



## AGENDA

### BERKELEY CITY COUNCIL MEETING

Tuesday, February 28, 2023

6:00 PM

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – MARK HUMBERT

***PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION***

*For in-person attendees, face coverings or masks that cover both the nose and the mouth are required. Physically distanced seating will be available. If you are feeling sick, please do not attend the meeting in person.*

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*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://cityofberkeley-info.zoomgov.com/j/1610465939>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.*

*To join by phone: Dial 1-669-254-5252 or 1-833-568-8864 (Toll Free) and enter Meeting ID: 161 046 5939. 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 and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## 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 Chochenyo (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.*

## 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. Citywide Affordable Housing Requirements

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,853-N.S. amending the Berkeley Municipal Code Chapter 23.328, updating the citywide Affordable Housing Requirements in the Zoning Ordinance, repealing existing administration and zoning code sections that refer to affordable housing requirements, BMC Section 22.20.065, and Section 23.312.040(A)(6), and updating references to BMC Chapter 23.328 throughout the Berkeley Municipal Code, to become effective on April 1, 2023.

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

**Financial Implications:** See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400, Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

### 2. Minutes for Approval

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of January 10 (special), January 17 (regular), January 18 (special), January 30 (closed) and January 31 (special and regular).

**Financial Implications:** None

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

### 3. Donation to the Animal Shelter from the Stephen and Mary Birch Foundation

**From: City Manager**

**Recommendation:** Adopt a Resolution accepting a donation from the estate of Stephen and Mary Birch in the sum of \$5,000.

**Financial Implications:** Donation - \$5,000

Contact: Peter Radu, City Manager's Office, (510) 981-7000

## Consent Calendar

**4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on February 28, 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:** Various Funds - \$2,220,000

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

**5. Contract: Street Level Advisors and Strategic Economics for Housing Preference Policy Fair Housing Analysis Consultant**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Street Level Advisors (Contractor), with Strategic Economics as a subcontractor, to provide Fair Housing Analysis services for a Housing Preference Policy for the Department of Health, Housing and Community Services (HHCS) from April 1, 2023 to April 1, 2024 in an amount not to exceed \$60,055.

**Financial Implications:** General Fund - \$60,055

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

**6. Increase Wage Ranges of Seasonal Camp Staff Classifications**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving wage increases for certain Unrepresented Camp Classification rates in Unit X1, effective March 1, 2023, and amending Resolution No. 69,998-N.S.

**Financial Implications:** See report

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

**7. Final Map of Tract 8573: 2628 Shattuck Avenue**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the final map of Tract Map 8573 for an 81-unit condominium project consisting of 78 residential units and 3 commercial units at 2628 Shattuck Avenue.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

**8. Final Map of Tract 8626: 2023-2025 Kala Bagai Way**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the final map of Tract Map 8626 for a 49-unit condominium project consisting of 48 residential units and one commercial unit at 2023-2025 Kala Bagai Way.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

## Consent Calendar

9. **Final Map of Tract 8490: 739 Channing Way**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the final map of Tract Map 8490 for a 15-unit condominium project consisting of 10 residential units, 4 live/work units, and one commercial unit and to merge 2 existing parcels at 739 Channing Way.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300
10. **Bauman Lease Termination and Settlement of Balance Due**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a lease termination agreement with Bauman Wellness (“Bauman”) for its tenancy at 1007 University Ave., including a bill of sale transferring all of Bauman’s assets remaining in the leased premises to City ownership, and a mutual waiver of claims.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300, Farimah Brown, City Attorney, (510) 981-6950

## Council Consent Items

11. **Support for AB-309: Social Housing**  
**From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Send a letter in support of Assembly Bill 309 to the state legislature.  
**Financial Implications:** Staff time  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
12. **Resolution Condemning a Pattern of Attacks Targeting Black Political and Community Leaders**  
**From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Mayor Arreguin (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution Condemning a Pattern of Attacks Targeting Black Political and Community Leaders  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
13. **Resolution in Support of HR 8040: the People Over the Pentagon Act**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Adopt resolution and send letters of support for reintroduction and passage of HR 8040: the People Over the Pentagon Act to California’s congressional delegation accompanied by provisions for a just transition for workers in militarized industries. HR 8040 calls for reducing the bloated military budget by \$100 billion.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

## Council Consent Items

### 14. Referral: Creation of an Intersection Daylighting Policy

**From: Councilmember Robinson (Author), Councilmember Humbert (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Harrison (Co-Sponsor)**

**Recommendation:** Refer to the City Manager to develop a comprehensive intersection daylighting policy and make recommendations about the implementation of a citywide intersection daylighting program. Staff should consider criteria for identifying priority areas for daylighting such as high-injury streets, streets and intersections with especially high pedestrian traffic, commercial districts, and streets near schools and colleges. Staff should seek input and feedback on the development of such a policy and program from the Transportation & Infrastructure Commission, and other relevant commissions.

**Financial Implications:** See report

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

## 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 line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

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

## Action Calendar – 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 line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.*

*Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.*

*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.*

## Action Calendar – Public Hearings

15. **ZAB Appeal: 1262 Francisco Street, Administrative Use Permit #ZP2021-0006**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the decision of the Zoning Adjustments Board to approve Administrative Use Permit ZP#2021-0006, to modify Administrative Use Permit ZP#2020-0122, to add 40 square feet on the first floor and a balcony on the second floor of an existing single-family dwelling unit.  
**Financial Implications:** None  
Contact: Jordan Klein, Planning and Development, (510) 981-7400

## Action Calendar – New Business

16. **The City of Berkeley Employer of Choice Initiative**  
**From: City Manager**  
**Recommendation:** Adopt a resolution to support and endorse the City Manager's workplan to implement the City of Berkeley's Employer of Choice initiative. The workplan provides actionable recommendations by Municipal Resource Group (MRG), an independent consultant firm specializing in providing cities, counties, and government agencies with professional strategic services. Consistent with MRG's 90-day Action Plan recommendations, the City Manager is currently requesting authorization to 1) hire two Associate HR Analysts and one Assistant HR Analyst, 2) contract with a branding and marketing agency in an amount not to exceed \$250,000 to help attract, outreach and recruit talent for the City workforce in support of the Human Resources Department; and 3) enhance communications and social media content planning and strategy including support for department communications in a combined amount not to exceed \$200,000.  
**Financial Implications:** See report  
Contact: Dee Williams-Ridley, City Manager, (510) 981-7000
17. **Resolution Terminating the Proclamation of Local Emergency Issued Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19); and Discussion and Possible Action on the City's Eviction Moratorium**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution terminating the proclamation of local emergency issued due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19); and discuss and take possible action regarding the City's eviction moratorium.  
**Financial Implications:** See report  
Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

## Action Calendar – New Business

### 18a. Adding a Youth Member to the Environment and Climate Commission

*(Reviewed by the Agenda & Rules Committee)*

**From: Youth Commission**

**Recommendation:** That Council adds a seat on the Environment and Climate Commission for a person under 18 years of age; and that Student Director on the Berkeley Unified School Board nominates the new youth commissioner and that the full board confirms the appointment.

*Policy Committee Recommendation: To send the items from the Youth Commission, Environment and Climate Commission, and Councilmember Harrison to the City Council with a qualified positive recommendation that the item proposed by Councilmember Harrison be adopted as revised to state that the full City Council will appoint the members to the two youth seats on the Environment and Climate Commission, and that the Berkeley Unified School District Board of Directors will provide recommendations to the City Council on candidates for the youth seats.*

**Financial Implications:** None

Contact: Ginsi Bryant, Commission Secretary, (510) 981-6700

### 18b. Support for Youth Appointee to Environment and Climate Commission

*(Reviewed by the Agenda & Rules Committee)*

**From: Environment and Climate Commission**

**Recommendation:** Refer to the City Manager to evaluate the feasibility of, and subsequently prepare draft legal language to enable, a tenth voting Environment & Climate Commission (ECC) member, representing youth, nominated by a suitable body or individual and confirmed by a suitable board of elected officials. If feasible, the ECC recommends that a youth representative be nominated by the BUSD Student Director and confirmed by the full BUSD Board of Directors, in alignment with the recommendation passed by the Youth Commission.

*Policy Committee Recommendation: To send the items from the Youth Commission, Environment and Climate Commission, and Councilmember Harrison to the City Council with a qualified positive recommendation that the item proposed by Councilmember Harrison be adopted as revised to state that the full City Council will appoint the members to the two youth seats on the Environment and Climate Commission, and that the Berkeley Unified School District Board of Directors will provide recommendations to the City Council on candidates for the youth seats.*

**Financial Implications:** See report

Contact: Billi Romain, Commission Secretary, (510) 981-7400



## Action Calendar – New Business

- 18c. Adopt an Ordinance Amending Berkeley Municipal Code Chapter 3.82 Modifying Membership and Appointment Procedures for the Environment and Climate Commission** *(Reviewed by the Agenda & Rules Committee)*  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Adopt an Ordinance Amending Berkeley Municipal Code Chapter 3.82 Modifying Membership and Appointment Procedures for the Environment and Climate Commission.  
*Policy Committee Recommendation: To send the items from the Youth Commission, Environment and Climate Commission, and Councilmember Harrison to the City Council with a qualified positive recommendation that the item proposed by Councilmember Harrison be adopted as revised to state that the full City Council will appoint the members to the two youth seats on the Environment and Climate Commission, and that the Berkeley Unified School District Board of Directors will provide recommendations to the City Council on candidates for the youth seats.*  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

## Council Action Items

- 19. Reforms to Public Comment Procedures at meetings of the Berkeley City Council** *(Reviewed by the Agenda & Rules Committee)*  
**From: Councilmember Droste (Author)**  
**Recommendation:** Adopt a Resolution revising the City Council Rules of Procedure and Order: Section IV. Conduct of the Meeting and Appendix C Temporary Rules for The Conduct of City Council Meetings Through Video Conference During The Covid-19 Emergency to: 1. Consolidate non-agenda public comment, public comment on the Consent Calendar, and public comment on Action Items into a single public comment period toward the start of the Council meeting (consistent with the Berkeley Unified School District's public comment procedure), and continue to provide for additional time for public comment at the end of meetings; 2. Adopt reasonable limits on the overall number of public speakers (consistent with rulings from the Second District Court of Appeal) with a mechanism for the City Council to extend public comment; and 3. Rescind Resolution No. 70,091– N.S.  
*Policy Committee Recommendation: To send the item to the City Council with a negative recommendation that no action be taken on the item.*  
**Financial Implications:** See report  
Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

## Information Reports

- 20. FY 2023 First Quarter Investment Report: Ended September 30, 2022**  
**From: City Manager**  
Contact: Henry Oyekanmi, Finance, (510) 981-7300

## 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.*

Archived indexed video streams are available at:

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

Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

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/>.

Agendas and agenda reports may be accessed via the Internet at:

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

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

City Clerk Department - 2180 Milvia Street, First Floor

Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901

Email: [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info)

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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***I hereby certify that the agenda for this 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 February 16, 2023.***



Mark Numainville, City Clerk

## **Communications**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through [Records Online](#).*

### **Item # 18c: Adopt an Ordinance Amending Berkeley Municipal Code Chapter 3.82 Modifying Membership and Appointment Procedures for the Environment and Climate Commission**

1. John Malamut

#### **Crime in Berkeley**

2. Kathy Krebs
3. Peter Rinzler
4. Melanie Lawrence
5. Barbara Gilbert

#### **Housing Element**

6. Sandra Smith
7. Diana Bohn

#### **Drugs and Encampment at Civic Center Park**

8. Anna Weinstein

#### **Bike Lane at Dwight and Bonar**

9. Laurel Hunter
10. Farid Javandel, Deputy Director of Public Works

#### **Tenant-Centered Legislative Process**

11. The Berkeley Tenants Union Steering Committee

#### **IKE Kiosks**

12. Vivian Warkentin

**Proclamation for the Kiwanis Club**

13. Jeffrey Egeberg, Secretary, Kiwanis Club of Berkeley

**Berkeley Police Department Matters**

14. Berkeley Progressive Alliance (2)

15. Berkeley Police Association

16. Diana Bohn

**UA Theater on Shattuck**

17. Dale Sophiea

**Asphalt Plant in Berkeley**

18. Meryl Siegal (2)

19. Pear Michaels

**Black History Month**

20. Moni Law

**Support Daylight at Strawberry Creek**

21. Jennifer Ware

22. Janet Byron

23. Stacie Degeneffe

24. Stefen

25. Diana Bohn

26. Kathleen Giustino

27. Miranda Ewell

**City Jobs**

28. Walter Wood

**Earthquakes**

29. Fred Dodsworth

**Housing for Displaced Individuals/Families + Homelessness**

30. Charisse

31. Mary Behm Steinberg

32. Carol Corradi

**Hillside Fire Safety Group is no FireSafe Berkeley**

33. Henry DeNero

**Hopkins Corridor**

34. Elizabeth Horowitz

35. Carol Hirth

36. Peggy Mendelson

37. Sandy Emerson

38. Helen Toy
39. Diane Mintz
40. Susan McAllister
41. Mary Lee Noonan
42. Lina Lamirande
43. Sandy Steinman
44. Celia Ronis
45. Laura Fujiii
46. Rebecca Mirvish
47. Anne Lai
48. Diane Mintz
49. Terry Nicol

#### **Berkeley BART Development**

50. Peggy Mendelson
51. Jack Kurzeil (3)
52. Kelly Hammargren
53. Maris Arnold
54. Diana Bohn
55. Margaret Pritt

#### **Berkeley's Horrendous Street Conditions**

56. Joan Finnie

#### **Continued Toll-Free Access to City Meetings**

57. Elizabeth Starr

#### **Heavy Equipment Around San Pablo and Dwight**

58. Martha Stassinis

#### **Japanese Day of Remembrance**

59. Grace Morizawa

#### **Tibetan National Uprising Day Proclamation**

60. Jinpa Tharchin, on behalf of the Tibetan Association of Northern California

#### **City of Berkeley Holidays**

61. Murthy Sama

#### **Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.

- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.

## ORDINANCE NO. 7,853-N.S.

AFFORDABLE HOUSING REQUIREMENTS; AMENDING BERKELEY  
MUNICIPAL CODE TITLES 22 AND 23

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

Section 1. That Berkeley Municipal Code Section 22.20.065, and Section 23.312.040(A)(6) are hereby repealed.

Section 2. That Berkeley Municipal Code Chapter 23.328 is repealed and re-enacted to read as follows:

**23.328.010 Findings and Purpose.**

A. The State of California has established a Regional Housing Needs Allocation (RHNA) process under which it allocates a “fair share” of the regional housing need, updated periodically, to each local jurisdiction. The “fair share” allocated to Berkeley increased significantly based on the regional housing needs determination finalized in late 2021. The sixth cycle of the RHNA for the San Francisco Bay Area allocates to Berkeley a “fair share” that calls for adequate sites for 8,934 housing units for the period from 2023 to 2031, including sites for 2,446 Very Low Income units, 1,408 Low Income units, and 1,416 Moderate Income units.

B. The Bay Area suffers from a shortage of affordable housing. As the Bay Area region experiences increased economic growth and a high demand for housing, housing prices continue to rise, which leads to displacement of low income residents and exacerbates the shelter crisis that has led to unacceptably high rates of homelessness in the City of Berkeley and the Bay Area region.

C. In 1990, the City established the Housing Trust Fund program to pool available funding for affordable housing development. The Housing Trust Fund program is funded by federal, state, and local revenues, including by in-lieu and mitigation fees paid by developers of market-rate housing projects under the City’s existing affordable housing ordinances.

D. The City Council hereby finds that there is a legitimate public interest in the provision of affordable housing to address the crises of displacement, homelessness, and lack of housing affordability in the City, and that there is a significant and increasing need for affordable housing in the City to meet the City’s regional share of housing needs under the California Housing Element Law.

E. The City Council further finds that the public interest would best be served if new affordable housing were integrated into new market-rate residential developments to facilitate economically diverse housing, while also providing alternative options to the on-site construction of affordable housing such as the payment of fees to replenish the City’s Housing Trust Fund program and allowing for the construction of affordable

housing on land dedicated by market-rate housing developers.

F. The City Council intends that this Ordinance be construed as an amendment to the City's existing affordability requirements, and that the repeal and re-enactment of any requirement shall not be construed to relieve a party of any outstanding obligation to comply with the requirements applicable to any previously approved Housing Development Project.

**23.328.020 Definitions.**

A. "Affordable Unit" means a Residential Unit that is in perpetuity affordable to Very Low Income Households or Lower-Income Households, as defined in California Health and Safety Code sections 50052.5 and 50053.

B. "Affordable Housing Compliance Plan" means an enforceable commitment by an Applicant to comply with the requirements of this Chapter that identifies the number and type of Affordable Units, the amount of In-Lieu Fees, and/or the parcels of land (or portions thereof) that will be provided and/or paid by the Applicant to comply with those requirements.

C. "AMI" means the area median income applicable to the City of Berkeley, as defined by the U.S. Department of Housing and Urban Development, or its successor provision, or as established by the City of Berkeley in the event that such median income figures are no longer published by the U.S. Department of Housing and Urban Development.

D. "Applicant" means any individual, person, firm, partnership, association, joint venture, corporation, entity, combination of entities or authorized representative thereof, who applies to the City for any Housing Development Project.

E. "Housing Development Project" means a development project, including a Mixed-Use Residential project (as defined in 23.502.020(M)(13), involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects.

F. "Housing Trust Fund" means the program to finance low and moderate-income housing established by Resolution No. 55,504-N.S., or any successor fund established for the same purpose.

G. "Lower-Income Household" means a household whose income does not exceed the low-income limits applicable to Alameda County, as defined in California Health and Safety Code section 50079.5 and published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.



H. "Regulatory Agreement and Declaration of Restrictive Covenants" means, for the purposes of this Chapter, a legally binding agreement recorded against the property to codify the requirements and conditions of a Housing Development Project providing Affordable Units.

I. "Residential Unit" means, for purposes of this Chapter, any Dwelling Unit, any Live/Work Unit, or any bedroom of a Group Living Accommodation (GLA) except a GLA in a University-recognized fraternity, sorority or co-op; provided, however, that for purposes of this Chapter, "Residential Unit" shall not include any Accessory Dwelling Unit or Junior Accessory Dwelling Unit.

J. "Residential Unit Floor Area" means, for the purpose of this Chapter, the floor area of the Residential Unit(s) of a Housing Development Project.

1. Residential Unit Floor Area shall be measured from the interior of the walls of each unit. The Residential Unit Floor Area shall exclude areas that are not habitable residential square footage such as:
  - a. Balconies, whether private or open to all residents
  - b. Storage lockers not located within residential units
  - c. Vehicular (e.g., automobile or motorcycle) and bicycle parking areas that are separate areas from the residential unit
  - d. Other qualifying areas that are not associated with residential units, upon approval of the Zoning Officer.
2. For Residential Units consisting of Group Living Accommodations, Residential Unit Floor Area shall also include common rooms/lounges and supporting facilities such as kitchens and restrooms.

K. "Very Low Income Household" means a household whose income is no more than 50% of AMI, as defined in California Health and Safety Code section 50105.

### **23.328.030 Affordable Housing Requirements.**

A. Requirement to Construct Affordable Units

1. Except as otherwise provided in this Chapter, no permit for the construction of any Housing Development Project shall be issued unless at least 20% of the Residential Units are Affordable Units. When the calculation results in a fractional unit, an Applicant will round up to the nearest whole unit. The Affordable Units shall have the same proportion of unit types (i.e., number of bedrooms) and average size as the market rate units (provided, however, that no Affordable Unit may have more than three bedrooms).

2. In lieu of providing Affordable Units pursuant to Paragraph 1, an Applicant may propose an alternative mix of unit-types to comply with this Chapter by providing Affordable Units that comprise at least 20% of the Residential Unit Floor Area of the Housing Development Project in order to achieve a mix of Affordable Units including two-bedroom or three-bedroom units. The City Manager or their designee may approve the proposed alternative mix of unit- types that meet the requirements of this section.

3. Affordable Units shall be (a) reasonably dispersed throughout the Housing Development Project; and (b) comparable to other Residential Units in the Housing Development Project in terms of appearance, materials, and finish quality. Residents of Affordable Units shall have access to the same common areas and amenities that are available to residents of other Residential Units in the Housing Development Project.
4. The City Manager or their designee shall adopt rules and regulations (a) establishing the affordable sales price or affordable rent for each Affordable Unit, consistent with the requirements of Health and Safety Code sections 50052.5 and 50053; and (b) ensuring that Affordable Units are sold or rented to Very Low Income and Lower Income Households, consistent with the requirements of this Chapter.
5. Rental Units.
  - a. At least 50% of the required Affordable Units in the Housing Development Project shall be offered at a rent that is affordable to Very Low Income Households, up to a maximum requirement of 10% of the total units in the Housing Development Project if the project provides more Affordable Units than are otherwise required by this Chapter.
  - b. In determining whether a unit is affordable to Very Low Income or Low Income Households, maximum allowable rent for any affordable unit shall be reduced by an amount equal to the value of the City-published utility allowance provided for Tenant-paid utilities and any other mandatory fee imposed by the property owner as a condition of tenancy.
  - c. Any percentage increase in rent of an occupied Affordable Unit shall not exceed the lesser of 65% of the increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelve-month period ending the previous December 31, or 65% of the percentage increase in AMI for the same calendar year. In no event, however, shall the allowable annual adjustment be less than zero (0%) or greater than seven percent (7%).
  - d. Affordable Units designated for Very Low Income Households shall be offered for rent to tenants receiving assistance under the Section 8 Program (42 U.S.C. Section 1437f), the Shelter Plus Care Program (42 U.S.C. Section 11403 *et. seq.*), or any similar state or federally funded rent subsidy program prior to being offered to other potential tenants. The Council may establish related program requirements by resolution.
  - e. The owner of any Affordable Unit offered for rent must report to the City annually the occupancy and rents charged for each Affordable Unit, and any other information required pursuant to rules and regulations adopted by the City Manager or their designee.
6. Ownership Units. Inclusionary units in ownership projects shall be sold at a price that is affordable to an appropriate-sized household whose income is no more than 80 percent of the AMI.
7. All Affordable Units shall be subject to a recorded affordability

restriction requiring in perpetuity that each Affordable Unit be sold at an affordable sales price or offered for rent at an affordable rent, as defined in this Chapter.

8. Affordable Live/Work Units shall be proactively marketed by the Applicant and/or owner to income-eligible persons performing a work activity permitted in the district where the project is located whose type of work causes them to have a requirement for a space larger in size than typically found in residential units.

9. An Affordable Unit that is constructed to qualify for a density bonus under Government Code section 65915 that otherwise meets the requirements of this Chapter shall qualify as an Affordable Unit under this Chapter.

B. Option to Pay In-Lieu Fee

1. In lieu of providing some or all of the Affordable Units required under this Chapter (including any fractional units), an Applicant may elect to pay a fee, the amount of which the City Council may establish by resolution (“In-Lieu Fee”). The City Council may by resolution differentiate among types, classes, and locations of Housing Development Projects to the extent permitted by law; may establish separate fees and criteria for the provision of units that are affordable to Very Low Income Households and units that are affordable to Low Income Households; and may establish the method for calculation of the In-Lieu Fee.

2. In-Lieu Fees shall be applied to the Residential Unit Floor Area of a Housing Development Project. For Live/Work units, the In-Lieu Fee shall be applied to the Residential Unit Floor Area that is designated as non-workspace in the zoning permit approvals consistent with BMC section 23.312.040.

3. In-Lieu Fees shall be estimated as part of the preliminary Affordable Housing Compliance Plan and finalized at the time of building permit issuance, consistent with the final Affordable Housing Compliance Plan.

4. In-Lieu Fees shall be paid prior to the issuance of the first Certificate of Occupancy, or if no Certificate of Occupancy is required, prior to the initial occupancy of the Housing Development Project.

5. Up to 15% of In-Lieu Fees collected may be used to pay for administration of the In-Lieu Fee or the Housing Trust Fund program. At least 85% of In-Lieu Fees collected shall be deposited into the City’s Housing Trust Fund program.

C. Option to Dedicate Land

1. At the discretion of the City Manager or their designee, the requirements of this Chapter may be satisfied by the dedication of land in lieu of constructing Affordable Units within the Housing Development Project if the City Manager or their designee determines that all of the following criteria have been met:

a. Marketable title to the site is transferred to the City, or an affordable housing developer approved by the City, prior to issuance of building permit of the Housing Development Project pursuant to an agreement between the Applicant and the City.

b. The site has a General Plan designation that authorizes residential uses and is zoned for residential development at a density to

accommodate at least the number of Affordable Units that would otherwise be required under Paragraph A.

c. The site is suitable for development of the Affordable Units, taking into consideration its configuration, physical characteristics, location, access, adjacent uses, and applicable development standards and other relevant planning and development criteria including, but not limited to, factors such as the cost of construction or development arising from the nature, condition, or location of the site.

d. Infrastructure to serve the dedicated site, including, but not limited to, streets and public utilities, are available at the property line and have adequate capacity to serve the maximum allowable residential density permitted under zoning regulations.

e. The site has been evaluated for the presence of hazardous materials and for the presence of geological hazards and all such hazards are or will be mitigated to the satisfaction of the City prior to acceptance of the site by the City.

f. The value of the site upon the date of dedication is equal to or greater than the in-lieu fee that would otherwise be required under Paragraph A. The value of the site shall be determined pursuant to the program guidelines approved by the City Manager or their designee.

2. The City shall solicit proposals from affordable housing developers to construct restricted income units on the site dedicated to the City, but if the City is unable to obtain a qualified affordable housing developer to construct a viable affordable housing development on the property within two years of its solicitation or to commence construction within five years, the City may sell, transfer, lease, or otherwise dispose of the dedicated site for any purpose. Any funds collected as the result of a sale, transfer, lease, or other disposition of sites dedicated to the City shall be deposited into a fund designated for use in the City's Housing Trust Fund program.

### **23.328.040 Waiver or Modification of Affordable Housing Requirements.**

A. The City Manager or their designee may waive or modify up to fifty percent of the requirements of this Chapter at their sole discretion where any of the following conditions are established:

1. A project providing low- or moderate-income housing is funded in whole or in part by the City's Housing Trust Fund program;

2. The implementation of the requirements of this Chapter would violate the rights of any person under the California or United States Constitutions, any federal law, or any state law governing a matter of statewide concern and applicable to a charter city; or

3. The benefits of the project to the City outweigh the detriment of foregoing the provision of Affordable Housing or the contribution of In-Lieu fees to the Housing Trust Fund program. In weighing the benefits and detriment to the City, the following factors may be considered:

- a. The impact of the requirements of this Chapter on the feasibility of a Housing Development Project;
- b. Other economically beneficial uses of the Applicant's property;
- c. The burdens the Housing Development Project places on the City in terms of increased demand for affordable housing, childcare, public facilities or amenities, or other impacts which reasonably may be anticipated to be generated by or attributable to the Housing Development Project; and
- d. The impact on the Housing Trust Fund program of foregoing the payment of any In-Lieu fee that would otherwise be made.

B. Waivers or modifications greater than fifty percent of the amount which otherwise would be required by this Chapter shall be subject to the approval of City Council.

C. The Applicant shall bear the burden of proof to establish eligibility for a waiver or modification of the requirements of this Chapter.

**23.328.050 Implementation.**

A. The Applicant for any Use Permit or Zoning Certificate for a Housing Development Project shall submit a preliminary Affordable Housing Compliance Plan to the Zoning Officer at the time of application. The preliminary Affordable Housing Compliance Plan shall be incorporated as a condition of approval of any Use Permit or Zoning Certificate issued to the Applicant. No building permit may be issued for the project until the final Affordable Housing Compliance Plan is approved.

B. The Applicant must execute a Regulatory Agreement and Declaration of Restrictive Covenants to regulate all Affordable Units provided in a Housing Development Project. No building permit may be issued for the project until the Regulatory Agreement and Declaration of Restrictive Covenants are executed.

C. The Affordable Housing Compliance Plan and/or Regulatory Agreement and Declaration of Restrictive Covenants may be amended administratively, provided that the Zoning Officer finds them to be in full compliance with the provisions of this ordinance and State law, prior to issuance of Certificate of Occupancy.

D. The City Manager or their designee may promulgate additional rules and regulations consistent with the requirements of this Chapter.

E. The City Council may by resolution establish fees for the implementation and administration of this Chapter and may establish administrative penalties for violations of this Chapter.

- F. Exemptions. The following types of Housing Development Projects and Residential Units are exempt from this Chapter:
1. A Housing Development Project for which either a building permit was issued on or before April 1, 2023 or a preliminary application including all of the information required by subdivision (a) of California Government Code section 65941.1 was submitted on or before April 1, 2023 shall be subject to this Chapter's requirements that were in place as of the preliminary application's submittal date but shall otherwise be exempt from this Chapter. This exemption shall expire upon the occurrence of any of the circumstances defined in paragraphs (2), (6), or (7) of subdivision (o) of California Government Code section 65589.5 or in subdivision (d) of California Government Code section 65941.
  2. A Housing Development Project with 5,000 square feet or less of Residential Unit Floor Area, unless it is part of a larger Housing Development Project. This exemption shall expire on April 1, 2025, or at such time as the City Council modifies or repeals this exemption, whichever date is sooner.
  3. A Residential Unit that replaces a unit existing as of April 1, 2023 that has been destroyed by fire, earthquake or other disaster, or that was previously subject to a mitigation fee or inclusionary housing requirement.
  4. A Residential Unit existing as of April 1, 2023 that is expanded, renovated, or rehabilitated.

Section 3. The Berkeley Municipal Code Section 23.330.070 is hereby amended to read as follows:

**23.330.070 Qualifying Units.**

Qualifying units must meet the standards set forth in Chapter 23.328 (Affordable Housing Requirements).

Section 4. 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.

At a regular meeting of the Council of the City of Berkeley held on February 14, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Hahn, Humbert, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: Harrison.

Abstain: Bartlett.

Absent: None.







Office of the City Manager

CONSENT CALENDAR  
February 28, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Mark Numainville, City Clerk  
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of January 10 (special), January 17 (regular), January 18 (special), January 30 (closed) and January 31 (special and regular).

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1. January 10, 2023 - Special Council Meeting
2. January 17, 2023 - Regular Council Meeting
3. January 18, 2023 - Special Council Meeting
4. January 30, 2023 - Special Closed Council Meeting
5. January 31, 2023 - Special Council Meeting
6. January 31, 2023 - Regular Council Meeting

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, January 10, 2023  
10:00 AM**

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

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

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

*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).*

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://cityofberkeley-info.zoomgov.com/j/1619573075>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.*

*To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 957 3075**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

**Roll Call:** 10:02 a.m.

**Present:** Bartlett, Harrison, Wengraf, Robinson, Humbert, Arreguin

**Absent:** Kesarwani, Taplin, Hahn

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** None.

**Action:** M/S/C (Wengraf/Robinson) to adopt the Consent Calendar in one motion except as indicated.

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

## Consent Calendar

1. **Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**

**From:** City Manager

**Recommendation:** Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, May 10, 2022, May 31, 2022, June 28, 2022, July 26, 2022, August 23, 2022, September 20, 2022, October 11, 2022, November 3, 2022, November 29, 2022, and December 13, 2022.

**Financial Implications:** To be determined

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

**Action:** Adopted Resolution No. 70,655–N.S.

## Adjournment

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

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

Adjourned at 10:05 a.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on January 10, 2023.

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Rose Thomsen, Deputy City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

- None

## **Supplemental Communications and Reports 3**

- None

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, January 17, 2023**  
**6:00 PM**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN  
 DISTRICT 6 – SUSAN WENGRAF  
 DISTRICT 7 – RIGEL ROBINSON  
 DISTRICT 8 – MARK HUMBERT

***PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION***

*For in-person attendees, face coverings or masks that cover both the nose and the mouth are required. Physically distanced seating will be available. If you are feeling sick, please do not attend the meeting in person.*

*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).*

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://cityofberkeley-info.zoomgov.com/j/1610052107>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.*

*To join by phone: Dial 1-669-254-5252 or 1-833-568-8864 (Toll Free) and enter Meeting ID: 161 005 2107. 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 and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

**Roll Call:** 6:07 p.m.

**Present:** Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** Bartlett

Councilmember Bartlett present at 6:12 p.m.

**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 Chochenyo (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:** None.

**City Manager Comments:** None.

**Public Comment on Non-Agenda Matters:** 6 speakers.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 5 speakers.

**Action:** M/S/C (Arreguin/Robinson) to adopt the Consent Calendar in one motion except as indicated.

**Vote:** All Ayes.

## Consent Calendar

- 1. Zoning Ordinance Amendments Making Technical Edits and Corrections to Berkeley Municipal Code (BMC) Title 23**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,850-N.S. containing technical edits, corrections and other non-substantive amendments to the following sections of the Zoning Ordinance:

  - BMC Section 23.108.020 (Zoning Districts)
  - BMC Section 23.202.020 (Allowed Land Uses)
  - BMC Section 23.202.140 (R-SMU District)
  - BMC Section 23.204.150 (R-BMU District)
  - BMC Section 23.204.020 (Allowed Land Uses)
  - BMC Section 23.204.060 (C-U District)
  - BMC Section 23.204.080 (C-E District)
  - BMC Section 23.204.100 (C-SA District)
  - BMC Section 23.206.040 (Use-Specific Regulations)
  - BMC Section 23.406.050 (Variances)
  - BMC Section 23.502.020 (Glossary)

**First Reading Vote:** All Ayes.  
**Financial Implications:** None  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,850–N.S.
  
- 2. Amendment: FY 2023 Annual Appropriations Ordinance**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,851-N.S. amending the FY 2023 Annual Appropriations Ordinance No. 7,828-N.S. for fiscal year 2023 based upon recommended re-appropriation of committed FY 2022 funding and other adjustments authorized since July 1, 2022, in the amount of \$178,289,951 (gross) and \$172,028,412 (net).  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See Report.  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000  
**Action:** Adopted second reading of Ordinance No. 7,851–N.S.
  
- 3. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the Council meetings of November 3 (regular), November 14 (closed), November 15 (special and regular), November 21 (special), November 28 (closed), November 29 (regular), December 6 (regular), December 12 (closed), and December 13, 2022 (special and regular)  
**Financial Implications:** None  
Contact: Mark Numainville, Commission Secretary, (510) 981-6900  
**Action:** Approved the minutes as submitted.

## Consent Calendar

- 4. Approval of donated sculpture gift, Queen Shamiram by Fred Parhad, valued at \$225,000, for inclusion in the City of Berkeley's Public Art Collection**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the gift of a sculpture by artist Fred Parhad titled Queen Shamiram, valued at \$225,000, donated by Narsai and Venus David to the City of Berkeley's Public Art Collection. The artwork will be installed for permanent display along the pedestrian path at the southeast corner of Maudelle Shirek Building at Martin Luther King Jr. Way and Allston Way as approved by the Civic Arts Commission.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 70,656–N.S.
- 5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on January 17, 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:** \$3,506,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.
- 6. Contract No. 32000146 Amendment: Aramark for Uniforms and Laundering**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000146 with Aramark Uniform Services to continue to meet the uniform-related needs of City departments, extending the term through FY 2025 and increasing the contract amount by \$550,000 for a total not-to-exceed amount of \$1,017,000.  
**Financial Implications:** \$1,017,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 70,657–N.S.
- 7. Contract No. 32300064 Amendment: Tiana Sanchez International, LLC for HHCS Equity Consultant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32300064 with Tiana Sanchez International, LLC to add \$21,078 and extend the term of the Health, Housing, and Community Services (HHCS) Equity Consultant contract to January 31, 2024 with a not to exceed amount of \$141,078.  
**Financial Implications:** One-Time Grant Fund - \$21,078  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,658–N.S.



## Consent Calendar

- 8. Revenue Grant Agreement: Funding Support from the State of California: California Home Visiting Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant agreement to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the California Home Visiting Program in the projected total amount of \$2,473,611 for July 1, 2022 to June 30, 2028.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,659–N.S.
- 9. \*\*\*Item Removed from the Agenda by the City Manager\*\*\* Contract No. 32000226 Amendment: MidAmerica Administrative & Retirement Solutions, Third Party Administrator for SRIP I Disability, Police Employees Retiree Income Plan, and Health Reimbursement Accounts for Retiree Health Premium Assistance Plan Reimbursements**  
**From: City Manager**  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 10. Establish Classification and Salary – Medical Director**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution to establish the represented classification of Medical Director with a monthly salary range of \$15,671.76 – \$17,802.72.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,660–N.S.
- 11. Contract: Presidio for Micro-Segmentation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to award a contract to Presidio for implementing micro-segmentation for a total not to exceed amount of \$822,512, from January 18, 2023 to June 30, 2028.  
**Financial Implications:** See report  
Contact: Kevin Fong, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,661–N.S.

## Consent Calendar

**12. Lease Agreement: Bay Area Hispano Institute for Advancement (BAHIA) at building 1718 8th Street, at James Kenney Park**

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Bay Area Hispano Institute for Advancement (BAHIA) to use the building at 1718 8th Street, adjacent to James Kenney Community Center, in James Kenney Park for a 15-year lease term anticipated to begin March 1, 2023 and ending February 1, 2038, with one 5-year option to renew.

**Financial Implications:** See report.

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

**Action:** Adopted first reading of Ordinance No. 7,852–N.S. Second reading scheduled for January 31, 2023.

## Council Consent Items

**13. Support for SB 4: Affordable Housing on Faith Lands Act**

**From: Mayor Arreguin (Author)**

**Recommendation:** Adopt a Resolution in support of Senate Bill 4 with amendments, the Affordable Housing on Faith Lands Act, introduced by Senator Scott Weiner.

Send a copy of the Resolution to Governor Gavin Newsom, State Senators Nancy Skinner and Scott Weiner, and Assemblymember Buffy Wicks.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, (510) 981-7100

**Action:** Adopted Resolution No. 70,662–N.S. revised as follows to add a whereas clause, and to amend the language of the first resolved clause:

*WHEREAS, many religious institutions are housed in buildings that are, or are worthy of being, designated as historic resources, and these historic structures, including but not limited to California's Missions, Berkeley's First Church of Christ Scientist, a Maybeck masterpiece, and San Francisco's Congregation Emanu-El, should be exempt from by-right approvals, and be subject to normal landmarking and zoning processes in their jurisdictions.*

*NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports SB 4 with amendments to include apprenticeship and training Programs and to exempt historic resources from the provisions of SB4.*

## Council Consent Items

14. **Twelfth Annual Martin Luther King Jr. Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**  
**From: Mayor Arreguin (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:**  
1. Adopt a Resolution retroactively co-sponsoring the 12th Annual Martin Luther King Jr. Celebration Breakfast on January 16, 2023.  
2. Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember including \$250 from Mayor Arreguin, to the Berkeley Rotary Endowment, the fiscal sponsor of the 12th Annual Martin Luther King Jr. celebration, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.  
**Financial Implications:** Mayor's Discretionary Funds - \$250  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,663–N.S. (Co-Sponsorship). The second part of the recommendation regarding relinquishment of funds was withdrawn by the author.
15. **Amend Contract No. 32200161 with Community Development Partners to extend consulting work associated with Equitable Black Berkeley Initiative**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200161 with Community Development Partners (CDP) to add \$75,000 to the existing ideation facilitator contract supporting the Equitable Black Berkeley Initiative for a total contact amount not to exceed \$125,000 and extending the contract term to September 30, 2023.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,664–N.S.
16. **Referral for a Security Assessment of the 1700 and 1600 Blocks of San Pablo Avenue**  
**From: Councilmember Kesarwani (Author)**  
**Recommendation:** Refer to the City Manager to conduct a security assessment of the 1700 and 1600 blocks of San Pablo Avenue two months after the City of Berkeley has entered into a lease of real property located at 1720 San Pablo Avenue (hereafter referred to as Berkeley Inn, a 27-room motel). Additional security measures deemed necessary should be implemented as soon as practicable after the security assessment is completed. Recommended aspects of the security assessment and possible security measures are described in the report.  
**Financial Implications:** See report  
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110  
**Action:** Approved recommendation.

## Council Consent Items

**17. Resolution in Support of SB-36 (Skinner)**

**From: Councilmember Wengraf (Author), Councilmember Harrison (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**

**Recommendation:** Adopt a Resolution in support of SB-36: Out-of-state criminal charges: prosecution related to abortion and gender-affirming care (Skinner) and send copies to Senator Skinner, Assembly Member Wicks and Governor Newsom.

**Financial Implications:** None

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

**Action:** Adopted Resolution No. 70,665–N.S.

**18. Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for Pacific Center for Human Growth**

**From: Councilmember Robinson (Author)**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember, including \$1,000 from Councilmember Robinson, to Pacific Center for Human Growth to assist with urgent lease signing and renovation costs.

**Financial Implications:** Councilmember's Discretionary Funds - \$1,000

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

**Action:** Adopted Resolution No. 70,666–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Mayor Arreguin - \$500; Councilmember Taplin - \$1,000; Councilmember Harrison - \$250; Councilmember Wengraf - \$250; Councilmember Bartlett - \$200; Councilmember Kesarwani - \$200; Councilmember Hahn - \$300; Councilmember Humbert - \$250.

## Action Calendar – Old Business

**19. Status Report - Berkeley's Financial Condition (FY 2012 - FY 2021): Pension Liabilities and Infrastructure Need Attention (Continued from December 13, 2022)**

**From: City Manager**

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

**Action:** 1 speaker. Supplemental material in Supplemental Communications Packet #2 from the Mayor deemed received. Presentation made and discussion held.

## Action Calendar – Public Hearings

### 20. Changes to Selected Camps Program Fees

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select recreation programs and facility rentals; and rescinding Resolution No. 70,193 N.S. and all amendatory resolutions.

**Financial Implications:** See report.

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

**Public Testimony:** The Mayor opened the public hearing. 1 speaker.

M/S/C (Arreguin/Robinson) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,667–N.S.

**Vote:** All Ayes.

## Action Calendar – Public Hearings

### 21. Citywide Affordable Housing Requirements

**From:** City Manager

**Recommendation:** Conduct a public hearing and upon conclusion:

1. Adopt first reading of an Ordinance to amending the Berkeley Municipal Code Chapter 23.328, updating the citywide Affordable Housing Requirements (AHR) in the Zoning Ordinance, repealing existing administration and zoning code sections that refer to affordable housing requirements, BMC Section 22.20.065, and Section 23.312.040(A)(6), and updating references to BMC Chapter 23.328 throughout the Berkeley Municipal Code, to become effective on April 1, 2023.
2. Adopt a Resolution establishing regulations for a voucher program and establishing an in-lieu fee pursuant to BMC Section 23.328.020(A)(2) upon the effective date of contemporaneously adopted amendments to BMC Section 23.328, and rescind Resolution No. 68,074-N.S. related to fees, exemptions, and administration of inclusionary affordable housing and in-lieu programs upon the effective date of contemporaneously adopted amendments to BMC Section 23.328.

**Financial Implications:** See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400, Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**Public Testimony:** The Mayor opened the public hearing. 6 speakers. M/S/C (Arreguin/Robinson) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Wengraf) to:

1. Adopt first reading of Ordinance No. 7,853–N.S. Second reading scheduled for February 14, 2023.
2. Adopt Resolution No. 70,668–N.S.

The item is amended to include the revisions in Supplemental Communications Packet #2 from the Planning and Development Department regarding an exemption for projects of fewer than five units, anti-piecemealing provisions, and calculation of the in-lieu fee based on net residential floor area using the 2020 Affordable Housing Mitigation Fee level.

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

## Action Calendar – Old Business

22. **Resolution Supporting Trip Reduction Alternative for BUSD Berkeley High School Tennis and Parking Structure Project** *(Continued from December 13, 2022)*  
**From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of a Trip Reduction Alternative to be included in the scope of the Environmental Impact Report for the Berkeley High School Tennis and Parking Structure Project at 2000 Bancroft Way, and send a copy of Resolution to the Berkeley Unified School District (BUSD) Board of Directors.  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Moved to the Consent Calendar for the purpose of referring the item to the 2x2 Committee of the City Council and Berkeley Unified School District Board of Education.

**Public Comment – Items Not Listed on the Agenda - None.**

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 9:57 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on January 17, 2023.

