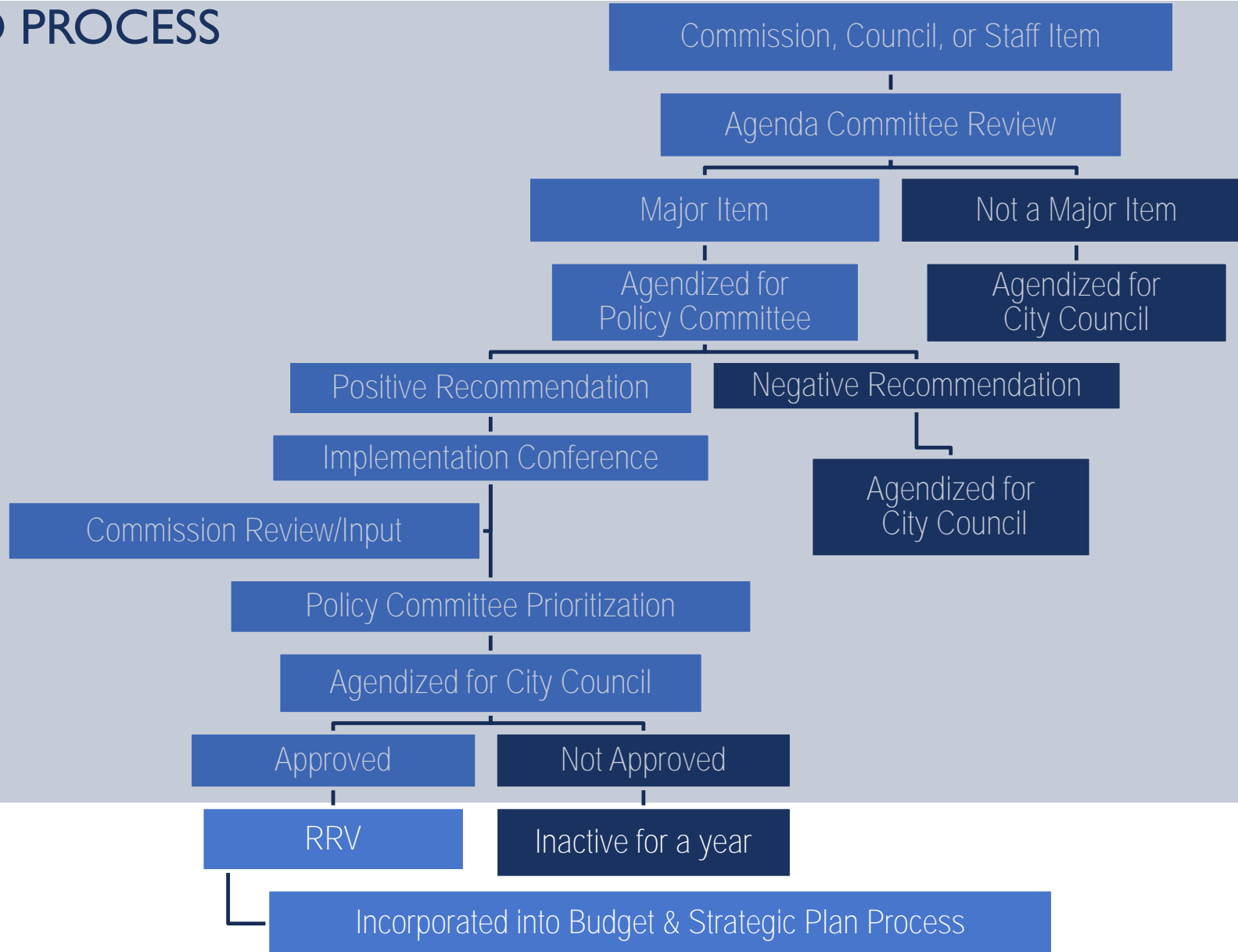
FLOW CHART





# PROPOSED PROCESS

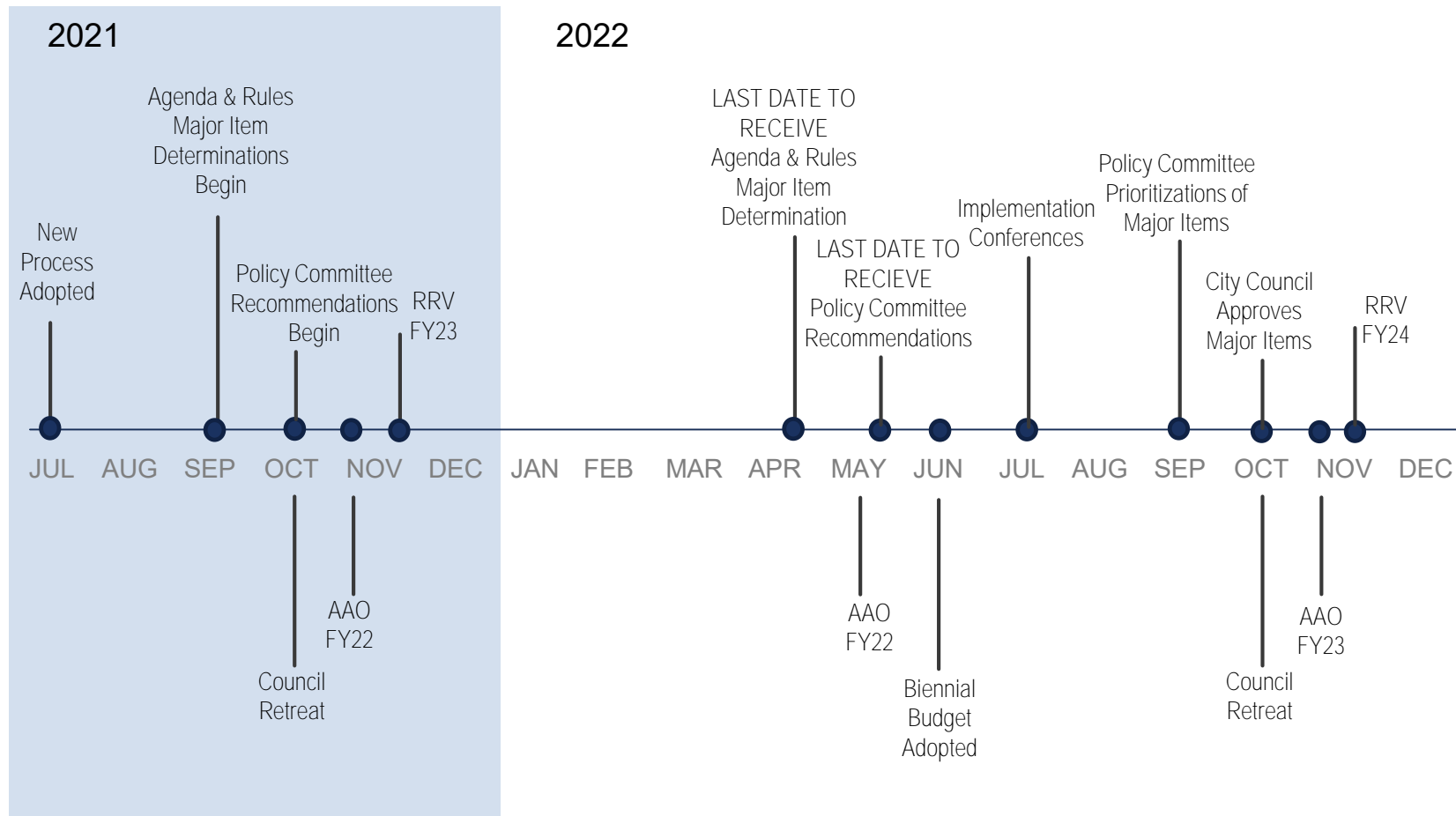
FLOW CHART





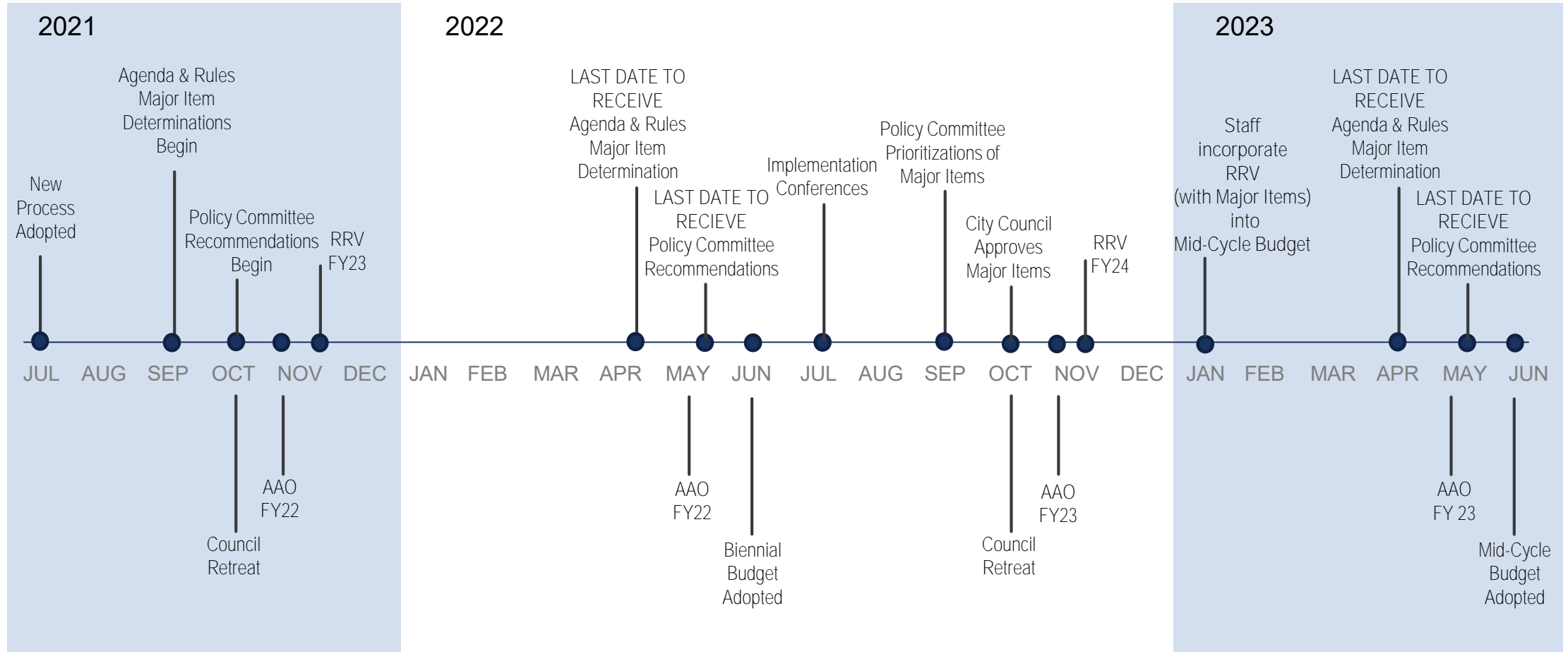
# PROPOSED IMPLEMENTATION

PHASE-IN OF SYSTEMS ALIGNMENT



# PROPOSED IMPLEMENTATION

## PHASE-IN OF SYSTEMS ALIGNMENT



# PROPOSED IMPLEMENTATION