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Rose Thomsen, Deputy City Clerk

## Communications

### Item #21: Citywide Affordable Housing Requirements

1. Trevor Nestor
2. Jason Martens
3. Jane White
4. Ruth Morgan
5. Medina Lam (2)
6. David Lerman

### Tenants Opportunity to Purchase Act (TOPA)

7. Susan Bassein
8. Lynn Cooper
9. Katherine Bierce
10. Sheila Goldmacher
11. Rahel Smith

**Eviction Moratorium**

12. Yoni Mayeri
13. Susan Marchionna
14. Deborah Finch
15. Rob Gong and Maryan Gong
16. Robert Bahme
17. Leor Beary
18. Bhima Sheridan
19. Vincent Casalaina
20. Ben Davis
21. Debbie Woods
22. Jonatan Weldon
23. William Burton
24. Stan Momtchev
25. Sarah Davis
26. Jessica Bolhack

**Hopkins Corridor**

27. Susan Taylor
28. Cindi Goldberg
29. Howard Goldberg
30. Michelle Straka
31. Charles Shiflett
32. Mimi Abers
33. Carol Goines
34. Aliza Elias
35. Wanda Warkentin
36. Diana Bohn (2)
37. Vivian Warkentin
38. Susan McKearnan
39. Donna Dediemar and Daniel Cheng
40. Councilmember Hahn
41. Patrick Gordis (2)
42. Virginia Kamp
43. Dorothea Dorenz
44. Graham Crowe
45. Jeanne Friedman
46. Peggy Radel

**Homelessness**

47. Eve Cowen
48. Friends of Five Creeks (2)
49. Daniel Goldberg
50. Maryann O'Sullivan

**Warming Centers**



- 51. Moni Law (3)
- 52. Robin R.
- 53. Glenn Turner
- 54. Nicholas Townsend
- 55. Katharine Bierce
- 56. Linda Wulf
- 57. Juli Dickey
- 58. Councilmember Harrison
- 59. Carole Marasovic
- 60. Arian Thompson-Lastad

**North Berkeley BART Development**

- 61. David Brandon
- 62. Erika Shore
- 63. Howard Goldberg
- 64. Carol Hirth

**Ashby BART Development**

- 65. Paul Lee
- 66. David Mendelsohn
- 67. Teresa Clarke
- 68. Niloufar Khonsari
- 69. Jane Scantlebury
- 70. Susi Marzuola
- 71. Bhima Sheridan
- 72. Laura Stevens

**Fire Evacuation**

- 73. Margot Smith

**Board Vacancies**

- 74. Hansel Aguilar, on behalf of Police Accountability (2)

**Measure L**

- 75. Mark Lemkin

**Traffic/Roads/Safety**

- 76. Seth Kimball
- 77. Jack Kurzweil
- 78. Benjamin Chica-Betchart
- 79. Vicki Sommer
- 80. Mathew Lewis
- 81. Tom Gantert
- 82. Lauren Schiller
- 83. Eric Friedman

**Guarantee Income Plans**

84. Andrew Hardy

**Parking Regulations in District 2**

85. Cheryl Davila

86. Chadidjah McFall

87. Councilmember Taplin

**Climate Change**

88. Walter Wood

89. Wendy Chou

**Civic Center Report**

90. Margot Smith

**Downtown Building Heights**

91. Erika Shore

**Witness Panel**

92. Jolene Cook

**La Pena Cultural Center**

93. Natalia Neira Retamal

**Berkeley Police Matters**

94. John McMonagle

95. Noah Goldberg

96. Anais-Olephelia Lino

97. Steve Bridges

98. Patty Chou

**Emergency Batteries During Hill Fires**

99. Mary Behm-Steinberg

**People's Park**

100. Atma Das

101. James Mattson

**IKE Kiosks**

102. Cecilia Schall

**Alcohol Sales on San Pablo/University Avenues**

103. Jeff Vincent

**Buy Local In Berkeley**

104. Bob Flasher

**Holiday Street Fair Concerns**

105. Bob Chan, on behalf of Sizzling Lunch

**Harm to Residents at 1865 Euclid Avenue**

106. Shawn Rosenthal

**Future Parks**

107. James Mattson

**Adopt A Drain**

108. Bryce Nesbitt

**Center Street Greenway and Strawberry Creek**

109. Kirstin Miller

**URL's Only**

110. Vivian Warkentin (4)

**Supplemental Communications and Reports 1**

- None

**Supplemental Communications and Reports 2**

**Item 19: Status Report – Berkeley’s Financial Condition (FY 2012- FY 2021): Pension Liabilities and Infrastructure Need Attention**

111. Supplemental material, submitted by Mayor Arreguin

**Item #21: Citywide Affordable Housing Requirements**

112. Revised material, submitted by Planning and Development

**Item #22: Resolution Supporting Trip Reduction Alternative for BUSD Berkeley High School Tennis and Parking Structure Project**

113. Martha Cain

114. Bhima Sheridan

115. Charles Siegel

**Supplemental Communications and Reports 3**

**Item 19: Status Report – Berkeley’s Financial Condition (FY 2012- FY 2021): Pension Liabilities and Infrastructure Need Attention**

116. Presentation, submitted by the City Manager’s Office

**Item #21: Citywide Affordable Housing Requirements**

117. Presentation, submitted by Planning and Development

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Wednesday, January 18, 2023  
4:00 PM**

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

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

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

*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).*

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://cityofberkeley-info.zoomgov.com/j/1619486060>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.*

*To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 948 6060**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

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*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

**Roll Call:** 4:05 p.m.

**Present:** Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** None.

## Action Calendar – Public Hearings

### 1. Adoption of 2023-2031 Housing Element Update

**From:** City Manager

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution to: (A) certify the Environmental Impact Report (SCH#2022010331) and adopt related California Environmental Quality Act (CEQA) findings, a statement of overriding considerations, mitigation measures, and a mitigation monitoring and reporting program; and (B) approve and adopt a General Plan Amendment to update the Housing Element for the period of 2023-2031.

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 49 speakers. M/S/C (Arreguin/Robinson) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to accept revisions submitted by the Planning Department in Supplemental 3 for Item 1.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Kesarwani) on the severed portion to adopt changes to Program 27 - Priority Development Areas (PDAs), Commercial and Transit Corridor of the Housing Element:

- San Pablo Avenue PDA Specific Plan – The City will be developing a San Pablo Avenue Corridor PDA Specific Plan, which will increase allowed densities and/or development capacity; and study design standards, public improvements, and mechanisms to incentivize affordable housing.
- Land Use, Safety, and Environmental Justice Element Update - The City will update zoning map and development standards to accommodate housing capacity and growth on transit and commercial corridors, particularly in the highest resource neighborhoods pursuant to the Affirmatively Furthering Fair Housing requirement. These updates will increase allowed densities and/or development capacity with the goal of achieving consistency among all transit and commercial corridors, especially between formerly red-lined areas and higher-resource areas of Solano Avenue, north Shattuck Avenue, and College Avenue.
- Specific Actions and Timeline  
By December 2026, update Land Use, Safety, and Environmental Justice Elements of the General Plan to accommodate greater housing capacity on

## Action Calendar – Public Hearings

commercial and transit corridors, particularly in the highest resource neighborhoods, to achieve consistency among all transit and commercial corridors, and revise the City's zoning map and development standards to be consistent. The City commits to initiate this work within one year of certification of the Housing Element.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Kesarwani) on the severed portion to adopt changes to Section 5 of Program 29 – Middle Housing of the Housing Element:

- To facilitate the by-right development of Middle Housing, the City will consider eliminating the requirement of a use permit to demolish single-family homes for applications that 1) add net density and 2) have not been occupied by tenants within the past five years and in which Ellis Act eviction did not occur within the preceding five years. This policy will be referred for consideration to the 4x4 Committee of the City Council and Rent Board. Further, explore the effect on local and state laws relating to the demolition of historic resources.
- Specific Actions and Timeline  
By December 2023, consider amending the Demolition Ordinance to provide a by-right pathway for demolition of single-family homes for projects that add net density and are not tenant-occupied within the past five years and in which Ellis Act eviction did not occur within the preceding five years. This policy will be referred for consideration to the 4x4 Committee of the City Council and Rent Board. Further, explore the effect on local and state laws relating to the demolition of historic resources.

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

**Action:** M/S/C (Arreguin/Kesarwani) to adopt Resolution No. 70,669–N.S. as amended by the revisions submitted by the Planning Department in Supplemental 3 and incorporating revisions to the Housing Element submitted by Councilmember Kesarwani in Supplemental 2 and further revised at the meeting, to (A) certify the Environmental Impact Report (SCH#2022010331) and adopt related California Environmental Quality Act (CEQA) findings, a statement of overriding considerations, mitigation measures, and a mitigation monitoring and reporting program; and (B) approve and adopt a General Plan Amendment to update the Housing Element for the period of 2023-2031.

**Vote:** All Ayes.

## Adjournment

**Action:** M/S/C (Wengraf/Harrison) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 7:25 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on January 18, 2023.

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Sarah Bunting, Assistant City Clerk

## Communications

### Item #1: Adoption of 2023-2031 Housing Element Update

1. Sophia DeWitt
2. Tsahai Ungar
3. Joy Chiu
4. Loir Kossowsky
5. Sheila Goldmacher
6. Phil Allen
7. Susan Bassein
8. Alice Armstrong
9. Tuan Ngo
10. Brittney Goodman
11. Tobias Damm-Luhr
12. David Nutt
13. Alice Green
14. Katharine Bierce

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

### Item #1: Adoption of 2023-2031 Housing Element Update

15. Supplemental material, submitted by Councilmember Kesarwani
16. Candace Hyde-Wang
17. Lisa Bruce
18. Gregory Lemieux
19. Clifford Fred
20. Berkeley Neighbors for Housing and Climate Action (2)
21. Jodi Ravel
22. Teresa Clarke
23. Andrew Fusco
24. 25 similarly-worded form letters

## Supplemental Communications and Reports 3

### Item #1: Adoption of 2023-2031 Housing Element Update

25. Supplemental material, submitted by Planning and Development
26. Supplemental material, submitted by Councilmember Kesarwani and Mayor Arreguin
27. Presentation, submitted by Planning and Development
28. Senator Nancy Skinner
29. Shirley Dean
30. John Calmeyer

31. Walter Wood
32. Sallie
33. Joaquin Carbonell IV
34. Jonathan Singh
35. Gary Brown and Greg Castillo
36. Henry Symons
37. Vicki Sommer
38. Hannah Pitt
39. Tony Corman
40. David Lerman
41. S. Entwistle
42. Jake Matchett
43. Martin Bourque
44. Diana Bohn
45. Anne-Lise Francois
46. John Parman
47. 6 similarly-worded form letters



**MINUTES  
BERKELEY CITY COUNCIL SPECIAL MEETING**

**MONDAY, JANUARY 30, 2023**

**4:30 P.M.**

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – MARK HUMBERT

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

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*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://cityofberkeley-info.zoomgov.com/j/1613261723>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.*

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free); enter Meeting ID: 161 326 1723. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

## Preliminary Matters

**Roll Call:** 4:35 p.m.

**Present:** Bartlett, Hahn, Harrison, Humbert, Kesarwani, Robinson, Arreguin

**Absent:** Taplin, Wengraf

**Public Comment - Limited to items on this agenda only – None.**

## CLOSED SESSION:

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

### 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

- a. Schmier v. City of Berkeley, Alameda County Superior Court Case No. RG19036596
- b. Owens v. City of Berkeley, United States District Court, Northern District, Case No. 22-cv-02715-YGR

**Action:** No reportable action taken.

### 2. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(a) and 54956.9(d)(1)

- a. Workers Compensation Appeals Board Case Number: ADJ835942

**Action:** M/S/C (Arreguin/Hahn) to provide direction to outside counsel and approve a settlement by Compromise and Release.

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

- b. Workers Compensation Appeals Board Case Numbers: ADJ9211119, ADJ15749921, and ADJ15521282

**Action:** M/S/C (Harrison/Hahn) to provide direction to outside counsel and approve a settlement by Compromise and Release.

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

- c. Workers Compensation Appeals Board Case Number: ADJ3710721

**Action:** M/S/C (Hahn/Robinson) to provide direction to outside counsel and approve a settlement by Compromise and Release.

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

## CLOSED SESSION:

### 3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

|                      |                                                                                                                                        |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| Property address:    | 830 University Ave, Berkeley, California                                                                                               |
| Agency Negotiators:  | Dee Williams-Ridley, City Manager; LaTanya Bellow, Deputy City Manager; Lisa Warhuus, Director of Health, Housing & Community Services |
| Negotiating parties: | City of Berkeley, Lifelong Medical, Berkeley Free Clinic                                                                               |
| Property owner:      | City of Berkeley                                                                                                                       |
| Under negotiation:   | Price and terms                                                                                                                        |

**Action:** No reportable action taken.

## OPEN SESSION:

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

City Council met in closed session on January 30, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, as to workers' compensation matter WCAB Case Number: ADJ835942.

City Council met in closed session on January 30, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, as to workers' compensation matter WCAB Case Numbers: ADJ9211119, ADJ15749921, and ADJ15521282.

City Council met in closed session on January 30, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, as to workers' compensation matter WCAB Case Numbers: ADJ3710721.

## Adjournment

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

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

Adjourned at 5:18 p.m.

I hereby certify that the forgoing is a true and correct record of the special closed meeting of January 30, 2023 as approved by the Berkeley City Council.

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Rose Thomsen, Deputy City Clerk

**MINUTES  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, January 31, 2023  
4:00 PM**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

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

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – MARK HUMBERT

***PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION***

*For in-person attendees, face coverings or masks that cover both the nose and the mouth are required. Physically distanced seating will be available. If you are feeling sick, please do not attend the meeting in person.*

*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).*

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://cityofberkeley-info.zoomgov.com/j/1610761302>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.*

*To join by phone: Dial 1-669-254-5252 or 1-833-568-8864 (Toll Free) and enter Meeting ID: 161 076 1302. 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 and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

**Roll Call:** 4:23 p.m.

**Present:** Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** None

## Action Calendar – New Business

**1. Provide Direction on Closing the \$3.215M -\$4.515M Funding Gap to Complete Measure T1 Phase 2 Projects**

**From:** City Manager

**Recommendation:**

1. Determine whether to fund full replacement or renovation of the African American Holistic Resource Center; and
2. Take action to add new funding, eliminate, or reduce the phase of existing projects to close the Measure T1 Phase 2 funding gap.

**Financial Implications:** See report

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

**Action:** M/S/C (Arreguin/Robinson) to accept revised material from the Parks, Recreation, and Waterfront Department on Item 1.

**Vote:** All Ayes.

**Action:** 20 speakers. M/S/C (Arreguin/Harrison) to provide direction to the City Manager to:

1. Fully fund the full replacement of the African American Holistic Resource Center.
2. Fully fund the Turtle Island Monument project.
3. Use the following criteria and return to the City Council with options for how to close the project funding gap:
  - a. Prioritize projects that are public facing and public serving.
  - b. Prioritize projects that have matching funds.
  - c. Prioritize projects that are in significant progress in the planning stage.
4. Look at all funding options including grants, General Fund excess equity, and any additional funding sources to close the funding gap, including potentially deferring projects that do not meet the outlined criteria.
5. Present the funding recommendations, and provide an update on the City's capital improvement projects, to the Budget & Finance Committee for consideration prior to returning to the full City Council.
6. Provide recommendations for the replacement of the African American Holistic Resource Center that reflect a 4,000 square foot project and a 6,000 square foot project.

**Vote:** All Ayes.

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 6:25 p.m.

I hereby certify that the foregoing is a true and correct record of the special session meeting held on January 31, 2023.

---

Rose Thomsen, Deputy City Clerk

## Communications

**Item #1: Provide Direction on Closing the \$3.215M -\$4.515M Funding Gap to Complete Measure T1 Phase 2 Projects**

1. Diane Ross-Leech

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

2. Friends of Adeline
3. Toni Mester

## Supplemental Communications and Reports 3

4. Revised material, submitted by Parks, Recreation and Waterfront
5. Presentation, submitted by Parks, Recreation and Waterfront
6. Deb Durant
7. Sally Nelson
8. Wyndy
9. Toni Mester
10. Mansour Id-Deen
11. Eric Friedman
12. Keith Carson, Supervisor Fifth District, County of Alameda
13. Members of the Berkeley Community

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, January 31, 2023**  
**6:00 PM**

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

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
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DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
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## Preliminary Matters

**Roll Call:** 6:43 p.m.

**Present:** Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin

**Absent:** None

**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 Chochenyo (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.*

## Report from Closed Session

City Council met in closed session on January 30, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, as to workers' compensation matter WCAB Case Number: ADJ835942.

City Council met in closed session on January 30, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, as to workers' compensation matter WCAB Case Numbers: ADJ9211119, ADJ15749921, and ADJ15521282.

City Council met in closed session on January 30, 2023, Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a settlement by Compromise and Release, as to workers' compensation matter WCAB Case Numbers: ADJ3710721.

## Ceremonial Matters:

1. Presentation: Bay Area Community Land Trust (BACLT)
2. Adjourned in memory of James Reagan, Community Activist
3. Recognizing the Berkeley Maktab Tarighat Oveyssi (M.T.O.) Shahmaghsoudi Center

**City Manager Comments:** None

**Public Comment on Non-Agenda Matters:** 5 speakers.



## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 3 speakers.

**Action:** M/S/C (Arreguin/Robinson) to adopt the Consent Calendar in one motion except as indicated.

**Vote:** All Ayes.

## Recess Items

- 1. Contract No. 32200036 Amendment: Berkeley Convention and Visitors Bureau, d.b.a. Visit Berkeley**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to modify the sole source contract (Contract No. 32200036) and any amendments with the Berkeley Convention and Visitors Bureau, d.b.a. Visit Berkeley, to distribute one-twelfth of annual Berkeley Transient Occupancy Tax funds to support tourism marketing and promotion for the period from July 1, 2020 through June 30, 2023.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530  
**Action:** Adopted Resolution No. 70,670–N.S.
- 2. Contract No. 100692-3 Amendment: Serological Research Institute for DNA Testing Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 100692-3 and any necessary future amendments with Serological Research Institute (SERI) for the Police Department, increasing the contract amount by \$500,000 for a total not to exceed amount of \$2,000,000 while the contract expiration will remain June 30, 2025.  
**Financial Implications:** See report  
Contact: Jennifer Louis, Police, (510) 981-5900  
**Action:** Adopted Resolution No. 70,671–N.S.

## Consent Calendar

- 3. Lease Agreement: Bay Area Hispano Institute for Advancement (BAHIA) at building 1718 8th Street, at James Kenney Park**  
**From: City Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,852-N.S. authorizing the City Manager to execute a lease agreement with Bay Area Hispano Institute for Advancement (BAHIA) to use the building at 1718 8th Street, adjacent to James Kenney Community Center, in James Kenney Park for a 15-year lease term anticipated to begin March 1, 2023 and ending February 1, 2038, with one 5-year option to renew.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** See report.  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted second reading of Ordinance No. 7,852–N.S.
  
- 4. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, July 26, 2022, September 20, 2022, November 3, 2022, and December 13, 2022.  
**Financial Implications:** To be determined  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted Resolution No. 70,672–N.S.

## Consent Calendar

**5. Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**

**From: City Manager**

**Recommendation:** Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, May 10, 2022, May 31, 2022, June 28, 2022, July 26, 2022, August 23, 2022, September 20, 2022, October 11, 2022, November 3, 2022, November 29, 2022, December 13, 2022, and January 10, 2023.

**Financial Implications:** To be determined

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

**Action:** Adopted Resolution No. 70,673–N.S.

**6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on January 31, 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:** Various Funds - \$33,541,532

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

**Action:** Approved recommendation.

**7. Grant Application: Funding from California Department of Forestry and Fire Protection (CAL FIRE) Wildfire Prevention Grant to Implement an Incentive Program for Residents of Berkeley's Very High Fire Hazard Severity Zone**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to apply for and accept a grant, and any amendments, from the California Department of Forestry and Fire Protection (CAL FIRE) for up to \$5 Million to implement a vegetation management program for residents of Berkeley's Very High Fire Hazard Severity Zone (VHFHSZ). Grant funds will be used to develop and deliver public education materials explaining the inspection process and the importance of creating defensible space, assist residents in need of financial assistance to remove vegetation to meet state and local codes, enhance the chipper program, and fund a 3rd party administrator to manage applications and contractor pay schedules.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 70,674–N.S.

## Consent Calendar

8. **Contract No. 32000202 Amendment: Berkeley Food & Housing Project for Rental Subsidy for the Russell Street Residence**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32000202 with Berkeley Food & Housing Project (BFHP) to provide rental subsidies for the Russell Street Residence through June 30, 2023 in an amount not to exceed \$3,400,640. This will extend the existing contract by one year and add \$576,616 in funding.  
**Financial Implications:** See report.  
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,675–N.S.
9. **Contract: AppleOne Employment Services for Temporary Staffing Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with AppleOne Employment Services for Temporary Staffing Services, in the amount of \$250,000 for the period of February 1, 2023 through July 31, 2023.  
**Financial Implications:** General Fund - \$250,000  
 Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,676–N.S.
10. **Contract No. 32000118 Amendment: Nexgen Asset and Work Order Management Software Maintenance and Professional Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000118 with Nexgen Asset Management to provide additional funding for software maintenance, training and professional services for software enhancements, increasing the amount by \$689,400, for a total not-to-exceed amount of \$1,706,909 through June 30, 2024.  
**Financial Implications:** Various Funds - \$689,400  
 Contact: Kevin Fong, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,677–N.S.
11. **AHEAD, Inc: Using the California Department of General Services' (DGS) Software Licensing Program (SLP) for Software License Purchases**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to increase spending authority with AHEAD, Inc. ("AHEAD") for the purchase of additional Varonis software licenses, utilizing pricing and contracts, amendments, and extensions from the California Department of General Services (DGS) Software Licensing Program (SLP) increasing the amount by \$186,610 for a total amount not-to-exceed \$422,915 and the period beginning January 31, 2023 through December 21, 2023.  
**Financial Implications:** Cost Allocation Fund - \$186,610  
 Contact: Kevin Fong, Information Technology, (510) 981-6500  
**Action:** Adopted Resolution No. 70,678–N.S.

## Consent Calendar

- 12. Contract No. 32200183 Amendment: Western Water Features Inc. for the Electrical Renovations at King Swim Center**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200183 with Western Water Features, Inc. for the electrical renovations at King Swim Center, increasing the contract amount by \$90,000 for a total not to exceed amount of \$1,100,000.  
**Financial Implications:** CIP Fund - \$90,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,679–N.S.
- 13. Contract: California Constructores for Grove Park Field and Playground Renovation Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Grove Park Field and Playground Renovation Project, Specification No. 22-11538-C; and 2. Accepting the correction of the sum of bid items for California Constructores' bid; and 3. Accepting the bid of the lowest responsive and responsible bidder, California Constructores; and 4. 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 California Constructores, for the Grove Park Field and Playground Renovation Project at 2828 Martin Luther King Jr. Way, Berkeley, CA 94703, in an amount not to exceed \$2,483,865, which includes a contract amount consisting of the base bid plus one additive alternate of \$2,159,883 and a 15% contingency in the amount of \$323,982.  
**Financial Implications:** Various Funds - \$2,483,865  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,680–N.S.
- 14. Contract No. 32000020 Amendment: Rincon Consultants, Inc. for On-Call Planning and Environmental Review Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000020 with Rincon Consultants, Inc., to increase the total not-to-exceed amount by \$1,000,000 to a new total of \$2,000,000, for additional services related to the review of land use permit applications and environmental review.  
**Financial Implications:** See report  
Contact: Alene Pearson, Planning and Development, (510) 981-7400  
**Action:** Adopted Resolution No. 70,681–N.S.

## Consent Calendar

- 15. Contract: Koios Engineering, Inc. for Urgent Sewer Repair FY2023 Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1) approving plans and specifications for the Urgent Sewer Repair FY2023 Project, located throughout the City of Berkeley; 2) accepting the bid of the lowest responsive and responsible bidder, Koios Engineering, Inc.; 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, in an amount not to exceed \$1,490,427, which includes a 10% contingency of \$135,493.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,682–N.S.
- 16. Contract: Bay Pacific Pipeline, Inc. for Hearst, et al. FY2023 Sanitary Sewer Rehabilitation Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1) approving plans and specifications for the FY2023 Sanitary Sewer Project, located on Hearst Avenue, Scenic Avenue, Euclid Avenue, Le Conte Avenue, Arch Street, Cedar Street, La Loma Avenue, Le Roy Avenue, Piedmont Avenue, Kelsey Street, Palm Court, Russell Street and Backline, Avalon Avenue Backline, Belrose Avenue Backline, University Avenue, Alvarado Road, and Roble Road Backline; 2) accepting the bid of the lowest responsive and responsible bidder, Bay Pacific Pipeline, Inc.; 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, in an amount not to exceed \$4,417,421, which includes a 10% contingency of \$401,584.  
**Financial Implications:** Sanitary Sewer Fund - \$4,417,421  
Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,683–N.S.
- 17. \*\*\*Item Removed from the Agenda by the City Manager\*\*\* Authorize a Funding Agreement with AC Transit to supplement the Quick-Build Durant Transit Lane Project**  
**From: City Manager**  
Contact: Liam Garland, Public Works, (510) 981-6300

## Consent Calendar

- 18. Contract: Gruendl Inc. DBA Ray's Electric for Martin Luther King Jr. Way Vision Zero Quick Build Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for the Martin Luther King Jr. Way Vision Zero Quick Build Project, (Project), Specification No. 23-11554-C; 2. Accept the bid of Gruendl Inc. Doing Business As (DBA) Ray's Electric, the lowest responsive and responsible bidder; and 3. Authorize the City Manager to execute a contract with Gruendl Inc. DBA Ray's Electric and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$1,663,900, which includes a contingency of ten percent for unforeseen circumstances.  
**Financial Implications:** Various Funds - \$1,663,900  
 Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,684–N.S.
- 19. Contract: Andes Construction, Inc. for FY2023 Sanitary Sewer Rehabilitation Parnassus Rd, et al. Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1) approving plans and specifications for the FY2023 Sanitary Sewer Rehabilitation Parnassus Road Project, et al. Project located throughout the City of Berkeley; 2) accepting the bid of the lowest responsive and responsible bidder, Andes Construction, Inc.; 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, in an amount not to exceed \$4,444,006, which includes a 10% contingency of \$404,001.  
**Financial Implications:** Sanitary Sewer Fund - \$4,444,006  
 Contact: Liam Garland, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 70,685–N.S.

## Council Consent Items

- 20. Parking/Towing Fines & Fees Reform** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*  
**From: Councilmember Robinson (Author), Councilmember Harrison (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:**  
 1. Adopt an Ordinance amending BMC 14.72.080 to allow individuals who are eligible for Residential Preferential Parking (RPP) permits and also for parking citation Indigent Payment Plans to purchase Residential Parking Permits even if they have outstanding parking tickets older than 21 days.  
 2. Direct the City Manager to implement reforms that reduce the disproportionate burden of parking and towing fines and fees on low-income individuals, as follows: a. Expand eligibility for the City's parking citations indigent payment plan to encompass

## Council Consent Items

households making up to 50% of Alameda County's Area Median Income (AMI) and update these guidelines in accordance with AMI on an annual basis. Provide notice of the change to all individuals with unpaid tickets. b. Amend City policy to formalize the current practice of not booting or towing cars when the sole reason for doing so is the vehicle having five or more outstanding parking tickets where payment is delinquent.

3. Refer to the City Manager to: a. Develop and return to Council with a program to offer vehicle release fee waivers for low-income and/or homeless individuals and, if feasible, vehicle release fee reductions or waivers for first-time tows. b. Explore the possibility of raising the thresholds for 2A to 80% or 100% of AMI in the future, and explore the possibility of indexing fee reduction to income. c. Consider allowing all undocumented individuals to participate in payment plans or fee reductions or waivers without the need to show proof of income or public benefits. d. Look at simplification of payment plan administration and potentially allowing all parking and towing-related fines and fees to be paid through payment plans, regardless of income qualification, as a means to simplify administration. Consider software options for tracking and collection. e. Explore opportunities to coordinate outreach for payment plans with opportunities to engage residents in participation in other social services and public benefits.

4. Refer \$383,512 in ongoing annual funding to the FY 2024 Mid-Biennial Budget Update for 2 Associate Management Analyst FTEs to administer and expand the indigent payment plan program.

*Policy Committee Recommendation: Forward the item to Council with a positive recommendation that the City Council approve the item with the Author's substitute recommendations as follows:*

*(1) Adopt an Ordinance amending BMC 14.72.080 to allow individuals who are eligible for Residential Preferential Parking (RPP) permits and also for parking citation Indigent Payment Plans to purchase Residential Parking Permits even if they have outstanding parking tickets older than 21 days.*

*(2) Direct the City Manager to implement reforms that reduce the disproportionate burden of parking and towing fines and fees on low-income individuals, as follows: a) Expand eligibility for the City's parking citations indigent payment plan to encompass households making up to 50% of Alameda County's Area Median Income (AMI) and update these guidelines in accordance with AMI on an annual basis. Provide notice of the change to all individuals with unpaid tickets. b) Amend City policy to formalize the current practice of not booting or towing cars when the sole reason for doing so is the vehicle having five or more outstanding parking tickets where payment is delinquent.*

*(3) Refer to the City Manager to: a) Develop and return to Council with a program to offer vehicle release fee waivers for low-income and/or homeless individuals and, if feasible, vehicle release fee reductions or waivers for first-time tows. b) Explore the possibility of raising the thresholds for 2A to 80% or 100% of AMI in the future, and explore the possibility of indexing fee reduction to income (if at 30% AMI, pay 30% of fee, if at 50%, pay 50% of fee, etc.). c) Consider allowing all undocumented individuals to participate in payment plans or fee reductions or waivers without the need to show proof of income or public benefits. d) Look at simplification of payment*



## Council Consent Items

*plan administration and potentially allowing all parking and towing-related fines and fees to be paid through payment plans, regardless of income qualification, as a means to simplify administration. Consider software options for tracking and collection. e) Explore opportunities to coordinate outreach for payment plans with opportunities to engage residents in participation in other social services and public benefits.*

*(4) Refer \$383,512 in ongoing annual funding to the FY 2024 Mid-Biennial Budget Update for 2 Associate Management Analyst FTEs to administer and expand the indigent payment plan program.*

**Financial Implications:** See report

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

**Action:** Adopt the recommendation of the Health, Life Enrichment, Equity & Community Committee to: 1. Adopt first reading of Ordinance No. 7,854–N.S. Second reading scheduled for February 14, 2023. 2. Approve recommendation.

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

Recess: 8:43 p.m. – 8:58 p.m.

## Action Calendar – Public Hearings

### 21. ZAB Appeal: 2065 Kittredge Street, Use Permit #ZP2021-0193

**From:** City Manager

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board decision to approve Use Permit # ZP2021-0193 to demolish portions of existing City Landmark commercial buildings and construct an eight-story, mixed-use building at 2065 Kittredge Street with 187 dwelling units (including four live/work units and nine Very Low-Income units), 4,993 square feet commercial space and 43 parking spaces, and dismiss the appeal.

**Financial Implications:** None

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

**Public Testimony:** The Mayor opened the public hearing. 12 speakers.

M/S/C (Hahn/Taplin) to close the public hearing.

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

**Action:** M/S/C (Arreguin/Hahn) to adopt Resolution No. 70,686–N.S. affirming the Zoning Adjustments Board decision to approve Use Permit # ZP2021-0193 to demolish portions of existing City Landmark commercial buildings and construct an eight-story, mixed-use building at 2065 Kittredge Street with 187 dwelling units (including four live/work units and nine Very Low-Income units), 4,993 square feet commercial space and 43 parking spaces, and dismiss the appeal, with the Project Plans, received September 1, 2022 (Exhibit B), EIR Addendum for 2065 Kittredge Mixed-Use (Exhibit C), and Supplemental Analysis Memorandum to EIR Addendum, dated September 8, 2022 (Exhibit D) in the supplemental material in the

## Action Calendar – Public Hearings

Supplemental Communications Packet #2 from the Planning and Development Department, and revising the Findings and Conditions to add the following language:

*1. The applicant shall evaluate the feasibility of implementing one or more of the following workforce programs for construction of the Project, but is not required to implement any said program:*

*a. Participate in a joint labor-management apprenticeship program for each trade engaged in construction of the Project;*

*b. Participate in an apprenticeship program approved by the State of California Division of Apprenticeship Standards that has a graduation rate of 50% or higher and has graduated an average of thirty (30) apprentices annually for the five (5) years immediately preceding the Covered Project. The applicant will also maintain at least the ratio of apprentices required by California Labor Code section 1777.5 for the duration of the project; or*

*c. Make and require its subcontractors to make hourly contributions to the California Apprenticeship Council (“CAC”) for every apprenticeable craft hour worked on the Project of at least the apprenticeship contribution rate for the classification of “plumber, pipefitter, steamfitter” in Alameda County.*

*d. The applicant shall evaluate the feasibility of making Health Care Expenditures of twenty (20) percent to or on behalf of each construction worker working on the Project in addition to their regular hourly wages during the period of employment. The Health Care Expenditures may be made to a health plan in which the construction worker is enrolled, to the construction worker’s health savings account, and/or to the construction worker in the form of cash.*

*Prior to the issuance of a certificate of occupancy, the applicant shall submit a report to the City Manager all steps taken to comply with this condition, as well as the results of the applicant’s feasibility evaluation, and which, if any, program is implemented for the Project, whether Health Care Expenditures are implemented for the Project, and the number of construction worker recipients of Health Care Expenditures for the Project.*

*2. The applicant shall make a good faith effort to attempt to meet a thirty (30) percent goal of all workers on the Project construction site be residents of living within ten (10) miles of the Project site and that, if the applicant fails to achieve such goal, documentation showing good faith efforts made to achieve the goal must be furnished to the City of Berkeley. This paragraph does not negate the requirement by the applicant to meet any other applicable requirements required by law.*

*3. The applicant shall, before obtaining a certificate of occupancy for the Project, furnish an affidavit to the City of Berkeley disclosing the number of union workers for each craft, apprentices, contractors, contractors’ business addresses, number of local workers living within ten (10) miles of the Project site, and Berkeley residents working on the construction workforce for the Project.*

**Vote:** All Ayes.

## Council Action Items

- 22. Resolution Authorizing Regional Early Action Planning Grants (REAP 2.0) for Higher Impact Transformative Activities**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a resolution authorizing the City of Berkeley to request an allocation of Early Action Planning Grants (REAP 2.0) for Higher Impact Transformative Activities.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Moved to the Consent Calendar. Adopted Resolution No. 70,687–N.S.
- 23. Outcomes Based Funding, Pay-For-Success and Social Impact Bonds**  
*(Reviewed by the Budget & Finance Committee)*  
**From: Councilmember Bartlett (Author)**  
**Recommendation:** Qualified Positive Recommendation from the Berkeley City Council Budget & Finance Committee to:  
Refer to the City Attorney to provide guidance on how the City can implement an Outcomes Based Funding initiative; request implementation analysis from the City Manager; and request information on whether or not this program can be used with external funds (e.g. grants) or city funds only  
*Policy Committee Recommendation: Send the item to the City Council with a Qualified Positive Recommendation to refer to the City Attorney to provide guidance on how the City can implement an Outcomes Based Funding initiative; request implementation analysis from the City Manager; and request information on whether or not this program can be used with external funds (e.g. grants) or city funds only.*  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Moved to the Consent Calendar. Adopted the recommendation of the Budget & Finance Committee.

## Council Action Items

24. **Amending City Council Rules of Procedure & Order to Allow Policy Committee Track Items with Budget Referrals to be Referred to the Budget & Finance Committee and one Subject Matter Policy Committee** (*Reviewed by the Agenda & Rules Committee*)

**From: Councilmember Hahn (Author)**

**Recommendation:** That the City Council sets the following deadline: In order to be considered for the June 2023 budget process, Policy Committee Track items (as defined in the City Council Rules of Procedure and Order) that have potential budget implications must be submitted to the agenda process to allow for consideration by the Agenda & Rules Committee no later than at the March 6, 2023 meeting (setting the Agenda for the March 21, 2023 Regular Meeting of the City Council).

*Policy Committee Recommendation: Send the item to the City Council with a qualified positive recommendation that in order to be considered for the budget process that will take place in June 2023, policy committee track items (as defined in the City Council Rules of Procedure), that have the potential for budget implications, must be submitted to the agenda process to allow for consideration by the Agenda & Rules Committee no later than its March 6, 2023 meeting.*

**Financial Implications:** See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

**Action:** Moved to the Consent Calendar. Adopted the recommendation of the Agenda & Rules Committee, revised to change the deadline to the April 10, 2023 meeting of the Agenda & Rules Committee.

## Information Reports

25. **Updated Sanctuary City Contracting Compliance Report for FY 2021**

**From: City Manager**

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

**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - None.**

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 9:53 p.m.

I hereby certify that the foregoing is a true and correct record of the regular session meeting held on January 31, 2023.

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Rose Thomsen, Deputy City Clerk

## Communications

### Warming Centers

1. Stephanie Hung
2. Moni Law
3. Enrique Marisol
4. Laura Cornwall
5. Clara Donovan
6. Lisa Teague
7. Melissa Tomlinson
8. Patty Yao

### World Housing Crisis

9. Michelle LePaule

### Emergency Batteries During Hill Fires

10. Mary Behm Steinberg

### Stuart Street Repair

11. Toby St. John

### City of Berkeley Hiring Practices

12. Elana Auerbach

### Berkeley Police Department Matters

13. John White
14. Friends of Adeline

### People's Park

15. Sandra Morey

### TOPA (Tenant's Opportunity to Purchase Act)

16. Nicholas Heller

### Turtle Island Monument

17. Corrina Gould, on behalf of Confederated Villages of Lisjan Nation
18. Jennifer Lovvorn, on behalf of the Civic Arts Program

### Visuals for Zoom Meetings

19. Bryce Nesbitt

### BUSD Achievement Gap

20. Barbara Gilbert

### Crime in Berkeley

21. Ernie Mansfield

22. Eric Friedman

**IKE Kiosks**

23. Verna Winters

**Demolition Ordinance**

24. Rafa Sonnenfeld

**Youth Representation on Berkeley's Environmental & Climate Commission**

25. Alfred Twu

26. Jasmine Moreira Cortes

27. Liza Lutzker

28. 21 similarly-worded form letters

**Earthquake Zones**

29. Kelly Hammargren

**URL's Only**

30. Vivian Warkentin (2)

**Supplemental Communications and Reports 1**

**Item #20: Parking/Towing Fines & Fees Reform**

31. Eric Friedman

**Item #21: ZAB Appeal: 2065 Kittredge Street, Use Permit #ZP2021-0193**

32. Courtney Welch, on behalf of the California Housing Defense Fund

**Supplemental Communications and Reports 2**

**Item #2: Contract No.100692-3 Amendment: Serological Research Institute for DNA Testing Services**

33. Elana Auerbach

**Item #21: ZAB Appeal: 2065 Kittredge Street, Use Permit #ZP2021-0193**

34. Supplemental material, submitted by Planning and Development

**Supplemental Communications and Reports 3**

**Item #21: ZAB Appeal: 2065 Kittredge Street, Use Permit #ZP2021-0193**

35. Presentation, submitted by Planning and Development

36. Presentation, submitted by Applicant CA Ventures

37. Alisha Pember, on behalf of Adams Broadwell Joseph & Cardozo

38. Todd Williams, on behalf of Fennemore Wendel Law

39. Adam Masters

40. Unknown

**Ceremonial Calendar**

41. Presentation, submitted by Bay Area Community Land Trust



Office of the City Manager

CONSENT CALENDAR  
FEBRUARY 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Peter Radu, Assistant to the City Manager  
 Subject: Donation to the Animal Shelter from the Stephen and Mary Birch Foundation

RECOMMENDATION

Adopt a Resolution accepting a donation from the estate of Stephen and Mary Birch in the sum of \$5,000.00.

FISCAL IMPACTS OF RECOMMENDATION

A donation in the amount of \$5,000 from The Stephen and Mary Birch Foundation to Animal Services will be used for off-site veterinary care and be deposited in the Animal Services Donation Fund and will be appropriated as part of the Second Amendment to the FY 2023 Annual Appropriations Ordinance. Animal Services spends approximately \$25,000 for off-site veterinary care and a \$5,000 donation will subsidize 20% of this expense.

CURRENT SITUATION AND ITS EFFECTS

Berkeley Animal Care Services (BACS) shelters and cares for approximately 1,100 stray, surrendered and abandoned animals each year. Many animals arrive needing veterinary care related to injury or advanced disease processes. Animal Services strives to treat all sick and injured animals that have a good chance of recovery and adoption and uses several local veterinary clinics to provide services that cannot be provided at the shelter such as X-rays, ultrasounds and specialized surgeries. Providing this care is critical to maintaining a high live release rate and low euthanasia rate for shelter animals.

BACKGROUND

Each year starting in 2008, the Stephen and Mary Birch Foundation have generously donated money to BACS to be used for the welfare of the shelter's animals. This donation has consistently been used for veterinary care.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

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

RATIONALE FOR RECOMMENDATION

Animal Services must provide essential veterinary care to shelter animals in order to maintain a high live release rate. A donation in the amount of \$5,000 will subsidize 20% of the amount Animal Services spends on off-site veterinary care annually.

ALTERNATIVE ACTIONS CONSIDERED

If the City were not to accept the \$5,000 donation from the Stephen and Mary Birch Foundation, Animal Services would need to use a comparable amount from the Animal Services Donation Fund.

CONTACT PERSON

Amelia Funghi, Animal Shelter Manager (510) 981-6603



RESOLUTION NO. -N.S.

ADOPT A RESOLUTION ACCEPTING A DONATION TO THE ANIMAL SHELTER FROM THE STEPHEN AND MARY BIRCH FOUNDATION IN THE SUM OF \$5,000

WHEREAS, The Stephen and Mary Birch Foundation has named Berkley Animal Care Services (BACS) as a recipient of a gift; and

WHEREAS, BACS shelters and cares for approximately 1,100 stray, surrendered and abandoned animals each year; and

WHEREAS, the shelter treats sick and injured animals that have a good chance of recovery and adoption, and donations are often used to cover these veterinary bills; and

WHEREAS, the donation in the sum of \$5,000 will be deposited in the Animal Shelter Donation Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council accepts a donation to the Animal Shelter from the Stephen and Mary Birch in the sum of \$5,000.





Office of the City Manager

CONSENT CALENDAR  
February 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Henry Oyekanmi, Director, Finance  
 Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on February 28, 2023

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.

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report are **\$2,220,000**.

| <u>PROJECT</u>                                                                        | <u>Fund</u>       | <u>Source</u> | <u>Amount</u>      |
|---------------------------------------------------------------------------------------|-------------------|---------------|--------------------|
| WEST SIDE AQUATIC PARK: SITE MODIFICATION, IRRIGATION INSTALLATION, AND TREE PLANTING | 336<br>145<br>501 |               | \$290,000          |
| Tree Removal and Pruning Services                                                     | 011<br>164<br>138 |               | \$1,500,000        |
| Echo Lake Camp Accessibility Upgrades                                                 | 125               |               | \$330,000          |
| Harriet Tubman Terrace Tennant Support                                                | 011               |               | \$100,000          |
| <b>Total:</b>                                                                         |                   |               | <b>\$2,220,000</b> |

Formal Bid Solicitations and Request for Proposals  
Scheduled for Possible Issuance After Council  
Approval on February 28, 2023

CONSENT CALENDAR  
February 28, 2023

### CURRENT SITUATION AND ITS EFFECTS

On May, 6, 2008, Council adopted Ordinance No. 7,035-N.S. effective June 6, 2008, which increased the City Manager's purchasing authority for services to \$50,000. As a result, this required report submitted by the City Manager to Council is now for those purchases in excess of \$100,000 for goods; and \$200,000 for playgrounds and construction; and \$50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and upon final notice to proceed from the requesting department, the IFB (Invitation for Bid) or RFP (Request for Proposal) may be released to the public and notices sent to the potential bidder/respondent list.

### BACKGROUND

On May 6, 2008, Council adopted Ordinance No. 7,035-N.S., amending the City Manager's purchasing authority for services.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Finance Department reviews all formal bid and proposal solicitations to ensure that they include provisions for compliance with the City's environmental policies. For each contract that is subject to City Council authorization, staff will address environmental sustainability considerations in the associated staff report to City Council.

### RATIONALE FOR RECOMMENDATION

Need for the services.

### ALTERNATIVE ACTIONS CONSIDERED

None.

### CONTACT PERSON

Darryl Sweet, General Services Manager, Finance, 510-981-7329

### Attachments:

- 1: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on February 28,2023
  - a. West Side Aquatic Park: Site Modification, Irrigation Installation and Tree Planting
  - b. Tree Removal and Pruning Services
  - c. Echo Lake Camp Accessibility Upgrades
  - d. Harriet Tubman Terrae Tennant Support

Note: Original of this attachment with live signature of authorizing personnel is on file in General Services.

| SPECIFICATION NO. | DESCRIPTION OF GOODS / SERVICES BEING PURCHASED                                        | APPROX. RELEASE DATE | APPROX. BID OPENING DATE | INTENDED USE                                                                                                                                                                          | ESTIMATED COST | BUDGET CODE TO BE CHARGED                                                                                                                                                                                                                                                                      | DEPT. / DIVISION | CONTACT NAME & PHONE      |
|-------------------|----------------------------------------------------------------------------------------|----------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|
| 23-11587-C        | West Side Aquatic Park: site modification, irrigation installation, and tree planting. | 3/1/2023             | 3/21/2023                | Cut/remove asphalt and fill to grade with landscape soil to create a straight and continuous five-foot-wide planting strip along the ~1 mile long park. Install irrigation and plant. | \$290,000.00   | EEMP Grant<br>\$100,000<br>336-52-542-566-0000-000-461-663110-<br>PRWPK23005-336-ONE TM-CONSTRUCT<br>Bayer Fund<br>\$150,000<br>145-52-545-000-0000-000-461-663110-<br>PRWPK23005-145-CONSTRUCT<br>CIP Fund<br>\$40,000<br>501-52-545-000-0000-000-461-663110-<br>PRWPK23005-501-CIP-CONSTRUCT | PRW/Parks        | Ian Kesterson<br>981-6688 |

DATE SUBMITTED: February 28, 2023

| SPECIFICATION NO.  | DESCRIPTION OF GOODS / SERVICES BEING PURCHASED | APPROX. RELEASE DATE | APPROX. BID OPENING DATE | INTENDED USE                                                                                                                                                                                                                                        | ESTIMATED COST                                                             | BUDGET CODE TO BE CHARGED                                                                                                                                                                            | DEPT. / DIVISION                    | CONTACT NAME & PHONE        |
|--------------------|-------------------------------------------------|----------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------|
| 23-11588-C         | Tree Removal and Pruning Services               | 3/07/2023            | 04/13/2023               | Pruning and removal of public trees, and grinding stumps.                                                                                                                                                                                           | "\$500,000 per year<br>FY23-FY26 3-year term<br>Total NTE: \$1.5 million " | Various funding sources.<br>General Fund<br>(Fire Fuel)<br>011-52-542-566-1001-000-461-612990<br>Measure FF<br>164-52-542-566-1001-000-461-612990<br>Parks Tax<br>138-52-542-566-0000-000-461-612990 | PRW/Parks                           | Dan Gallagher<br>981-6687   |
| 23-11590-C         | Echo Lake Camp Accessibility Upgrades           | 3/17/2023            | 4/17/2023                | This project includes voluntary accessibility upgrade to the Berkeley Echo Lake Campground. This upgrade consists of the construction of an accessible pathway that connects various elements of the campground and a single accessible tent cabin. | \$330,000                                                                  | Camps Fund<br>125-52-543-582-0000-000-461-663110-PRWRC18002                                                                                                                                          | PRW/<br>Waterfront Capital Projects | Liza McNulty<br>542-4131    |
| <b>DEPT. TOTAL</b> |                                                 |                      |                          |                                                                                                                                                                                                                                                     | <b>\$2,120,000</b>                                                         |                                                                                                                                                                                                      |                                     |                             |
| 23-11591-C         | Harriet Tubman Terrace Tennant Support          | 2/10/2023            | 3/10/2023                | Scope of Work/ Contract for a tenant advocate position for Harriet Tubman Terrace                                                                                                                                                                   | \$100,000                                                                  | 011-51-504-533-2032-000-444-612990                                                                                                                                                                   | HHCS/HCS                            | Mariela Herrick<br>981-5424 |
| <b>DEPT. TOTAL</b> |                                                 |                      |                          |                                                                                                                                                                                                                                                     | <b>\$100,000</b>                                                           |                                                                                                                                                                                                      |                                     |                             |
| <b>TOTAL</b>       |                                                 |                      |                          |                                                                                                                                                                                                                                                     | <b>\$2,220,000</b>                                                         |                                                                                                                                                                                                      |                                     |                             |



Office of the City Manager

CONSENT CALENDAR  
February 28, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing and Community Services

Subject: Contract: Street Level Advisors and Strategic Economics for Housing Preference Policy Fair Housing Analysis Consultant

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Street Level Advisors (Contractor), with Strategic Economics as a subcontractor, to provide Fair Housing Analysis services for a Housing Preference Policy for the Department of Health, Housing and Community Services (HHCS) from April 1, 2023 to April 1, 2024 in an amount not to exceed \$60,055.

FISCAL IMPACTS OF RECOMMENDATION

The term of this contract is from April 1, 2023 to April 1, 2024. Funding in the amount of \$60,055 for this Housing Preference Policy Fair Housing analysis project is available in the FY 2023 budget in the General Fund (ERMA Fund 011).

CURRENT SITUATION AND ITS EFFECTS

The Housing Preference Policy is a Strategic Plan Priority Project, advancing our goal to create affordable housing and housing support service for our most vulnerable community members. HHCS' Housing and Community Services Division (HHCS/HCS) issued a Request for Proposals (RFP) to obtain consulting services to conduct Fair Housing Analysis on a draft Housing Preference Policy (HPP). At the time of writing this report in January 2023, Council is scheduled to hold a Work Session on HPP on February 21, 2023. HHCS/HCS anticipates Council to consider the HPP for adoption in Summer 2023. Staff request this contract authorization in order to expedite policy implementation should the HPP be adopted. The contract scope of work will reflect future policy decisions made by Council.

The fair housing analysis project has three deliverables: 1) Disparate Impact Analysis on the proposed preferences to affordable housing created by the Housing Trust Fund (HTF) and Below Market Rate (BMR) programs; 2) Report summarizing Disparate Impact Analysis of each preference and any applicable Fair Housing implications; and 3) Editable tools for staff to conduct project-based Disparate Impact Analyses.

The City conducted RFP Specification No. 23-11539 with proposals due no later than September 13, 2022. The City received two proposals. The selection committee was comprised of a Senior Community Development Project Coordinator and two Community Development Project Coordinators in HHCS/HCS.

### BACKGROUND

On October 6, 2022, Berkeley's Housing Advisory Commission (HAC) adopted recommendations for City Council to adopt a Housing Preference Policy (HPP). A HPP will establish priorities ("Preferences") for leasing new affordable housing units, in order to prioritize applicants with ties to Berkeley who have faced displacement or are at risk of displacement, and/or have faced historical housing injustice. The HPP represents an opportunity to target the new affordable housing for anti-displacement goals, as well as to partially address historical injustices.

The HPP is a Strategic Plan Priority Project, advancing our goal to create affordable housing and housing support services for our most vulnerable community members. Anti-displacement initiatives are a key priority for the City of Berkeley and an ongoing call from local community members. Berkeley currently has 21 anti-displacement policies in place, 14 of which are noted as best practices by UC Berkeley's Urban Displacement Project. The City of Berkeley is also making historic investments in affordable housing, particularly the \$135M Measure O bond dedicated to affordable housing which includes \$53M dedicated to affordable housing at Ashby and North Berkeley BART stations.

Fair Housing law requires Disparate Impact Analysis for preferences. This analysis assesses how racial groups and other protected classes will be impacted by a HPP and determines what percentage of units can receive preferences without creating disparate impacts on "protected classes" under state or federal law. In Fair Housing law, protected classes refer to a group of people with a common characteristic who are legally protected from housing discrimination on the basis of that characteristic, such as race, sex, or national origin. County, State, and federal agencies that contribute funding to the City's HTF developments will need to approve this analysis before permitting use of a HPP on those units.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Displacement can lead to long commutes, as displaced people continue to return to their community of origin for school, work, faith institutions, healthcare, and/or social networks. A HPP can help reduce greenhouse gas (GHG) emissions associated with these longer commutes by reducing or reversing displacement of those with ties to Berkeley. This study will assist with the implementation of a policy to mitigate such impacts.



RATIONALE FOR RECOMMENDATION

The Fair Housing analysis report and tools that will be produced will help determine how each preference can be applied to the maximum percentage of units permitted by disparate impact analysis. This will help secure approval for use of preferences from government funding agencies. These approvals are necessary in order for the policy to be implemented on HTF developments. This will also ensure there are no negative Fair Housing implications on the BMR program as well.

The City conducted a competitive bid process and the joint application from Street Level Advisors and Strategic Economics successfully met the bid requirements and ranked highest among all bidders given their applicable experience working on similar projects with other jurisdictions in California.

ALTERNATIVE ACTIONS CONSIDERED

Without Fair Housing Analysis of preferences, it will not be possible to implement a HPP in HTF developments consistent with the applicable laws. County, State, and federal agencies that contribute funding to the City's HTF developments need to approve this analysis before permitting use of a HPP on those units. Council could opt to wait to make a decision on proceeding with the Fair Housing Analysis until the Council finishes deliberation on a HPP.

CONTACT PERSON

Anna Cash, Community Development Project Coordinator, HHCS, 510 981-5403  
Mike Uberti, Sr. Community Development Project Coordinator, HHCS, 510 981-5114

Attachments:

1: Resolution

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

CONTRACT: STREET LEVEL ADVISORS AND STRATEGIC ECONOMICS FOR FAIR HOUSING ANALYSIS CONSULTING

WHEREAS, the City of Berkeley issued a Request for Proposals (RFP) to obtain consulting services to conduct Fair Housing Analysis on the draft Housing Preference Policy; and

WHEREAS, the City conducted RFP Specification No. 23-11539 with proposals due no later than September 13, 2022; and

WHEREAS, the City received two proposals in response to this RFP; and

WHEREAS, the City conducted a competitive bid process and a joint application from Street Level Advisors and Strategic Economics successfully met the bid requirements.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Street Level Advisors as a contractor, and Strategic Economics as a subcontractor, to provide consulting services to conduct Fair Housing Analysis on a draft Housing Preference Policy from April 1, 2023 to April 1, 2024 in an amount not to exceed \$60,055.



Office of the City Manager

CONSENT CALENDAR

February 28, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Aram Kouyoumdjian, Director of Human Resources

Subject: Increase Wage Ranges of Seasonal Camp Staff Classifications

RECOMMENDATION

Adopt a Resolution approving wage increases for certain Unrepresented Camp Classification rates in Unit X1, effective March 1, 2023, and amending Resolution No. 69,998-N.S.

FISCAL IMPACTS OF RECOMMENDATION

The proposed increases (see Table 1), would raise wages for four seasonal, daily-rated camp staff classifications: Camp Staff Member, Camp Staff Leader, Camp Medical Staff Member, and Camp Staff Supervisor. The projected 20% increase in labor costs is expected to be covered by the 12% increase in camp registration fees approved by Council on January 17, 2023, ([Resolution No. 70,667-N.S.](#)). All costs and revenue for these positions and our camp programs are based in the Camps Fund (Fund 125).

CURRENT SITUATION AND ITS EFFECTS

With the current wage ranges of our Camp Staff Classifications, the City has struggled to recruit and retain Summer staff for Echo Lake and Tuolumne Camps. Berkeley's pay rates are lower than our closest neighboring cities with overnight camps. The re-opening of Berkeley Tuolumne Camp in 2022 has exacerbated this issue as our staffing need has increased to 120 daily-rated, seasonal staff.

A compensation study of neighboring overnight camps (see Tables 2-4), demonstrated that the City of Berkeley's wage ranges are lower than Cazadero Camp from Berkeley, Oakland Feather River Camp out of Oakland, and Camp Mather from San Francisco. Berkeley's rates are comparable to or higher than rates in Concord, San Jose and Sacramento, however, staff from Concord and San Jose have indicated that their municipalities are also in the process of increasing their staff wage rates. The gaps are significant in each position. As an example, last summer, new Berkeley Camp Staff Members were paid at a starting wage of \$61 per day, compared to \$88, \$103, and \$126 per day, respectively, at Cazadero, Oakland, and San Francisco camps.

Table 1 shows the proposed increases for the four Berkeley daily-rated camp positions. These increases raise the wages for Camp Staff Member to \$80 per day; Camp Staff

Leaders and Camp Medical Staff Members to \$101 per day; and Camp Staff Supervisors to \$125 per day.

These increases are projected to result in a 20% increase in Camps Fund labor costs. To cover this increase in cost, a 12% increase in camp registration revenue is needed. On January 17, 2023, Council approved an average fee increase of 12% fee across camp programs, (see [Resolution No. 70,667-N.S.](#) and Attachment A.) Additional increases may be possible in the future, but at this time, higher increases risk decreasing occupancy at our camps by pricing them out of the market.

Tables 2, 3 and 4 include comparisons of all four classifications and rates at other camps. The proposed changes bring Berkeley rates closer to the camps owned by Oakland and San Francisco in each classification. This comparison is possible for all but the Camp Medical Staff Member classification. In our review, only Oakland and Berkeley pay their camp medical staff; other camps tend to bring on these positions on a volunteer basis. In Berkeley, the Camp Medical Staff Member rate has been matched to the Camp Staff Leader; and this approach is proposed to continue.

This is a time-sensitive issue because recruitment for daily rated camp employees has started and when staff attend various college and job fairs offered by local colleges and organizations over the next several months this information will be important in attracting new employees. Interviews take place in early Spring to ensure staff are on board by early May.

#### BACKGROUND

In 2019, [Resolution No. 69,078-N.S.](#) was adopted by the City Council, which increased the salaries of the Camp Staff Member, Camp Staff Leader and Camp Medical Staff Member classifications pursuant to the State of California Department of Industrial Relations Wage Order MW-2019.

In 2021, [Resolution No. 69,998-N.S.](#) was adopted by the City Council, which approved new salary rates for unrepresented employees. These new rates reflected a 4% increase effective July 25, 2021, a 3% increase effective the first full pay period in July 2022, and a 1% increase effective the first full pay period in July 2023.

Pursuant to [California Labor Code Section 1182.4](#) and [State of California Wage Order MW-2023](#), California law provides organized camps special labor rules allowing wages of camp staffers for each day worked rather than by the hour. Under those same laws, the City may claim a state wage credit for the value of the meals and lodging provided for each staff member to calculate the Current Wage Range (Daily Rate).

Because Berkeley Tuolumne Camp and Berkeley Echo Lake Camp are both located outside of the City of Berkeley, wages are determined by following State of California regulations, including the State of California Wage Order, which is updated periodically. The City of Berkeley periodically updates their Salary Schedule to reflect any minimum wage updates ([Last updated 2019, Resolution No. 69,078-N.S.](#)).

The Personnel Board discussed and voted unanimously at its February 6, 2023 meeting to send this classification and salary to the City Council for approval (Motion to Approve: Lacey, Wenk; Vote: Bartlow, Dixon, Gilbert, O’Loughlin, Lacey, Wenk, Karpinski; Noes: None Abstains: None).

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

It has been the policy of the City to update the necessary classification and salary schedule to accommodate new duties and responsibilities, reflect programmatic changes, maintain competitive salaries and, when applicable, comply with regulatory requirements.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Aram Kouyoumdjian, Director of Human Resources, (510) 981-6807  
Scott Ferris, Director of Parks, Recreation & Waterfront (510) 981-6711

Attachments:

1. Resolution
2. Current Job Descriptions for Camp Staff Classifications in Unit X1
3. Organizational Chart – Parks, Recreation & Waterfront Department, Camps Program
4. Recruitment Materials

**Table 1. Proposed Camp Staff Daily Rates**

| Employee Classification   | Daily Rate |          |
|---------------------------|------------|----------|
|                           | Min        | Max      |
| Camp Staff Member         | \$80.28    | \$96.34  |
| Camp Staff Leader         | \$101.16   | \$115.61 |
| Camp Medical Staff Member | \$101.16   | \$115.61 |
| Camp Staff Supervisor     | \$125.72   | \$156.07 |

**Table 2. Comparison of resident camp rates equivalent to Camp Staff Member**

\*Compares entry level camp staff positions, similar to Berkeley's Camp Staff Member classification

| Name of Camp and Positions  | Name of position equivalent to Berkeley Camp Staff Member | Step 1 Equivalent daily rate | Last Step Equivalent daily rate | Assumptions                                            |
|-----------------------------|-----------------------------------------------------------|------------------------------|---------------------------------|--------------------------------------------------------|
| Camp Sacramento             | Camp Aid                                                  | \$38.15                      | \$46.16                         |                                                        |
| San Jose Camp               | Recreation Counselor- CCI                                 | \$40.00                      | \$66.00                         |                                                        |
| Camp Concord                | Program Counselor                                         | \$47.76                      | \$110.55                        | Range covers all camp positions, not just entry-level. |
| Berkeley Camps (proposed)   | Camp Staff Member                                         | \$80.28                      | \$96.34                         |                                                        |
| Oakland Feather River Camp  | Program Leaders                                           | \$88.33                      | \$104.17                        | 530/625 per week                                       |
| Camp Cazadero               | Camp Counselor                                            | \$103.33                     | \$103.33                        | 620 per week                                           |
| Camp Mather (San Francisco) | Camp Assistant                                            | \$126.74                     | \$130.34                        | 19.03/19.57 per hr                                     |

**Table 3. Comparison of resident camp rates equivalent to Camp Staff Leader**

\*Compares mid-level camp staff positions, similar to Berkeley's Camp Staff Leader classification

| Name of Camp and Positions  | Name of position equivalent to Berkeley Camp Staff Leader | Step 1 Equivalent daily rate | Last Step Equivalent daily rate | Assumptions                                            |
|-----------------------------|-----------------------------------------------------------|------------------------------|---------------------------------|--------------------------------------------------------|
| Camp Sacramento             | Recreation Leader                                         | \$43.87                      | \$53.08                         |                                                        |
| San Jose Camp               | Recreation Counselor- CCII                                | \$40.00                      | \$66.00                         |                                                        |
| Camp Concord                | Program Coordinator                                       | \$47.76                      | \$110.55                        | Range covers all camp positions, not just entry-level. |
| Berkeley Camps (proposed)   | Camp Staff Leader                                         | \$101.16                     | \$115.61                        |                                                        |
| Oakland Feather River Camp  | Program Specialist                                        | \$108.33                     | \$112.50                        | 650/675 per week                                       |
| Camp Cazadero               | Dean                                                      | \$119.17                     | \$119.17                        | 715 per week                                           |
| Camp Mather (San Francisco) | Recreation Leader                                         | \$137.00                     | \$210.86                        | 20.57/31.66 per hour                                   |

**Table 4. Comparison of resident camp rates equivalent to Camp Staff Supervisor**

\*Compares supervisory level camp staff positions, similar to Berkeley's Camp Staff Supervisor classification

| Name of Camp and Positions  | Name of position equivalent to Berkeley Camp Staff Supervisor | Step 1 Equivalent daily rate | Last Step Equivalent daily rate | Assumptions                                            |
|-----------------------------|---------------------------------------------------------------|------------------------------|---------------------------------|--------------------------------------------------------|
| San Jose Camp               | Program Director - CCIII                                      | \$66.00                      | \$98.00                         |                                                        |
| Camp Concord                | Assistant Camp Director                                       | \$47.76                      | \$110.55                        | Range covers all camp positions, not just entry-level. |
| Camp Sacramento             | Camp Program Director                                         | \$84.68                      | \$124.03                        |                                                        |
| Berkeley Camps (proposed)   | Camp Staff Supervisor                                         | \$125.72                     | \$156.07                        |                                                        |
| Camp Cazadero               | Office Manager, Dining Room Supervisor, Utility Staff         | \$128.00                     | \$136.00                        | 16/17 per hour                                         |
| Oakland Feather River Camp  | Program Manager                                               | \$133.33                     | \$150.00                        | 800/900 per week                                       |
| Camp Mather (San Francisco) | Recreation Coordinator                                        | \$218.91                     | \$266.40                        | 32.87/40 per hour                                      |

ATTACHMENT 1

RESOLUTION NO. xxxxx - N.S.

AUTHORIZING WAGE INCREASES FOR CERTAIN UNREPRESENTED CAMP CLASSIFICATION RATES IN UNIT X1, EFFECTIVE MARCH 1, 2023, AND AMENDING RESOLUTION NO. 69,998-N.S.

WHEREAS, the Human Resources Department maintains the Classification and Compensation plan for the City of Berkeley; and

WHEREAS, the Human Resources Department has completed a compensation review and recommended wage increases; and

WHEREAS, the Personnel Board recommended on February 6, 2023 to approve the wage increases for certain unrepresented camp staff classifications in Unit X1, including Camp Staff Member, Camp Staff Leader, Camp Medical Staff Member, and Camp Staff Supervisor;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to increase the wage of the Camp Staff Member, Camp Staff Leader, Camp Medical Staff Member, and Camp Staff Supervisor as shown below, and that Resolution No. 69,998-N.S. (Salary) be amended, effective March 1, 2023:

| Employee Classification   | Daily Rate |          |
|---------------------------|------------|----------|
|                           | Min        | Max      |
| Camp Staff Member         | \$80.28    | \$96.34  |
| Camp Staff Leader         | \$101.16   | \$115.61 |
| Camp Medical Staff Member | \$101.16   | \$115.61 |
| Camp Staff Supervisor     | \$125.72   | \$156.07 |





CITY OF BERKELEY  
 Established Date: Oct 13, 2008  
 Revision Date: Oct 13, 2008

# Camp Staff Member

Class Code:  
6014

Bargaining Unit: Unrepresented Classifications

## SALARY RANGE

\$44.04 - \$66.06 Daily

### DESCRIPTION:

**Note that positions in this classification are compensated on a daily rate that includes room and board at the camp.**

#### DEFINITION

Under close supervision and guidance interact with campers daily in the performance of one or more of the functions which are essential to the effective operation of a City Recreational Summer Camp including but not limited to administration, food service, maintenance and recreation; perform related work as required.

#### CLASS CHARACTERISTICS

Most staff members are assigned to a crew, working in an organized group. In addition to fulfilling specific job duties, all staff members interact with campers in the day or evening, serve as role models for younger campers, assist with camp administration, participate in campfire shows and athletic events, serve meals, and assist Camp Staff Leaders on hikes and other outings. This class is provided with room and board while at camp and is distinguished from Camp Staff Leader, which has oversight of a crew responsible for administration, food service, maintenance and recreation.

### EXAMPLES OF DUTIES:

The following list of duties is intended only to describe the various types of work that may be performed and the level of technical complexity of the assignment(s) and is not intended to be an all-inclusive list of duties. The omission of a specific duty statement does not exclude it from the position if the work is consistent with the concept of the classification, or is similar or closely related to another duty statement.

The following list of duties is intended only to describe the various types of work that may be performed, the level of technical complexity of the assignment(s) and is not intended to be an all-inclusive list of duties. The omission of a specific duty statement does not exclude it from the class if the work is consistent with the concept of the classification or is similar or closely related to another duty statement or a logical assignment to the classification.

Administration:

1. Assist with the operation of the camp store; sell items and operate a cash register, balance daily receipts, maintain cleanliness, and display merchandise; may work closely with the Camp Staff Supervisor and/or a Camp Staff Leaders as a store assistant overseeing daily store management, including, but not limited to, inventory management and cash handling;
2. Type, file, and perform the camp's bookkeeping duties;
3. Perform office administrative functions including maintaining camp records, handling mail, receives phone calls, and arranges housing for staff and campers; handle receipts for camp money and operates camp store which includes the ordering of merchandise; and
4. Perform related duties as assigned.

#### Food Service:

1. Assist with the preparation of a variety of food for large quantity service; may assist with food preparations for the following day's meals;
2. Set and clean tables after three family style meals per day in the dining hall; serve as liaison between cooks and campers; prepare side dishes for service; may prepare snacks or lunch bags for hikers and picnics;
3. Receive and store food items and supplies and ensures proper storage and temperature of foods for serving;
4. Clean kitchen utensils and equipment and maintains cooking area in clean and safe condition; sweep and mop kitchen or dining area; and
5. Perform related duties as assigned.

#### Maintenance:

1. Clean and maintain all camp facilities, including bathrooms and dish washing areas; remove and dispose or recycle garbage and other material; move luggage; make miscellaneous camp repairs; ensure overall camp cleanliness; assist with the upkeep of the maintenance shed, maintenance vehicles, tool use and inventory; and
2. Perform related duties as assigned.

#### Recreation:

1. Assist Camp Staff Leaders with day and evening programs;
2. Care for and supervise children of various age groups in arts and crafts such as painting, coloring, storytelling, music, athletics, swimming parties, nature projects, and campfires;
3. Interact with and serve as a role model for campers, and participate in campfire shows and athletic events; may officiate camp athletic events; instruct table tennis, softball, volleyball, basketball soccer and other camper team sports; assist with tournaments for all ages, including posting results and awarding trophies; clean and maintain all athletic facilities and surrounding areas, including monitoring equipment needs and making recommendations for replacement of equipment;
4. Assist in the operation and daily supervision of the swim areas; lifeguard and supervise recreational swimming; maintain water safety equipment and pool chairs; give group-swimming lessons, and assist with other water activities;
5. Assist with organizing and leading camper nature hikes and programs in surrounding areas; and

6. Perform related duties as assigned.

## **KNOWLEDGE AND ABILITIES:**

Note: The level and scope of the knowledge, skills and abilities listed below are related to job duties as defined under Class Characteristics. Some positions may require unique knowledges, skills and abilities essential to the successful performance of that position.

Knowledge of:

1. Kitchen sanitation and methods of care and cleaning of kitchen equipment; and basic safety procedures as applied to food preparation and cooking;
2. Basic business arithmetic and record keeping procedures; bookkeeping, retail and cash handling methods and procedures;
3. Techniques and materials used in the maintenance and repair of camp facilities, roadways, drainage systems and related facilities;
4. Operation and maintenance of a wide variety of hand tools and equipment common to the field;
5. Safe work methods and safety regulations pertaining to the work;
6. Sports rules and regulations, basic hiking, outdoor safety awareness, and an appreciation of the environment; and
7. Child care practices.

Skill in and ability to:

1. Prepare and cook large quantities of foods for varied meals; observe kitchen safety practices; maintain clean and sanitary kitchen utensils, equipment and cooking areas and clean safety practices;
2. Perform arithmetic calculations;
3. Follow oral and written instructions, exercise good judgment and state and enforce camp rules;
4. Establish and maintain effective working relationships with those contacted in the course of the work, communicate courteously and effectively with other camp staff members and relate well with campers in all age groups and the public;
5. Control small groups of children; and
6. Drive camp vehicles.

## **MINIMUM QUALIFICATIONS:**

## MINIMUM QUALIFICATIONS

Completion of the sophomore year of High School, 16 years of age, plus some organized recreational or educational program related to coaching children. Familiarity with city recreational camp program is desirable.

Must be willing to begin work early in the morning and work a very flexible schedule. When driving on City (camp) business, maintenance of a valid California driver's license and satisfactory driving record is required. Some positions must be able to lift up to 50 lbs.; some positions must have current Senior Lifesaving certification. Previous childcare experience is desirable. Previous life guarding and instruction experience is desirable for some positions in recreation.

California Education Code Section 10911.5 requires that all public recreation program employers must fingerprint all persons having direct contact with a minor. The City does not hire persons who have been convicted of felony drug, sexual assault or physical assault crimes.



CITY OF BERKELEY  
 Established Date: Oct 13, 2008  
 Revision Date: Oct 13, 2008

# Camp Staff Leader

Class Code:  
6013

Bargaining Unit: Unrepresented Classifications

## SALARY RANGE

\$66.06 - \$99.09 Daily

### DESCRIPTION:

**Note that positions in this classification are compensated on a daily rate that includes room and board at the camp.**

#### DEFINITION

Under supervision interact with campers daily and oversee a small crew in the performance of one or more of the functions which are essential to the effective operation of a City Recreational Summer Camp including but not limited to; food service, maintenance and recreation; perform related work as required.

#### CLASS CHARACTERISTICS

Camp Staff Leaders are responsible for supplies and cleanliness in their areas and programs. In addition to fulfilling specific job duties, all staff members interact with campers in the day or evening, serve as role models for campers, participate in campfire shows and athletic events, serve meals, and lead hikes and other outings. Some staff may oversee a small crew, working in an organized group. This class is provided with room and board while at camp and is distinguished from Camp Staff Supervisor, which has oversight of administration, recreation activities, and food services.

### EXAMPLES OF DUTIES:

The following list of duties is intended only to describe the various types of work that may be performed and the level of technical complexity of the assignment(s) and is not intended to be an all-inclusive list of duties. The omission of a specific duty statement does not exclude it from the position if the work is consistent with the concept of the classification, or is similar or closely related to another duty statement.

#### Food Service

1. Prepare, cook and provide a variety of food for large quantity service; make necessary food preparations for the following day's meals;
2. Assign efficient and equitable kitchen staff schedules; direct the day-to-day work assignments in support of camp program activities;

3. Oversee the timely service of food and serves food portions at mealtimes; and
4. Set and clean tables after three family-style meals per day in the dining hall; serve as liaison between cooks and campers; prepare side dishes for service; maintain inventory of supplies;

Maintenance:

1. Supervise crews in the maintenance of all camp facilities, including bathrooms and dish washing areas; ensure the proper disposal or recycling of garbage and other material;
2. Oversee camp repairs; inspect camp for cleanliness and direct staff to correct problem areas; and
3. Supervise activities in the maintenance shed, maintenance vehicles, tool use and inventory; may serve as backup for the safe operation of the water treatment system;

Recreation:

1. Interact with and serve as a role model for campers, and participate in campfire shows and athletic events; may officiate camp athletic events; instruct table tennis, softball, volleyball, basketball soccer and other camper team sports; assist with tournaments for all ages, including posting results and awarding trophies; clean and maintain all athletic facilities and surrounding areas, including monitoring equipment needs and making recommendations for replacement of equipment; create and oversee childcare or youth-specific activities;
2. Serve as lead to Camp Staff Members in all recreation activities;
3. Care for and supervise children of various age groups in arts and crafts such as painting, coloring, storytelling, music, athletics, swimming parties, nature projects, and campfires;
4. Organize and lead camper nature hikes in surrounding areas;
5. Establish and maintain day and evening programs for campers;
6. Supervise the swim areas and serve as lifeguard and supervise recreational swimming; maintain water safety equipment and pool chairs; may give group-swimming lessons, assist with water-related activities; and
7. Perform related duties as assigned.

## KNOWLEDGE AND ABILITIES:

Note: The level and scope of the knowledge, skills and abilities listed below are related to job duties as defined under Class Characteristics. Some positions may require unique knowledges, skills and abilities essential to the successful performance of that position.

Knowledge of

1. Principles and methods of food preparation and cooking in large quantities; kitchen sanitation and methods of care and cleaning of kitchen equipment; and basic safety procedures as applied to food preparation and cooking;
2. Techniques of supervision including planning, assigning and monitoring work and in evaluation of assigned staff;

3. Basic business arithmetic and record keeping procedures; bookkeeping, retail and cash handling methods and procedures;
4. Techniques and materials used in the maintenance and repair of camp facilities, roadways, drainage systems and related facilities;
5. Operation and maintenance of a wide variety of hand tools and equipment common to the field;
6. Safe work methods and safety regulations pertaining to the work;
7. Sports rules and regulations; hiking, outdoor safety awareness, and an appreciation of the environment; and
8. Child care practices and programs;

Skill in and ability to:

1. Lead a small crew in camp related functions;
2. Prepare and cook large quantities of foods for varied meals; observe kitchen safety practices; maintain clean and sanitary kitchen utensils, equipment and cooking areas and clean safety practices; and plan ahead to ensure low costs of the food service program;
3. Perform arithmetic calculations to determine ingredient portions;
4. Follow oral and written instructions;
5. Establish and maintain effective working relationships with those contacted in the course of the work.
6. Communicate courteously and effectively with other camp staff members and relate well with campers in all age groups and the public;
7. Exercise good judgment;
8. Control small groups of children;
9. Drive camp vehicles as required; and
10. State and enforce camp rules.

## **MINIMUM QUALIFICATIONS:**

### MINIMUM QUALIFICATIONS

Completion of the junior year of High School, 17 years of age plus experience in an organized recreational or educational program related to coaching children; or experience in general maintenance, food service procedures including basic cooking. Familiarity with city recreational family camp programs is desirable.

Must be willing to begin work early in the morning and work a very flexible schedule. When driving on City (camp) business, maintenance of a valid California driver's license and satisfactory driving record is required. Some positions must be able to lift up to 50 lbs.; some positions must have current Senior Lifesaving certification. Previous life guarding and

instruction experience is desirable for some positions in recreation. Previous childcare experience desirable. Experience in large-scale food preparation and cooking is desirable for some positions in the camp kitchen/dining room.

California Public Resources Code Section 5164 prohibits the hiring of a person for employment at a park or recreational facility in a position having supervisory or disciplinary authority over any minor if the person has been convicted of certain criminal offenses. California Education Code Section 10911.5 requires that all public recreation program employers must fingerprint all persons having direct contact with a minor. The City does not hire persons who have been convicted of felony drug, sexual assault or physical assault crimes.





# Camp Medical Staff Member

Class Code:  
6012

Bargaining Unit: Unrepresented Classifications

CITY OF BERKELEY  
Established Date: Oct 13, 2008  
Revision Date: Oct 13, 2008

## SALARY RANGE

\$66.06 - \$99.09 Daily

### DESCRIPTION:

**Note that positions in this classification are compensated on a daily rate that includes room and board at the camp.**

#### DEFINITION

Under general supervision, provides medical care to City Recreational Summer Camp staff members and campers; takes appropriate action in medical emergencies; performs related work as assigned.

#### CLASS CHARACTERISTICS

This class provides direct medical services including assessments, examinations, and treatment planning. This class is provided with room and board while at camp and is distinguished from the Public Health Nurse in that the latter has broader responsibilities in the areas of disease prevention, health promotion and the alleviation of conditions adversely affecting the health and safety conditions of individuals, families and the community.

### EXAMPLES OF DUTIES:

The following list of duties is intended only to describe the various types of work that may be performed and the level of technical complexity of the assignment(s) and is not intended to be an all-inclusive list of duties. The omission of a specific duty statement does not exclude it from the position if the work is consistent with the concept of the classification, or is similar or closely related to another duty statement.

The following list of duties is intended only to describe the various types of work that may be performed, the level of technical complexity of the assignment(s) and is not intended to be an all-inclusive list of duties. The omission of a specific duty statement does not exclude it from the class if the work is consistent with the concept of the classification or is similar or closely related to another duty statement or a logical assignment to the classification.

1. Provides first responder medical emergency response at the basic life support level, including initial patient and situation assessment, cardio pulmonary resuscitation, and trauma emergency medical care;

2. Identifies staff and camper health needs; provides appropriate medical treatment for staff and campers with illnesses, injuries or special medical needs;
3. May refer individuals and families to appropriate medical care;
4. Coordinates camp clinic services with private, public and voluntary health services;
5. Follows nursing care plans for camp patients and evaluates the needs of patients;
6. Prepares and maintains daily, detailed documentation of patient visits and referrals; conducts weekly inventory of medical supplies and medications;
7. Initiates preventive and rehabilitative nursing procedures appropriate to the patient's care and safety;
8. Maintains current knowledge of matters affecting patient care and clinic services and recommends policy and procedural improvements to City management; and
9. Performs related duties as assigned.

## **KNOWLEDGE AND ABILITIES:**

Note: The level and scope of the knowledges, skills and abilities listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Principles and practices of nursing and paramedical procedures, including medical terminology and clinical routines and equipment;
2. Principles and practices of health maintenance and illness prevention and the effect of physical, social and emotional environments on health;
3. Basic principles and practices of emergency medical care at the basic life support level;
4. Anatomy, physiology, chemistry, pharmacology, growth and development, and nutrition;
5. Principles and techniques of history taking and patient teaching and counseling;
6. Community medical and social agencies and resources;
7. Principles and techniques of drug administration and its affect on patients; and
8. Communicable disease control.

Skill in and ability to:

1. Perform medical assessments, identify medical, social and emotional problems and prepare nursing care plans and/or make appropriate referrals;
2. Perform first aid, give injections, and perform other skilled services;
3. Remain calm; make sound decisions, and respond appropriately in emergency situations;
4. Prepare and maintain organized, detailed and accurate records of camp patient visits and findings;

- 5. Apply teaching principles and provide patient education and counseling; and
- 6. Establish and maintain effective working relationships with camp staff, physicians, patients, and families.

**MINIMUM QUALIFICATIONS:**

MINIMUM QUALIFICATIONS

Must be either licensed as a Registered Nurse in California or possess current certification in basic life support as an Emergency Medical Technician Level I.

Must be willing to work on-call while camp is in session. When driving on City (camp) business, maintenance of a valid California driver's license and satisfactory driving record is required.

California Education Code Section 10911.5 requires that all public recreation program employers must fingerprint all persons having direct contact with a minor. The City does not hire persons who have been convicted of felony drug, sexual assault or physical assault crimes.



# Camp Staff Supervisor

Class Code:  
6015

Bargaining Unit: Unrepresented Classifications

CITY OF BERKELEY  
Established Date: Oct 13, 2008  
Revision Date: Oct 13, 2008

## SALARY RANGE

\$99.09 - \$143.13 Daily

### DESCRIPTION:

**Note that positions in this classification are compensated on a daily rate that includes room and board at the camp.**

#### DEFINITION

Under general supervision, interact with campers and supervise the daily operation of a department in one or more of the functions that are essential to the effective operation of a City Recreational Summer Camp including but not limited to; administration, food service and recreation; perform related work as required.

#### CLASS CHARACTERISTICS

At this level incumbents typically supervise an administration or food service department. In addition to fulfilling specific job duties, camp supervisors interact with campers and staff in the day or evening and serve as role models for campers. This class is provided with room and board while at camp and is distinguished from the Camp Manager, which has oversight of all camp functions.

### EXAMPLES OF DUTIES:

The following list of duties is intended only to describe the various types of work that may be performed and the level of technical complexity of the assignment(s) and is not intended to be an all-inclusive list of duties. The omission of a specific duty statement does not exclude it from the position if the work is consistent with the concept of the classification, or is similar or closely related to another duty statement.

#### Administration:

1. Supervise the cashier and accounts for all cash in the operation of the camp store; operate a cash register, balance receipts, maintain cleanliness, and may assist in the display merchandise; work closely with the Camp Manager in the oversight of the store management, including, but not limited to, inventory management and cash handling;
2. Prepare reports, coordinate staff assignments, evaluate staff, order supplies and maintain inventory control; and

3. Coordinate and supervise the camper registration and cabin allocation process.

Food Service:

1. Prepare work schedules for kitchen and dining room staff; direct the work assignments in support of food service program; make orders for food delivery and ensure dining halls are fully supplied; keep records and prepare reports;
2. Plan large-quantity wholesome, well-balanced meals; ensure proper cooking times, approve weekly menus and may serve food portions at mealtimes;
3. Direct and assist in cleaning the kitchen, equipment and food storage facilities; maintain safety and sanitation including daily garbage disposal; may sweep and mop floors;
4. Serve as the chief cook in charge of evaluating and training kitchen and dining room staff; and
5. Perform related duties as assigned.

Recreation:

1. Supervise the development and implementation of the recreational programs, and youth-related activities;
2. Supervise Camp Staff Leaders and Members in all recreation activities;
3. Interact with and serve as a role model for campers, and participate in campfire shows and athletic events; may officiate camp athletic events; assist with tournaments for all ages; supervise the maintenance of all athletic fields and surrounding areas, including monitoring equipment and supply levels and ordering replacement equipment and supplies;
4. Establish and maintain day and evening programs for campers;
5. Supervise staff responsible for the swim areas and recreational swimming programs and facilities; and
6. Perform related duties as assigned.

## **KNOWLEDGE AND ABILITIES:**

Note: The level and scope of the knowledge, skills and abilities listed below are related to job duties as defined under Class Characteristics. Some positions may require unique knowledges, skills and abilities essential to the successful performance of that position.

Knowledge of:

1. Techniques of supervision including planning, assigning and monitoring work and in evaluation of assigned staff;
2. Principles and methods of food preparation and cooking in large quantities; kitchen sanitation and methods of care and cleaning of kitchen equipment; and basic safety procedures as applied to food preparation and cooking;
3. Basic business arithmetic and record keeping procedures; bookkeeping, retail and cash handling methods and procedures;

4. Computer applications and software used to track camp usage with standard desktop applications such as Microsoft Word, Microsoft Excel, camp tracking databases, and related software programs and systems; and

5. Safe work methods and safety regulations pertaining to the work.

Skill in and ability to:

1. Supervise, plan, direct and review the work of a support staff;
2. Prepare clear, concise and complete reports and other written materials, and maintain accurate records and files;
3. Exercise sound independent judgment within established guidelines;
4. Prepare and cook large quantities of foods for varied meals; observe kitchen safety practices; maintain clean and sanitary kitchen utensils, equipment and cooking areas and clean safety practices; and plan ahead to ensure low costs of the food service program;
5. Establish and maintain effective working relationships with those contacted in the course of the work.
6. Communicate courteously and effectively with other camp staff members and relate well with campers in all age groups and the public;
7. Exercise good judgment;
8. Control small groups of children;
9. Drive camp vehicles; and
10. State and enforce camp rules.

## **MINIMUM QUALIFICATIONS:**

### MINIMUM QUALIFICATIONS

Completion of High School and two years of experience in 1) commercial, institutional, or related volume food preparation; or 2) supervising organized recreational or educational programs; or 3) an administrative, retail or cash-handling occupation. Familiarity with city recreational camp programs is desirable. Valid food handler's license is required for food service assignments.

Must be willing to begin work early in the morning and work a very flexible schedule. When driving on City (camp) business, maintenance of a valid California driver's license and satisfactory driving record is required. Some positions must be able to lift up to 50 lbs. Previous camp experience is desirable. Experience in large-scale food preparation as a cook is highly desirable for supervisory positions in the camp kitchen.

California Public Resources Code Section 5164 prohibits the hiring of a person for employment at a park or recreational facility in a position having supervisory or disciplinary authority over any minor if the person has been convicted of certain criminal offenses. California Education Code Section 10911.5 requires that all public recreation program employers must fingerprint all persons having direct contact with a minor. The City does not

hire persons who have been convicted of felony drug, sexual assault or physical assault crimes.

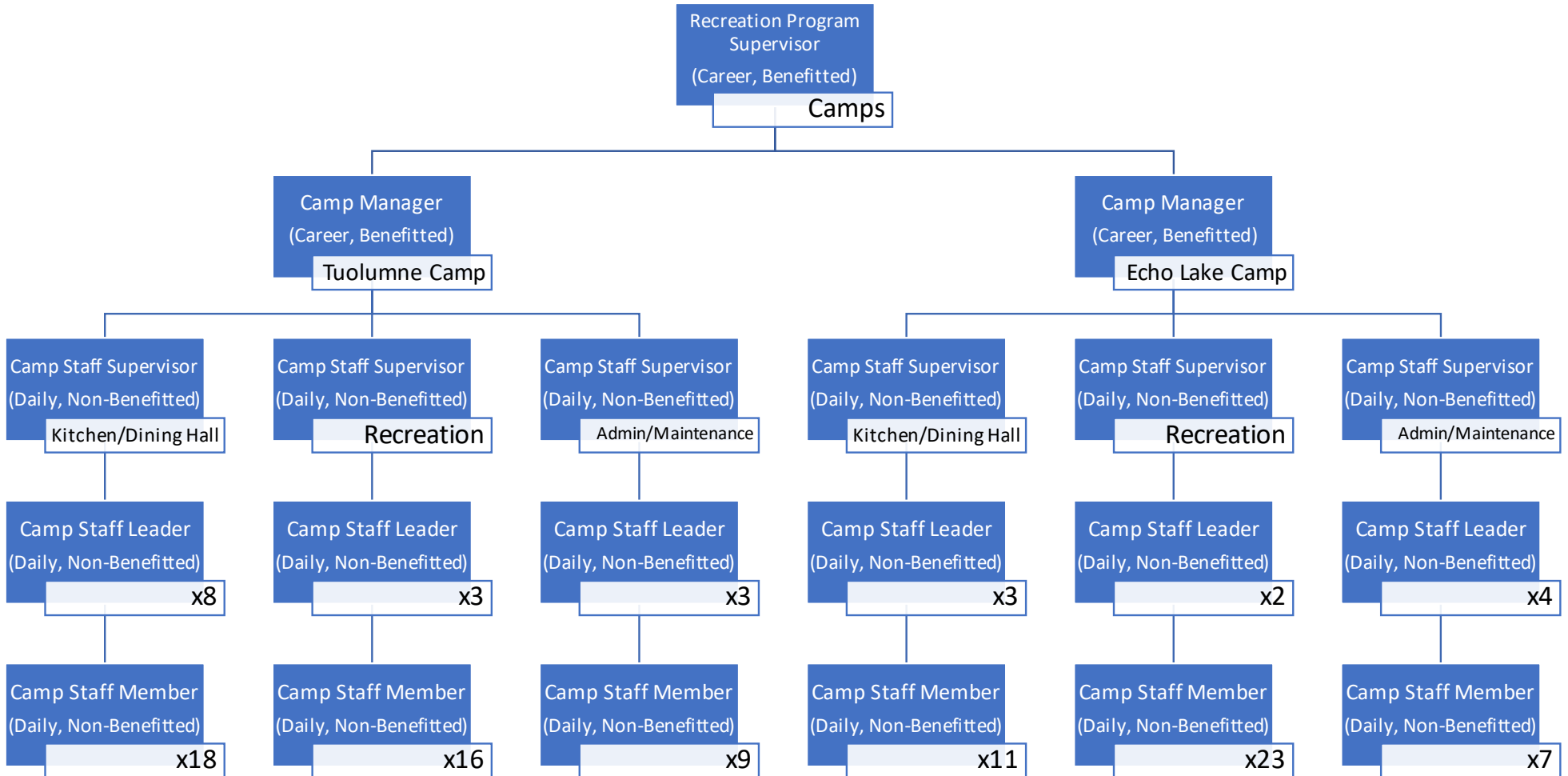


City of Berkeley

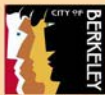
Parks, Recreation & Waterfront Department

Recreation Division

## CAMPS PROGRAM ORGANIZATION CHART







# Berkeley Echo Lake Camp Summer 2023



## Now Hiring!

Berkeley Echo Lake Camp is looking for applicants (16+) from a range of social, ethnic, and racial backgrounds where your skills, culture, and presence are essential in creating a valuable and equitable camp experience



See yourself at camp. Find yourself at camp.





# Echo Lake Camp

Page 24 of 26

NOW ACCEPTING APPLICANTS FOR FOOD SERVICE,  
RECREATION, ADMINISTRATION, MEDICAL STAFF, AND CABIN  
COUNSELORS (18+)



## Benefits Include...

- A diverse and equitable working and living environment committed to ensuring that camp looks and feels inclusive
- Save Money
  - Room and Board included
  - Delicious food provided all summer
  - Bank what you make
- Long lasting friendships, networks, and community
- Developing job and communication skills
- On the job training - no previous camp experience necessary
- Give back to your community
- Grow Independence



## Contact us!

recreation@cityofberkeley.info  
(510)981-5140

Page 106

Apply  
Now!



# Berkeley Tuolumne Camp

Page 25 of 26  
Summer 2023



## Now Hiring!

Berkeley Tuolumne Camp is looking for applicants (16+) from a range of social, ethnic, and racial backgrounds where your skills, culture, talents, and presence are essential in creating a valuable and equitable camp experience.

Page 107

See yourself at camp. Find yourself at camp.





# Tuolumne Camp

Now accepting applicants for recreation, food service, administration, and medical staff positions.

## Benefits Include:

- A diverse and equitable working and living environment committed to ensuring that camp looks and feels inclusive
- Save money
  - Room and Board included
  - Delicious food provided all summer
  - Bank what you make
- Long lasting friendships, networks, and community
- Developing job skills
- On the job training - no prior camp experience necessary
- Give back to your community
- Grow Independence



|  |                                                                                    |
|--|------------------------------------------------------------------------------------|
|  | Contact Us!                                                                        |
|  | <a href="mailto:recreation@cityofberkeley.info">recreation@cityofberkeley.info</a> |
|  | (510)981-5140                                                                      |
|  |                                                                                    |

Apply Here!