## PHASE-IN OF SYSTEMS ALIGNMENT

# SEQUENCING & TIMING

## Existing

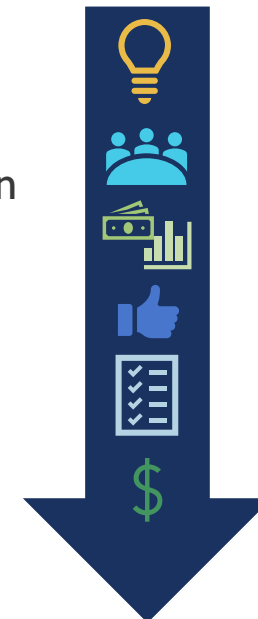
1. Idea
2. Committee Consideration
3. Council Approval
4. Costing
5. Budget development
6. RRV



Uncertain Timeline

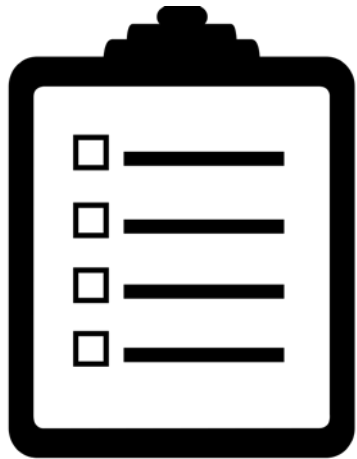
## Proposed

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**



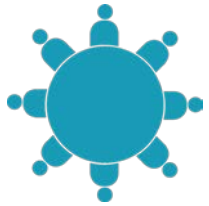
Aligns processes to **ensure efficient implementation/realization of Council items**



**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

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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).