Office of the City Manager

CONSENT CALENDAR  
February 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Department of Public Works  
 Subject: Final Map of Tract 8573: 2628 Shattuck Avenue

RECOMMENDATION

Adopt a Resolution approving the final map of Tract Map 8573 for an 81-unit condominium project consisting of 78 residential units and 3 commercial units at 2628 Shattuck Avenue.

FISCAL IMPACTS OF RECOMMENDATION

There is no cost to the City. The applicant paid the appropriate fees with the submission of their tract map application.

CURRENT SITUATION AND ITS EFFECTS

The Planning Commission approved the tentative map on January 6, 2021, and that map is valid for 24 months from the approval date. Prior to the sale of any condominium units, state law and City Ordinances require the owner to submit a final map to City Council for approval. The owner duly submitted a final map for this project within the required 24-month timeframe and is now seeking Council approval.

BACKGROUND

On January 6, 2021, the Planning Commission voted to approve the application of K&M South Berkeley LLC (owner of the 2628 Shattuck Avenue property) for an 81-unit condominium project as described above.

Section 21.20.100 of the Berkeley Municipal Code requires City Council approval of all final map subdivisions. In addition, pursuant to Section 66474.1 of Division 2 of the Government Code, a legislative body must approve such a final map if it finds it to be in substantial compliance with the approved tentative map.

All conditions of approval have been completed to the satisfaction of the Public Works Department and the Planning and Development Department. Engineering Division staff have examined the final map, and determined it to be in substantial compliance with the approved tentative map.

The final map is meant to provide a record of the underlying property survey, and does not constitute approval of a proposed or existing structure upon the property. Separate action is required for this approval, which has been obtained by virtue of use permits and buildings permits.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This project complies with the California Green Building Standards Code (CALGreen). CALGreen is California's green building code to improve public health, safety, and general welfare through enhanced design and construction of buildings utilizing concepts which promote a positive environmental impact and sustainable construction practices. In addition, the site utilizes flow-through planters and media filter to treat stormwater as required by section C.3 of the Municipal Regional Stormwater NPDES (National Pollutant Discharge Elimination System) permit.

RATIONALE FOR RECOMMENDATION

Pursuant to Section 66474.1 of Division 2 of the Government Code, the City Council must approve the final map if it finds it to be in substantial compliance with the approved tentative map. Staff has reviewed the map and finds it to be in substantial compliance with the tentative map.

ALTERNATIVE ACTIONS CONSIDERED

No other alternative course of action is recommended.

CONTACT PERSON

Joseph Enke, Manager of Engineering, Engineering Division (510) 981-6411  
Ron Nevels, Supervising Civil Engineer, Engineering Division (510) 981-6439  
Vincent Chen, Associate Civil Engineer, Engineering Division (510) 981-6409

Attachment:

1: Resolution

Exhibit A: Tract Map 8573

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

FINAL MAP OF TRACT 8573: 2628 SHATTUCK AVENUE, BERKELEY

WHEREAS, the Zoning Adjustments Board approved Use Permit No. ZP2018-0050 on January 24, 2019 to construct a six-story mixed-use building with 78 dwelling units and 3 commercial units; and

WHEREAS, the Berkeley Planning Commission has determined that the tentative map of Tract 8573 conforms to the requirements of the City's subdivision Ordinance, and the California Subdivision Map Act, and approved the tentative map of Tract 8573 on January 6, 2021; and

WHEREAS, the Public Works Department and the Planning and Development Department have certified that the final map of Tract 8573 substantially conforms to the conditionally approved tentative map, as required by the California Subdivision Map Act.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the final map of Tract 8573 (Exhibit A) for an 81-unit condominium project consisting of 78 residential units and 3 commercial units at 2628 Shattuck Avenue, Berkeley, is hereby approved.

# Exhibit A: Tract Map 8573

## OWNER'S STATEMENT

THE UNDERSIGNED HEREBY STATES THAT IT IS THE OWNER OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES OF THE HEREON EMBODIED TRACT MAP ENTITLED "TRACT MAP NO. 8573, CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA"; THAT SAID OWNERS ACQUIRED TITLE TO SAID LAND BY VIRTUE OF GRANT DEED RECORDED DECEMBER 29, 2017 UNDER SERIES NO. 2017-287206, IN THE OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA; THAT IT CONSENTS TO THE PREPARATION AND FILING OF THIS TRACT MAP.

K&M SOUTH BERKELEY, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS MANAGER

BY: \_\_\_\_\_  
NAME: MORGAN READ  
TITLE: MEMBER

## OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA} S.S.

COUNTY OF \_\_\_\_\_}

ON \_\_\_\_\_, 2022, BEFORE ME \_\_\_\_\_, A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON(S) OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: \_\_\_\_\_

NAME (PRINTED), NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE.

PRINCIPAL COUNTY OF BUSINESS: \_\_\_\_\_

COMMISSION EXPIRES: \_\_\_\_\_

COMMISSION # OF NOTARY: \_\_\_\_\_

## BENEFICIARY'S STATEMENT

THE UNDERSIGNED, CONNECTICUT GENERAL LIFE INSURANCE COMPANY, A CONNECTICUT CORPORATION, BENEFICIARY UNDER DEED OF TRUST RECORDED OCTOBER 28, 2021 AS DOCUMENT NO. 2021-356457, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, CONSENTS TO THE PREPARATION AND FILING OF THE MAP AND JOINS IN ALL OFFERS OF DEDICATION THEREON.

BENEFICIARY: CONNECTICUT GENERAL LIFE INSURANCE COMPANY, A CONNECTICUT CORPORATION

\_\_\_\_\_  
AUTHORIZED AGENT DATE

## BENEFICIARY'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA} S.S.

COUNTY OF \_\_\_\_\_}

ON \_\_\_\_\_, 2022, BEFORE ME \_\_\_\_\_, A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON(S) OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: \_\_\_\_\_

NAME (PRINTED), NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE.

PRINCIPAL COUNTY OF BUSINESS: \_\_\_\_\_

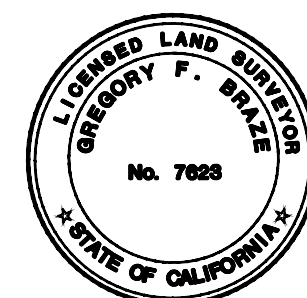
COMMISSION EXPIRES: \_\_\_\_\_

COMMISSION # OF NOTARY: \_\_\_\_\_

## SURVEYOR'S STATEMENT

I, GREG BRAZE STATE THAT THIS MAP THIS WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF K&M SOUTH BERKELEY, LLC IN OCTOBER 2020. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. I HEREBY STATE THAT THIS TRACT MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY

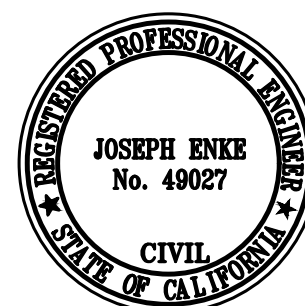
\_\_\_\_\_  
GREGORY F. BRAZE DATE  
LS 7623



## CITY ENGINEER'S STATEMENT

I HAVE EXAMINED THIS MAP AND THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARS ON THE TENTATIVE MAP (IF ANY) AND ANY APPROVED ALTERATIONS THEREOF. THIS MAP CONFORMS TO THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES. I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

\_\_\_\_\_  
NAME: JOSEPH ENKE  
R.C.E. 49027, P.L.S. 7169  
CITY ENGINEER  
CITY OF BERKELEY



## CLERK OF THE BOARD OF SUPERVISOR'S STATEMENT

I, \_\_\_\_\_, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT CERTIFICATES HAVE BEEN FILED AND DEPOSITS HAVE BEEN MADE IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 66492 AND 66493 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

BY: \_\_\_\_\_  
DEPUTY: \_\_\_\_\_ DATE

\_\_\_\_\_  
CLERK OF THE BOARD OF SUPERVISORS, COUNTY OF ALAMEDA

## COUNTY RECORDER'S STATEMENT

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, AT \_\_\_\_\_ M.

IN BOOK \_\_\_\_\_ OF MAPS AT PAGE \_\_\_\_\_,

AT THE REQUEST OF GREGORY F. BRAZE

FILE NO. \_\_\_\_\_ FEE \_\_\_\_\_

MELISSA WILK, COUNTY RECORDER OF ALAMEDA, STATE OF CALIFORNIA

BY: \_\_\_\_\_  
DEPUTY COUNTY RECORDER

## CITY CLERK'S STATEMENT

I MARK NUMAINVILLE, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT THE HEREIN EMBODIED MAP ENTITLED "TRACT MAP NO. 8573, CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA" WAS PRESENTED TO THE COUNCIL OF THE CITY OF BERKELEY AT A MEETING THEREOF, HELD ON \_\_\_\_\_, THAT SAID COUNCIL, BY

RESOLUTION NUMBER \_\_\_\_\_, DID APPROVE SAID MAP;

THAT SAID COUNCIL FINDS THAT THE ZONING OF THIS PROPERTY PERMITS THIS USE, AND THE SALE OF INDIVIDUAL UNITS WILL BE PERMITTED.

\_\_\_\_\_  
MARK NUMAINVILLE, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF BERKELEY

## TRACT#8573

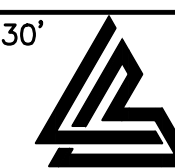
A ONE LOT SUBDIVISION FOR RESIDENTIAL AND COMMERCIAL CONDOMINIUM PURPOSES

ALL THAT PORTION OF LAND AS DESCRIBED IN THAT CERTAIN DEED FILED FOR RECORD AUGUST 20, 2019 AS SERIAL NO. 2019-162081, RECORDS OF ALAMEDA COUNTY, CALIFORNIA.

CITY OF BERKELEY ALAMEDA COUNTY CALIFORNIA

SCALE: 1"=30'

APRIL 2022



LEA & BRAZE ENGINEERING, INC.

CIVIL ENGINEERS • LAND SURVEYORS

2495 INDUSTRIAL PARKWAY WEST  
HAYWARD, CALIFORNIA 94545  
(510) 887-4086  
FAX (510) 887-3019  
WWW.LEABRAZE.COM

JOB NO. 2181153

SHEET 1 OF 2



**SURVEYOR'S NOTE**

IT IS UNCLER ON THE UNDERLYING MAP (15 MAPS 10) IF THE CURVILINEAR FRONTAGES OF SHATTUCK AVENUE, HOLD A COMMON RADIUS DUE TO LACK OF CURVE INFORMATION, THIS MAP ESTABLISHED A COMMON RADIUS HOLDING THE SIDELINES OF LOT 15, BLOCK 14, 10 MAPS 15.

**EASEMENT NOTE**

A BLANKET NONEXCLUSIVE GRANT OF EASEMENT TO COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC RECORDED APRIL 8, 2022 AS DOCUMENT NO. 2021-141385, OFFICIAL RECORDS OF ALAMEDA COUNTY, IS NOT PLOTTED HEREON.

**BASIS OF BEARINGS**

THE BEARING OF N80°57'00"E BETWEEN FOUND MONUMENTS ALONG THE OFFSET LINE ALONG CARLETON STREET AS SHOWN ON THAT CERTAIN MAP PARCEL MAP FILED IN BOOK 215 OF PARCEL MAPS, AT PAGES 95-96, ALAMEDA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

**BENCHMARK**

CITY OF BERKELEY BENCHMARK BENCHMARK MONUMENT B0275  
1/4" BRASS PIN IN MONUMENT WELL  
ELEVATION = 155.12'  
(CITY OF BERKELEY DATUM)

**SITE-BENCHMARK**

SURVEY CONTROL POINT  
MAG AND SHINER SET IN ASPHALT  
ELEVATION = 153.11'  
(CITY OF BERKELEY DATUM)

**NOTES**

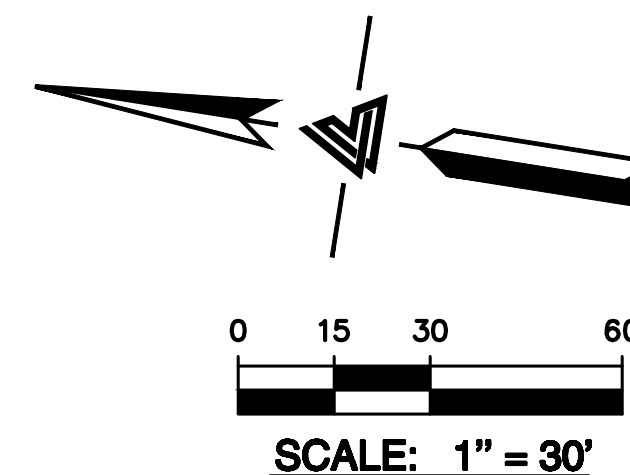
ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS OF A FOOT.

**REFERENCES**

- ① TRACT MAP 15 MAPS 10
- ② PARCEL MAP 215 PM 96
- ③ CORNER RECORD #9266

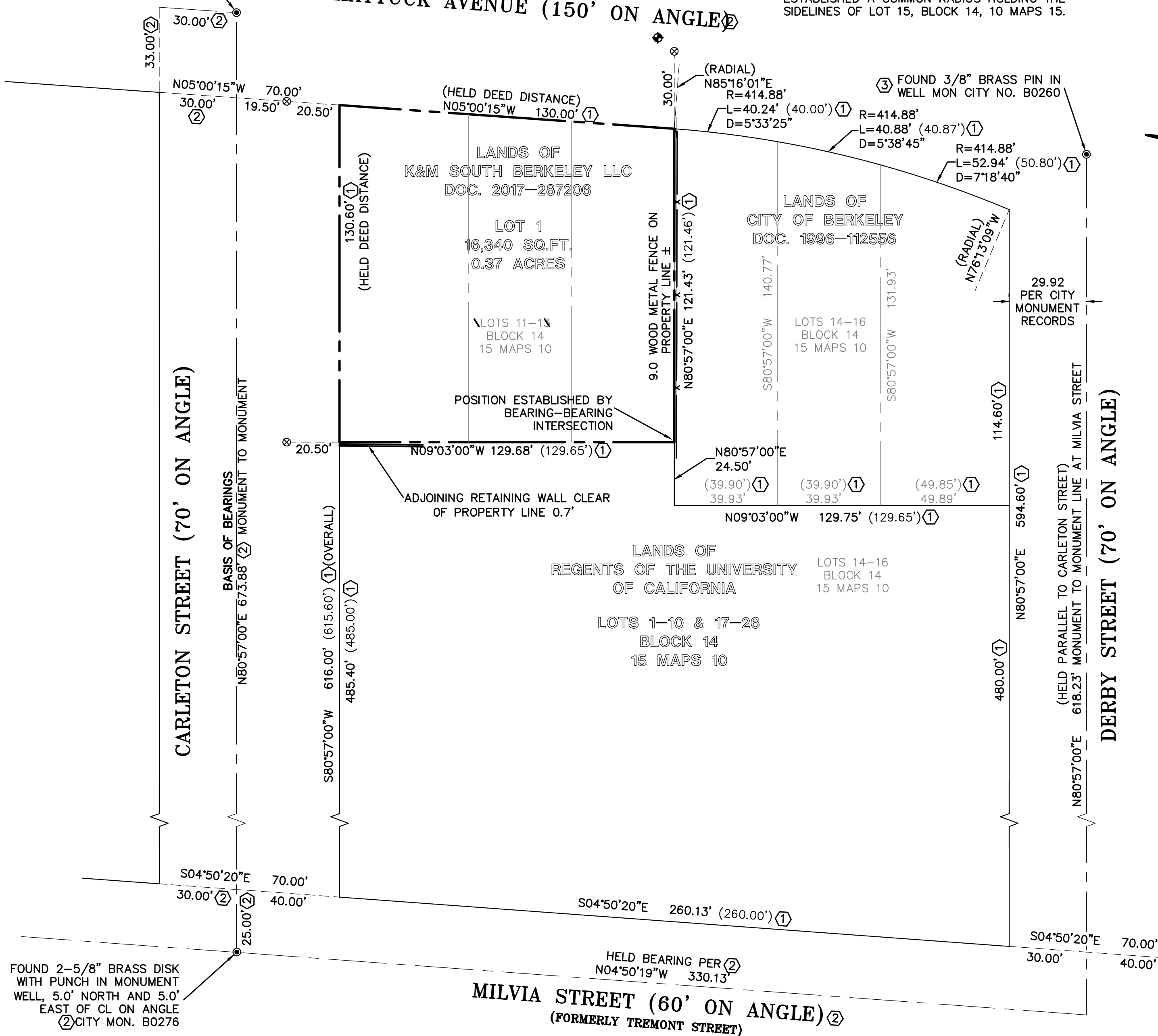
**LEGEND**

- FOUND MONUMENT AS NOTED
- ⊗ SET NAIL AND BRASS TAG IN TOP OF CURB, LS 7623
- ( ) INDICATES RECORD DATA
- BOUNDARY LINE
- PROPERTY LINE
- - - MONUMENT LINE
- - - TIE LINE



FOUND 1/4" BRASS PIN IN WELL MON CITY NO. B0275  
5.0' NORTH AND 42.0' WEST  
② OF CL ON ANGLE

③ FOUND 3/8" BRASS PIN IN WELL MON CITY NO. B0260



MILVIA STREET (60' ON ANGLE) ②  
(FORMERLY TREMONT STREET)

**TRACT#8573**  
A ONE LOT SUBDIVISION FOR RESIDENTIAL AND COMMERCIAL CONDOMINIUM PURPOSES  
ALL THAT PORTION OF LAND AS DESCRIBED IN THAT CERTAIN DEED FILED FOR RECORD AUGUST 20, 2019 AS SERIAL NO. 2019-162081, RECORDS OF ALAMEDA COUNTY, CALIFORNIA.

CITY OF BERKELEY      ALAMEDA COUNTY      CALIFORNIA  
SCALE: 1"=30'      APRIL 2022

**LEA & BRAZE ENGINEERING, INC.**  
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2495 INDUSTRIAL PARKWAY WEST  
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FAX (510) 887-3019  
WWW.LEABRAZE.COM





Office of the City Manager

CONSENT CALENDAR  
February 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Department of Public Works  
 Subject: Final Map of Tract 8626: 2023-2025 Kala Bagai Way

RECOMMENDATION

Adopt a Resolution approving the final map of Tract Map 8626 for a 49-unit condominium project consisting of 48 residential units and one commercial unit at 2023-2025 Kala Bagai Way.

FISCAL IMPACTS OF RECOMMENDATION

There is no cost to the City. The applicant paid the appropriate fees with the submission of their tract map application.

CURRENT SITUATION AND ITS EFFECTS

The Planning Commission approved the tentative map on January 19, 2022, and that map is valid for 24 months from the approval date. Prior to the sale of any condominium units, state law and City Ordinances require the owner to submit a final map to City Council for approval. The owner duly submitted a final map for this project within the required 24-month timeframe, and is now seeking Council approval.

BACKGROUND

On January 19, 2022, the Planning Commission voted to approve the application of Mevlararumi LLC (owner of the 2023-2025 Kala Bagai Way property) for a 49-unit condominium project as described above.

Section 21.20.100 of the Berkeley Municipal Code requires City Council approval of all final map subdivisions. In addition, pursuant to Section 66474.1 of Division 2 of the Government Code, a legislative body must approve such a final map if it finds it to be in substantial compliance with the approved tentative map.

All conditions of approval have been completed to the satisfaction of the Public Works Department and the Planning and Development Department. Engineering Division staff have examined the final map, and determined it to be in substantial compliance with the approved tentative map.

The final map is meant to provide a record of the underlying property survey, and does not constitute approval of a proposed or existing structure upon the property. Separate action is required for this approval, which has been obtained by virtue of use permits and buildings permits.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This project complies with the California Green Building Standards Code (CALGreen). CALGreen is California's green building code to improve public health, safety, and general welfare through enhanced design and construction of buildings utilizing concepts which promote a positive environmental impact and sustainable construction practices. In addition, the site directs roof runoff onto vegetated areas as recommended for a project of this size by section C.3i of the Municipal Regional Stormwater NPDES (National Pollutant Discharge Elimination System) permit.

RATIONALE FOR RECOMMENDATION

Pursuant to Section 66474.1 of Division 2 of the Government Code, the City Council must approve the final map if it finds it to be in substantial compliance with the approved tentative map. Staff has reviewed the map and finds it to be in substantial compliance with the tentative map.

ALTERNATIVE ACTIONS CONSIDERED

No other alternative course of action is recommended.

CONTACT PERSON

Joseph Enke, Manager of Engineering, Engineering Division (510) 981-6411  
Ron Nevels, Supervising Civil Engineer, Engineering Division (510) 981-6439  
Vincent Chen, Associate Civil Engineer, Engineering Division (510) 981-6409

Attachment:

1: Resolution

Exhibit A: Tract Map 8626

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

FINAL MAP OF TRACT 8626: 2023-2025 KALA BAGAI WAY, BERKELEY

WHEREAS, the Zoning Adjustments Board approved Use Permit No. ZP2019-0041 on July 13, 2020 to construct a seven-story mixed-use building with 48 residential units (including 4 units available to very-low-income households) and one ground floor commercial unit; and

WHEREAS, the Berkeley Planning Commission has determined that the tentative map of Tract 8626 conforms to the requirements of the City's subdivision Ordinance, and the California Subdivision Map Act, and approved the tentative map of Tract 8626 on January 19, 2022; and

WHEREAS, State law governs the percentage and pricing of affordable units for rental and for-sale projects that take advantage of Density Bonus (Government Code section 65915 et seq.), which differs and overlaps with local inclusionary housing requirements, and the project will remain subject to all applicable local and State provisions during the rental phase and during the for-sale phase of the development; and

WHEREAS, the Public Works Department and the Planning and Development Department have certified that the final map of Tract 8626 substantially conforms to the conditionally approved tentative map, as required by the California Subdivision Map Act.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the final map of Tract 8626 for a 49-unit condominium project consisting of 48 residential units and one commercial unit at 2023-2025 Kala Bagai Way, Berkeley, is hereby approved.

OWNER'S STATEMENT

THE UNDERSIGNED HEREBY STATES THAT MEVLARARUMI, LLC IS THE OWNER OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES ON THE HEREIN EMBODIED MAP ENTITLED TRACT MAP 8626, BERKELEY, ALAMEDA COUNTY, CALIFORNIA; THAT SAID OWNER ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THE DEED RECORDED NOVEMBER 20, 2018 UNDER SERIES NO. 2018-222223, RECORDS OF ALAMEDA COUNTY, CALIFORNIA, THAT SAID OWNER CONSENTS TO THE PREPARATION OF AND FILING OF THIS MAP.

MEVLANARUMI LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

YOLA OZTURK, MANAGER

BORA OZTURK, MANAGER

OWNER'S ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF ALAMEDA

ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_

A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED YOLA OZTURK AND BORA OZTURK, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITIES, AND THAT BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS, OR THE ENTITY UPON BEHALF OF WHICH THE PERSONS ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

SIGNATURE OF NOTARY PUBLIC: \_\_\_\_\_

PRINTED NAME OF NOTARY: \_\_\_\_\_

PRINCIPAL PLACE OF BUSINESS: \_\_\_\_\_

COMMISSION EXPIRES: \_\_\_\_\_

COMMISSION NUMBER: \_\_\_\_\_

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF OLIVER DAVIS IN AUGUST OF 2021. I HEREBY STATE THAT THIS MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY. I HEREBY STATE THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET BEFORE JUNE 30, 2023, AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

PRELIMINARY

JAMES S. MORAN, LS 7881

DATE: \_\_\_\_\_

CITY ENGINEER'S STATEMENT

I HAVE EXAMINED THIS MAP AND THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARS ON THE TENTATIVE MAP (IF ANY) AND APPROVED ALTERATIONS THEREOF. THIS MAP CONFORMS TO THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES. I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

JOSEPH ENKE, R.C.E. 49027, P.L.S. 7169  
CITY ENGINEER  
CITY OF BERKELEY

DATED: \_\_\_\_\_

TRACT MAP

BENEFICIARY'S STATEMENT

THE UNDERSIGNED, AS BENEFICIARY OF THE DEED OF TRUST RECORDED NOVEMBER 19, 2021, UNDER SERIES NUMBER 2021-376809, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, DOES HEREBY JOIN IN AND CONSENT TO THE EXECUTION OF THE FOREGOING OWNER'S STATEMENT AND TO THE PREPARATION AND FILING OF THIS MAP AND ALL DEEDINGS AND DEDICATIONS THEREON.

BANK OF MARIN

NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_

NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_

BENEFICIARY'S ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_

A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY(IES) UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:  
(SIGNATURE OF NOTARY PUBLIC): \_\_\_\_\_

PRINTED NAME OF NOTARY: \_\_\_\_\_

PRINCIPAL PLACE OF BUSINESS: \_\_\_\_\_

COMMISSION EXPIRES: \_\_\_\_\_

CITY CLERK'S STATEMENT

I, MARK NUMAINVILLE, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT THE HEREIN EMBODIED MAP ENTITLED TRACT MAP 8626, BERKELEY, ALAMEDA COUNTY, CALIFORNIA WAS PRESENTED TO THE COUNCIL OF THE CITY OF BERKELEY AT A MEETING THEREOF, HELD ON \_\_\_\_\_; THAT SAID COUNCIL, BY RESOLUTION NUMBER \_\_\_\_\_, DID APPROVE SAID MAP:

THAT SAID COUNCIL FINDS THAT THE ZONING OF THIS PROPERTY PERMITS THIS USE AND THE SALE OF INDIVIDUAL UNITS WILL BE PERMITTED.

DATE: \_\_\_\_\_

MARK NUMAINVILLE, CITY CLERK AND  
CLERK OF THE COUNCIL OF THE CITY OF BERKELEY

CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I, ANIKA CAMPBELL-BELTON, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT CERTIFICATES HAVE BEEN FILED AND DEPOSITS HAVE BEEN MADE IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 66492 AND 66493 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

DATE: \_\_\_\_\_

ANIKA CAMPBELL-BELTON  
CLERK OF THE BOARD OF SUPERVISORS,  
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BY: \_\_\_\_\_  
DEPUTY COUNTY CLERK

RECORDER'S STATEMENT

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, AT \_\_\_\_\_ M. IN BOOK \_\_\_\_\_ OF MAPS, PAGES \_\_\_\_\_, AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY.

FEE: \_\_\_\_\_ INSTRUMENT NO.: \_\_\_\_\_

MELISSA WILK  
COUNTY RECORDER

BY: \_\_\_\_\_  
DEPUTY COUNTY RECORDER

OWNER/SUBDIVIDER:  
MEVLANARUMI, LLC  
c/o MARCH CAPITAL FUND  
2040 WEBSTER STREET  
SAN FRANCISCO, CA 94115

A ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES

A PORTION OF LOTS 24, 25 AND 26, TERMINAL TRACT (3 M 11)  
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA  
DECEMBER 2022

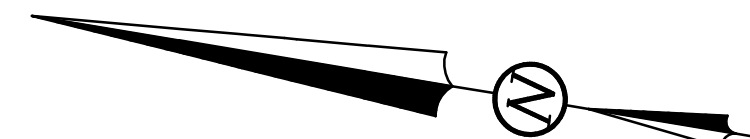
MORAN ENGINEERING, INC.

CIVIL ENGINEERS \ LAND SURVEYORS  
1930 SHATTUCK AVENUE, SUITE A  
BERKELEY, CALIFORNIA 94704  
(510) 848-1930

F.B. 1705, 1844, 1845 KALA BAGAI-TM.DWG JOB NO. 21-10094

T.M. 8626

# TRACT MAP



APN 057-2034-004  
APN 057-2034-005

21  
22  
23  
D6  
D6  
D6  
N09°30'00"W  
5.00'  
3.0'  
20.75'  
53.75'

- LEGEND**
- FOUND CITY MONUMENT IN STANDARD WELL AS NOTED
  - ⊕ FOUND CHISELED CROSS (NRM), AS NOTED
  - ⊗ SET 3/4" BRASS TAG AND RIVET, LS 7881
  - ( ) RECORDING REFERENCE
  - [ ] RECORD DATA AS NOTED
  - PARCEL MAP BOUNDARY
  - EXISTING PARCELS/RIGHT OF WAY LINES
  - ORIGINAL LOT LINES
  - EASEMENT LINES
  - MONUMENT LINES
  - MONUMENT/BOUNDARY TIE LINES
  - PROPOSED BUILDING LINES

**BASIS OF BEARINGS:**  
THE BEARING OF NORTH 80°28'20" EAST BETWEEN THE MONUMENTS FOUND IN ADDISON STREET AT SHATTUCK AVENUE 'WEST' AND MILVIA STREET AS SAID MONUMENTS ARE SHOWN ON PARCEL MAP 9880 (322 PM 27-30) WAS ROTATED TO NORTH 80°36'15" EAST TO UTILIZE THE COMMONLY HELD RECORD BEARINGS IN THE VICINITY OF THIS BLOCK.

- REFERENCES:**
- R1 TERMINAL TRACT (3 M 11)
  - R2 PLAT OF TERMINAL PLACE OPENING, COB RECORD 24251
  - R3 SURVEY 268, COB RECORD 0267\_0268
  - R4 COB MONUMENT CARD 80800
  - R5 PARCEL MAP 9880 (322 PM 27-30)
  - R6 COB SURVEY RECORD 97707
- DEEDS:**
- D1 (2018-222223)
  - D2 (7679 OR 192/AK-59567)
  - D3 (2015-284683)
  - D4 (1980-037061)
  - D5 (2016-335954)
  - D6 (2018-091475)

**BOUNDARY AND BLOCK SOLUTION NOTES:**

- THE CHISELED CROSS FOUND IN ADDISON STREET WAS HELD FOR THE EAST-WEST POSITION OF THE BLOCK.
- THE CHISELED CROSS FOUND IN KALA BAGAI WAY WAS HELD FOR THE NORTH-SOUTH POSITION OF THE BLOCK.
- THE RECORD FRONTAGE DISTANCES ALONG KALA BAGAI WAY PER (3 M 11) WERE HELD FOR THE WIDTH OF THE BLOCK.
- THE DIRECTION OF THE EASTERN RIGHT OF WAY OF KALA BAGAI WAY WAS HELD BETWEEN THE RECORD DISTANCE WESTERLY ALONG ADDISON STREET FROM SAID FOUND CROSS AND THE NORTHWEST BUILDING CORNER OF 2015 KALA BAGAI WAY.
- THE BEARINGS AND RIGHT ANGLE RELATIONSHIP BETWEEN ALL LINES EXCEPTING THE EASTERN RIGHT OF WAY OF KALA BAGAI WAY AND THE NON-ALIGNED SOUTHEAST BOUNDARY OF TERMINAL PLACE ARE THOSE SHOWN ON NUMEROUS SURVEYS ON FILE WITH THE CITY OF BERKELEY AND AS CALLED IN THE LEGAL DESCRIPTIONS OF NUMEROUS RECORDED DEEDS.
- THE POSITIONS OF THE EXISTING BUILDINGS ON THE BLOCK CORROBORATE THIS SOLUTION.

## A ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES

A PORTION OF LOTS 24, 25 AND 26  
TERMINAL TRACT (3 M 11)  
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA  
DECEMBER 2022 SCALE: 1" = 10'

### MORAN ENGINEERING, INC.

CIVIL ENGINEERS \ LAND SURVEYORS  
1930 SHATTUCK AVENUE, SUITE A  
BERKELEY, CALIFORNIA 94704  
(510) 848-1930  
F.B. 1705, 1844, 1845 KALA BAGAI-TM.DWG JOB NO. 21-10094

# T.M. 8626

APN 057-2034-008 SHEET 2 OF 2

UNIVERSITY AVENUE (100' WIDE ON ANGLE)

ADDISON STREET (60' WIDE)

TERMINAL PLACE (18' WIDE)

LOT 1  
AREA=3,662± SQ.FT.

PROPOSED BUILDING  
2025 KALA BAGAI WAY  
1 COMMERCIAL UNIT  
48 RESIDENTIAL UNITS

CA STATE EMPLOYEE  
CREDIT UNION  
(7679 OR 192/AK-595687)  
APN 057-2034-007

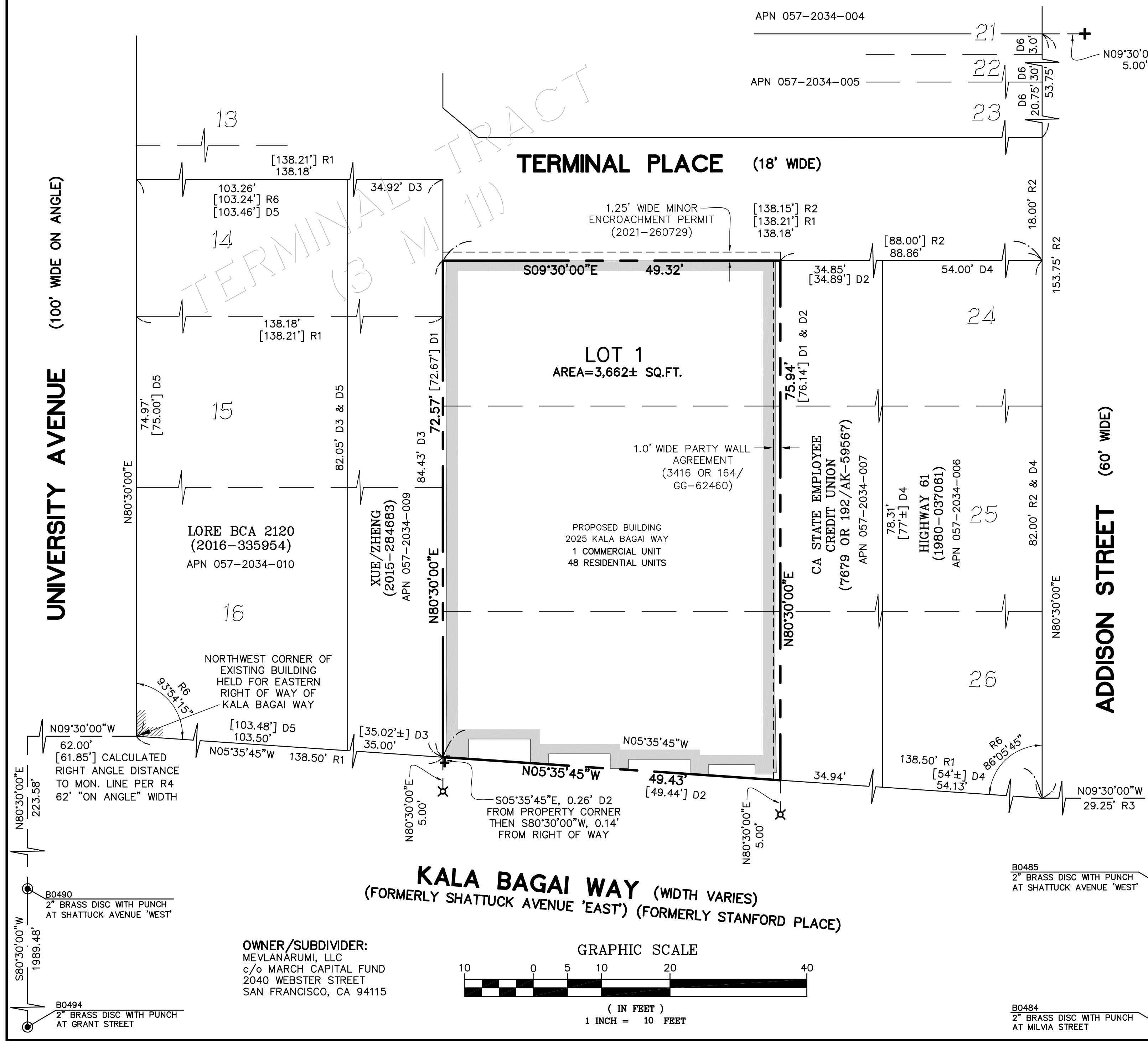
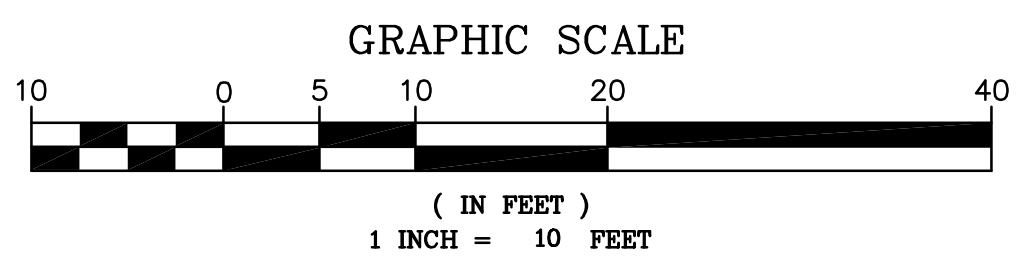
LORE BCA 2120  
(2016-335954)  
APN 057-2034-010

XUE/ZHENG  
(2015-284683)  
APN 057-2034-009

NORTHWEST CORNER OF  
EXISTING BUILDING  
HELD FOR EASTERN  
RIGHT OF WAY OF  
KALA BAGAI WAY

KALA BAGAI WAY (WIDTH VARIES)  
(FORMERLY SHATTUCK AVENUE 'EAST') (FORMERLY STANFORD PLACE)

**OWNER/SUBDIVIDER:**  
MEVLANARUMI, LLC  
c/o MARCH CAPITAL FUND  
2040 WEBSTER STREET  
SAN FRANCISCO, CA 94115









Office of the City Manager

CONSENT CALENDAR  
February 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Department of Public Works  
 Subject: Final Map of Tract 8490: 739 Channing Way

RECOMMENDATION

Adopt a Resolution approving the final map of Tract Map 8490 for a 15-unit condominium project consisting of 10 residential units, 4 live/work units, and one commercial unit and to merge 2 existing parcels at 739 Channing Way.

FISCAL IMPACTS OF RECOMMENDATION

There is no cost to the City. The applicant paid the appropriate fees with submission of their tract map application.

CURRENT SITUATION AND ITS EFFECTS

The Planning Commission approved the tentative map on September 4, 2019, and that map is valid for 24 months from the approval date. In addition, Assembly Bill 1561 grants an 18-month time extension to housing entitlements, including qualifying tentative maps. The tentative map for this project qualifies for the extension under Assembly Bill 1561. Prior to the sale of any condominium units, state law and City Ordinances require the owner to submit a final map to City Council for approval. The owner duly submitted a final map for this project within the required timeframe, and is now seeking Council approval.

BACKGROUND

On September 4, 2019, the Planning Commission voted to approve the application of East Bay Channing Way, LLC (owner of the 739 Channing Way property) for a 15-unit condominium project as described above.

Section 21.20.100 of the Berkeley Municipal Code requires City Council approval of all final map subdivisions. In addition, pursuant to Section 66474.1 of Division 2 of the Government Code, a legislative body must approve such a final map if it finds it to be in substantial compliance with the approved tentative map.

All conditions of approval have been completed to the satisfaction of the Public Works Department and the Planning and Development Department including the requirement

for a parcel merger which is accomplished by the recording of this tract map. Engineering Division staff have examined the final map, and determined it to be in substantial compliance with the approved tentative map.

The final map is meant to provide a record of the underlying property survey, and does not constitute approval of a proposed or existing structure upon the property. Separate action is required for this approval, which has been obtained by virtue of use permits and buildings permits.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This project complies with the California Green Building Standards Code (CALGreen). CALGreen is California's green building code to improve public health, safety, and general welfare through enhanced design and construction of buildings utilizing concepts which promote a positive environmental impact and sustainable construction practices. In addition, the site utilizes permeable pavers in the uncovered parking lot as recommended by section C.3i of the Municipal Regional Stormwater NPDES (National Pollutant Discharge Elimination System) permit.

RATIONALE FOR RECOMMENDATION

Pursuant to Section 66474.1 of Division 2 of the Government Code, the City Council must approve the final map if it finds it to be in substantial compliance with the approved tentative map. Staff has reviewed the map and finds it to be in substantial compliance with the tentative map.

ALTERNATIVE ACTIONS CONSIDERED

No other alternative course of action is recommended.

CONTACT PERSON

Joseph Enke, Manager of Engineering, Engineering Division (510) 981-6411  
Ron Nevels, Supervising Civil Engineer, Engineering Division (510) 981-6439  
Vincent Chen, Associate Civil Engineer, Engineering Division (510) 981-6409

Attachment:

1: Resolution

Exhibit A: Tract Map 8490

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

FINAL MAP OF TRACT 8490: 739 CHANNING WAY, BERKELEY

WHEREAS, the Zoning Adjustments Board approved Use Permit No. ZP2017-0039 on October 26, 2017 to construct three detached, three-story mixed-use buildings with 10 residential units, 4 Arts and Crafts live/work units, one commercial office unit, and 16 off-street parking spaces on a vacant lot; and

WHEREAS, a parcel merger is required to construct this project such that no building straddles a property line; and

WHEREAS, the Berkeley Planning Commission has determined that the tentative map of Tract 8490 conforms to the requirements of the City's subdivision Ordinance, and the California Subdivision Map Act, and approved the tentative map of Tract 8490 on September 4, 2019; and

WHEREAS, the Public Works Department and the Planning and Development Department have certified that the final map of Tract 8490 substantially conforms to the conditionally approved tentative map, as required by the California Subdivision Map Act.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the final map of Tract 8490 for a 15-unit condominium project consisting of 10 residential units, 4 live/work units and one commercial unit and to merge 2 existing parcels at 739 Channing Way, Berkeley, is hereby approved.

Exhibit A: Tract Map 8490

# TRACT MAP

## OWNER'S STATEMENT

THE UNDERSIGNED HEREBY STATES THAT EAST BAY CHANNING WAY, LLC IS THE OWNER OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES ON THE HEREIN EMBODIED MAP ENTITLED TRACT MAP 8490, BERKELEY, ALAMEDA COUNTY, CALIFORNIA; THAT SAID OWNER ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THE DEED RECORDED FEBRUARY 13, 2008 UNDER SERIES NO. 2008-053768, RECORDS OF ALAMEDA COUNTY, CALIFORNIA, THAT SAID OWNER CONSENTS TO THE PREPARATION OF AND FILING OF THIS MAP.

EAST BAY CHANNING WAY, LLC

\_\_\_\_\_  
DENNIS CARLSTON, MANAGING MEMBER

## OWNER'S ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF ALAMEDA

ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_

A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED DENNIS CARLSTON, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

SIGNATURE OF NOTARY PUBLIC: \_\_\_\_\_

PRINTED NAME OF NOTARY: \_\_\_\_\_

PRINCIPAL PLACE OF BUSINESS: \_\_\_\_\_

COMMISSION EXPIRES: \_\_\_\_\_

## SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF DENNIS CARLSTON IN SEPTEMBER OF 2018. I HEREBY STATE THAT THIS MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY. I HEREBY STATE THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATE: \_\_\_\_\_ **PRELIMINARY**  
ROBERT J. BRUNEL, LS 4961

## CITY CLERK'S STATEMENT

I, MARK NUMAINVILLE, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT THE HEREIN EMBODIED MAP ENTITLED TRACT MAP 8490, BERKELEY, ALAMEDA COUNTY, CALIFORNIA WAS PRESENTED TO THE COUNCIL OF THE CITY OF BERKELEY AT A MEETING THEREOF, HELD ON \_\_\_\_\_; THAT SAID COUNCIL, BY RESOLUTION NUMBER \_\_\_\_\_, DID APPROVE SAID MAP:

THAT SAID COUNCIL FINDS THAT THE ZONING OF THIS PROPERTY PERMITS THIS USE AND THE SALE OF INDIVIDUAL UNITS WILL BE PERMITTED.

DATE: \_\_\_\_\_  
MARK NUMAINVILLE, CITY CLERK AND  
CLERK OF THE COUNCIL OF THE CITY OF BERKELEY

## CITY ENGINEER'S STATEMENT

I HAVE EXAMINED THIS MAP AND THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARS ON THE TENTATIVE MAP (IF ANY) AND APPROVED ALTERATIONS THEREOF. THIS MAP CONFORMS TO THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES. I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

\_\_\_\_\_  
JOSEPH ENKE, R.C.E. 49027, P.L.S. 7169  
CITY ENGINEER  
CITY OF BERKELEY

DATED: \_\_\_\_\_

## CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I, ANIKA CAMPBELL-BELTON, ASST. CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT CERTIFICATES HAVE BEEN FILED AND DEPOSITS HAVE BEEN MADE IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 66492 AND 66493 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

DATE: \_\_\_\_\_  
ANIKA CAMPBELL-BELTON  
ASST. CLERK OF THE BOARD OF SUPERVISORS,  
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BY: \_\_\_\_\_  
DEPUTY COUNTY CLERK

## RECORDER'S STATEMENT

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, AT \_\_\_\_\_ M. IN BOOK \_\_\_\_\_ OF MAPS, PAGES \_\_\_\_\_, AT THE REQUEST OF FIDELITY NATIONAL TITLE COMPANY.