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.

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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.

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).

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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)

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,

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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.

- 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

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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.

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.

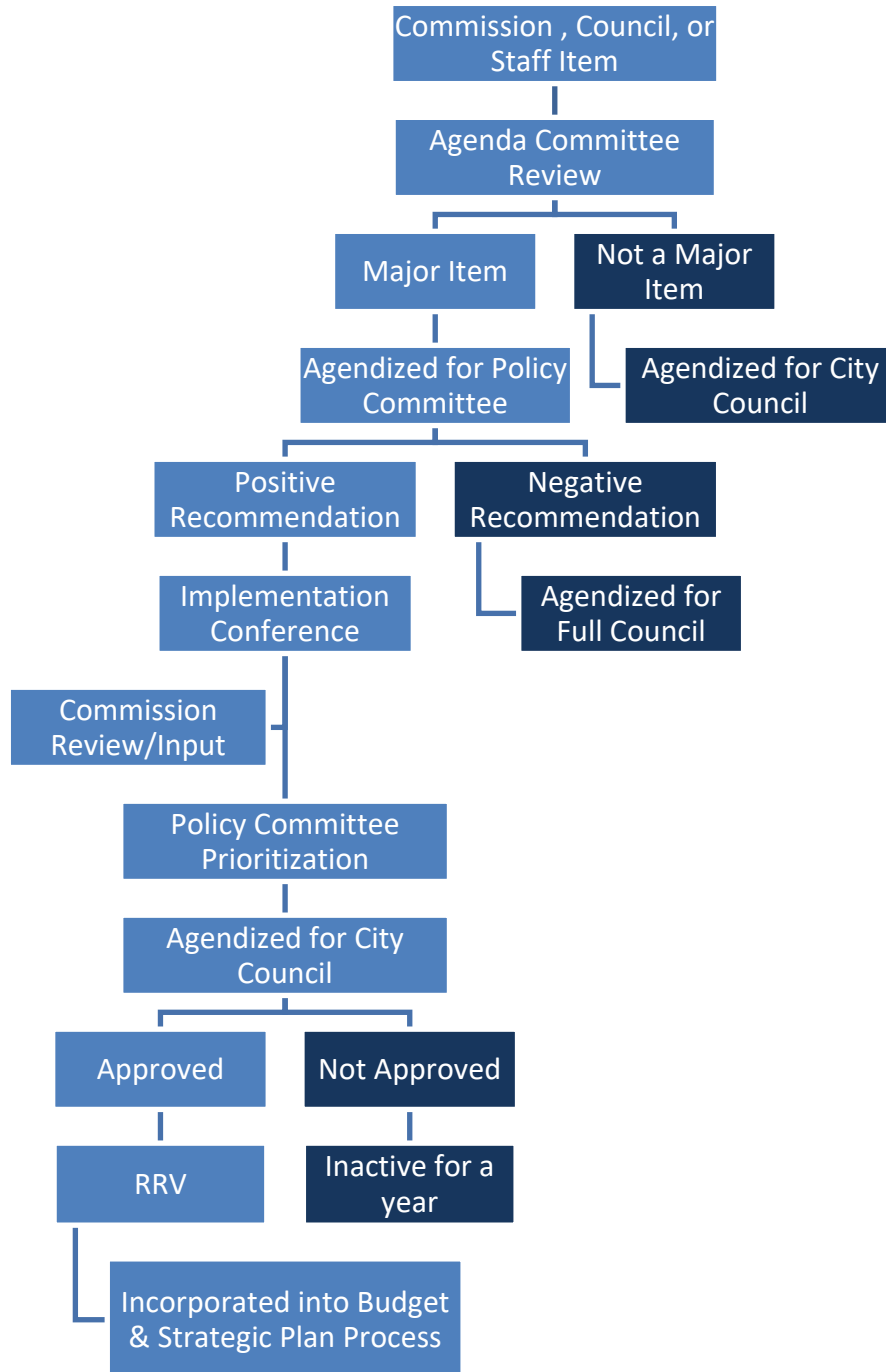
The proposed process is depicted in Figure 1 and the proposed launch calendar in Figure 2.

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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>

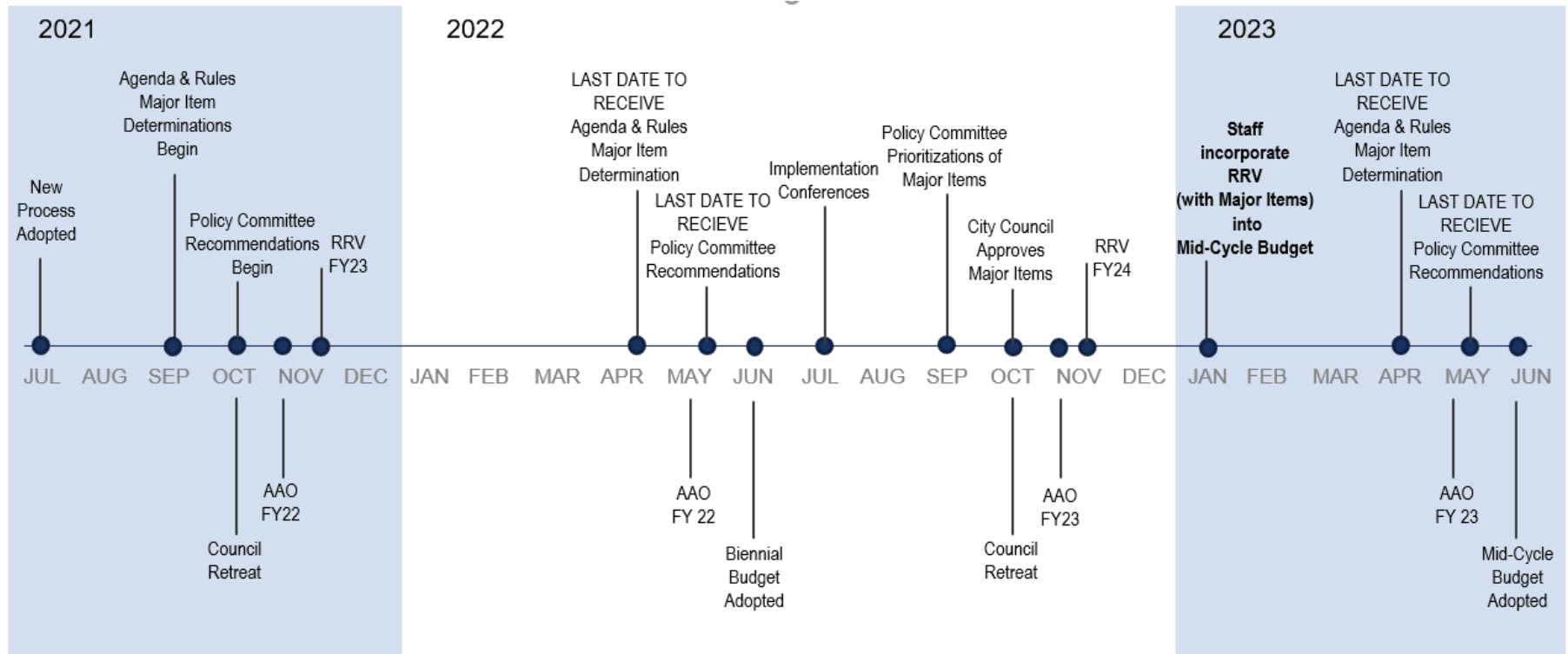


<sup>7</sup> Major Items that are ordinances will need to be examined on a case-by-case basis. Once adopted, ranked, and, if requiring resources, budgeted, the ordinance will need to be given an effective date and scheduled for first and second readings at Council.



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:  Number of FTE/hours: Type of staff resource needed:
Costs:  Amount(s): 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) \_\_\_\_\_



## Policy Committee Ranking Form

Starting on the right, think about and then indicate whether each consideration is high (H), medium (M) or low (L). Then rank the list of priorities. The highest priority would be “1”, the next highest “2” and so on.

Priority 1 is highest	Major Item Name	Major Item Author	Considerations H high M medium L low		
			Staff Resources	Cost	Benefits/Savings

### Policy Committee Determination:

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_



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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 OUNCILMEMBER 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.





No Material  
Available for  
this Item

There is no material for this item.

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