FEE: \_\_\_\_\_ INSTRUMENT NO.: \_\_\_\_\_

MELISSA WILK  
COUNTY RECORDER

BY: \_\_\_\_\_  
DEPUTY COUNTY RECORDER

**OWNER/SUBDIVIDER:**  
EAST BAY CHANNING WAY, LLC  
739 CHANNING WAY  
BERKELEY, CA 94710

## A MERGER AND RESUBDIVISION FOR CONDOMINIUM PURPOSES

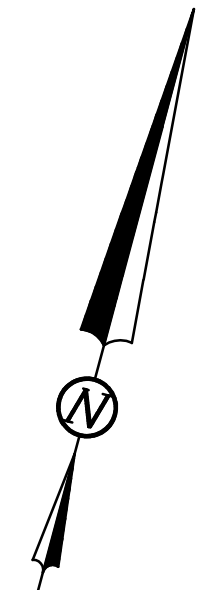
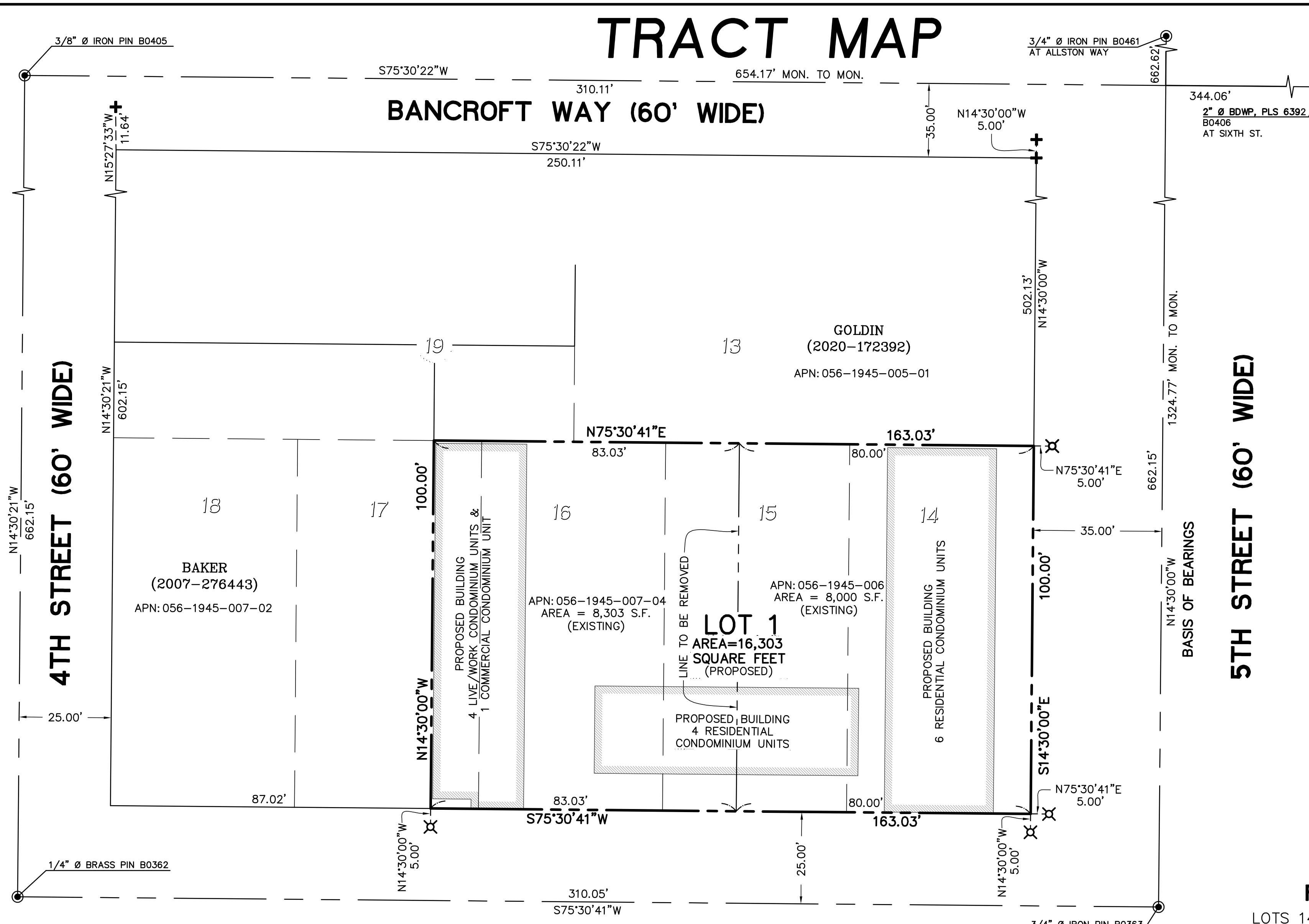
LOTS 14, 15 & 16 AND A PORTION OF LOT 17, BLOCK 127, "CORRECTED MAP OF THE RAYMOND TRACT" (10 M 12) CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA NOVEMBER 2022

## MORAN ENGINEERING, INC.

CIVIL ENGINEERS \ LAND SURVEYORS  
1930 SHATTUCK AVENUE, SUITE A  
BERKELEY, CALIFORNIA 94704  
(510) 848-1930

# T.M. 8490

# TRACT MAP



- LEGEND**
- FOUND CITY MONUMENT IN CASING, AS NOTED
  - ⊕ FOUND CROSS
  - ⊗ SET 3/4" BRASS TAG, LS 4961
  - BDWP BRASS DISC WITH PUNCH
  - TRACT MAP BOUNDARY
  - RIGHT OF WAY/EXISTING PARCEL LINES
  - ORIGINAL LOT LINES
  - PARCEL LINE TO BE REMOVED
  - MONUMENT LINES
  - MONUMENT TIE LINES

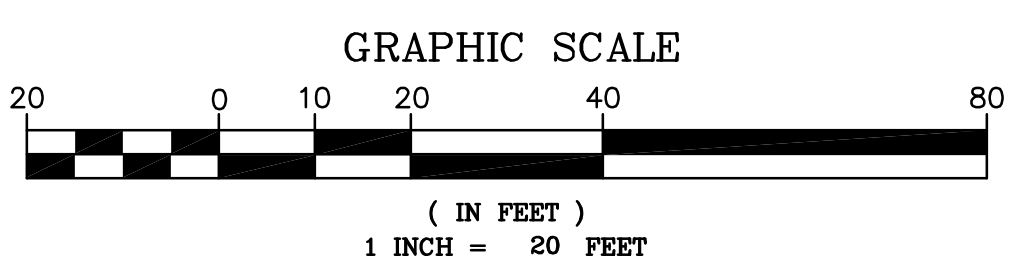
**A MERGER AND RESUBDIVISION FOR CONDOMINIUM PURPOSES OF**  
 LOTS 14, 15 & 16 AND A PORTION OF LOT 17, BLOCK 127,  
 "CORRECTED MAP OF THE RAYMOND TRACT" (10 M 12)  
 CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA  
 NOVEMBER 2022 SCALE: 1" = 20'

**MORAN ENGINEERING, INC.**

CIVIL ENGINEERS \ LAND SURVEYORS  
 1930 SHATTUCK AVENUE, SUITE A  
 BERKELEY, CALIFORNIA 94704  
 (510) 848-1930

**T.M. 8490**

**BASIS OF BEARINGS:**  
 A BEARING OF NORTH 14°30'00" WEST BETWEEN  
 THE MONUMENTS FOUND IN FIFTH STREET, AS  
 SHOWN ON "PARCEL MAP 6883" FILED IN BOOK 221  
 OF MAPS ON PAGE 99, ALAMEDA COUNTY RECORDS.



**OWNER/SUBDIVIDER:**  
 EAST BAY CHANNING WAY, LLC  
 739 CHANNING WAY  
 BERKELEY, CA 94710





Office of the City Attorney

CONSENT CALENDAR

February 28, 2023

To: Honorable Mayor and Members of the City Council

From: Farimah Brown, City Attorney  
Liam Garland, Director of Public Works

Submitted by: Sara Stephens, Deputy City Attorney  
Liam Garland, Director of Public Works

Subject: Bauman lease termination and settlement of balance due

RECOMMENDATION

Adopt a resolution authorizing the City Manager to execute a lease termination agreement with Bauman Wellness (“Bauman”) for its tenancy at 1007 University Ave., including a bill of sale transferring all of Bauman’s assets remaining in the leased premises to City ownership, and a mutual waiver of claims.

FISCAL IMPACTS OF RECOMMENDATION

Bauman owes the City \$180,428.92 in unpaid rent during its tenancy, which it is unable to pay. The lease termination provides that Bauman will make a one-time payment of \$19,000 to the City and transfer all of its trade fixtures and other personal property that would not already revert to City ownership at lease termination. The estimated in-place value of these items is \$16,030. Additionally, the City will retain Bauman’s security deposit of \$17,020. Together, the City will receive a total value of \$52,050, and agree to forego the remaining \$130,378.92 of unpaid rent which Bauman states it is unable to pay. The City will also avoid potential litigation costs associated with demanding the entire balance due. The one-time payment from this lease termination agreement will be deposited into the Public Works Department General Fund (011) revenue budget.

CURRENT SITUATION AND ITS EFFECTS

During its tenancy, Bauman has operated a cooking school and provided training programs in nutrition and wellness, and has installed commercial kitchen equipment in the leased premises. On July 7, 2022, Bauman provided notice that it was terminating its lease, effective August 31, 2022. In its termination letter, Bauman stated a desire to negotiate an agreement with the City to satisfy its unpaid rent obligation, which was due, in part, to financial difficulties caused by COVID-19. Bauman offered to pay

\$19,000 in cash and transfer of all of the organization's leasehold improvements, fixtures, equipment, and furnishings ("Assets").

The most valuable Assets already revert to City ownership at the termination of the lease. Bauman's lease provides that, unless the City requires Bauman to remove the improvements, "all Lessee Owned Alterations and Utility Installations shall, at the expiration or termination of this Lease, become the property of Lessor and be surrendered by Lessee with the Premises." Thus, the true value of the offer by Bauman is the value of the Trade Fixtures and other personal property, which would not revert to City ownership at termination of the lease. Trade Fixtures are defined as "Lessee's machinery and equipment that can be removed without doing material damage to the Premises."

According to an appraisal commissioned by Public Works on December 7, 2022, the in-place value of Bauman's Trade Fixtures and other personal property equals \$16,030. In addition, Bauman provided a \$17,020 security deposit at the beginning of its lease, which the City can apply to the balance due as well.

Public Works is aware of a number of organizations and programs that are interested in using Bauman's former commercial kitchen space and its Assets, including Meals on Wheels, Berkeley Food Network, and Bread Project. Because of this demand and the value of the Assets that exceeds the unpaid rent, Public Works and the City Manager's Office support this settlement.

### BACKGROUND

The City of Berkeley purchased 1001-1007 University Ave. in April 2017, where Institute for Educational Therapy, d/b/a Bauman Wellness (formerly Bauman College) was an existing tenant. The lease in effect at the time, which was assigned to the City, commenced February 1, 2011 and expired January 31, 2021, with two 5-year options to extend. Bauman did not exercise its option in writing, and the most recent status of the lease was therefore in holdover. For a number of reasons, there were significant delays bringing the term sheet for a lease amendment to closed session. Thus, the effective lease during Bauman's entire tenancy was the original lease assigned to the City in 2017. The rental rate was at or above market value, which became unaffordable for Bauman, a nonprofit organization. Bauman's monthly rent under the lease started at \$8,510 per month, adjusted annually by CPI or 3%, whichever was less. In 2021, the rental rate was \$10,812.18 per month, and in 2022, the rental rate was \$11,136.55 per month. During COVID-19, Bauman stopped making lease payments. When Public Works staff informed Bauman of its balance due on June 30, 2022, Bauman responded by giving 30 days' notice that it was terminating its lease. Because the lease was in holdover, the 30 days' notice was proper. Bauman vacated the leased premises on August 31, 2022. Since that time, staff have been negotiating with Bauman toward a resolution to the unpaid balance.



ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental impacts associated with the proposed termination agreement.

RATIONALE FOR RECOMMENDATION

Once executed, the termination agreement will resolve the unpaid balance owed by Bauman, transfer Bauman's commercial kitchen equipment and assets to the City, and prepare the premises for future use by the City or other community organizations.

ALTERNATIVE ACTIONS CONSIDERED

Refusing Bauman's offer and requiring payment in full of the unpaid rent was briefly considered and rejected. It would likely be very difficult, if not impossible, to collect the full amount of unpaid rent, and would also mean forfeiting significant equipment and supplies that will be useful to the City and future tenants.

CONTACT PERSON

Andrew Brozyna, Deputy Director of Public Works, 510-981-6396

Attachments:

1. Resolution
2. Termination Agreement

RESOLUTION NO. XX,XXX N.S.

AUTHORIZING A LEASE TERMINATION AGREEMENT WITH BAUMAN WELLNESS  
AND BILL OF SALE TRANSFERRING BAUMAN'S ASSETS TO THE CITY.

WHEREAS, the City and Bauman Wellness ("Bauman") are parties to a commercial lease dated May 10, 2010 between the City's predecessor-in-interest, 1011 University LLC, and Bauman's predecessor-in-interest, Bauman College;

WHEREAS, the lease covers premises consisting of approximately 7,400 square feet of ground floor commercial space, including the courtyard area, located at 1007 University Avenue;

WHEREAS, the lease expired on January 31, 2021, and Bauman Wellness vacated the premises on August 31, 2022;

WHEREAS, Bauman owes the City \$180,428.92 in unpaid rent which it states it is unable to pay in full;

WHEREAS, Bauman has offered to make a one-time payment to the City of \$19,000 and transfer all of its assets to the City in exchange for forgiveness of the rent due and a mutual waiver of claims;

WHEREAS, the City is aware of local organizations and programs that could make use of Bauman's commercial kitchen assets and equipment;

WHEREAS, the City recognizes that it may not be able to collect the unpaid rent otherwise;

WHEREAS, the City and Bauman desire to resolve the tenancy and the balance due amicably;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Berkeley hereby authorizes the City Manager to execute the Lease Termination Agreement with Bauman Wellness, including a Special Warranty Bill of Sale transferring to the City all of Bauman's assets that remain on the leased premises, as described in Exhibit A.

Exhibit:

A: Lease Termination Agreement

## LEASE TERMINATION AGREEMENT

(1007 University Avenue, Berkeley, CA)

THIS LEASE TERMINATION AGREEMENT ("**Lease Termination**") is made and entered into as of August 31, 2022 ("**Effective Date**"), by and between the CITY OF BERKELEY, a California municipal corporation and charter city ("**Landlord**") and INSTITUTE FOR EDUCATIONAL THERAPY, a California non-profit public benefit corporation d/b/a Bauman Wellness ("**Tenant**").

### Recitals

- A. Landlord and Tenant are parties to that certain Standard Industrial/Commercial Multi-Tenant Lease – Net dated May 10, 2010, ("**Lease**") between Landlord's predecessor-in-interest, 1011 University LLC, and Tenant's predecessor-in-interest, Bauman College.
- B. The Lease covers certain premises consisting of approximately 7,400 square feet of ground floor commercial space, including the courtyard area, located at 1007 University Avenue, Berkeley, California, as more particularly described in the Lease ("**Demised Premises**").
- C. The Lease expired on January 31, 2021, and Tenant vacated the Demised Premises on August 31, 2022.
- D. Landlord and Tenant desire to document the termination of the Lease so that, as of the Effective Date, Tenant has no further interest in, and neither Landlord nor Tenant have any obligation or liability arising from or related to, the Lease or the Demised Premises.

### Agreements

NOW, THEREFORE, in consideration of the foregoing recitals and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Landlord and Tenant hereby agree as follows:

1. Recitals; Capitalized Terms; Exhibits. The foregoing recitals are incorporated by reference into this Lease Termination. Capitalized terms used herein and not otherwise defined shall have the meanings given to such terms in the Lease. All exhibits attached hereto are incorporated by reference as though fully set forth herein.
2. Representation and Warranties.
  - a. Tenant. Tenant represents and warrants to Landlord that, as of the Lease Commencement Date through the Effective Date, (a) Tenant is the sole and rightful owner of all of the Tenant's interest in the Lease; (b) Tenant has not made any disposition, assignment, sublease (other than subleases that terminate as of the Effective Date), pledge, or conveyance of the Lease or Tenant's interest therein; (c) Tenant is duly organized, validly existing, and in good standing under California law; (d) Tenant has full power and authority to execute, deliver, and

perform this Lease Termination; (e) this Lease Termination, when executed by Tenant and Landlord, and delivered to Landlord, will be the valid and binding obligation of Tenant and Landlord enforceable in accordance with its terms; (f) Tenant has not engaged in any voluntary or involuntary bankruptcy or assignment for the benefit of Tenant's creditors within 120 days before the Effective Date; (g) there are no outstanding contracts for the supply of labor or material and no work has been done or is being done in, to or about the Demised Premises which has not been fully paid for and for which appropriate waivers of mechanic liens have not been obtained; (h) Tenant is the sole and rightful owner of all right, title, and interest in each of the Inventory and Equipment (defined below); (i) Tenant has not made any disposition, assignment, pledge, sublease, or conveyance of any of the Inventory and Equipment, or Tenant's interest therein; and (j) no other person or entity has an interest in any of the Inventory and Equipment, collateral or otherwise. All of the foregoing representations and warranties shall survive the termination of the Lease.

b. Landlord. Landlord represents and warrants to Tenant that (a) Landlord is the sole and rightful owner of all of the Landlord's interest in the Lease; (b) Landlord has not made any disposition, assignment, sublease, pledge, or conveyance of the Lease or Landlord's interest therein; (c) Landlord is duly organized and validly existing under California law; (d) Landlord has full power and authority to execute, deliver, and perform this Lease Termination; and (e) this Lease Termination, when executed by Tenant and Landlord, and delivered to Tenant, will be the valid and binding obligation of Tenant and Landlord enforceable in accordance with its terms. All of the foregoing representations and warranties shall survive the termination of the Lease.

3. Termination of the Lease. The Lease shall terminate as of the Effective Date set forth in the introductory paragraph above ("**Termination Date**").

4. Unpaid Rent; Security Deposit; Inventory and Equipment. As of the Termination Date, Landlord shall forgive and write-off the overdue Rent in the amount of One Hundred Eighty Thousand, Four Hundred Twenty-Eight and 91/100ths Dollars (\$180,428.91). Upon the Termination Date, Landlord shall retain the Security Deposit in the amount of Seventeen Thousand, Twenty and no/100ths Dollars (\$17,020.00), Tenant shall pay to Landlord \$19,000, and Tenant shall convey to Landlord all of Tenant's right, title and interest in, and Landlord shall retain, all of the inventory and equipment located in the Demised Premises listed on Exhibit A, attached hereto and incorporated by this reference ("**Inventory and Equipment**") by way of a Special Warranty Bill of Sale in the form attached hereto as Exhibit B, and Tenant hereby renounces any and all claims to the return of the Security Deposit and the Inventory and Equipment.

5. Surrender of Demised Premises. Tenant shall have quit and surrendered possession of the Demised Premises to Landlord on or before the Termination Date in good operating order, condition and state of repair, ordinary wear and tear excepted, and otherwise in compliance with the terms in Section 7.4(c) of the Lease. On or before the Termination Date, Tenant shall surrender the Inventory and Equipment to Landlord.

6. Termination of Liabilities. Conditioned on the performance by the parties of the provisions of this Lease Termination, upon termination of the Lease, neither Landlord nor

Tenant shall have any further liability or obligation to the other under the Lease except for the following (collectively, the "**Surviving Claims**"): (a) any claim arising from the breach of this Lease Termination, (b) any claim against Landlord by any third party arising out of or in connection with Tenant's use and/or occupancy of the Demised Premises through the Termination Date for which Tenant shall remain solely responsible, (c) any claim against Tenant by any third party arising out of or in connection with the use and/or occupancy of the Demised Premises after the Termination Date for which Landlord shall remain solely responsible; and (d) any claim or right under any section of the Lease which, by its terms survives, or is intended to survive, the termination of the Lease (which, for the avoidance of doubt, shall include indemnification obligations under the Lease and claims regarding the condition of the Demised Premises other than as set forth in this Lease Termination. This Lease Termination shall fully and finally settle all demands, charges, claims, accounts or causes of action of any nature arising out of or in connection with the Lease, except as to the Surviving Claims, and constitutes a mutual release with respect to the Lease except as to the Surviving Claims.

7. Waiver and Release.

a. By Tenant. Tenant hereby releases Landlord from any and all claims, actions, causes of action, obligations, costs, damages, losses, liabilities and demands (other than the Surviving Claims), of whatever kind and nature, in law or equity, in contract, tort or otherwise, past, present, future, known or unknown, contingent or non-contingent, anticipated or unanticipated, suspected or unsuspected, which Tenant now has, ever had, or may have in the future arising directly or indirectly out of, based on, relating to or connected in any way with the Lease.

b. By Landlord. Subject to Tenant's timely satisfaction all of its obligations under this Lease Termination, Landlord hereby releases Tenant from any and all claims, actions, causes of action, obligations, costs, damages, losses, liabilities and demands (other than the Surviving Claims), of whatever kind and nature, in law or equity, in contract, tort or otherwise, past, present, future, known or unknown, contingent or non-contingent, anticipated or unanticipated, suspected or unsuspected, which Landlord now has, ever had, or may have in the future arising directly or indirectly out of, based on, relating to or connected in any way with the Lease.

c. Each of the parties expressly waives all rights provided by section 1542 of the California Civil Code, which provides as follows:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.

8. Remedies. In the event of a breach of this Lease Termination by a party, the other party shall be entitled to sue for damages, seek specific performance, and exercise all rights and

remedies available to the aggrieved party under this Lease Termination and at law and in equity for such breach.

9. Attorneys' Fees. In the event of any legal proceeding in connection with this Lease Termination, the party which prevails in such action shall be entitled to recover, in addition to all other remedies or damages, reasonable attorneys' fees and costs of court incurred in such suit.

10. Notices. All notices, demands or other communications given in connection with this Lease Termination ("**Notices**") shall be given in writing and transmitted by personal delivery, overnight courier, or certified mail, return receipt requested, to the addresses below or to such other address as the party may designate by Notice similarly given. For the purposes herein, notices shall be sent to Landlord and Tenant as follows:

Landlord: City of Berkeley  
2180 Milvia Street  
Berkeley, CA 94704  
Attn: \_\_\_\_\_

Tenant: Bauman Wellness  
125 S. Main St. PMB 161  
Sebastopol, CA 95472  
Attn: Dr. Ed Bauman

11. Brokerage Commission. Tenant represents that it has not been represented by any broker in connection with this Lease Termination, and that no real estate broker's commission, finder's fee or other compensation (individually and collectively, "**Commission**") is due or payable. Tenant agrees to indemnify and hold harmless Landlord from any claims or liabilities, including reasonable attorneys' fees, in connection with a claim by any person for a Commission based upon any statement, representation or agreement of Tenant.

12. Authorization. Each individual or entity executing this Lease Termination on behalf of Tenant represents and warrants that he or she or it is duly authorized to execute and deliver this Lease Termination on behalf of Tenant and that such execution is binding upon Tenant.

13. Miscellaneous. This Lease Termination constitutes the entire agreement between the parties regarding the subject matter hereof and all prior understandings, representations, and agreements concerning the subject matter hereof, whether verbal or written, are superseded hereby. In the event of any express and direct conflict between this Lease Termination and the Lease, this Lease Termination will control. This Lease Termination shall be construed and interpreted in accordance with the laws of the State of California. The parties have read this Lease Termination and the mutual releases contained in it, and on advice of counsel they have freely and voluntarily entered into the Lease Termination. This Lease Termination shall be binding upon and inure to the benefit of Landlord and Tenant and their respective successors, assigns, shareholders, members, principals and related entities. This Lease Termination will not be construed against any party on the basis of that party having responsibility for the drafting of

this Lease Termination. Time is of the essence in the performance of each of the provisions of this Lease Termination. The parties agree to execute, acknowledge if required and deliver such further and additional documents, instruments or writings not specifically referred to herein as may be necessary, required, proper, desirable or convenient for the purpose of fully effectuating the provisions hereof. This Lease Termination may be executed in any number of counterparts and by electronic signature, each of which shall be an original but all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, this Lease Termination is made as of the Effective Date:

**LANDLORD:**

CITY OF BEREKLEY, a California municipal corporation and charter city

**TENANT:**

INSTITUTE FOR EDUCATIONAL THERAPY, a California non-profit public benefit corporation d/b/a Bauman Wellness

By: \_\_\_\_\_  
Dee Williams-Ridley

By: \_\_\_\_\_  
Dr. Edward Bauman

Its: City Manager

Its: Chief Executive Officer

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Farimah F. Brown, City Attorney

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, Deputy City Clerk

Restricted

## EXHIBIT A

## List of Inventory and Equipment

## EXHIBIT A

| Location                        | Asset /Item(s)<br>Description                 | Quantity        | Color               |
|---------------------------------|-----------------------------------------------|-----------------|---------------------|
| <b>A1</b>                       | Volcan Ovens                                  | 4               | Stainless Steel     |
| Kitchen                         | Volcan Stove Tops                             | 4               | Stainless Steel     |
|                                 | Volcan Broiler                                | 1               | Stainless Steel     |
| <i>(Each side of Volcan)</i>    | Connected Workspace Tables                    | 2               | Stainless Steel     |
|                                 | 1 side filled with:                           |                 |                     |
|                                 | Mugs, Saucers, Plates, Bowls Glasses          | Assorted        | White/ Glass        |
|                                 | Vegetable Prep Sinks                          | 2               | Stainless Steel     |
|                                 | Sink, Soap and Towel Dispenser                | 1 Each          | Stainless Steel     |
|                                 | Prep tables                                   | 2               | Stainless Steel     |
|                                 | Sauté Pan Rack                                | 1               | Stainless Steel     |
|                                 | Sauté Pans                                    | 6               | Silver              |
|                                 | Fire Alarm Pull                               | 1               | Red                 |
|                                 | Fire Extinguisher                             | 1               | Silver              |
|                                 | Thermostat                                    |                 | N/A                 |
|                                 | First Aid Kit                                 | 1               | White /red          |
|                                 | White Board                                   |                 | White/ Glass        |
| <b>A1 #1 4 Shelve Rack- Top</b> | Top- Pizza Pans                               | 10              | Silver              |
|                                 | Decorative Tray                               | 1               | Multi               |
| <i>Side</i>                     | Ladles                                        | Multi           | Stainless Steel     |
|                                 | Baking Boxes                                  |                 | White/ Glass        |
| <i>2nd Shelf</i>                | Bowls (assorted sizes)                        | 17              | Stainless Steel     |
|                                 | Strainers                                     | 6               | Stainless Steel     |
| <i>3rd Shelf</i>                | Buckets of cooking utensils, whisks, spatulas |                 | Stainless Steel     |
|                                 | Measuring Cups                                | 7               | Glass               |
|                                 | Measuring Pitchers                            | 3               |                     |
|                                 | Glass Pitchers                                | 2               | Glass               |
| <i>4th Shelf</i>                | Cutting Boards                                | 8               | Green, White, Brown |
|                                 | Crock Pots                                    | 3               | Black               |
| <b>A1 #2 4 Shelve Rack- Top</b> | Aluminum Lids                                 | Package         | Silver              |
|                                 | Long Plastic Containers                       | 5               | Clear               |
|                                 | Long Plastic Containers Lids                  | 5               | Clear               |
| <i>2nd Shelf</i>                | Stock Pots ( various sizes)                   | 8               | Silver              |
| <i>3rd Shelf</i>                | Frying pans                                   | 3               | Silver              |
|                                 | Pots                                          | 3               | Silver              |
|                                 | Stock Pots Lids                               | Multi           | Silver              |
|                                 | Pan Rack w/ Pans                              | 2 Pans , 1 Rack | Black / Silver      |
| <i>4th Shelf</i>                | Plastic Cambros                               | 31              | Plastic Clear       |
|                                 | Assorted Utensils & Gadgets                   | Assorted        |                     |



Restricted

|                                 |                                        |           |                 |
|---------------------------------|----------------------------------------|-----------|-----------------|
| <b>A2</b>                       | White Board                            | 1         | White           |
| A2 Kitchen Overflow             | Media Tower                            | 1         | Black           |
|                                 | Thermostat                             | 1         | N/A             |
| <b>B1</b>                       | Volcan Ovens                           | 4         | Stainless Steel |
| Kitchen                         | Volcan Stove Tops                      | 4         | Stainless Steel |
|                                 | Volcan Broiler                         | 1         | Stainless Steel |
|                                 | Connected Workspace Tables             | 2         | Stainless Steel |
|                                 | 1 side filled with:                    |           |                 |
|                                 | Assorted Mason Jars                    | Assorted  | Glass           |
|                                 | Vegetable Prep Sinks                   | 2         | Stainless Steel |
|                                 | Sink, Soap and Towel Dispenser         | 1 Each    | Stainless Steel |
|                                 | Prep tables                            | 2         | Stainless Steel |
|                                 | Sauté Pan Rack                         | 1         | Stainless Steel |
|                                 | Sauté Pans                             | 8         | Silver          |
|                                 | Clock                                  | 1         | White           |
|                                 | Broom Closet                           | 2         | Brown           |
|                                 | Thermostat                             |           | N/A             |
|                                 | White Board                            |           | White/ Glass    |
| <b>B1 #1 4 Shelve Rack- Top</b> | Decorative Clutter                     | Multi     |                 |
| <i>2nd Shelf</i>                | Mugs                                   | 14        | White           |
|                                 | Serving Trays                          | 5         | White           |
|                                 | Small Sause Containers                 | 7         | White           |
|                                 | Assorted Plates                        | 8         | White           |
| <i>3rd Shelf</i>                | Plates, Saucers, Bowls (various sizes) | Rack Full | White           |
| <i>4th Shelf</i>                | Silverware ( knives, spoons, forks)    | Tray Full | Silver          |
|                                 | Asian Soup Spoons (Renge)              | Tray Full | Silver          |
|                                 | Asian Soup Spoons (Renge) w/ Hook      | Tray Full | Silver          |
|                                 | Asian Soup Spoons                      | Tray Full | White / Red     |
|                                 | Assorted Kitchare                      | Various   | Various         |
| <b>B1 #2 4 Shelve Rack- Top</b> | Cheese Cloth Rack & Cloths             | 1 w/parts | Tan             |
| <i>2nd Shelf</i>                | Small Kitchen Appliances               | Multi     | Various         |
| <i>3rd Shelf</i>                | Bamboo Skewers                         | Tray Full | Tan             |
|                                 | Glass Bowls ( various sizes)           | 12        | Glass           |
| <i>4th Shelf</i>                | Assorted Cooking Supplies              | Multi     | Various         |
|                                 | Mat Stand                              | 1         | Silver          |
| <b>B2</b>                       | White Board                            | 1         | White           |
| B2 Kitchen Overflow             | Cork Boards                            | 2         | Cork            |

Restricted

|                            |                                       |              |                    |
|----------------------------|---------------------------------------|--------------|--------------------|
| <b>C1 / C2</b>             | 4 Drawer Metal File Cabinets          | 2            | Beige              |
| Upstairs Kitchen Storage   | Fire Extinguisher                     | 1            | Silver             |
|                            | Paper Products                        | Various      | Various            |
| <i>(not connected)</i>     | Sink w/ soap dish                     | 1            | white              |
|                            | Mat Stand                             | 1            | Silver             |
|                            | Rubber Mats                           | 4            | Black              |
|                            | Bin of Large Mason Jars               | 26           | Brown              |
|                            | Bins of Assorted Machinery Supplies   | Various      | Various            |
|                            | Pot Lids and Rack                     | 6            | Silver / Black     |
|                            | Prep Tables                           | 2            | Stainless Steel    |
|                            | Storage Tables                        | 1            | Brown              |
|                            | Ladder (Tall)                         | 1            | Orange             |
|                            | Dishwashing Racks                     | 3            | Green              |
|                            | Dishwashing Rack Caddy                | 1            | Green              |
|                            | Champagne                             | 72 (2 racks) | Green Racks/ Glass |
|                            | Wine                                  | 36 (1 rack)  | Green Racks/ Glass |
|                            | Cork Board & White Board              | 2            | Cork/ White        |
|                            | Bookcase 5 Shelves                    | 1            | Brown              |
|                            | Various Kitchen Supplies in Bins      | Various      | Various            |
|                            | Assorted kitchen over Supplies        | Various      | Various            |
|                            | 4ft Tables                            | 4            | Brown              |
|                            |                                       |              |                    |
| <b>D</b>                   | Refrigerator                          | 1            | Black              |
| Classroom with Kitchenette | Dishwasher                            | 1            | Black              |
|                            | Stove Top                             | 1            | Black              |
|                            | Center Console with Cabinets (empty)  | 1            | Grey Top/ Oak      |
|                            | Sink W/ Cabinets ( cleaning Supplies) | 1            | Oak                |
|                            | Stools                                | 3            | Tan White          |
|                            | TV ( Sharp ) w/Remote                 | 1            | Black              |
|                            | Large and Medium Café Pots            | 2            | Silver             |
|                            | Paper Towel Holder                    | 1            | Black              |
|                            | Side Console with Cabinets            | 1            | Grey Top/ Oak      |
| Cabinet D1                 | Assorted Dishes                       | Multi        | White              |
| Cabinet D2                 | Assorted Mason Jars                   | Multi        | Glass              |
|                            | Garbage Can                           | 1            | Silver             |
|                            | White Board                           | 1            | White              |
|                            | Thin 6ft Tables                       | 6            | Brown              |
|                            | Clock                                 | 1            | White /Black       |
|                            | Thermostat                            | 1            | N/A                |
|                            |                                       |              |                    |
| <b>E</b>                   | Patio Tables ( w/umbrella Holes)      | 2            | Grey/ Black        |
| Courtyard                  | Patio Arm chairs (4 @ each Table)     | 8            | Grey/ Black        |

Restricted

|                                          |                                          |             |                 |
|------------------------------------------|------------------------------------------|-------------|-----------------|
|                                          | Strands of Lights                        | Several / 3 | N/A             |
| <b>F</b>                                 | TV- Samsung w/Remote                     | 1           | Black           |
| Classroom with Fireplace                 | White Board                              | 1           | White           |
|                                          | Clock                                    | 1           | White /Black    |
|                                          | Thermostat                               | 1           | N/A             |
| <b>G</b>                                 | Thermal Rite Large Walk-In Refrigerator  | 1           | Stainless Steel |
| Dry Storage/ Scullery                    | True Large 2 Door Freezer                | 1           | Stainless Steel |
|                                          | Sanitize, Rinse , Wash Sink with Counter | 1           | Stainless Steel |
|                                          | Drop Down Fauset                         | 1           | Stainless Steel |
|                                          | Champion Large Dishwasher                | 1           | Stainless Steel |
|                                          | Ecolab Sanitizer Dispensers              | 3           | Stainless Steel |
|                                          | Sanitizer Test Station                   | 1           | Blue            |
|                                          | Safety Data Info Binder w/holder         | 1           | Blue            |
|                                          | Wash Sink                                | 1           | Stainless Steel |
|                                          | Mop Tub and Basin                        | 1           | White           |
|                                          | Dishwashing Racks w/ Various dishes      | 4           | Various         |
|                                          | Dishwashing Racks Empty                  | 4           | Various         |
|                                          | Ecolab Cleaning Solution                 | 6 Gallons   | N/A             |
|                                          | Sink, Soap & Paper Towel Dispenser       | 1 each      | Stainless Steel |
|                                          | Brooms                                   | 3           | N/A             |
|                                          | Thermostat                               | 1           | Beige           |
|                                          | NSF Storage Racks                        | 2           | Green           |
|                                          | Large Pans                               | 3           | Silver          |
|                                          | Plastic Containers                       | Various     | Various         |
|                                          | Dishwashing Racks                        | Various     | Various         |
|                                          | Bowls                                    | Various     | Stainless Steel |
|                                          | NSF Storage Racks                        | 2           | Stainless Steel |
|                                          | Top- 2 Gallon Beverage Dispensers        | 2           | Clear           |
|                                          | X-Large Coffee Pot                       | 1           | Stainless Steel |
|                                          | Mop Buckets                              | 2           | Yellow/Red      |
| <b>Office #1</b><br>(near scullery)      | Desk (2 cabinets)                        | 1           | Chocolate Brown |
|                                          | Desk                                     | 1           | Oak -Brown      |
|                                          | Office Chair                             | 2           | Black /Grey     |
|                                          | Clothes Rack                             | 1           | Black           |
|                                          | Bookshelf (9 spaces- 2 bins)             | 1           | White           |
|                                          | Bookshelf (Large 5 shelves)              | 1           | Chocolate Brown |
| (drawer does not close)                  | File Cabinets (3 drawers)                | 1           | Chocolate Brown |
| <b>Office #2</b><br>(left of front door) | Desk                                     | 1           | Chocolate Brown |
|                                          | Office Chair                             | 1           | Black           |

Restricted

|                              |                          |    |                  |
|------------------------------|--------------------------|----|------------------|
|                              | Clothes Rack             | 1  | Black            |
|                              | High Sitting Chair       | 1  | Black            |
|                              | Office Accessories       | 3  | Black Mesh       |
| <i>Office 2- Closet</i>      | Folding Chairs- Metal    | 17 | Grey w/material  |
|                              |                          |    |                  |
| <b>Office #3</b>             | Desk (2 cabinets)        | 1  | Chocolate Brown  |
| <i>(right of front door)</i> | Office Chair             | 1  | Black            |
|                              | Phone                    | 1  | Grey             |
|                              | Office Accessories       | 4  | Black Mesh       |
|                              | Cork Board               | 1  | Cork             |
|                              | Garbage Can              | 1  | Black            |
|                              | Bench                    | 1  | Striped          |
|                              |                          |    |                  |
| <b>Office #4</b>             | Office Chair             | 1  | Black            |
| <i>(across from B2)</i>      | Desk with Hutch          | 1  | Brown            |
|                              | Lamp                     | 1  | Gold             |
|                              | 3 Drawer File Cabinet    | 1  | Brown            |
|                              | Garbage Cans             | 1  | Black            |
|                              | Cork Board               | 1  | Cork             |
|                              |                          |    |                  |
| <b>Office #5</b>             | 3 Drawer File Cabinet    | 1  | Brown            |
| <i>(near back stairway)</i>  | Branch (large)           | 1  | Brown            |
|                              | Cork Board               | 1  | Cork             |
|                              | Garbage Can              | 1  | Black            |
|                              | Under Desk Mats          | 2  | 1 black, 1 clear |
|                              | Large L shaped Desk      | 1  | Brown 2 pieces   |
|                              | Office Chair             | 1  | Grey             |
|                              | Wall Shelf               | 1  | White            |
|                              | Chair Regular-not office | 1  | Blue & White     |
|                              |                          |    |                  |
| <b>Office #6</b>             | Desk with Hutch          | 1  | Tan Oak          |
| <i>(near Classroom D)</i>    | Book Case with Cabinets  | 1  | Tan Oak          |
|                              | Office Chair             | 1  | Black            |
|                              | Garbage Cans             | 2  | Black            |
|                              | Phone                    | 1  | Cream            |
|                              | Cork Boards              | 2  | Cork             |
|                              | Desk Mat                 | 1  | Brown            |
|                              | Office Supplies          | 2  | Silver Mesh      |
|                              |                          |    |                  |
| <b>Bathroom – Women</b>      | Bathroom Mirror          | 1  | Silver           |
|                              | Metal Wall Self          | 1  | Silver           |
|                              | Sink                     | 1  | White            |

Restricted

|                               |                                   |           |                 |
|-------------------------------|-----------------------------------|-----------|-----------------|
|                               | Soap Dispenser                    | 1         | Silver          |
|                               | Paper Towel / Garbage Receptacle  | 1         | Silver          |
|                               | Large Garbage Can                 | 1         | Silver          |
| <i>Behind Door</i>            | Cabinet with 5 Shelves            | 1         | White           |
|                               | Small Square Bags                 | 4 Stacks  | Brown           |
|                               | Toilet Seat Covers                | 16 Packs  | White           |
|                               | Large Rolls of Toilet Paper       | 2         | Tan             |
|                               | Bath Cleaning Supplies            | 4 Bottles | N/A             |
|                               |                                   |           |                 |
| <b>Bathroom – Men</b>         | Bathroom Mirror                   | 1         | Silver          |
|                               | Sink                              | 1         | White           |
|                               | Soap Dispenser                    | 1         | Silver          |
|                               | Paper Towel / Garbage Receptacle  | 1         | Silver          |
|                               | Urinals                           | 2         | White           |
|                               | Handicapped Stall- Fully Equipped | 1         | White           |
|                               |                                   |           |                 |
| <b>Reception Area</b>         | Reception Desk                    | 1         | Brown           |
|                               | Office Chair                      | 1         | Black           |
|                               | Desk Lamp                         | 1         | Silver/ Cream   |
|                               | Reception Arm Chairs              | 1         | Gray/ Blk legs  |
|                               | Plant                             | 1         | Green Tall      |
|                               | Garbage Can                       | 1         | Black           |
|                               |                                   |           |                 |
| <b>Mechanical Room</b>        | Electrical Boxes                  | 3         | Grey            |
|                               | Lighting Control Box              | 1         | Grey            |
|                               | Furnace                           | 1         | Grey            |
|                               | 5ft Ladder                        | 1         |                 |
|                               | Tables                            | 6         | Brown           |
|                               | Tables                            | 3         | Brown           |
|                               | Tables                            | 2         | Brown           |
|                               |                                   |           |                 |
| <b>Hallways</b>               | Water Fountains                   | 2         | Silver          |
|                               | Fire Extinguisher                 | 1         | Red             |
|                               | Large Garbage Can                 | 1         | Silver          |
|                               | Calendar Board                    | 1         | White           |
|                               | Cork Bulletin Boards              | 2         | Cork            |
| <i>(Near Both Classrooms)</i> | Thermostats                       | 2         | Beige           |
| <i>(not connected)</i>        | Bay Alarm Panel                   | 1         | Beige           |
|                               |                                   |           |                 |
| <b>Furnace Closet</b>         | Furnace                           | 1         | Grey            |
|                               | Folding Chairs- Metal             | 18        | Grey w/material |
|                               |                                   |           |                 |

Restricted

|                                             |                                     |         |                 |
|---------------------------------------------|-------------------------------------|---------|-----------------|
| <b>Basement - Chair Storage/ Media Room</b> | Folding Chairs- Metal               | 29      | Grey w/material |
| <i>(Below Kitchens)</i>                     | Tall Folding Chairs                 | 15      | Black           |
|                                             | Tall Folding Chairs                 | 26      | Tan             |
|                                             | Metal Sign                          | 1       | Black           |
| <i>(Media Area)</i>                         | Desk                                | 1       | Black           |
|                                             | Desk Lamp                           | 1       | Brass           |
|                                             | Media Console Hanging w/wires       | 1       | Black           |
|                                             | Media Console Flat                  | 1       | Black           |
|                                             | Office Chair                        | 1       | Grey            |
|                                             | Low Wire Rack                       | 1       | Black           |
|                                             | Office Accessories                  | Multi   | Multi           |
|                                             | Corner Tables                       | 1       | Brown           |
|                                             | Mat                                 | 1       | Bamboo          |
| <i>(Storage Area)</i>                       | Large ceiling shade                 | 1       | white           |
|                                             | Box of Styrofoam Sheets             | 4       | white           |
|                                             | Bin of Building plans               | Multi   | White Plans     |
|                                             | Bin of Assorted Wheels/Tools        | Multi   | Black Bin       |
|                                             | Camping Stoves                      | 3       | Blue Bin/ Black |
|                                             |                                     |         |                 |
| <b>Maintenance Area / Office Supplies</b>   | Cleaning Supplies                   | Various | Various         |
| <i>(Downstairs by Back Door)</i>            | Thin 6ft Tables                     | 18      | Brown           |
|                                             | Mops /Brooms                        | Multi   | N/A             |
|                                             | 4 shelve Storage                    | 1       | Brown           |
| <i>(copy room)</i>                          | Tall Metal Cabinet- Office Supplies | 1       | Putty           |
|                                             | Table ( holding Slot holder)        | 1       | Brown           |
|                                             | Mail Slots Holder                   | 1       | Brown           |
|                                             | Office Desk Accessories             | Various | Clear/ Black    |
|                                             | 2 Door Cabinet- Copy Paper          | Stacks  | Brown           |
|                                             | Desk                                | 1       | Brown           |
|                                             | Boxes( Assorted Sizes)              | Many    | Brown           |
|                                             | Garbage Can                         | 1       | Black           |
| <i>(Storage)</i>                            | Paint                               | 6 cans  | Various         |
|                                             | Paint Supplies                      | Various | Various         |
|                                             | Nails and Screws                    | Multi   | Various         |
|                                             | Putty                               | 3 tubes | White           |
|                                             | Light Bulbs                         | 6       | White           |
|                                             | Box of assorted lights              | Multi   | N/A             |
|                                             | Florescent Light bulb Tables        | 5       | White           |

**EXHIBIT B**

**SPECIAL WARRANTY BILL OF SALE**

For Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, INSTITUTE FOR EDUCATIONAL THERAPY, a California non-profit public benefit corporation (“Tenant”), hereby conveys to the CITY OF BERKELEY, a California municipal corporation (“Landlord”), all of its right, title and interest in the Inventory and Equipment as more particularly described in that certain Lease Termination Agreement dated effective as of August 31, 2022, by and between Landlord and Tenant (“Agreement”). Each of the Inventory and Equipment is sold "AS IS", where is, and with all faults. TENANT EXPRESSLY DISCLAIMS ANY AND ALL WARRANTIES OF ANY KIND OR NATURE, WHETHER EXPRESS, IMPLIED OR STATUTORY, RELATING TO OR ARISING FROM THE INVENTORY OR EQUIPMENT, INCLUDING, WITHOUT LIMITATION, IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. TENANT SHALL NOT BE LIABLE FOR ANY LOST PROFITS, LOST SAVINGS OR ANY OTHER INCIDENTAL, INDIRECT, PUNITIVE, OR CONSEQUENTIAL DAMAGES UNDER, ARISING FROM, OR CONNECTED WITH THIS BILL OF SALE EVEN IF ADVISED OR AWARE OF THE POSSIBILITY OF SUCH DAMAGES. TENANT EXPRESSLY DISCLAIMS ANY AND ALL LIABILITIES WITH RESPECT TO THE CONDITION, SAFETY, OPERATION, AND FITNESS FOR USE OF THE INVENTORY OR EQUIPMENT, AND LANDLORD HEREBY ACKNOWLEDGES THAT TENANT SHALL NOT BE RESPONSIBLE FOR ANY LOSSES, DAMAGES, ACCIDENT OR INJURIES, WHETHER PHYSICAL OR OTHERWISE ARISING FROM OPERATION, POSSESSION, OR ANY USE OF THE INVENTORY OR EQUIPMENT. UPON TRANSFER OF THE INVENTORY AND EQUIPMENT HEREUNDER, THE PARTIES AGREE THAT LANDLORD SHALL BE SOLELY RESPONSIBLE FOR ANY ADVERSE CONSEQUENCES ARISING FROM POSSESSION, OPERATION, OR ANY USE OF THE INVENTORY OR EQUIPMENT.

*[Signatures follow on next page]*

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IN WITNESS WHEREOF, this Special Warranty Bill of Sale is made as of the Effective Date:

LANDLORD:  
CITY OF BERKELEY, a California municipal corporation and charter city corporation d/b/a Bauman Wellness

TENANT:  
INSTITUTE FOR EDUCATIONAL THERAPY, a California non-profit public benefit

By: \_\_\_\_\_  
Dee Williams-Ridley  
Its: City Manager  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Dr. Edward Bauman  
Its: Chief Executive Officer  
Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Farimah F. Brown, City Attorney

ATTEST:

\_\_\_\_\_  
, Deputy City Clerk



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## EXHIBIT A

| Location                        | Asset /Item(s)<br>Description                 | Quantity        | Color               |
|---------------------------------|-----------------------------------------------|-----------------|---------------------|
| <b>A1</b>                       | Volcan Ovens                                  | 4               | Stainless Steel     |
| Kitchen                         | Volcan Stove Tops                             | 4               | Stainless Steel     |
|                                 | Volcan Broiler                                | 1               | Stainless Steel     |
| <i>(Each side of Volcan)</i>    | Connected Workspace Tables                    | 2               | Stainless Steel     |
|                                 | 1 side filled with:                           |                 |                     |
|                                 | Mugs, Saucers, Plates, Bowls Glasses          | Assorted        | White/ Glass        |
|                                 | Vegetable Prep Sinks                          | 2               | Stainless Steel     |
|                                 | Sink, Soap and Towel Dispenser                | 1 Each          | Stainless Steel     |
|                                 | Prep tables                                   | 2               | Stainless Steel     |
|                                 | Sauté Pan Rack                                | 1               | Stainless Steel     |
|                                 | Sauté Pans                                    | 6               | Silver              |
|                                 | Fire Alarm Pull                               | 1               | Red                 |
|                                 | Fire Extinguisher                             | 1               | Silver              |
|                                 | Thermostat                                    |                 | N/A                 |
|                                 | First Aid Kit                                 | 1               | White /red          |
|                                 | White Board                                   |                 | White/ Glass        |
| <i>A1 #1 4 Shelve Rack- Top</i> | Top- Pizza Pans                               | 10              | Silver              |
|                                 | Decorative Tray                               | 1               | Multi               |
| <i>Side</i>                     | Ladles                                        | Multi           | Stainless Steel     |
|                                 | Baking Boxes                                  |                 | White/ Glass        |
| <i>2nd Shelf</i>                | Bowls (assorted sizes)                        | 17              | Stainless Steel     |
|                                 | Strainers                                     | 6               | Stainless Steel     |
| <i>3rd Shelf</i>                | Buckets of cooking utensils, whisks, spatulas |                 | Stainless Steel     |
|                                 | Measuring Cups                                | 7               | Glass               |
|                                 | Measuring Pitchers                            | 3               |                     |
|                                 | Glass Pitchers                                | 2               | Glass               |
| <i>4th Shelf</i>                | Cutting Boards                                | 8               | Green, White, Brown |
|                                 | Crock Pots                                    | 3               | Black               |
| <i>A1 #2 4 Shelve Rack- Top</i> | Aluminum Lids                                 | Package         | Silver              |
|                                 | Long Plastic Containers                       | 5               | Clear               |
|                                 | Long Plastic Containers Lids                  | 5               | Clear               |
| <i>2nd Shelf</i>                | Stock Pots ( various sizes)                   | 8               | Silver              |
| <i>3rd Shelf</i>                | Frying pans                                   | 3               | Silver              |
|                                 | Pots                                          | 3               | Silver              |
|                                 | Stock Pots Lids                               | Multi           | Silver              |
|                                 | Pan Rack w/ Pans                              | 2 Pans , 1 Rack | Black / Silver      |
| <i>4th Shelf</i>                | Plastic Cambros                               | 31              | Plastic Clear       |
|                                 | Assorted Utensils & Gadgets                   | Assorted        |                     |

Restricted

|                                 |                                        |           |                 |
|---------------------------------|----------------------------------------|-----------|-----------------|
| <b>A2</b>                       | White Board                            | 1         | White           |
| A2 Kitchen Overflow             | Media Tower                            | 1         | Black           |
|                                 | Thermostat                             | 1         | N/A             |
| <b>B1</b>                       | Volcan Ovens                           | 4         | Stainless Steel |
| Kitchen                         | Volcan Stove Tops                      | 4         | Stainless Steel |
|                                 | Volcan Broiler                         | 1         | Stainless Steel |
|                                 | Connected Workspace Tables             | 2         | Stainless Steel |
|                                 | 1 side filled with:                    |           |                 |
|                                 | Assorted Mason Jars                    | Assorted  | Glass           |
|                                 | Vegetable Prep Sinks                   | 2         | Stainless Steel |
|                                 | Sink, Soap and Towel Dispenser         | 1 Each    | Stainless Steel |
|                                 | Prep tables                            | 2         | Stainless Steel |
|                                 | Sauté Pan Rack                         | 1         | Stainless Steel |
|                                 | Sauté Pans                             | 8         | Silver          |
|                                 | Clock                                  | 1         | White           |
|                                 | Broom Closet                           | 2         | Brown           |
|                                 | Thermostat                             |           | N/A             |
|                                 | White Board                            |           | White/ Glass    |
| <b>B1 #1 4 Shelve Rack- Top</b> | Decorative Clutter                     | Multi     |                 |
| <i>2nd Shelf</i>                | Mugs                                   | 14        | White           |
|                                 | Serving Trays                          | 5         | White           |
|                                 | Small Sause Containers                 | 7         | White           |
|                                 | Assorted Plates                        | 8         | White           |
| <i>3rd Shelf</i>                | Plates, Saucers, Bowls (various sizes) | Rack Full | White           |
| <i>4th Shelf</i>                | Silverware ( knives, spoons, forks)    | Tray Full | Silver          |
|                                 | Asian Soup Spoons (Renge)              | Tray Full | Silver          |
|                                 | Asian Soup Spoons (Renge) w/ Hook      | Tray Full | Silver          |
|                                 | Asian Soup Spoons                      | Tray Full | White / Red     |
|                                 | Assorted Kitchare                      | Various   | Various         |
| <b>B1 #2 4 Shelve Rack- Top</b> | Cheese Cloth Rack & Cloths             | 1 w/parts | Tan             |
| <i>2nd Shelf</i>                | Small Kitchen Appliances               | Multi     | Various         |
| <i>3rd Shelf</i>                | Bamboo Skewers                         | Tray Full | Tan             |
|                                 | Glass Bowls ( various sizes)           | 12        | Glass           |
| <i>4th Shelf</i>                | Assorted Cooking Supplies              | Multi     | Various         |
|                                 | Mat Stand                              | 1         | Silver          |
| <b>B2</b>                       | White Board                            | 1         | White           |
| B2 Kitchen Overflow             | Cork Boards                            | 2         | Cork            |

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|                            |                                       |              |                    |
|----------------------------|---------------------------------------|--------------|--------------------|
| <b>C1 / C2</b>             | 4 Drawer Metal File Cabinets          | 2            | Beige              |
| Upstairs Kitchen Storage   | Fire Extinguisher                     | 1            | Silver             |
|                            | Paper Products                        | Various      | Various            |
| <i>(not connected)</i>     | Sink w/ soap dish                     | 1            | white              |
|                            | Mat Stand                             | 1            | Silver             |
|                            | Rubber Mats                           | 4            | Black              |
|                            | Bin of Large Mason Jars               | 26           | Brown              |
|                            | Bins of Assorted Machinery Supplies   | Various      | Various            |
|                            | Pot Lids and Rack                     | 6            | Silver / Black     |
|                            | Prep Tables                           | 2            | Stainless Steel    |
|                            | Storage Tables                        | 1            | Brown              |
|                            | Ladder (Tall)                         | 1            | Orange             |
|                            | Dishwashing Racks                     | 3            | Green              |
|                            | Dishwashing Rack Caddy                | 1            | Green              |
|                            | Champagne                             | 72 (2 racks) | Green Racks/ Glass |
|                            | Wine                                  | 36 ( 1 rack) | Green Racks/ Glass |
|                            | Cork Board & White Board              | 2            | Cork/ White        |
|                            | Bookcase 5 Shelves                    | 1            | Brown              |
|                            | Various Kitchen Supplies in Bins      | Various      | Various            |
|                            | Assorted kitchen over Supplies        | Various      | Various            |
|                            | 4ft Tables                            | 4            | Brown              |
|                            |                                       |              |                    |
| <b>D</b>                   | Refrigerator                          | 1            | Black              |
| Classroom with Kitchenette | Dishwasher                            | 1            | Black              |
|                            | Stove Top                             | 1            | Black              |
|                            | Center Console with Cabinets (empty)  | 1            | Grey Top/ Oak      |
|                            | Sink W/ Cabinets ( cleaning Supplies) | 1            | Oak                |
|                            | Stools                                | 3            | Tan White          |
|                            | TV ( Sharp ) w/Remote                 | 1            | Black              |
|                            | Large and Medium Café Pots            | 2            | Silver             |
|                            | Paper Towel Holder                    | 1            | Black              |
|                            | Side Console with Cabinets            | 1            | Grey Top/ Oak      |
| Cabinet D1                 | Assorted Dishes                       | Multi        | White              |
| Cabinet D2                 | Assorted Mason Jars                   | Multi        | Glass              |
|                            | Garbage Can                           | 1            | Silver             |
|                            | White Board                           | 1            | White              |
|                            | Thin 6ft Tables                       | 6            | Brown              |
|                            | Clock                                 | 1            | White /Black       |
|                            | Thermostat                            | 1            | N/A                |
|                            |                                       |              |                    |
| <b>E</b>                   | Patio Tables ( w/umbrella Holes)      | 2            | Grey/ Black        |
| Courtyard                  | Patio Arm chairs ( 4 @ each Table)    | 8            | Grey/ Black        |

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|                                          |                                          |             |                 |
|------------------------------------------|------------------------------------------|-------------|-----------------|
|                                          | Strands of Lights                        | Several / 3 | N/A             |
| <b>F</b>                                 | TV- Samsung w/Remote                     | 1           | Black           |
| Classroom with Fireplace                 | White Board                              | 1           | White           |
|                                          | Clock                                    | 1           | White /Black    |
|                                          | Thermostat                               | 1           | N/A             |
| <b>G</b>                                 | Thermal Rite Large Walk-In Refrigerator  | 1           | Stainless Steel |
| Dry Storage/ Scullery                    | True Large 2 Door Freezer                | 1           | Stainless Steel |
|                                          | Sanitize, Rinse , Wash Sink with Counter | 1           | Stainless Steel |
|                                          | Drop Down Fauset                         | 1           | Stainless Steel |
|                                          | Champion Large Dishwasher                | 1           | Stainless Steel |
|                                          | Ecolab Sanitizer Dispensers              | 3           | Stainless Steel |
|                                          | Sanitizer Test Station                   | 1           | Blue            |
|                                          | Safety Data Info Binder w/holder         | 1           | Blue            |
|                                          | Wash Sink                                | 1           | Stainless Steel |
|                                          | Mop Tub and Basin                        | 1           | White           |
|                                          | Dishwashing Racks w/ Various dishes      | 4           | Various         |
|                                          | Dishwashing Racks Empty                  | 4           | Various         |
|                                          | Ecolab Cleaning Solution                 | 6 Gallons   | N/A             |
|                                          | Sink, Soap & Paper Towel Dispenser       | 1 each      | Stainless Steel |
|                                          | Brooms                                   | 3           | N/A             |
|                                          | Thermostat                               | 1           | Beige           |
|                                          | NSF Storage Racks                        | 2           | Green           |
|                                          | Large Pans                               | 3           | Silver          |
|                                          | Plastic Containers                       | Various     | Various         |
|                                          | Dishwashing Racks                        | Various     | Various         |
|                                          | Bowls                                    | Various     | Stainless Steel |
|                                          | NSF Storage Racks                        | 2           | Stainless Steel |
|                                          | Top- 2 Gallon Beverage Dispensers        | 2           | Clear           |
|                                          | X-Large Coffee Pot                       | 1           | Stainless Steel |
|                                          | Mop Buckets                              | 2           | Yellow/Red      |
| <b>Office #1</b><br>(near scullery)      | Desk (2 cabinets)                        | 1           | Chocolate Brown |
|                                          | Desk                                     | 1           | Oak -Brown      |
|                                          | Office Chair                             | 2           | Black /Grey     |
|                                          | Clothes Rack                             | 1           | Black           |
|                                          | Bookshelf (9 spaces- 2 bins)             | 1           | White           |
|                                          | Bookshelf (Large 5 shelves)              | 1           | Chocolate Brown |
| (drawer does not close)                  | File Cabinets (3 drawers)                | 1           | Chocolate Brown |
| <b>Office #2</b><br>(left of front door) | Desk                                     | 1           | Chocolate Brown |
|                                          | Office Chair                             | 1           | Black           |

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|                              |                          |    |                  |
|------------------------------|--------------------------|----|------------------|
|                              | Clothes Rack             | 1  | Black            |
|                              | High Sitting Chair       | 1  | Black            |
|                              | Office Accessories       | 3  | Black Mesh       |
| <i>Office 2- Closet</i>      | Folding Chairs- Metal    | 17 | Grey w/material  |
|                              |                          |    |                  |
| <b>Office #3</b>             | Desk (2 cabinets)        | 1  | Chocolate Brown  |
| <i>(right of front door)</i> | Office Chair             | 1  | Black            |
|                              | Phone                    | 1  | Grey             |
|                              | Office Accessories       | 4  | Black Mesh       |
|                              | Cork Board               | 1  | Cork             |
|                              | Garbage Can              | 1  | Black            |
|                              | Bench                    | 1  | Striped          |
|                              |                          |    |                  |
| <b>Office #4</b>             | Office Chair             | 1  | Black            |
| <i>(across from B2)</i>      | Desk with Hutch          | 1  | Brown            |
|                              | Lamp                     | 1  | Gold             |
|                              | 3 Drawer File Cabinet    | 1  | Brown            |
|                              | Garbage Cans             | 1  | Black            |
|                              | Cork Board               | 1  | Cork             |
|                              |                          |    |                  |
| <b>Office #5</b>             | 3 Drawer File Cabinet    | 1  | Brown            |
| <i>(near back stairway)</i>  | Branch (large)           | 1  | Brown            |
|                              | Cork Board               | 1  | Cork             |
|                              | Garbage Can              | 1  | Black            |
|                              | Under Desk Mats          | 2  | 1 black, 1 clear |
|                              | Large L shaped Desk      | 1  | Brown 2 pieces   |
|                              | Office Chair             | 1  | Grey             |
|                              | Wall Shelf               | 1  | White            |
|                              | Chair Regular-not office | 1  | Blue & White     |
|                              |                          |    |                  |
| <b>Office #6</b>             | Desk with Hutch          | 1  | Tan Oak          |
| <i>(near Classroom D)</i>    | Book Case with Cabinets  | 1  | Tan Oak          |
|                              | Office Chair             | 1  | Black            |
|                              | Garbage Cans             | 2  | Black            |
|                              | Phone                    | 1  | Cream            |
|                              | Cork Boards              | 2  | Cork             |
|                              | Desk Mat                 | 1  | Brown            |
|                              | Office Supplies          | 2  | Silver Mesh      |
|                              |                          |    |                  |
| <b>Bathroom – Women</b>      | Bathroom Mirror          | 1  | Silver           |
|                              | Metal Wall Self          | 1  | Silver           |
|                              | Sink                     | 1  | White            |

Restricted

|                               |                                   |           |                 |
|-------------------------------|-----------------------------------|-----------|-----------------|
|                               | Soap Dispenser                    | 1         | Silver          |
|                               | Paper Towel / Garbage Receptacle  | 1         | Silver          |
|                               | Large Garbage Can                 | 1         | Silver          |
| <i>Behind Door</i>            | Cabinet with 5 Shelves            | 1         | White           |
|                               | Small Square Bags                 | 4 Stacks  | Brown           |
|                               | Toilet Seat Covers                | 16 Packs  | White           |
|                               | Large Rolls of Toilet Paper       | 2         | Tan             |
|                               | Bath Cleaning Supplies            | 4 Bottles | N/A             |
|                               |                                   |           |                 |
| <b>Bathroom – Men</b>         | Bathroom Mirror                   | 1         | Silver          |
|                               | Sink                              | 1         | White           |
|                               | Soap Dispenser                    | 1         | Silver          |
|                               | Paper Towel / Garbage Receptacle  | 1         | Silver          |
|                               | Urinals                           | 2         | White           |
|                               | Handicapped Stall- Fully Equipped | 1         | White           |
|                               |                                   |           |                 |
| <b>Reception Area</b>         | Reception Desk                    | 1         | Brown           |
|                               | Office Chair                      | 1         | Black           |
|                               | Desk Lamp                         | 1         | Silver/ Cream   |
|                               | Reception Arm Chairs              | 1         | Gray/ Blk legs  |
|                               | Plant                             | 1         | Green Tall      |
|                               | Garbage Can                       | 1         | Black           |
|                               |                                   |           |                 |
| <b>Mechanical Room</b>        | Electrical Boxes                  | 3         | Grey            |
|                               | Lighting Control Box              | 1         | Grey            |
|                               | Furnace                           | 1         | Grey            |
|                               | 5ft Ladder                        | 1         |                 |
|                               | Tables                            | 6         | Brown           |
|                               | Tables                            | 3         | Brown           |
|                               | Tables                            | 2         | Brown           |
|                               |                                   |           |                 |
| <b>Hallways</b>               | Water Fountains                   | 2         | Silver          |
|                               | Fire Extinguisher                 | 1         | Red             |
|                               | Large Garbage Can                 | 1         | Silver          |
|                               | Calendar Board                    | 1         | White           |
|                               | Cork Bulletin Boards              | 2         | Cork            |
| <i>(Near Both Classrooms)</i> | Thermostats                       | 2         | Beige           |
| <i>(not connected)</i>        | Bay Alarm Panel                   | 1         | Beige           |
|                               |                                   |           |                 |
| <b>Furnace Closet</b>         | Furnace                           | 1         | Grey            |
|                               | Folding Chairs- Metal             | 18        | Grey w/material |
|                               |                                   |           |                 |

Restricted

|                                             |                                     |         |                 |
|---------------------------------------------|-------------------------------------|---------|-----------------|
| <b>Basement - Chair Storage/ Media Room</b> | Folding Chairs- Metal               | 29      | Grey w/material |
| <i>(Below Kitchens)</i>                     | Tall Folding Chairs                 | 15      | Black           |
|                                             | Tall Folding Chairs                 | 26      | Tan             |
|                                             | Metal Sign                          | 1       | Black           |
| <i>(Media Area)</i>                         | Desk                                | 1       | Black           |
|                                             | Desk Lamp                           | 1       | Brass           |
|                                             | Media Console Hanging w/wires       | 1       | Black           |
|                                             | Media Console Flat                  | 1       | Black           |
|                                             | Office Chair                        | 1       | Grey            |
|                                             | Low Wire Rack                       | 1       | Black           |
|                                             | Office Accessories                  | Multi   | Multi           |
|                                             | Corner Tables                       | 1       | Brown           |
|                                             | Mat                                 | 1       | Bamboo          |
| <i>(Storage Area)</i>                       | Large ceiling shade                 | 1       | white           |
|                                             | Box of Styrofoam Sheets             | 4       | white           |
|                                             | Bin of Building plans               | Multi   | White Plans     |
|                                             | Bin of Assorted Wheels/Tools        | Multi   | Black Bin       |
|                                             | Camping Stoves                      | 3       | Blue Bin/ Black |
|                                             |                                     |         |                 |
| <b>Maintenance Area / Office Supplies</b>   | Cleaning Supplies                   | Various | Various         |
| <i>(Downstairs by Back Door)</i>            | Thin 6ft Tables                     | 18      | Brown           |
|                                             | Mops /Brooms                        | Multi   | N/A             |
|                                             | 4 shelve Storage                    | 1       | Brown           |
| <i>(copy room)</i>                          | Tall Metal Cabinet- Office Supplies | 1       | Putty           |
|                                             | Table ( holding Slot holder)        | 1       | Brown           |
|                                             | Mail Slots Holder                   | 1       | Brown           |
|                                             | Office Desk Accessories             | Various | Clear/ Black    |
|                                             | 2 Door Cabinet- Copy Paper          | Stacks  | Brown           |
|                                             | Desk                                | 1       | Brown           |
|                                             | Boxes( Assorted Sizes)              | Many    | Brown           |
|                                             | Garbage Can                         | 1       | Black           |
| <i>(Storage)</i>                            | Paint                               | 6 cans  | Various         |
|                                             | Paint Supplies                      | Various | Various         |
|                                             | Nails and Screws                    | Multi   | Various         |
|                                             | Putty                               | 3 tubes | White           |
|                                             | Light Bulbs                         | 6       | White           |
|                                             | Box of assorted lights              | Multi   | N/A             |
|                                             | Florescent Light bulb Tables        | 5       | White           |







CONSENT CALENDAR  
February 28, 2023

To: Honorable Mayor and Members of the City Council  
From: Councilmember Taplin and Councilmember Hahn  
Subject: Support for AB-309: Social Housing.

RECOMMENDATION

Send a letter in support of Assembly Bill 309 to the state legislature.

FINANCIAL IMPLICATIONS

None.

BACKGROUND

Assembly Bill 309 is an updated version of Assembly Bill 2053 (2022) by Assemblymember Alex Lee (D-San Jose): “The Zenovich-Moscone-Chacon Housing and Home Finance Act establishes the Department of Housing and Community Development and the California Housing Finance Agency and sets forth various programs administered by those entities intended to, among other things, provide a comprehensive and balanced approach to the solution of housing problems of the people of this state.” This includes publicly-owned mixed income housing developments with just cause protections and direct involvement in management by residents.

Because social housing is internally cross-subsidized by higher income households (including rents at market rate), it would avoid the problems of concentrated poverty, disinvestment, and lack of operating subsidies that has afflicted public housing throughout the United States in the past. This model is already working successfully elsewhere in the United States, including Montgomery County, Maryland under the supervision of the Housing Opportunity Commission (HOC)<sup>1</sup>, and Sacramento’s CADA agency.<sup>2</sup> The Berkeley City Council previously voted to send a letter of support for AB-2053 in 2022.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Taplin      Council District 2      510-981-7120

<sup>1</sup> <https://www.hocmc.org/news-archive/775-hoc-breaks-ground-at-900-thayer-in-silver-spring.html>

<sup>2</sup> <https://www.cadanet.org/resources-agendas/fast-facts>

AB-309

CONSENT CALENDAR

February 28, 2023

Attachments:

1: Letter

2: Assembly Bill 309 (January 2023 draft)

The Honorable Alex Lee  
State Capitol  
Sacramento, CA 94249

Dear Assembly member Lee:

The City Council of the City of Berkeley is proud to support Assembly Bill 309: Social Housing. We believe that a state housing agency developing publicly-owned, mixed-income housing with a skilled and trained workforce and maintained by diverse communities of residents offers a promising path toward housing abundance and economic justice. We were proud to support your previous bill, AB-2053, The Social Housing Act of 2022.

On November 9, 2021, the Berkeley City Council unanimously passed a resolution recognizing housing as a human right, as well as committing to a study of social housing models in Berkeley. The City Council has recognized that housing security and fair housing opportunity is a core mandate of the public sector, and that it can learn from other countries with successful public sector housing development models, such as Vienna and Singapore. By establishing a statewide Housing Authority to produce and preserve social housing, your bill could have transformative impacts with regards to expanding housing opportunity and providing sustainable community autonomy for Berkeley residents and residents-to-be.

California currently ranks 49<sup>th</sup> out of all 50 states in new homes built per capita, and roughly one-fifth of the population bears an extraordinary rent burden, paying over half of their income in rent. According to the Public Policy Institute of California, over 800,000 households in the state would have stayed above the poverty line in 2019 if housing costs had remained constant at 2013 levels. While progress is incremental, even minor improvements represent real material gains for our most vulnerable residents. Berkeley and other cities are making substantive efforts to increase housing supply, but we are well aware that neither the private market nor publicly subsidies alone can build us out of a housing shortage that was decades in the making. It will take every available strategy on the table, and the City of Berkeley is heartened by your bold and innovative proposal.

With gratitude,

The Berkeley City Council  
2180 Milvia St  
Berkeley, CA 94704

**ASSEMBLY BILL**

**No. 309**

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**Introduced by Assembly Members Lee, Wendy Carrillo, and Kalra**  
**(Coauthors: Assembly Members Bennett, Haney, and Ward)**  
(Coauthors: Senators Allen, Menjivar, and Wiener)

January 26, 2023

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An act to add Section 50103 to the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL’S DIGEST

AB 309, as introduced, Lee. Social housing.

The Zenovich-Moscone-Chacon Housing and Home Finance Act establishes the Department of Housing and Community Development and the California Housing Finance Agency and sets forth various programs administered by those entities intended to, among other things, provide a comprehensive and balanced approach to the solution of housing problems of the people of this state. The act sets forth various definitions that govern its construction.

This bill would define “social housing” for purposes of the Zenovich-Moscone-Chacon Housing and Home Finance Act. The bill would make findings and declarations relating to social housing and would state the intent of the Legislature to subsequently further the Social Housing Act to address the shortage of affordable homes by developing housing for people of all income levels, prioritizing low-income households.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) The housing crisis has reached unprecedented and  
4 unacceptable proportions in the State of California, where more  
5 than two in five households spend greater than 30 percent of their  
6 income on housing and more than one in five households spend  
7 greater than 50 percent of their income on housing.

8 (b) The United States Department of Housing and Urban  
9 Development defines cost-burdened families as those who pay  
10 more than 30 percent of their income for housing and may have  
11 difficulty affording necessities such as food, clothing,  
12 transportation, and medical care. Severe rent burden is defined as  
13 paying more than 50 percent of one's income on rent.

14 (c) Housing burden creates severe financial, physical, and  
15 emotional impacts on households.

16 (d) The affordable housing crisis has imposed a significant toll  
17 on the California economy, as overpriced rents depress the  
18 California gross domestic product by approximately 2 percent and  
19 more than 600,000 people leave the state annually in search of  
20 lower rent.

21 (e) Current efforts, while laudable, have proven insufficient in  
22 resolving the state's affordable housing crisis, since 97 percent of  
23 cities and counties have been unable to meet the regional housing  
24 needs assessment targets for very low income, low-income, and  
25 moderate-income housing.

26 (f) With such a great failure to meet the housing needs of  
27 California residents, the state has a duty to act and help localities  
28 fill the gap, by financing publicly owned, affordable housing built  
29 sustainably with union labor, based on the widely successful  
30 Vienna and Singapore models and many other successful models  
31 of mixed-income rental and ownership housing.

32 SEC. 2. Section 50103 is added to the Health and Safety Code,  
33 to read:

34 50103. "Social housing" means any housing with all of the  
35 following characteristics:

36 (a) The housing units are owned by a public entity or a local  
37 housing authority.

1 (b) If a housing unit is in a social housing development, the  
2 development contains housing units that accommodate a mix of  
3 household income ranges, including extremely low income, very  
4 low income, low income, moderate income, and above-moderate  
5 income.

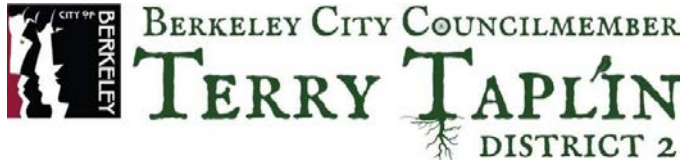
6 (c) Residents of housing units are afforded, at a minimum, all  
7 protections granted to tenants with tenancies in private property  
8 under Section 1946.2 of the Civil Code, including protection  
9 against termination without just cause or for any discriminatory,  
10 retaliatory, or other arbitrary reason, and shall be afforded due  
11 process prior to being subject to eviction procedures, in addition  
12 to other protections provided by this title.

13 (d) Residents of the housing units have the right to participate  
14 directly and meaningfully in decisionmaking affecting the operation  
15 and management of their housing units.

16 (e) The housing units shall be protected for the duration of their  
17 useful life from being sold or transferred to a private for-profit  
18 entity or a public-private partnership.

19 SEC. 3. It is the intent of the Legislature to subsequently amend  
20 this measure to further the Social Housing Act to address the  
21 shortage of affordable homes by developing housing for people  
22 of all income levels, prioritizing low-income households.

O



CONSENT CALENDAR  
February 28, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin, Councilmember Bartlett (co-sponsor), Councilmember Kesarwani (co-sponsor), Mayor Arreguin (co-sponsor)

Subject: Resolution Condemning a Pattern of Attacks Targeting Black Political and Community Leaders

RECOMMENDATION

Adopt a Resolution Condemning a Pattern of Attacks Targeting Black Political and Community Leaders.

FINANCIAL IMPLICATIONS

None.

BACKGROUND

Over the past several months, targeted harassment of Black elected officials and community leaders in the Bay Area has increased at an alarming rate, far beyond the already-unacceptable status quo ante. On January 16, 2023 (MLK Day), Oakland City Councilmember Carroll Fife posted a series of recordings on Twitter from violent and hateful threats she had received, reporting that their incidence had accelerated sharply.<sup>1</sup> In an interview with KQED, Fife stated that her personal vehicle had also been targeted, and added: "I'm asking folks to stand with me because what's happening is unacceptable."<sup>2</sup>

CONTACT PERSON

Councilmember Taplin      Council District 2      510-981-7120

Attachments:

1: Resolution

<sup>1</sup> [https://twitter.com/carroll\\_fife/status/1615107617873088517](https://twitter.com/carroll_fife/status/1615107617873088517)

<sup>2</sup> Lagos, M. (2023, Jan. 17). "It's Gotten Worse": Oakland City Council Member Carroll Fife Faces Racist, Violent Threats. *KQED*. Retrieved from <https://www.kqed.org/news/11938303/its-gotten-worse-oakland-city-council-member-carroll-fife-faces-racist-violent-threats>

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

RESOLUTION CONDEMNING A PATTERN OF ATTACKS TARGETING BLACK  
POLITICAL AND COMMUNITY LEADERS

WHEREAS, over the last few weeks there has been an alarming increase in the frequency, tenor, and danger of politically motivated attacks on Black women in leadership, including Oakland City Councilmember Carroll Fife and community leader Cat Brooks; and

WHEREAS, the City of Berkeley stands with Councilmember Fife, Cat Brooks, and all who have been targeted by this rhetoric and stands against anti-Blackness and misogyny; and

WHEREAS, in an environment where three mass shootings occurred in California over three consecutive days in January 2023, and politically motivated violence is increasingly becoming the norm, ongoing attacks targeting Oakland political and community leaders must be stopped.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley calls for an immediate end to rhetoric that is leading to harassment and threats on democratically elected representatives and community leaders and commit to stepping up and speaking out when we see the scapegoating of Black women and women of color in leadership positions.

BE IT FURTHER RESOLVED that the City of Berkeley calls on business leaders, civil rights groups and advocates connected to any of these individuals perpetrating this misleading, politically motivated and increasingly dangerous rhetoric, to join us in publicly condemning these dangerous and shameful personal attacks.





Kate Harrison  
Councilmember, District 4

CONSENT CALENDAR  
February 28, 2023

To: Honorable Members of the City Council  
From: Councilmember Kate Harrison  
Subject: Resolution in Support of HR 8040: the People Over the Pentagon Act

RECOMMENDATION

Adopt resolution and send letters of support for reintroduction and passage of HR 8040: the People Over the Pentagon Act to California's congressional delegation accompanied by provisions for a just transition for workers in militarized industries. HR 8040 calls for reducing the bloated military budget by \$100 billion.

BACKGROUND

The 2021-22 Pentagon Budget was \$723 billion, larger than that of the next seven countries combined, eleven times greater than Russia's military budget and four times the size of China's – far in excess of what is required to defend the United States and support our allies. The Pentagon Budget for 2023 includes a \$33 billion increase over the 2021-2022 budget, and, unlike that of every other major federal agency, has never been successfully audited.

The federal budget is key to addressing many urgent unmet national priorities, including housing, infrastructure, renewable energy, health care, education, environmental degradation and remediation, economic insecurity, and climate change, that are not allocated sufficient resources in large part because of excessive military spending.

Since 2019, the People Over Pentagon campaign and coalition has sought to reduce the size of the Pentagon budget by reallocating funds to critical domestic and human needs. U.S. House Representatives Barbara Lee (D-Calif.) and Mark Pocan (D-Wisc.) introduced The People Over Pentagon Act (H.R. 8040) last year to redirect \$100 billion from the three-quarters-of-a-trillion-dollar Pentagon budget in military spending.<sup>1</sup>

The proposed reallocation would not affect pay, healthcare, or retirement benefits for military personnel and their families. In addition, a 2021 Congressional Budget Office report found that this redirection of funds could be accomplished without impacting the defense of the United States.<sup>2</sup>

<sup>1</sup> <https://peopleoverpentagon.org/bill/>

<sup>2</sup> <https://www.cbo.gov/publication/57128>

In 2019, the Project on Government Oversight, Center for International Policy, and Public Citizen found that the following cuts could be made:

- 1 – Don't create a Space Force—save \$2.6 billion.
- 2 – Eliminate the Overseas Contingency Operations account—save \$68.8 billion to \$174 billion.
- 3 – Cut service contracting by 15 percent—save \$26 billion.
- 4 – End use-it-or-lose-it contract spending—save \$18 billion.
- 5 – Freeze operations and maintenance budget levels—save \$6 billion.
- 6 – Replace some military personnel with civilian employees—save \$200 million.
- 7 – Provide \$16 billion per year for naval ship construction—save \$4.6 billion.
- 8 – Retain a nuclear triad with 8 submarines, 150 intercontinental ballistic missiles (ICBMs), and 1,000 warheads—save \$100 million.
- 9 – Defer or cancel development of the B-21 Bomber—save \$3 billion.
- 10 – Reduce the size of the bomber force by retiring the B-1B—save \$1.8 billion.
- 11 – Cancel the Long-Range Standoff Weapon—save \$1.4 billion.
- 12 – Replace future F-35s with F-16s and F-18s—save \$2.4 billion.
- 13 – Reduce U.S. presence in Afghanistan by half—save \$23.15 billion.
- 14 – Retire the F-22—save \$2.9 billion.
- 15 – Cancel the Ground-Based Midcourse Defense System (GMD)—save \$2.5 billion.
- 16 – Cancel development and production of a new missile in the Ground-Based Strategic Deterrent Program—save \$400 million.
- 17 – Cancel the Ford-class carrier program—save \$1 billion.
- 18 – Authorize another Base Realignment and Closure process—save \$2 billion per year.
- 19 – Authorize a Base Realignment and Closure process for the nuclear labs—save \$1 billion per year.
- 20 – Implement open Defense Department Inspector General recommendations—save \$2.3 billion.

21 – Reduce administrative waste, including excessive contractor staffing—save \$25 billion.

22 – Reduce active troop presence in Europe to 40,000—save \$1.5 billion.

23 – Reduce active troop presence in the India-Pacific Command Region to 66,000—save \$2.36 billion.<sup>3</sup>

The National Priorities Project found that cuts consistent with H.R. 8040 could:

- power every household in the United States with solar energy;
- hire one million elementary school teachers;
- provide free tuition for a supermajority of public college students;
- send every household in the U.S. a \$700 check.<sup>4</sup>

The Alameda County Democratic Central Committee passed a similar resolution.

In the interest of providing critical domestic and human services to Berkeley's population, it is in the public interest for the Council to convey its support for reintroduction and passage of H.R. 8040 with a just transition for workers in militarized industries.

#### FINANCIAL IMPLICATIONS

Limited staff time associated with sending a letter to designated recipients.

#### ENVIRONMENTAL SUSTAINABILITY

The U.S. military is one of the world's largest emitters of greenhouse gases and has a long history of environmental destruction.

#### CONTACT PERSON

Councilmember Kate Harrison 510-981-7140

#### ATTACHMENTS:

1. Resolution
2. Support Letters
3. HR 8040

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<sup>3</sup> <https://peopleoverpentagon.org/guidetocuts/>

<sup>4</sup> <https://www.nationalpriorities.org/interactive-data/trade-offs/?state=00&program=111111>

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

IN SUPPORT OF HR 8040: PEOPLE OVER THE PENTAGON ACT

WHEREAS, the 2021-22 Pentagon Budget was \$723 billion, larger than that of the next seven countries combined, eleven times greater than Russia's military budget and four times the size of China's – far in excess of what is required to defend the United States and support our allies; and

WHEREAS, the Pentagon Budget for 2023 includes a \$33 billion increase over the 2021-2022 budget, and, unlike that of every other major federal agency, has never been successfully audited; and

WHEREAS, The federal budget is key to addressing many urgent unmet national priorities, including housing, infrastructure, renewable energy, health care, education, environmental degradation and remediation, economic insecurity, and climate change, that are not allocated sufficient resources in large part because of excessive military spending; and

WHEREAS, members of the House are pursuing an ongoing effort to decrease the military budget, and the Congressional Budget Office has produced the study 'National Defense Under a Smaller Budget.'

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it supports these efforts and the reintroduction and passage of HR 8040 to reduce the military budget by \$100 billion, accompanied by provisions for a just transition for workers in militarized industries.

BE IT FURTHER RESOLVED that the Clerk send a copy of this Resolution and letters of support to Senators Feinstein and Padilla, and Congresswoman Lee.

Senator Dianne Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington, D.C. 20510

**RE: Berkeley City Council Support for HR 8040: People Over the Pentagon Act**

Dear Senator Feinstein,

We write to express our strong support for reintroduction and passage of HR 8040: People Over the Pentagon Act, which would cut \$100 billion from the Pentagon budget and reallocate it to critical domestic and human services.

The 2021-22 Pentagon Budget was \$723 billion, larger than that of the next seven countries combined, eleven times greater than Russia's military budget and four times the size of China's – far in excess of what is required to defend the United States and support our allies. The Pentagon Budget for 2023 includes a \$33 billion increase over the 2021-2022 budget, and, unlike that of every other major federal agency, has never been successfully audited.

The federal budget is key to addressing many urgent unmet national priorities, including housing, infrastructure, renewable energy, health care, education, environmental degradation and remediation, economic insecurity, and climate change, that are not allocated sufficient resources in large part because of excessive military spending.

We respectfully request that the bill be amended to include provisions for a just transition for workers in militarized industries.

For these reasons, the Berkeley City Council strongly supports reintroduction and passage of HR 8040.

Sincerely,

The Berkeley City Council

Senator Alex Padilla  
112 Hart Senate  
Office Building  
Washington, DC 20510

**RE: Berkeley City Council Support for HR 8040: People Over the Pentagon Act**

Dear Senator Padilla,

We write to express our strong support for reintroduction and passage of HR 8040: People Over the Pentagon Act, which would cut \$100 billion from the Pentagon budget and reallocate it to critical domestic and human services.

The 2021-22 Pentagon Budget was \$723 billion, larger than that of the next seven countries combined, eleven times greater than Russia's military budget and four times the size of China's – far in excess of what is required to defend the United States and support our allies. The Pentagon Budget for 2023 includes a \$33 billion increase over the 2021-2022 budget, and, unlike that of every other major federal agency, has never been successfully audited.

The federal budget is key to addressing many urgent unmet national priorities, including housing, infrastructure, renewable energy, health care, education, environmental degradation and remediation, economic insecurity, and climate change, that are not allocated sufficient resources in large part because of excessive military spending.

We respectfully request that the bill be amended to include provisions for a just transition for workers in militarized industries.

For these reasons, the Berkeley City Council strongly supports reintroduction and passage of HR 8040.

Sincerely,

The Berkeley City Council

Representative Barbara Lee  
2470 Rayburn House Office Building  
Washington, DC 20515

**RE: Berkeley City Council Support for HR 8040: People Over the Pentagon Act**

Dear Representative Lee,

We write to express our strong support for reintroduction and passage of HR 8040: People Over the Pentagon Act, which would cut \$100 billion from the Pentagon budget and reallocate it to critical domestic and human services.

The 2021-22 Pentagon Budget was \$723 billion, larger than that of the next seven countries combined, eleven times greater than Russia's military budget and four times the size of China's – far in excess of what is required to defend the United States and support our allies. The Pentagon Budget for 2023 includes a \$33 billion increase over the 2021-2022 budget, and, unlike that of every other major federal agency, has never been successfully audited.

The federal budget is key to addressing many urgent unmet national priorities, including housing, infrastructure, renewable energy, health care, education, environmental degradation and remediation, economic insecurity, and climate change, that are not allocated sufficient resources in large part because of excessive military spending.

We respectfully request that the bill be amended to include provisions for a just transition for workers in militarized industries.

For these reasons, the Berkeley City Council strongly supports reintroduction and passage of HR 8040.

Sincerely,

The Berkeley City Council

117TH CONGRESS  
2D SESSION

# H. R. 8040

To reduce the amount authorized to be appropriated for the Department of Defense for fiscal year 2023, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2022

Ms. LEE of California (for herself, Mr. POCAN, Mr. GRIJALVA, Ms. JAYAPAL, Ms. NORTON, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. MCGOVERN, Mrs. WATSON COLEMAN, and Ms. OMAR) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To reduce the amount authorized to be appropriated for the Department of Defense for fiscal year 2023, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “People Over Pentagon  
5 Act of 2022”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—



1 (1) many of the most urgent threats to the na-  
2 tional security of the United States are not military  
3 in nature;

4 (2) the Federal budget should reflect the na-  
5 tional priorities of the United States; and

6 (3) in order to better protect the security of all  
7 people and address the national priorities of the  
8 United States, the budget of the Department of De-  
9 fense should be reduced and the associated savings  
10 should be reallocated.

11 **SEC. 3. REDUCTION IN AMOUNTS AUTHORIZED TO BE AP-**  
12 **PROPRIATED FOR THE DEPARTMENT OF DE-**  
13 **FENSE FOR FISCAL YEAR 2023.**

14 (a) IN GENERAL.—The amount authorized to be ap-  
15 propriated for the Department of Defense for 2023 is—

16 (1) the aggregate amount appropriated for the  
17 Department of Defense for fiscal year 2022 in divi-  
18 sion C of the Consolidated Appropriations Act, 2022  
19 (Public Law 117–103), reduced by

20 (2) \$100,000,000,000.

21 (b) FUNDING FOR CERTAIN ACCOUNTS.—The  
22 amount authorized to be appropriated for each of the fol-  
23 lowing accounts of the Department of Defense shall be the  
24 amount authorized to be appropriated for such account  
25 for fiscal year 2022:

1 (1) The Defense Health Program.

2 (2) Each military personnel account.

3 (3) Each account providing for pay and benefits  
4 for persons appointed into the civil service as defined  
5 in section 2101 of title 5, United States Code.

6 (c) APPLICATION OF FUNDING CUTS.—In reducing  
7 funding for Department of Defense programs in accord-  
8 ance with subsection (a), the Secretary of Defense shall  
9 take into consideration the findings and recommendations  
10 contained in the Congressional Budget Office report enti-  
11 tled “Illustrative Options for National Defense Under a  
12 Smaller Defense Budget” and dated October 2021.

○



CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

CONSENT CALENDAR  
 February 28, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson (author), Councilmember Mark Humbert (co-sponsor), Councilmember Sophie Hahn (co-sponsor), & Councilmember Kate Harrison (co-sponsor)

Subject: Referral: Creation of an Intersection Daylighting Policy

### RECOMMENDATION

Refer to the City Manager to develop a comprehensive intersection daylighting policy and make recommendations about the implementation of a citywide intersection daylighting program.

Staff should consider criteria for identifying priority areas for daylighting such as high-injury streets, streets and intersections with especially high pedestrian traffic, commercial districts, and streets near schools and colleges. Staff should seek input and feedback on the development of such a policy and program from the Transportation & Infrastructure Commission, and other relevant commissions.

### BACKGROUND

Pedestrian safety is a priority of the City of Berkeley. The City of Berkeley adopted its Pedestrian Plan in 2020, highlighting community member feedback where many residents identified “unsafe or uncomfortable crossing conditions” across the city.<sup>1</sup> According to the Pedestrian Plan, of the 1,071 total collisions involving pedestrians in Berkeley between 2008 and 2017, 10 were fatal (1 percent) and 79 led to a severe injury (7 percent).<sup>2</sup> Additionally, the City of Berkeley has approved the Vision Zero Action Plan, which aims for zero traffic fatalities and severe injuries. Berkeley’s Vision Zero Annual Report (2020-2021) prioritizes “quick-builds,” where easy solutions such as painting or posting signs can help increase safety.<sup>3</sup> This work is guided by the belief and conviction that every collision is preventable; through effective street redesign, we can avoid any more unnecessary fatalities and injuries.

<sup>1</sup> *Pedestrian Plan*. (2021, January 26). City of Berkeley. Page ES-4

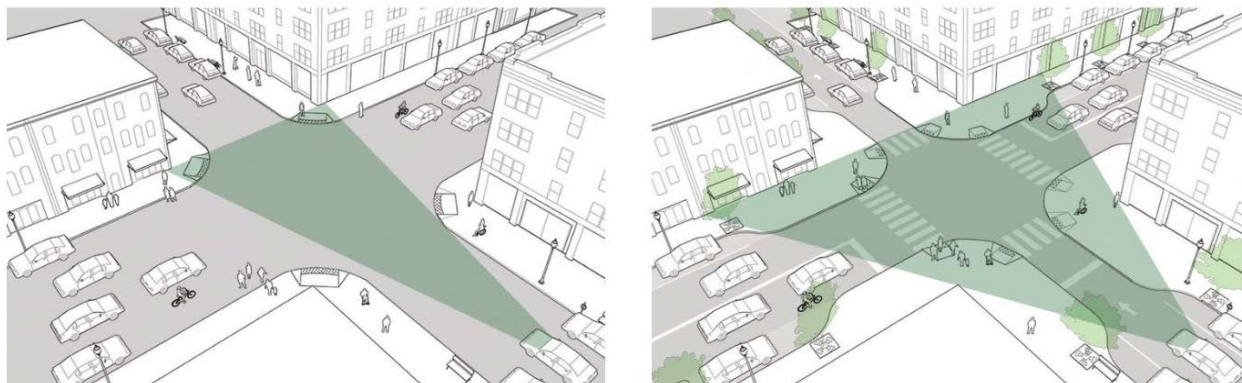
<sup>2</sup> *Pedestrian Plan*. Page ES-6 <https://berkeleyca.gov/your-government/our-work/adopted-plans/pedestrian-plan-2020>

<sup>3</sup> *Vision Zero Action Plan*. (2019, March 10). City of Berkeley. <https://berkeleyca.gov/your-government/our-work/adopted-plans/vision-zero-action-plan>

Despite our wealth of forward-thinking planning documents, the physical infrastructure in Berkeley has not kept up with our ambition. We have a long way to go before our streets are truly safe and before we have achieved the goal of eliminating traffic injuries and deaths in Berkeley. There are a variety of barriers to this work, namely costs and staff capacity. Thus, strategies and projects that maximize pedestrian safety impact with minimum infrastructure or staffing costs are ideal for near-term focus.

Intersection daylighting is an effective—yet cheap and straightforward—way to improve pedestrian safety. Daylighting operates primarily by preventing drivers from parking in the spaces directly before an intersection, thus increasing visibility and improving sight-lines for drivers, helping drivers and pedestrians make eye contact.

According to the National Association of City Transportation Officials (NACTO), 20-25 feet of curb space leading up to an intersection should be daylighted to maximize safety. This diagram from NACTO shows how the implementation of daylighting increases visibility of the entire crosswalk for drivers approaching the intersection. For pedestrians, daylighting means that they don't have to venture into the intersection and peek around parked cars to see if they have a clear path to cross—which is especially dangerous for people using wheelchairs. For drivers, this means they can see pedestrians before they arrive at the crosswalk and have more time to slow down.<sup>4</sup>



Sight lines before and after daylighting (Source: NACTO)

### *Similar Examples Implemented by Other Jurisdictions*

Hoboken, New Jersey became a Vision Zero city and has since implemented safer pedestrian facilities across the city. As of June 2022, Hoboken, New Jersey hasn't had a traffic death in four years. According to Ryan Sharp, Hoboken's Director of Transportation and Parking, daylighting is one of the most impactful tools that Hoboken has used to make its streets less deadly.<sup>5</sup> Interestingly enough, New Jersey law already

<sup>4</sup> NACTO

<sup>5</sup> Robbins, C. (2022, June 17). *Hoboken Hasn't Had a Traffic Death in 4 Years. What's Right?* Curbed. <https://www.curbed.com/2022/06/hoboken-traffic-deaths-none-vision-zero-streets.html>

prohibits any driver from parking within 25 feet of a crosswalk. Hoboken's progress has in part been due to their enthusiasm in actually enforcing the state rule.



Daylighted intersections in Hoboken, NJ

At each daylighted intersection, a parking space is removed in place of hatched paint markings and/or delineators (flexible posts). In certain cases, Hoboken implements hardscape improvements like curb extensions to further improve its daylight intersections, especially on major corridors. But usually, paint is sufficient to daylight an intersection. This makes daylighting perhaps the most cost-effective pedestrian safety facility we have at our disposal. The 2020 Berkeley Pedestrian Plan estimates the cost per intersection approach of adding red curb paint at \$500, or \$2,000 per intersection.<sup>6</sup> Adding hatched paint markings and/or delineators may cost more but, without hardscape changes, costs should remain low.

San Francisco has also implemented a comprehensive daylighting plan, defining daylighting as a minimum of 10 feet of red curb before an intersection. In accordance with its Vision Zero plan, San Francisco has committed to daylighting all the streets in the High Injury Network (13% of streets that account for 75% of severe and fatal crashes). As a result, they saw 14% fewer collisions and 50% of pedestrians reported feeling safer.<sup>7</sup>

The importance of daylighting as a traffic safety measure has also resulted in statewide attention—and may soon result in statewide action. On February 2, 2023, California State Assemblymember Alex Lee introduced AB 413, legislation that would prohibit parking within 20 feet of crosswalks throughout the state.<sup>8</sup> By passing its own

<sup>6</sup> Pedestrian Plan. (2021, January 26). City of Berkeley. Page 64 <https://berkeleyca.gov/your-government/our-work/adopted-plans/pedestrian-plan-2020>

<sup>7</sup> Anzilotti, E. (2021, November 4). *Daylighting* [Text]. SFMTA; San Francisco Municipal Transportation Agency. <https://www.sfmta.com/getting-around/walk/daylighting>

<sup>8</sup> "AB 413." n.d. California Legislative Information. Accessed February 3, 2023. [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240AB413](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB413).

daylighting policy, Berkeley can become a leader on this important issue and, if necessary, staff can work to adapt to any potential state policy changes.

### CURRENT SITUATION AND ITS EFFECTS

The 2020 Berkeley Pedestrian Plan recommends red curbs at intersections to improve sightlines.<sup>9</sup> However, daylighted intersections are rare in the city and are most often found where new complete streets projects have included them. In other words, while the Pedestrian Plan recommends it as a treatment to improve safety at intersections, there is not currently a systematic effort to daylight intersections broadly across the city. This maintains the status quo of dangerous intersection crossings.

This item suggests that staff develop an Intersection Daylighting Policy, so that consistent standards for sightlines and red curb and hatched paint buffers can be applied to intersections across the city. Additionally, this item suggests that staff develop a program to daylight intersections across the city, independent from ongoing complete streets and repaving projects. With simple materials such as paint and bollards, the city ought to be able to have a positive effect on a significant quantity of intersections quickly and affordably.

The majority of pedestrian collisions in Berkeley occur at intersections. The intersections in Berkeley with the highest number of collisions were generally located around downtown, south of the UC Berkeley campus, and along major arterials, such as Ashby Avenue, San Pablo Avenue, Shattuck Avenue, and University Avenue. The Pedestrian Plan also identified four key intersections with the highest pedestrian volumes. Each of these intersections is located in Berkeley's downtown core: Kala Bagai Way at Addison Street, Shattuck Avenue at Addison Street, Shattuck Avenue at Center Street and Shattuck Avenue at Allston Way.<sup>10</sup>

#### *Staff Considerations*

Modeling policy on Hoboken's successful citywide daylighting efforts, staff should create a program that standardizes daylighting as a best practice across the city and directs resources to daylighting. Staff may consider prioritizing intersections on High-Injury Streets as identified in the city's 2019 Vision Zero Action Plan,<sup>11</sup> in addition to streets and intersections with especially high pedestrian traffic, those on commercial corridors,

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<sup>9</sup> <https://berkeleyca.gov/sites/default/files/2022-01/2020-Pedestrian-Plan.pdf> (page 34)

<sup>10</sup> Pedestrian Plan. (2021, January 26). City of Berkeley. <https://berkeleyca.gov/your-government/our-work/adopted-plans/pedestrian-plan-2020>

<sup>11</sup> <https://berkeleyca.gov/sites/default/files/2022-02/Berkeley-Vision-Zero-Action-Plan.pdf>

or those near schools and colleges.



*Map of high-injury streets and areas near schools in Berkeley (for visualization only; not a proposal)<sup>12</sup>*

Due to the low fiscal cost and high safety return of daylighting, this program should function differently from complete streets construction. Complete streets projects are often implemented only once a street is repaved, but this would needlessly delay daylighting—a facility that can be as simple to implement as red curb paint.

While red curb paint is technically a sufficient regulatory signal to drivers that parking is not permitted, staff may explore other more visible designs, including hatched markings and delineators like those used at intersections in Hoboken. Hoboken’s daylighted intersections consist of hatched markings and/or delineators that prevent drivers from parking in former corner parking spaces.

In addition to these “quick build” measures, staff should continue to prioritize daylighting and curb extension facilities in complete streets projects to maximize visibility and improve pedestrian safety. While most intersections in the city could benefit from just paint and delineators, hardscape improvements should be implemented at intersections on streets that are already being reconstructed.

<sup>12</sup> Map created by Sam Greenberg. Data sources: MTC, City of Berkeley, *City of Berkeley Vision Zero Action Plan* (2019), California Department of Education, OpenStreetMap

FINANCIAL IMPLICATIONS

In metered areas, the city receives revenue from parking meters and residential parking permits (RPPs). Removing parking spaces for daylighting may reduce parking meter revenue and RPP participation.

Staff should also consider if there are regional funding opportunities that could support a city daylighting program, such as One Bay Area Grants (OBAG) administered by the Metropolitan Transportation Commission, in addition to the Highway Safety Improvement Program (HSIP) administered by Caltrans, Alameda County Measure B/BB funds, and Alameda County Measure F funds.

Staff should consider what level of funding would be necessary to deliver a successful and effective daylighting program. This item does not refer funding to the budget process at this time, as this project is unlikely to be able to be initiated during the next fiscal year due to staffing constraints.

CONTACT PERSON

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





Office of the City Manager

PUBLIC HEARING  
February 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jordan Klein, Director, Planning & Development Department  
 Subject: ZAB Appeal: 1262 Francisco Street, Administrative Use Permit #ZP2021-0006

### RECOMMENDATION

Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the decision of the Zoning Adjustments Board to approve Administrative Use Permit ZP#2021-0006, to modify Administrative Use Permit ZP#2020-0122, to add 40 square feet on the first floor and a balcony on the second floor of an existing single-family dwelling unit.

### FISCAL IMPACTS OF RECOMMENDATION

None.

### CURRENT SITUATION AND ITS EFFECTS

On October 27, 2020, Sunny Grewal (Architect) submitted an application for an Administrative Use Permit (AUP, #ZP2020-0122) for a major residential addition to an existing single-family dwelling unit.

On November 18, 2020, after two rounds of comments from staff, the application was deemed complete.

On January 5, 2021, a Notice of Administrative Decision approving the application was issued by the Zoning Officer, which established a 20-day appeal period. No appeals were submitted and the AUP went into effect on January 25, 2021.

On February 5, 2021, Sunny Grewal submitted an application for an AUP Modification (#ZP2021-0006) to add 40 square feet on the first floor and a balcony on the second floor of the existing single-family dwelling unit.

On June 28, 2022, after several rounds of comments from staff, the application was deemed complete.

On August 3, 2022, a Notice of Administrative Decision approving the AUP application was issued by the Zoning Officer, which established a 20-day appeal period.

On August 4 and 23, 2022, Aimee Baldwin and John Vinopal, neighbors at 1256 Francisco Street, filed appeals of the Zoning Officer's decision to the Zoning Adjustments Board (ZAB).

On September 29, 2022, staff posted the public hearing notice near the site and mailed notices to property owners and occupants within 300 feet of the project site and to all registered neighborhood groups that cover this area.

On October 13, 2022, the ZAB conducted a public hearing for the appeal of the Zoning Officer's decision. After considering the staff report and administrative record, and hearing comments from the applicant, property owner (1262 Francisco Street), and appellants, the ZAB added Condition of Approval #11 to include a permanently affixed privacy screen located along the western portion of the balcony between the subject properties, 1262 Francisco Street and 1256 Francisco Street. The ZAB then upheld the Zoning Officer's decision to approve the AUP by a unanimous vote (Yes: Duffy, Gaffney, Kim, Matthew, O'Keefe, Thompson, Tregub, and Sanderson; No: None; Abstain: None; Absent: None).

On October 26, 2022, staff issued the notice of the ZAB decision, which established a 14-day appeal period.

On November 11, 2022, John Vinopal, the neighbor at 1256 Francisco Street, filed an appeal of the ZAB decision with the City Clerk.

On February 14, 2023, staff posted the public hearing notices near the site and mailed notices to property owners and occupants within 300 feet of the project site and to all registered neighborhood groups that cover this area. This public hearing is required to resolve the appeal.

### BACKGROUND

The project modifies Administrative Use Permit ZP#2020-0122 by adding 40 square feet on the first floor and a balcony on the second floor of an existing single-family dwelling unit at 1262 Francisco Street. The original project proposed a 717 square foot addition to an existing 1,518 square foot dwelling. The addition resulted in one new bedroom and expansion of the common spaces on the first floor, and a new primary bedroom suite on the second floor. The original project was consistent with all applicable development standards. After the Notice of Decision was issued on January 5, 2021, no appeals were filed.

Subsequent to the approval of AUP ZP#2020-0122, the applicant submitted an application to modify the AUP. The revised project proposes a minor addition along the southeastern portion of the first floor and a 108 square foot balcony along the southwest portion of the second floor, accessed from the primary bedroom. Paralleling the adjacent residence to the west (1256 Francisco Street), the balcony design included a six-foot privacy screen. The proposed balcony would not result in additional habitable

floor area and is located atop the roof of the expanded first floor. Both modifications are consistent with underlying development standards (an AUP is required for a residential addition over 14 feet in height).

Two appeals were filed by the immediate neighbors to the west. Appeal issues included concerns about potential impacts to view, noise, and privacy. Several other issues were raised in the appeals outside of the purview of the ZAB, including the character and intent of the applicant. In the October 13, 2022 staff report for the appeal, staff addressed the appeal issues raised, noting that the proposed modifications would not result in the obstruction of significant views in the neighborhood as defined in BMC Section 23.502 and that regulating activity on the residential balcony on the basis of noise is not within the purview of the Zoning Ordinance. Staff recommended that ZAB dismiss the appeal and approve the project with the added condition that the project permanently maintain a screen along the balcony between the two properties to mitigate potential privacy impacts (COA#11).

At the October 13, 2022 hearing, ZAB members had substantive discussion regarding one of the three appeal points – privacy. To mitigate the potential privacy impacts of the project, ZAB discussed the location of the balcony and the quality of the proposed privacy screen. After agreeing to maintain the proposed location of the balcony, ZAB amended a condition to include language that ensures how the permanent screen will be attached to the balcony for the life of the project and upheld the Zoning Officer's decision to approve the AUP.

For additional project background, please see Attachment 3, the October staff report to ZAB for this project.

#### RATIONALE FOR RECOMMENDATION

The neighbors filed an appeal of the ZAB's decision during the 14-day appeal period. The issues raised in the appellant's letter, and staff's responses, are as follows. For the sake of brevity, the appeal issues are not re-stated in their entirety; refer to the appeal letter (Attachment 2) for full text. The issues raised do not discuss specific components of the project, but take issue with City processes.

**Issue 1:**           **Ex-Parte Disclosure** [p. 1 of attached appeal letter]  
The appellant asserts that the ZAB Acting-Chair Shoshanna O'Keefe failed to disclose ex-parte communication with the applicant. The appellant asserts that a personal relationship exists between the applicant and Chairperson O'Keefe and that the subject parties communicated through a proxy at one point during the review period of the AUP.

Response 1: As stated in the [Berkeley Commissioners' Manual](#)<sup>1</sup>, public hearings are subject to minimum standards of receiving testimony. This may include, but are not limited to, disclosure of ex-parte communications by the commission, receipt of any relevant documentation, and recusal for a conflict of interest. Per the commissioners' manual, ex-parte contacts include "any contact between a commissioner and a person that is a party to the public hearing regarding the subject matter of the hearing." The parties involved in the subject appeal include 1) John Vinopal (appellant) and 2) Jonathan Miller and Sunny Grewal (applicants). A friend who is not authorized to act on the application is not considered a party in the subject application. Therefore, any communication with a friend of one of the mentioned parties would not constitute disclosure of ex-parte communications or require recusal from the matter.

**Issue 2: Character of Applicant** [p. 2 of attached appeal letter]  
The appellant describes the character of the applicant throughout the project review process. The central issues discussed herein are outside of the purview of zoning review.

Response 2: As described above, after the application to modify the AUP was received (ZP#2021-0006), several rounds of corrections followed, requiring the applicant to clarify aspects of the project. Once staff received all the necessary information to make a recommendation, the project was deemed complete. The described review process is standard for all zoning permit applications. Inaccuracies that were referenced are commonly corrected through an iterative review process. The ZAB acted on the basis of the final design and the required findings as set forth in the zoning ordinance.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The project approved by the ZAB is in compliance with all state and local environmental requirements.

#### ALTERNATIVE ACTIONS CONSIDERED

Pursuant to BMC 23.410.040(G)(2), the Council may (1) continue the public hearing, (2) reverse, affirm, or modify the ZAB's decision, or (3) remand the matter to the ZAB.

#### Action Deadline:

Pursuant to BMC Section 23.410.040(I) if the disposition of the appeal has not been determined within 30 days from the date the public hearing was closed by the Council (not including Council recess), then the decision of the Board shall be deemed affirmed and the appeal shall be deemed denied.

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<sup>1</sup> Berkeley Commissioners Manual <https://berkeleyca.gov/sites/default/files/2022-03/Commissioners-Manual.pdf>

CONTACT PERSONS

Jordan Klein, Director, Planning & Development Department, (510) 981-7534

Steven Buckley, Land Use Planning Manager, (510) 981-7411

Katrina Lapira, Project Planner, (510) 981-7488

Attachments:

1: Resolution

    Exhibit A: Findings and Conditions

    Exhibit B: Project Plans dated July 21, 2022

2: Appeal Letter dated November 11, 2022

3: ZAB Staff Report, dated October 13, 2022

4: Index to Administrative Record

5: Administrative Record

6: Public Hearing Notice

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

AFFIRMING THE ZONING ADJUSTMENTS BOARD'S APPROVAL OF ADMINISTRATIVE USE PERMIT # ZP2021-0006 TO MODIFY ADMINISTRATIVE USE PERMIT ZP#2020-0122 TO ADD 40 SQUARE FEET ON THE FIRST FLOOR AND A BALCONY ON THE SECOND FLOOR OF AN EXISTING SINGLE-FAMILY DWELLING UNIT IN THE RESTRICTED TWO-FAMILY RESIDENTIAL DISTRICT (R-2) ZONING DISTRICT AND DISMISSING THE APPEAL

On February 5, 2021, Sunny Grewal submitted an application for an AUP Modification (#ZP2021-0006) to add 40 square feet on the first floor and a balcony on the second floor of the existing single-family dwelling unit.

On June 28, 2022, after several rounds of comments from staff, the application was deemed complete.

On August 3, 2022, a Notice of Administrative Decision approving the AUP application was issued by the Zoning Officer, which established a 20-day appeal period.

On August 4 and 23, 2022, Aimee Baldwin and John Vinopal, neighbors at 1256 Francisco Street, filed appeals of the Zoning Officer's decision to the Zoning Adjustments Board (ZAB).

On September 29, 2022, staff posted the public hearing notice near the site and mailed notices to property owners and occupants within 300 feet of the project site and to all registered neighborhood groups that cover this area.

On October 13, 2022, the ZAB conducted a public hearing for the appeal of the Zoning Officer's decision. After considering the staff report and administrative record, and hearing comments from the applicant, property owner (1262 Francisco Street), and appellants, the ZAB added Condition of Approval #11 to include a permanently affixed privacy screen located along the western portion of the balcony between the subject properties, 1262 Francisco Street and 1256 Francisco Street. The ZAB then upheld the Zoning Officer's decision to approve the AUP by a unanimous vote (Yes: Duffy, Gaffney, Kim, Matthew, O'Keefe, Thompson, Tregub, and Sanderson).

On October 26, 2022, staff issued the notice of the ZAB decision, which established a 14-day appeal period.

On November 11, 2022, John Vinopal, the neighbor at 1256 Francisco Street, filed an appeal of the ZAB decision with the City Clerk.

On or before February 14, 2023, staff posted the public hearing notices near the site and mailed notices to property owners and occupants within 300 feet of the project site and to all registered neighborhood groups that cover this area.

WHEREAS, on February 28, 2023, the Council held a public hearing to consider the ZAB's decision, and, in the opinion of this Council, the facts stated in, or ascertainable from the public record, including comments made at the public hearing, warrant approving the project.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council hereby adopts the findings made by the ZAB in Exhibit A, affirms the decision of the ZAB to approve Administrative Use Permit #ZP2021-0006, adopts the conditions in Exhibit A and the project plans in Exhibit B, and dismisses the appeal.

Exhibits

A: Findings and Conditions

B: Project Plans dated July 21, 2022

# ATTACHMENT 1, EXHIBIT A

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## FINDINGS AND CONDITIONS AUGUST 3, 2022

### 1262 Francisco Street

#### Administrative Use Permit #ZP2021-0006

#### Modification of Administrative Use Permit #ZP2020-0122 to add 40 square feet on the first floor and a balcony on the second floor.

#### PERMITS REQUIRED

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- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.202.080(D) for an addition greater than 14 feet in height.

#### CEQA FINDINGS

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1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to CEQA Guidelines Section 153301 ("Existing Facilities).
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

#### FINDINGS FOR APPROVAL

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3. As required by BMC Section 23.406.030(F), the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
  - A. The subject property complies with the BMC Section 23D.202.080(D) (R-2 Restricted Two-Family Residential District Development Standards) for maximum residential density (one dwelling unit on the lot where two dwelling units are allowed for a lot of this size), maximum lot coverage (29.5 percent lot coverage where the maximum allowed is 40 percent), and usable open space (over 1,000 square feet where a minimum of 400 square feet is required per dwelling unit). There is a permitted Accessory Dwelling Unit located at the rear of subject lot. Additionally, a minor accessory structure- a tool shed



(non-habitable space) that is less than 120 square feet, is located along western property line, that is proposed to remain.

- B. An average height of 21 feet-3 inches was approved under #ZP2020-0122. The modification to allow a second story balcony will not increase the average height of the dwelling beyond that approval.
  - C. The site complies with the following required setbacks: left side setback is 9 feet-6 inches and the right-side setback is 4 feet-7 inches where 4 feet is required, and the rear setback is 57 feet-11 inches where 20 feet is required. The existing front setback is legally nonconforming, providing 16 feet-6 inches where 20 feet is required. The modifications to extend the walls of the addition approved under #ZP2020-0122 are outside of all required setbacks.
  - D. The modification on the first floor does not propose new openings different those that were approved under the previous administrative use permit, although one window will be located closer to the east lot line, and are not expected to be detrimental to the privacy of abutting neighbors.
  - E. The proposed balcony at the second-story level is accessed through the primary bedroom, and setback 8 feet-8 inches from the western property line and over 20 feet from the eastern property line. The proposed balcony parallels an existing second floor bedroom at 1256 Francisco Street. To mitigate potential impacts to privacy, a privacy screen is proposed along the west side of the balcony.
4. Pursuant to BMC Section 23.202.030(A)(2)(a), the Zoning Officer finds that the proposed modifications would not unreasonably obstruct sunlight, air, or views for the following reasons:
- A. Sunlight: The proposed modifications to the previously approved project under #ZP2020-0122 will not further increase shadow impacts on the surrounding neighborhood dwellings.
  - B. Air: The 40-square-foot addition to the east side of office (bedroom four) will slightly reduce the distance from the east neighbor (1266 Francisco), but exceeds the required left side setback. Therefore, there will be no impacts to air circulation.
  - C. Views: The modifications would not result in obstruction of significant views in the neighborhood as defined in BMC Section 23.502 (Glossary). In addition, this area is generally flat and developed with one- and two-story residences that filter or obscure most views that may be available of the Berkeley Hills or the Golden Gate Bridge from off-site view angles.
-

**STANDARD CONDITIONS**

The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

**1. Conditions Shall be Printed on Plans**

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

**2. Compliance Required (BMC Section 23.102.050)**

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

**3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)**

- A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
- B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

**4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)**

All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval

**5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)**

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

**6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)**

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

**7. Permit Modifications (BMC Section 23.404.070)**

No change in the use or structure for which this Permit is issued is permitted unless the Permit is issued is permitted unless approved by the review authority which originally approved the permit. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

**8. Permit Revocation (BMC Section 23.404.080)**

The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

**9. Indemnification Agreement**

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

**ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER**

Pursuant to BMC Section 23.404.050(H), the Zoning Officer attaches the following additional conditions to this Permit:

**Prior to Submittal of Any Building Permit:**

**10. Project Liaison.** The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual’s name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:**

**Project Liaison**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Phone #

**11. Privacy Screen.** As shown on Sheet A3.1 of the approved plan set, the privacy screen located towards the western portion of the balcony shall be maintained for the life of the project.

**Standard Construction-related Conditions Applicable to all Projects:**

**12. Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:

- Alterations, closures, or blockages to sidewalks, pedestrian paths, or vehicle travel lanes (including bicycle lanes);
- Storage of building materials, dumpsters, debris anywhere in the public ROW;
- Provision of exclusive contractor parking on-street; or
- Significant truck activity.

The applicant shall secure the City Traffic Engineer’s approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary, to protect the health, safety, or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

**13.** Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.

14. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division and carry out any necessary corrective action to their satisfaction.
15. Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
16. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter in thickness and secured to the ground.
17. All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand, or other loose materials shall be watered or covered.
18. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
19. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
20. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
21. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
22. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
23. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
24. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines Section 15064.5(f), "provisions for historical or unique

archaeological resources accidentally discovered during construction” should be instituted. Therefore:

- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian, or paleontologist to assess the significance of the find.
- B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
- C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
- D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
- E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

**25. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt, and the Alameda County Coroner shall be contacted to evaluate the remains and following the procedures and protocols pursuant to CEQA Guidelines Section 15064.5 (e)(1). If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to Health and Safety Code Section 7050.5(c), and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

**26. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995, 1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the

resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

**Prior to Issuance of Occupancy Permit or Final Inspection:**

- 27. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
- 28. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated July 21, 2022.

**At All Times (Operation):**

- 29. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
- 30. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.



---

Prepared by: Katrina Lapira  
For Samantha Updegrave, Zoning Officer

SITE PHOTOS



Street View



Rear View

**MILLER RESIDENCE**

1262 Francisco St. Berkeley, CA 94702

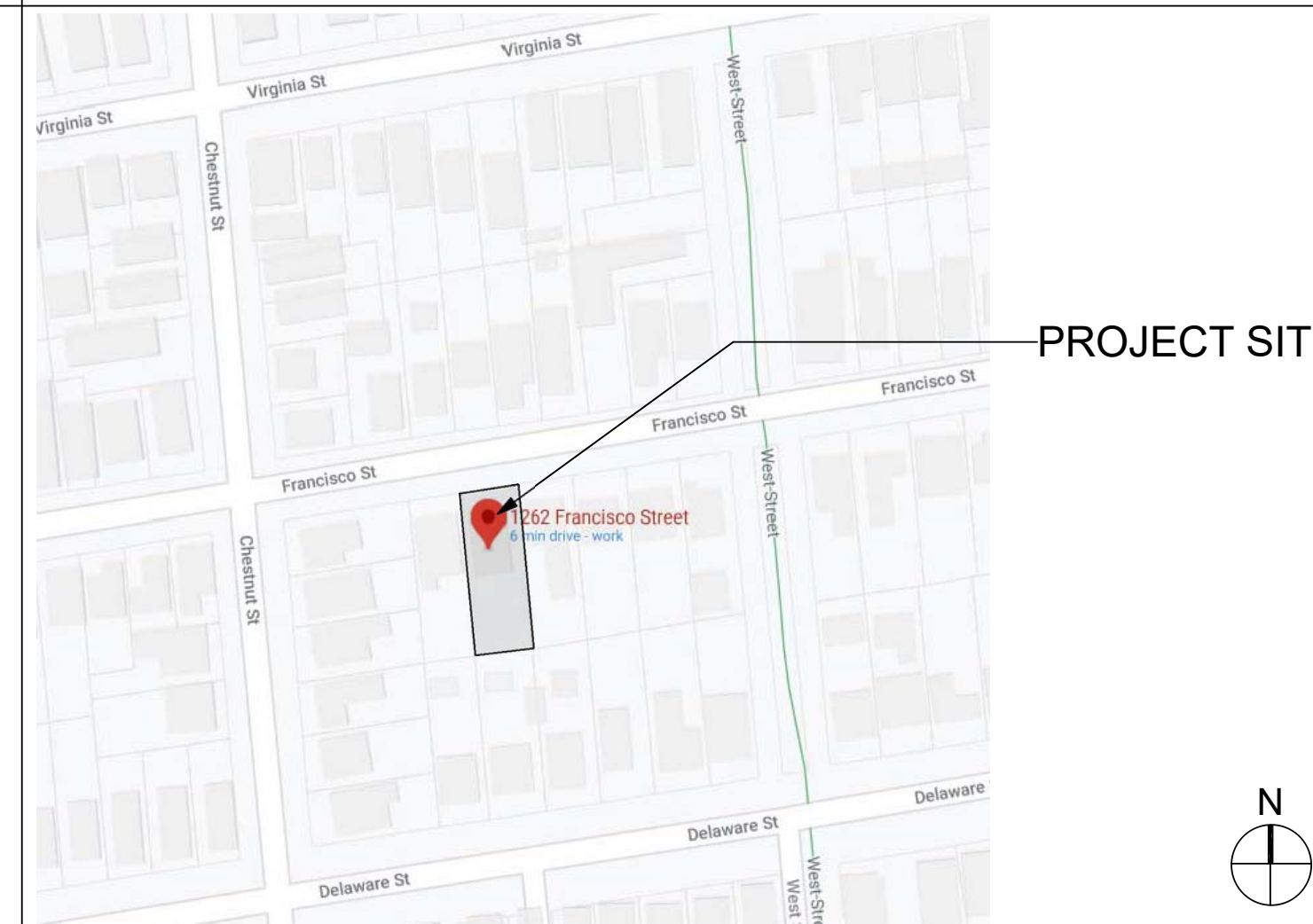
SCOPE OF WORK

The proposed project includes a modification to an approved AUP (ZP2020-0122) for a second story addition

Components of the project include:

- First floor:**
- Expand office (bedroom 4) by a 40 s.f. addition
- Second floor:**
- Create new balcony at master suite
  - Add new patio doors to access balcony
  - Add new transom window above balcony

VICINITY MAP



PROJECT DIRECTORY

**Owner:**  
Jonathan Miller  
1262 Francisco St.  
Berkeley, CA 94702  
Tel: 415-999-2797

**Project Address:**  
1262 Francisco St.  
Berkeley, CA 94702  
APN: 058 213500300

**Architect:**  
Studio G+S, Architects  
2223 5th St.  
Berkeley, CA 94710  
Tel: 510-548-7448  
sunny@sgsarch.com

**Occupancy:** R-3 Duplex  
U - Private garage

**Proposed Construction:** Type V-B

**Fire Sprinkler System:** No

**Zoning/General Plan Regulation**

**Zoning District:** R-2: Restricted Two-Family Residential

**General Plan Area:** LMDR

**Downtown Arts District Overlay:** No

**Commercial District With Use Quotas:** No

**Seismic Safety**

**Earthquake Fault Rupture(Alquist-Priolo) Zone:** No

**Landslide (Seismic Hazards Mapping Act):** No

**Liquefaction (Seismic Hazards Mapping Act):** No

**Un-reinforced Masonry Building Inventory:** No

**Historic Preservation**

**Landmarks or Structure of Merit:** No

**Environmental Safety**

**Creek Buffer:** None

**Fire Zone:** 1

**Flood Zone(100-year or 1%):** No

**Wildlife Urban Interface:** No

| Tabulations                                                                                      |                         |            |                                                    |
|--------------------------------------------------------------------------------------------------|-------------------------|------------|----------------------------------------------------|
|                                                                                                  | Required/Allowed        | Existing   | Proposed                                           |
| <b>Set Backs:</b>                                                                                |                         |            |                                                    |
| Front:                                                                                           | 20'-0"                  | 16'-6"     | 16'-6" to (e) structure<br>33'-10" to (n) addition |
| Rear:                                                                                            | 20'-0"                  | 61'-11"    | 57'-11"                                            |
| Left side:                                                                                       | 4'-0"                   | 9'-5"      | 9'-6"                                              |
| Right side:                                                                                      | 4'-0"                   | 6'-9.5"    | 4'-7.5"                                            |
| <b>Habitable Floor Area:</b>                                                                     |                         |            |                                                    |
| First floor:                                                                                     |                         | 1,078 s.f. | 1,393 s.f. (315 s.f. new)                          |
| Second floor:                                                                                    |                         | 440 s.f.   | 882 s.f. (442 s.f. new)                            |
| Total Area:                                                                                      |                         | 1,518 s.f. | 2,275 s.f. (757 s.f. new)                          |
| <b>Bedroom Count:</b>                                                                            |                         | 3          | 4                                                  |
| <b>Building Height:</b>                                                                          |                         |            |                                                    |
| Average Height:                                                                                  | 28'-0"<br>35'-0" w/ AUP | 16'-5"     | 21'-3"                                             |
| <b>Parking:</b>                                                                                  | 1                       | 1          | 1                                                  |
| <b>Lot Size:</b>                                                                                 | 5,000 s.f.              | 6,000 s.f. | 6,000 s.f.                                         |
| <b>Total Footprint:</b>                                                                          |                         |            |                                                    |
| House:                                                                                           | 2,400 s.f.              | 1,334 s.f. | 1,649 s.f.                                         |
| Storage Shed:                                                                                    |                         | 202 s.f.   | 120 s.f.                                           |
| Total footprint:                                                                                 |                         | 1,536 s.f. | 1,769 s.f.                                         |
| <b>Lot Coverage:</b>                                                                             | 40% (2 story building)  | 25.60%     | 29.48%                                             |
| <b>Usable Open Space:</b>                                                                        | 400 s.f.                | 2,500 s.f. | 2,608 s.f.                                         |
| <b>ADU:</b> Not subject to lot coverage. Therefore, it is not included in the calculations above |                         |            |                                                    |

SHEET INDEX

Architectural:

- A0.0 Scope Of Work, Vicinity Map, Project Data, Sheet Index, Abbreviations, Applicable Codes, Project Directory, Photos
- A0.1 Existing & Proposed Site Plan
- A1.1 Existing Floor & Demo Plans
- A1.2 Existing Exterior Elevations
- A1.3 Proposed Floor Plans - Original Approved AUP
- A1.4 Proposed Exterior Elevations - Original Approved AUP
- A2.1 Proposed Floor Plans - AUP Modification
- A3.1 Proposed Exterior Elevations, Renderings - AUP Modification
- A4.1 Shadow Study - AUP Modification
- A4.2 Shadow Study - Original Approved AUP
- Boundary Survey

APPLICABLE CODES

2019 California Building Code (CBC) Volume 1  
2019 California Building Code (CBC) Volume 2  
2019 California Residential Code (CRC)  
2019 California Energy Code (CBES)  
2019 California Green Building Standards Code (CALGreen)  
2019 California Electrical Code (CEC)  
2019 California Plumbing Code (CPC)  
2019 California Mechanical Code (CMC)

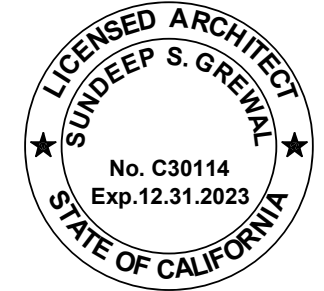
This project shall conform to all the above codes and any local and state laws and regulations adopted by the City of Berkeley, CA.

ABBREVIATIONS

|         |                       |          |                         |         |                         |
|---------|-----------------------|----------|-------------------------|---------|-------------------------|
| &       | and                   | fdn.     | foundation              | pr.     | pair                    |
| @       | at                    | fin.     | finish                  | p.s.    | plumbing stack          |
| perpen. | perpendicular         | fl.      | floor                   | pt.     | point                   |
| #       | pound or number       | flash.   | flushing                | p.t.    | pressure treated        |
| (e)     | existing              | fluor.   | fluorescent             | ptd.    | painted                 |
| (n)     | new                   | f.o.c.   | face of concrete        | r.      | riser                   |
| (r)     | renovated             | f.o.f.   | face of finish          | r.a.    | return air              |
| a.f.f.  | above finished floor  | f.o.s.   | face of studs           | ref.    | reference               |
| acous.  | acoustical            | ft.      | foot or feet            | refr.   | refrigerator            |
| adj.    | adjacent/ adjustable  | ftg.     | footing                 | rgtr.   | register                |
| alum.   | aluminum              | furn.    | furnace                 | reinf.  | reinforced              |
| approx. | approximate           | g.a.     | gauge                   | req.    | required                |
| arch.   | architectural         | gal      | gallon                  | rm.     | room                    |
| asph.   | asphalt               | g.s.m.   | galvanized sheet metal  | rwd.    | rough opening           |
| bd.     | board                 | gnd.     | ground                  | rwd.    | redwood                 |
| bdg.    | building              | gr.      | grade                   | r.w.l.  | rain water leader       |
| blk.    | block                 | gyp. bd. | gypsum board            | s.      | south                   |
| blkg.   | blocking              | h.b.     | hose bibb               | s.c.    | solid core              |
| bm.     | beam                  | hdwd.    | hardwood                | sched.  | schedule                |
| bot.    | bottom                | h.f.     | hardwood                | sect.   | section                 |
| b.p.    | building paper        | horiz.   | horizontal              | sh.     | shelf                   |
| b/w.    | between               | hgt.     | height                  | shr.    | shower                  |
| cab.    | cabinet               | i.d.     | inside diameter (dia.)  | sim.    | similar                 |
| cem.    | cement                | insul.   | insulation              | s.mech. | see mechanical drawings |
| cer.    | ceramic               | int.     | interior                | s.o.    | sash opening            |
| cl.     | center line           | int.     | interior                | spec.   | specification           |
| clg.    | ceiling               | jt.      | joint                   | sq.     | square                  |
| clg.    | caulking              | kit.     | kitchen                 | s.s.d.  | see structural drawings |
| c.o.    | cleanout              | lav.     | lavatory                | sst.    | stainless steel         |
| clo.    | closet                | loc.     | location                | std.    | standard                |
| clr.    | clear                 | lt.      | light                   | sti.    | steel                   |
| col.    | column                | lt.      | light                   | stor.   | storage                 |
| comp.   | composition           | max.     | maximum                 | struct. | structure               |
| conc.   | concrete              | m.c.     | mechanical              | sym.    | symmetrical             |
| constr. | construction          | mech.    | mechanical              | sym.    | symmetrical             |
| cont.   | continuous            | membr.   | membrane                | t.      | tread or tempered       |
| det.    | detail                | manuf.   | manufacturer            | t.b.    | television              |
| d.f.    | douglas fir           | min.     | minimum                 | tel.    | telephone               |
| dia.    | diameter              | mir.     | mirror                  | t. & g. | tone & groove           |
| dim.    | dimension             | misc.    | miscellaneous           | thk.    | thick                   |
| dir.    | direction             | mtd.     | mounted                 | t.b.r.  | to be removed           |
| dir.    | direction             | mtl.     | metal                   | t.o.    | top of                  |
| disp.   | disposal              | n.       | north                   | t.p.d.  | toilet paper dispenser  |
| d.w.    | dishwasher            | nat.     | natural                 | t.v.    | television              |
| dr.     | door                  | nc.      | necessary               | typ.    | typical                 |
| drw.    | drawer                | neo.     | neoprene                | unf.    | unfinished              |
| drg.    | drawing               | n.i.c.   | not in contract         | u.o.n.  | unless otherwise noted  |
| drgs.   | drawings              | no.      | number                  | vert.   | vertical                |
| e.      | east                  | nom.     | nominal                 | v.g.    | vertical grain          |
| ea.     | each                  | n.s.     | not to scale            | v.i.f.  | verify in field         |
| el.     | elevation             | o.a.     | overall                 | w.h.    | water heater            |
| elec.   | electrical            | o.c.     | on center               | w.      | west                    |
| encl.   | enclosure             | o.d.     | outside diameter (dim.) | w/      | with                    |
| eq.     | equal                 | opng.    | opening                 | wd.     | wood                    |
| eqpt.   | equipment             | opp.     | opposite                | w/o     | without                 |
| ext.    | exterior              | pl.      | property line           | w.o.    | where occurs            |
| f.      | frosted               | p.lam.   | plastic laminate        | wp.     | waterproof              |
| f.d.c.  | fire dept. connection | plywd.   | plywood                 | wt.     | weight                  |



2223 Fifth St.  
Berkeley, CA 94710  
Ph: 510.548.7448  
info@sgsarch.com  
www.sgsarch.com



**MILLER RESIDENCE**  
**AUP Modification**  
1262 Francisco St.  
Berkeley, CA 94702  
APN: 058 213500300

Sheet Contents:

- Sheet Index
- Applicable Codes
- Vicinity Map
- Project Data
- Scope of Work
- Project Directory
- Photos

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Project No: 20-07-414

Drawn By: SSG





Checked By: SSG

Scale: as noted

Revisions:  
AUP Modification Submittal:  
07-21-2022

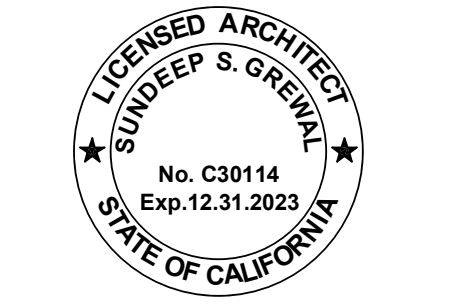
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-  existing structure
-  1st floor addition
-  2nd floor addition
-  usable open space



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Berkeley, CA 94710  
Ph: 510.548.7448  
info@sgsarch.com  
www.sgsarch.com



**MILLER RESIDENCE**  
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1262 Francisco St.  
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Sheet Contents:  
Existing Site Plan  
Proposed Site Plan

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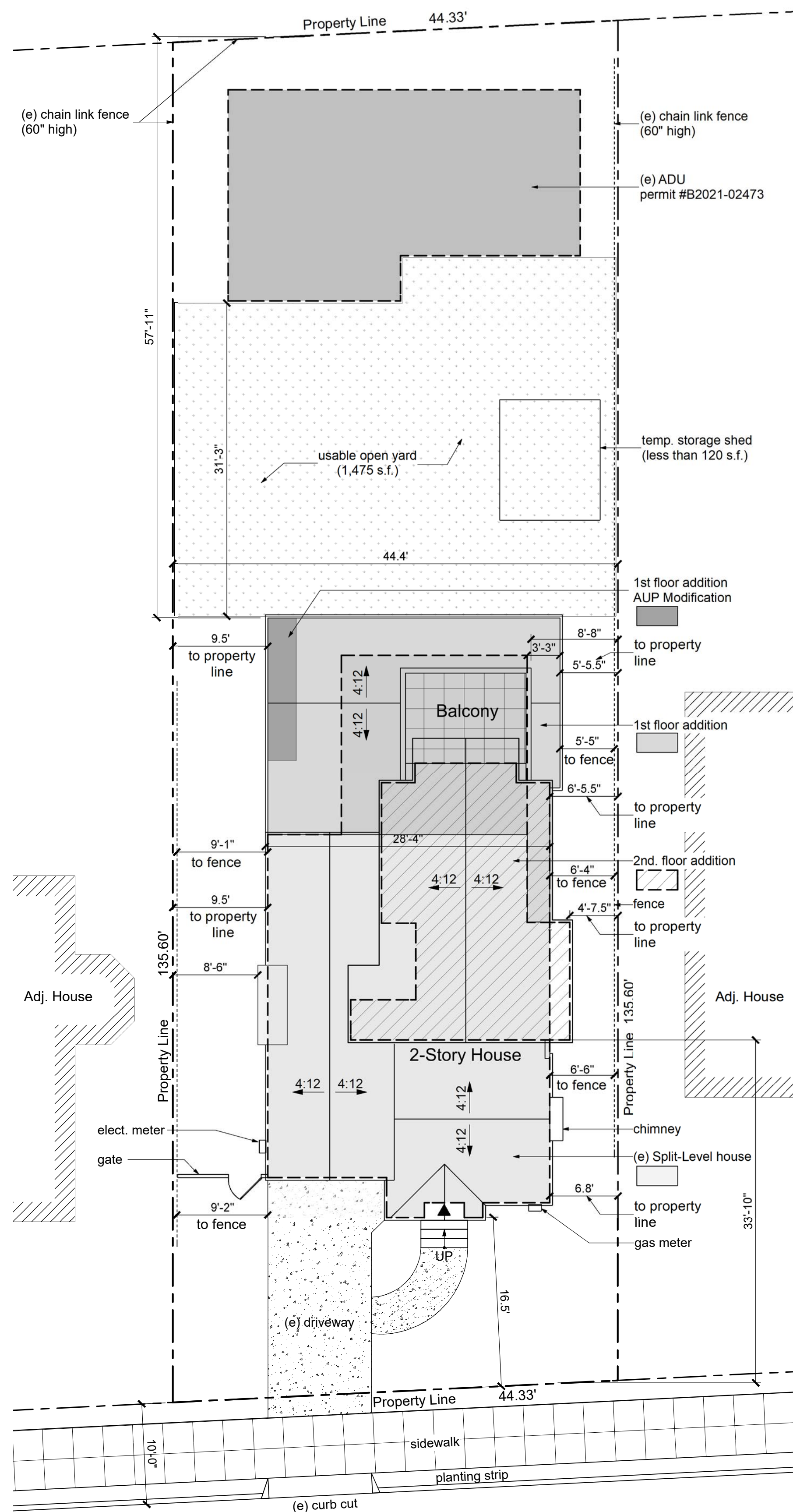
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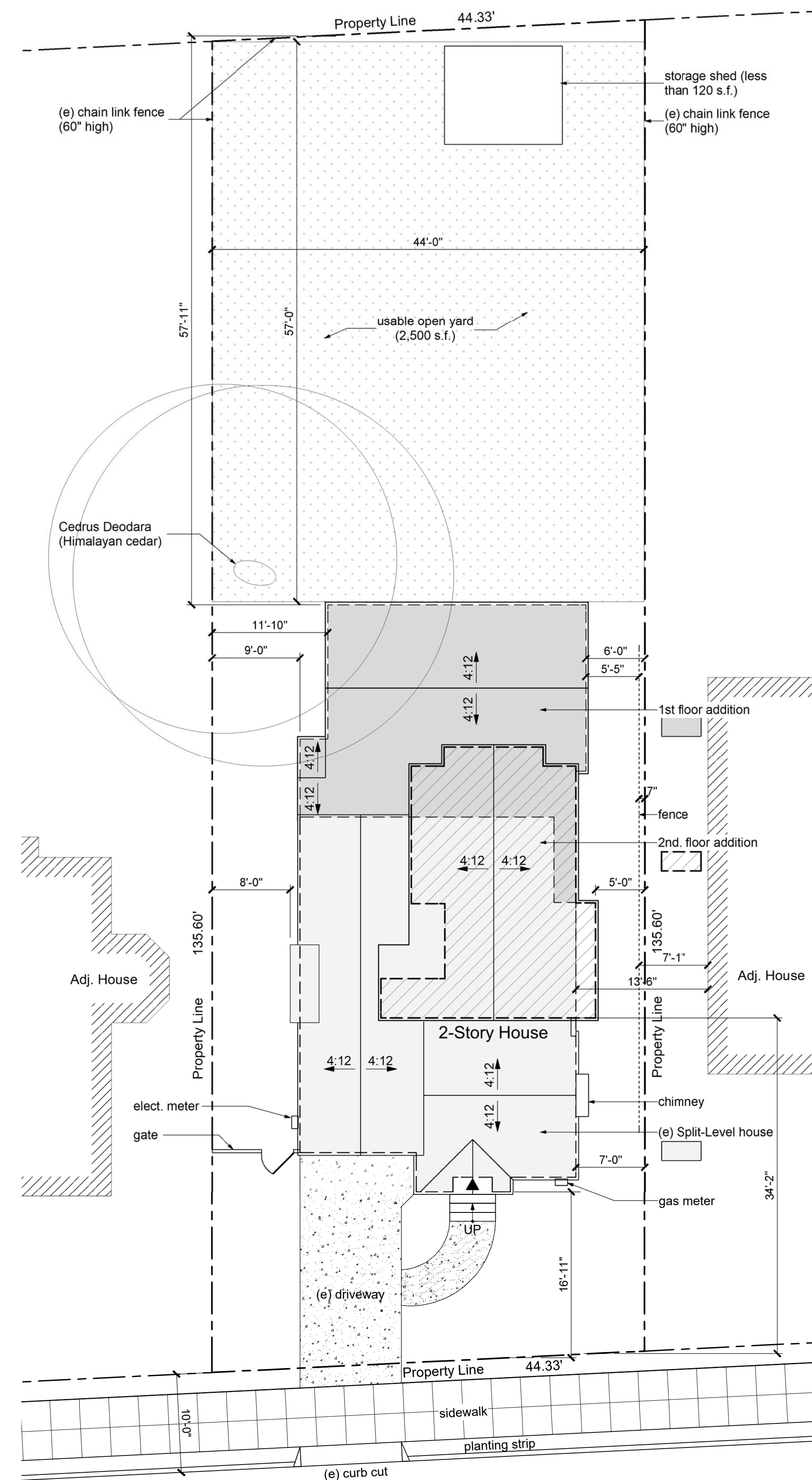
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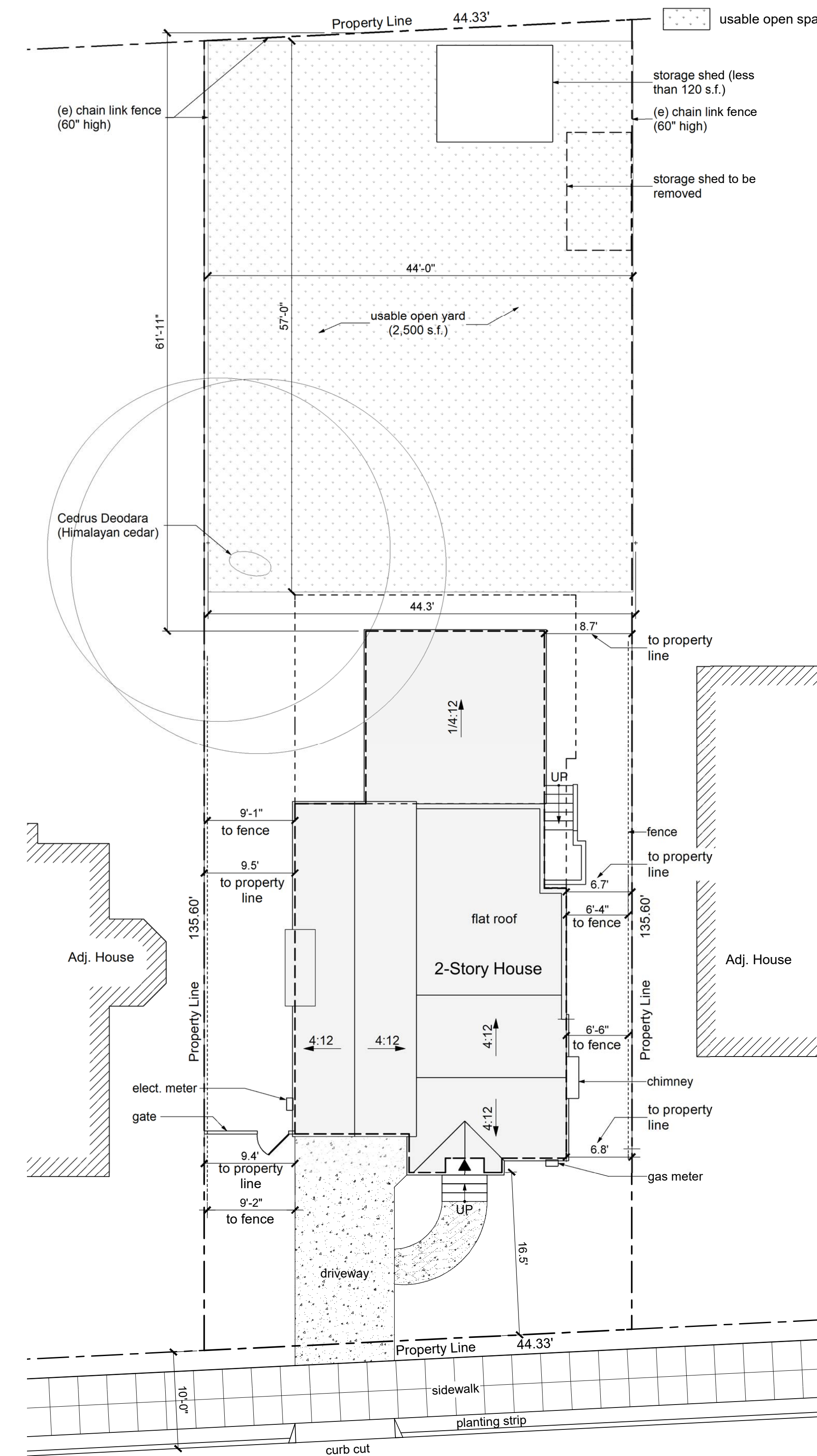
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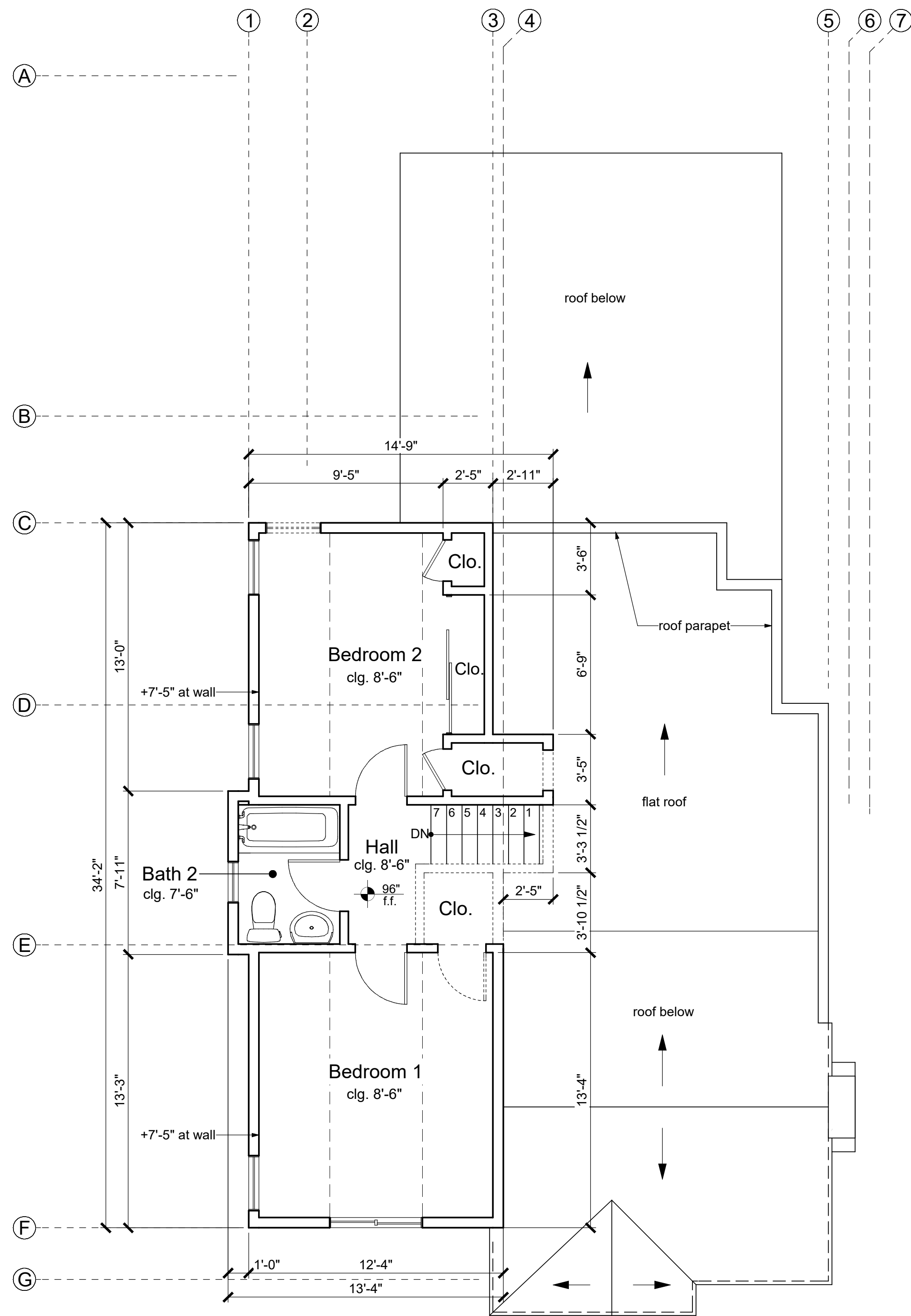
**3** Proposed Site Plan  
AUP Modification



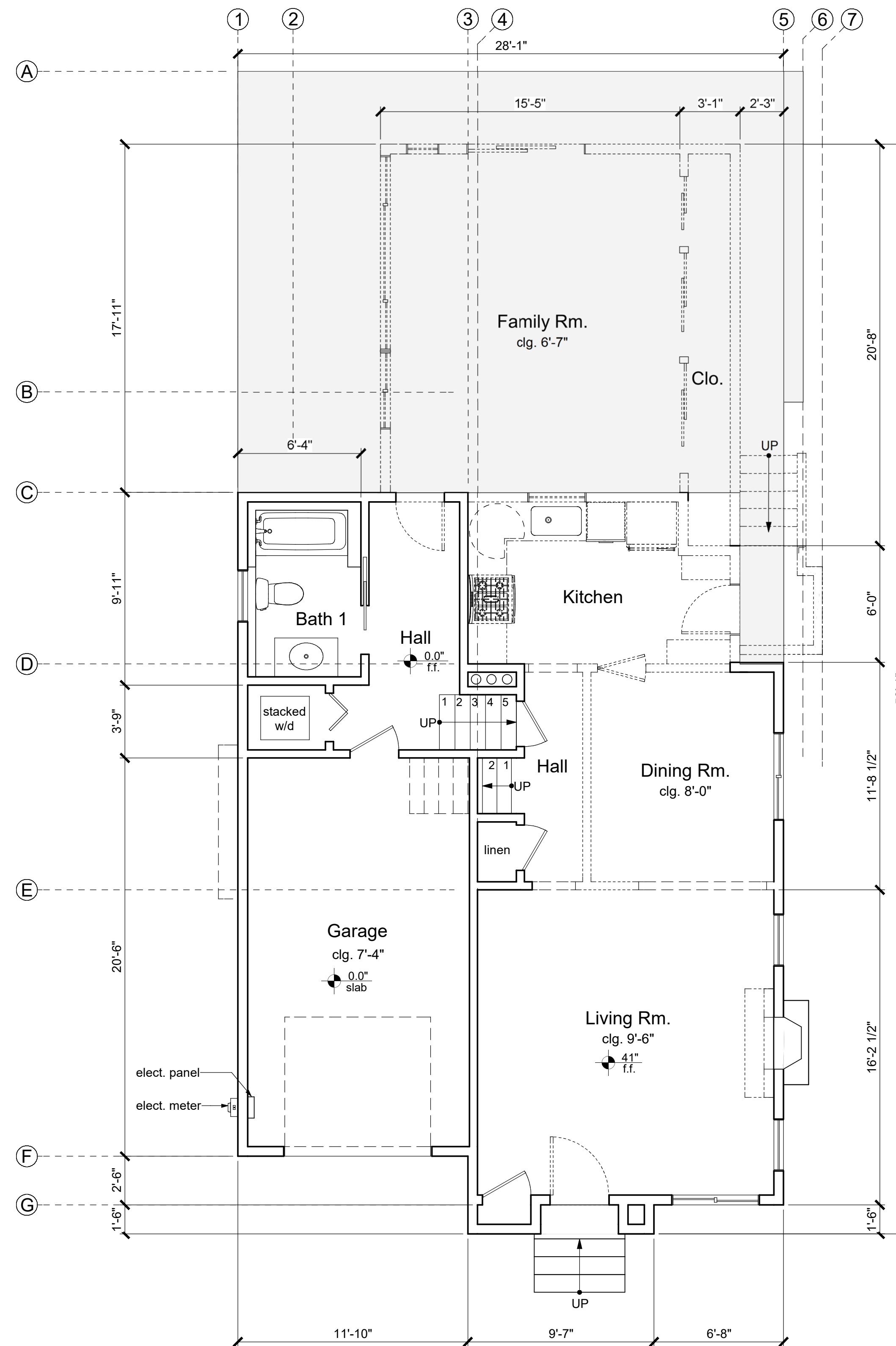
**2** Proposed Site Plan  
Original Approved AUP



**1** Existing Site Plan



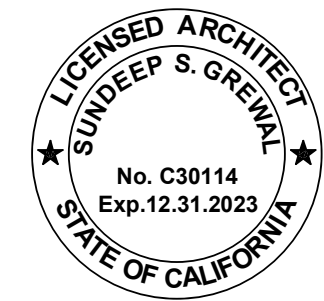
2 Existing Second Floor Plan



1 Existing First Floor Plan



2223 Fifth St.  
Berkeley, CA 94710  
Ph: 510.548.7448  
info@sgsarch.com  
www.sgsarch.com



**MILLER RESIDENCE**  
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Berkeley, CA 94702  
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Sheet Contents:  
Existing Floor Plans

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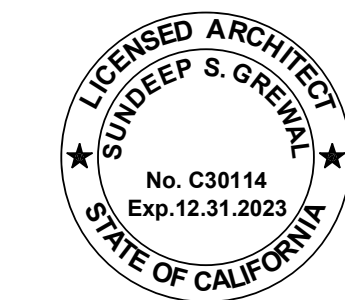
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Berkeley, CA 94710  
Ph: 510.548.7448  
info@sgsarch.com  
www.sgsarch.com



**MILLER RESIDENCE  
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1262 Francisco St.  
Berkeley, CA 94702  
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Existing Exterior Elevations

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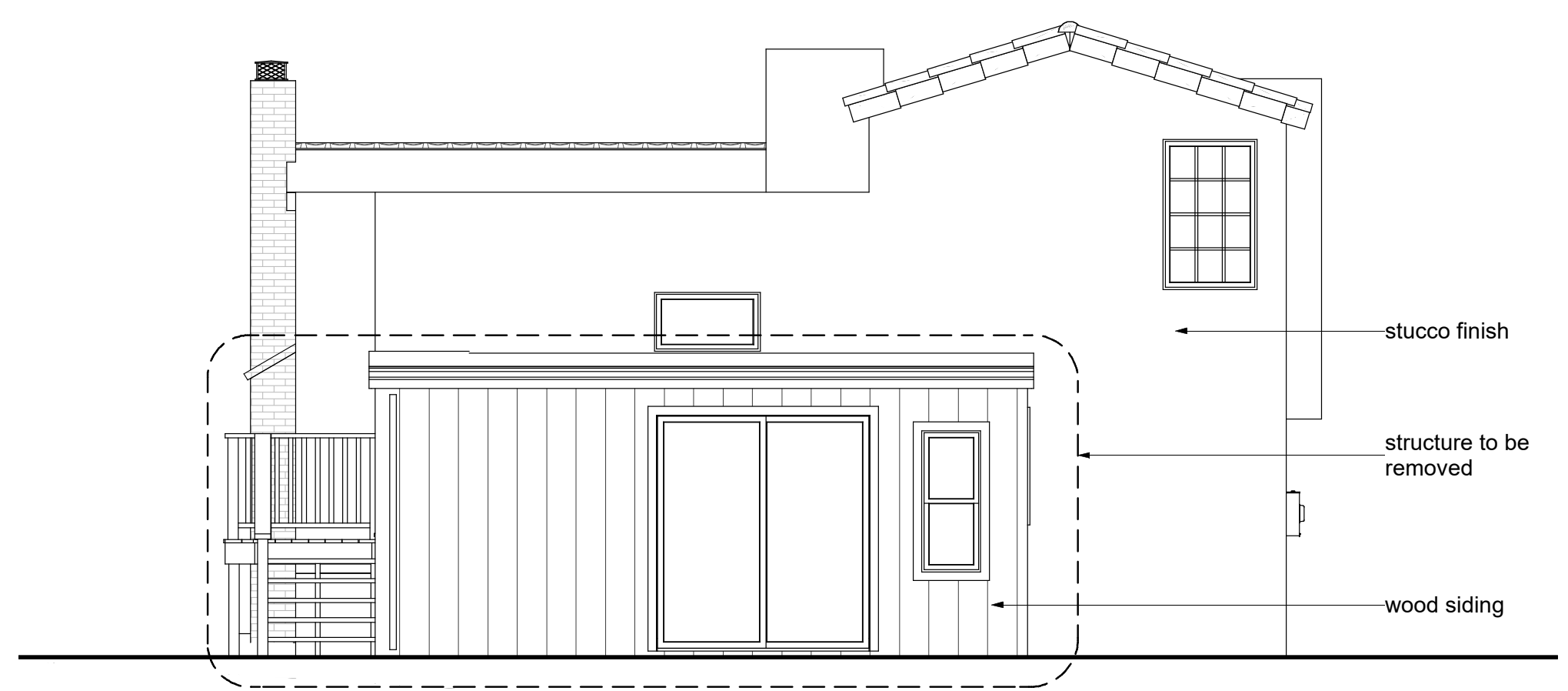
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AUP Modification Submittal:  
07-21-2022

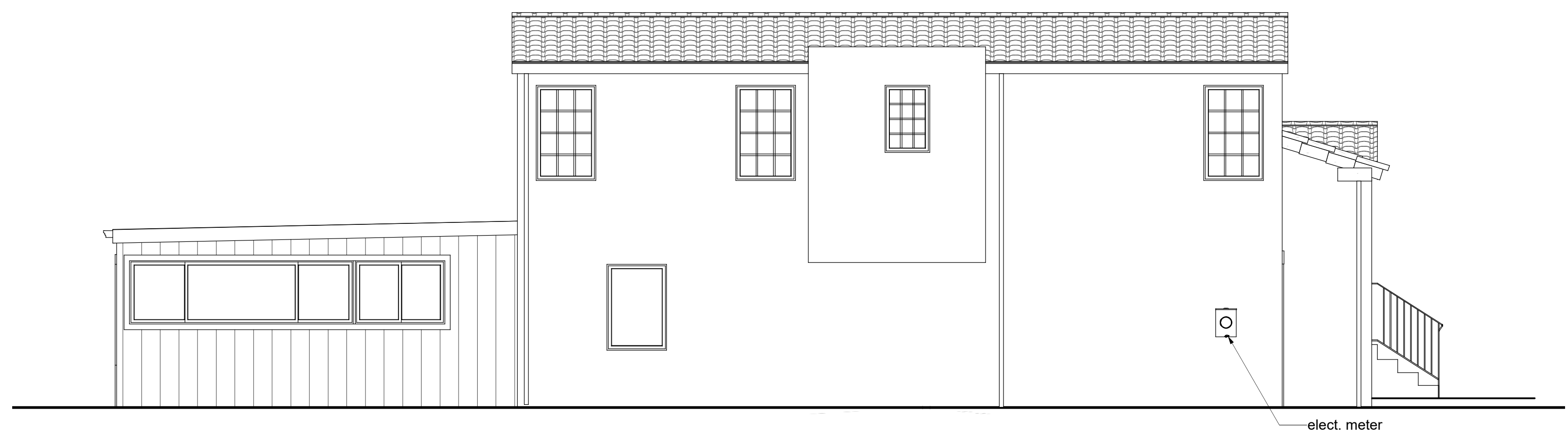
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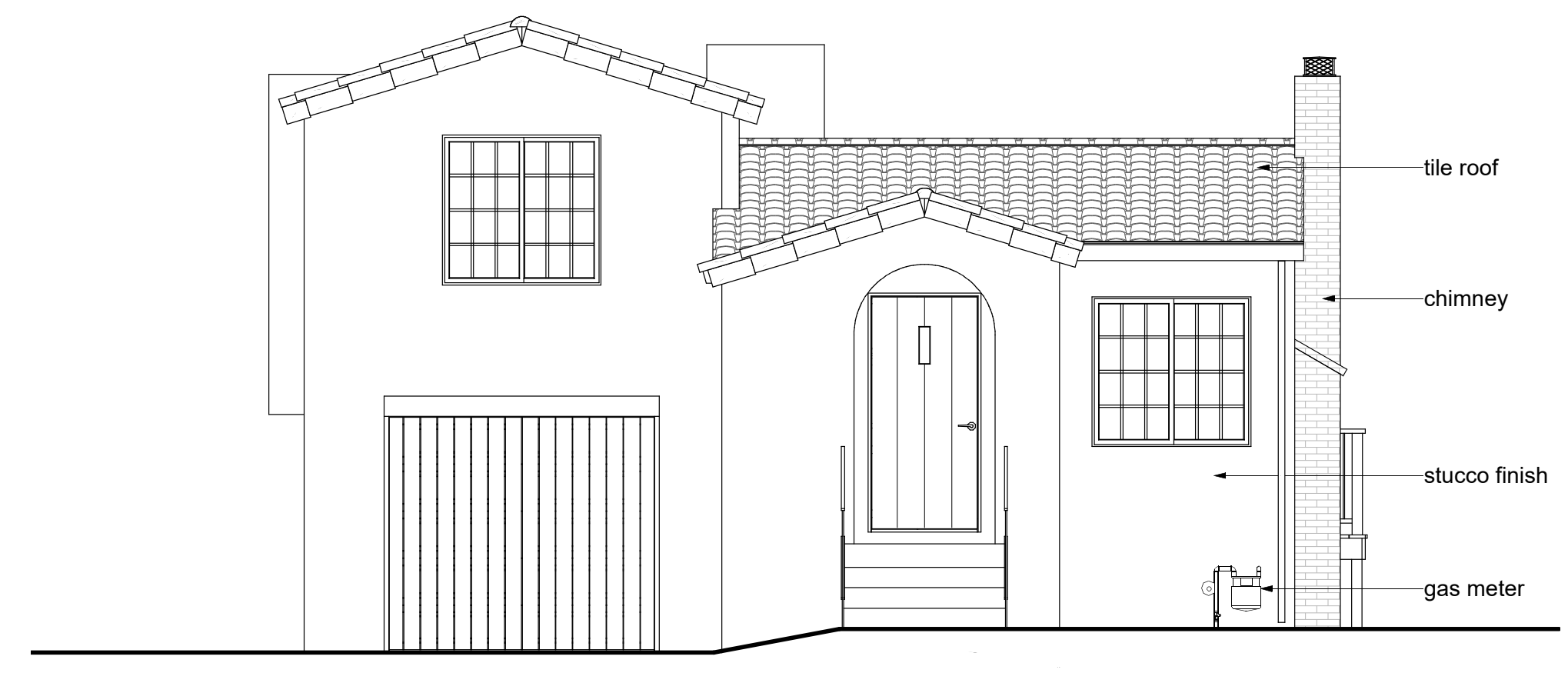
④ Existing West Elevation - Right Side



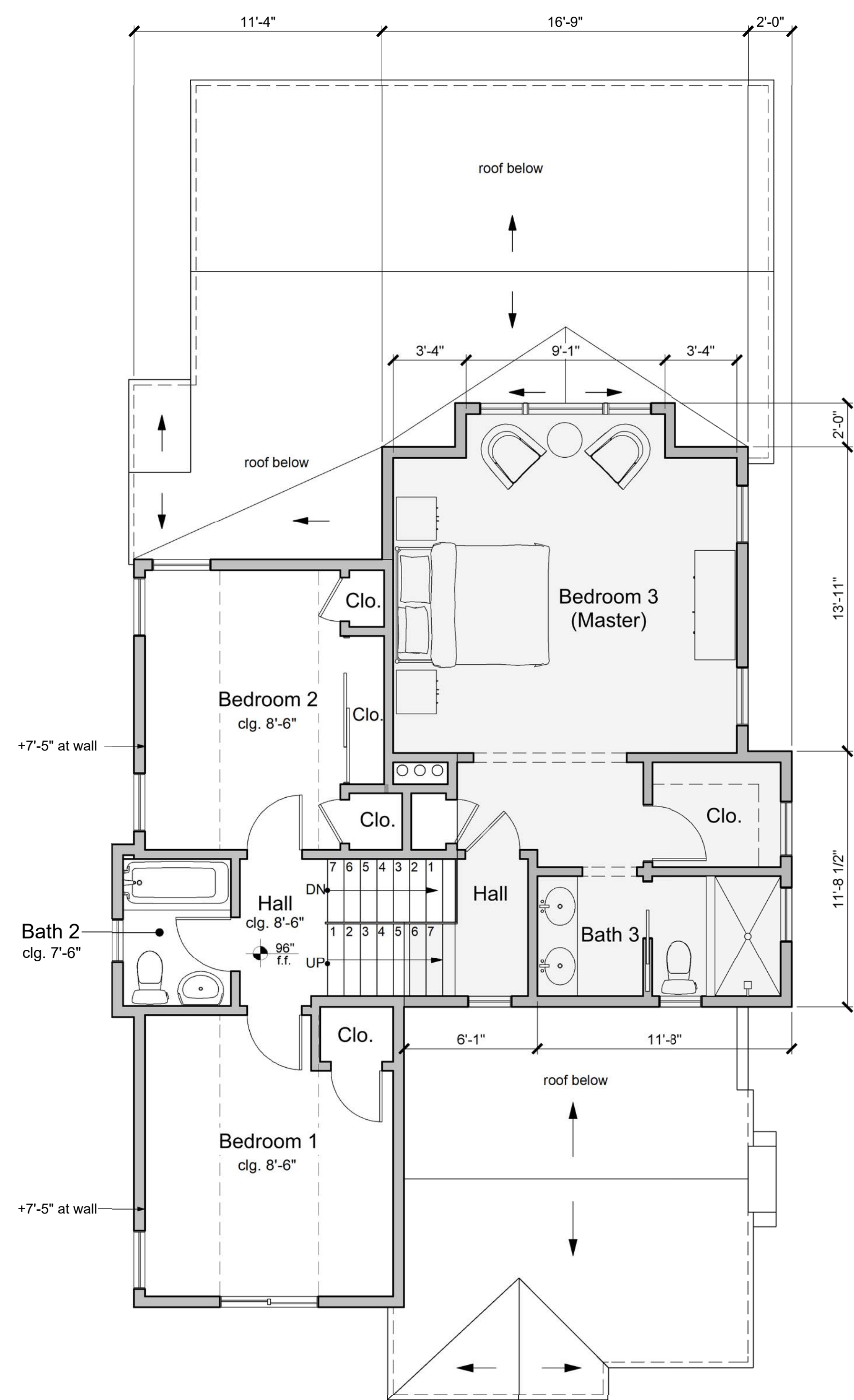
③ Existing South Elevation - Rear



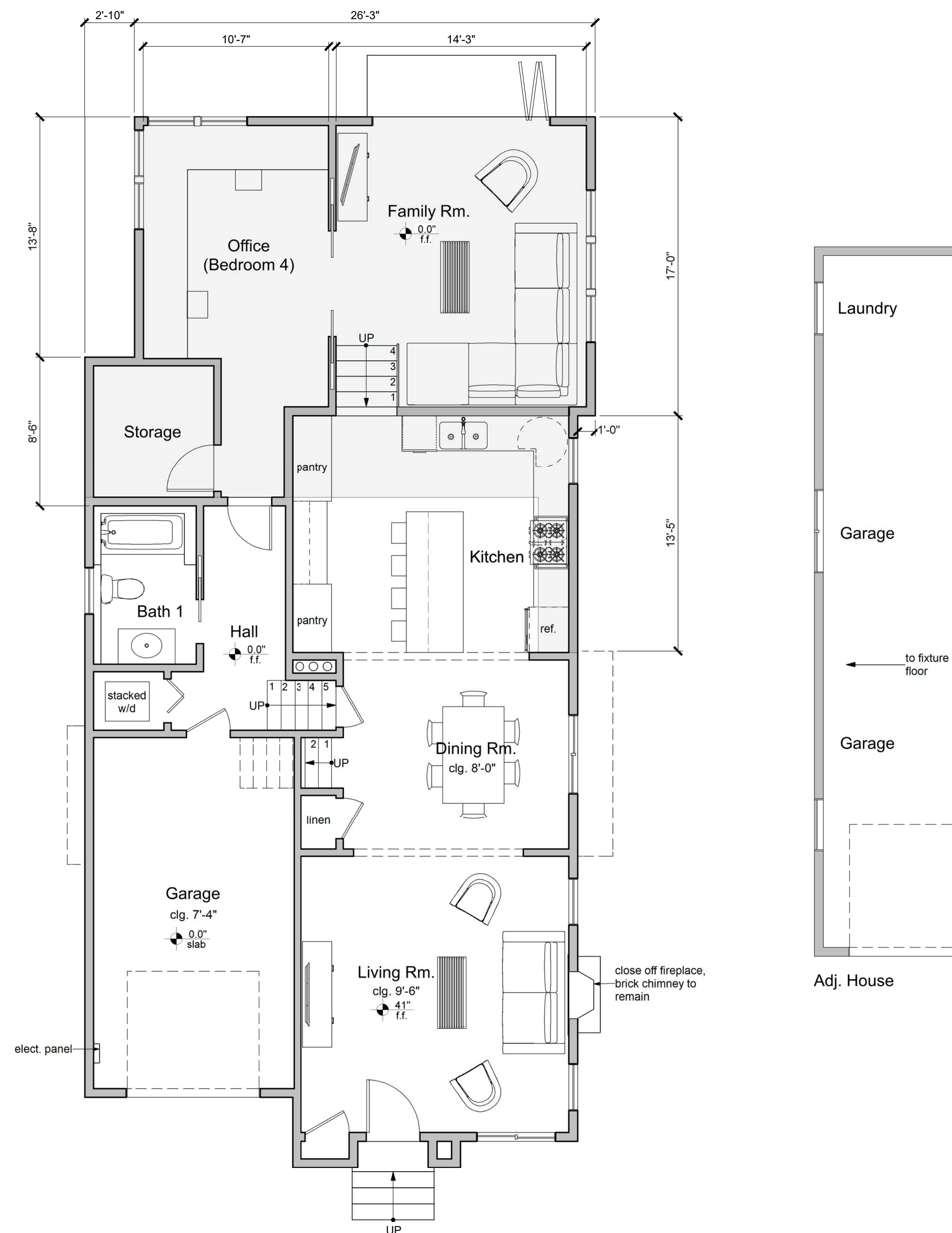
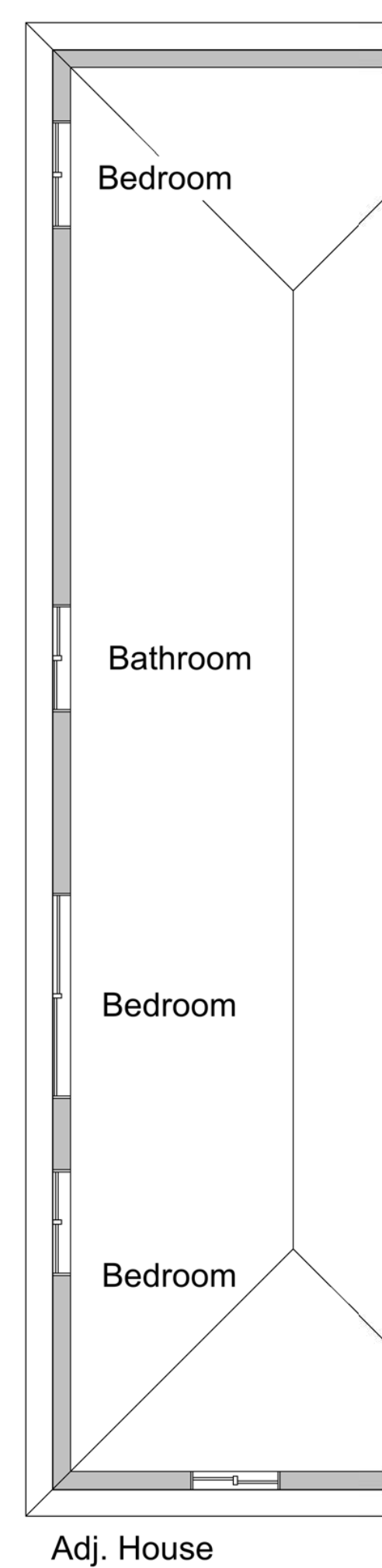
② Existing East Elevation - Left Side



① Existing North Elevation - Front



② Proposed Second Floor Plan  
Original Approved AUP



① Proposed First Floor Plan  
Original Approved AUP



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info@sgsarch.com  
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**MILLER RESIDENCE  
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Sheet Contents:

Approved AUP  
Proposed Floor Plans

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Project No:  
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SSG

Checked By:  
SSG

Scale:  
1/4" = 1'-0"

Revisions:  
AUP Modification Submittal:  
07-21-2022

Sheet  
**A1.3**



7 Right Rear View Of Proposed Addition



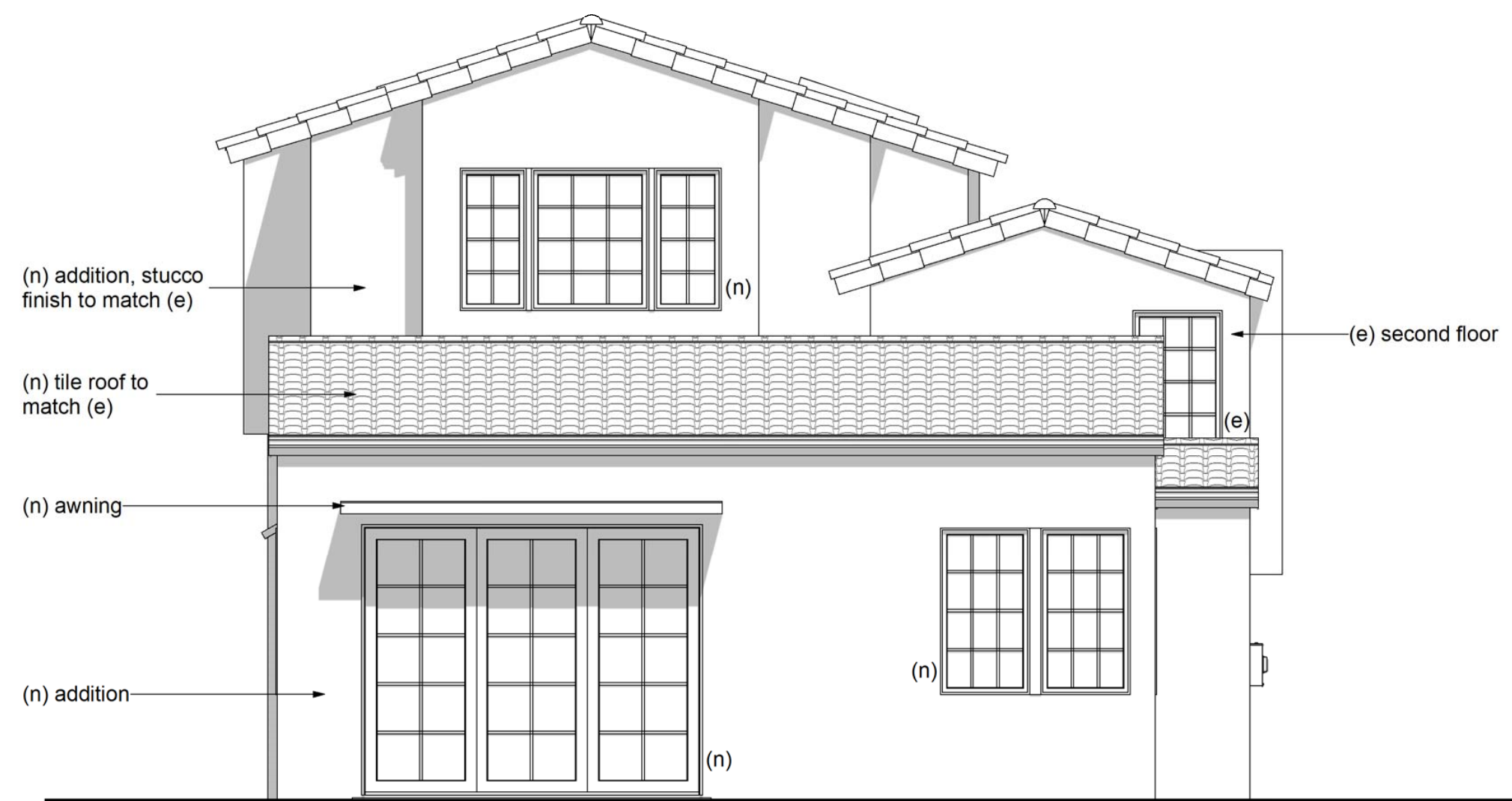
6 Left Rear View Of Proposed Addition



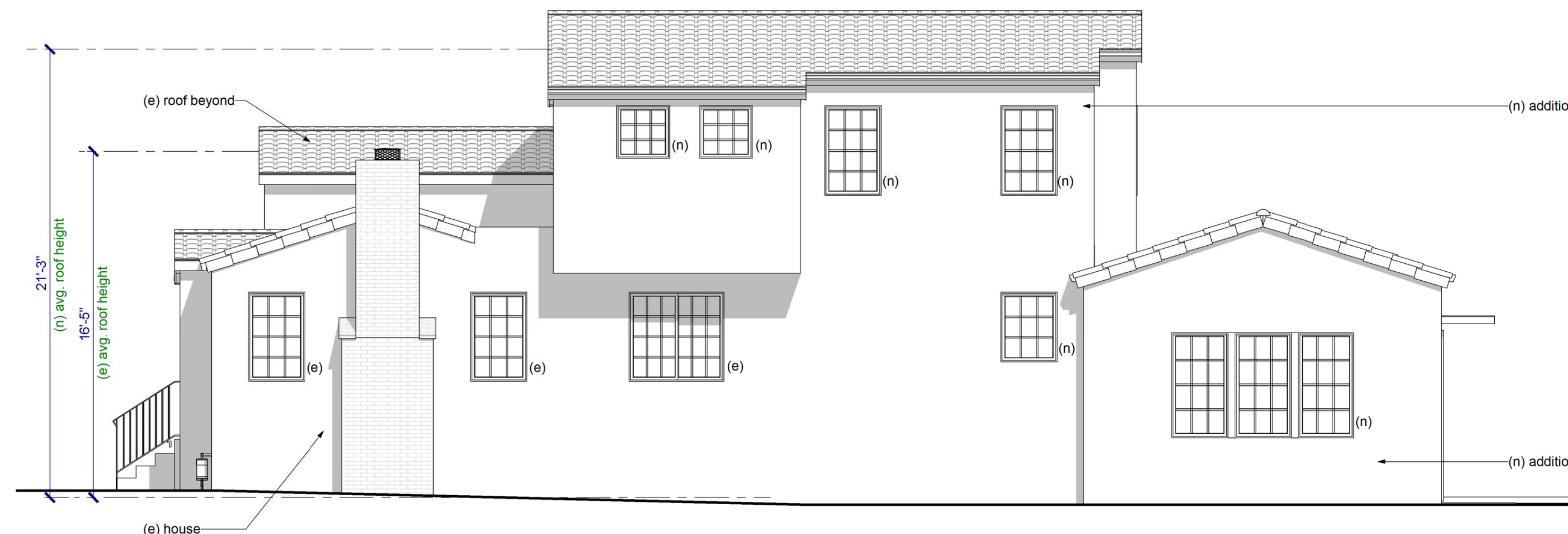
5 Street View Of Proposed Addition



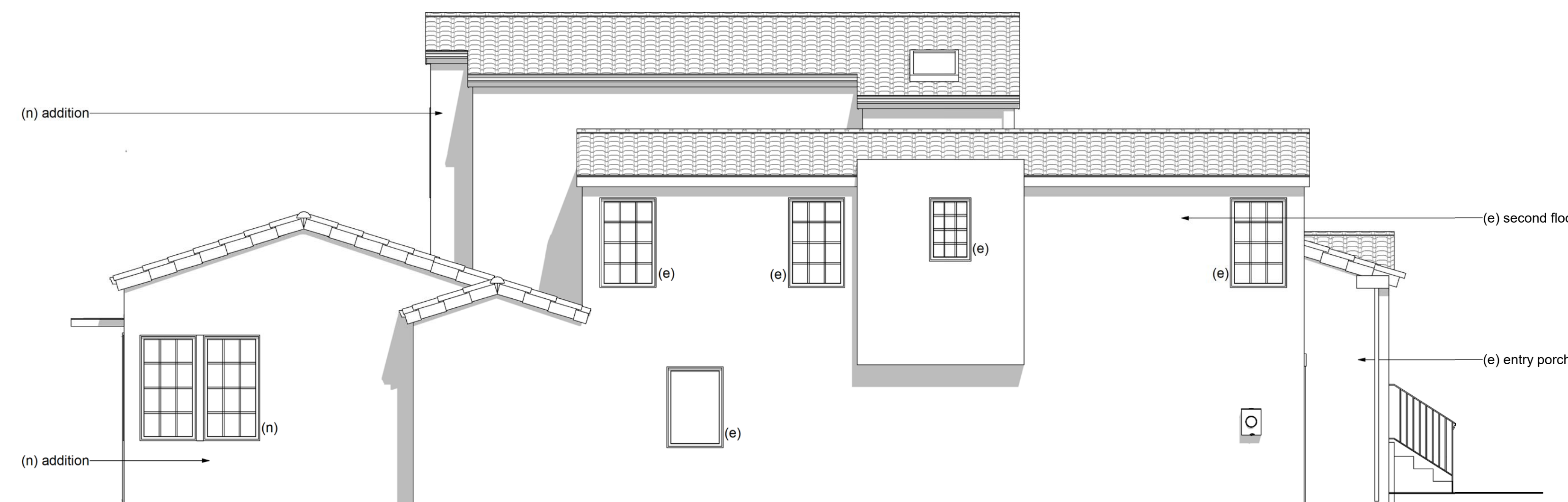
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4 Proposed South Elevation - Rear  
Original Approved AUP



3 Proposed West Elevation - Right Side  
Original Approved AUP



2 Proposed East Elevation - Left Side  
Original Approved AUP



1 Proposed North Elevation - Front  
Original Approved AUP

**MILLER RESIDENCE  
AUP Modification**  
1262 Francisco St.  
Berkeley, CA 94702  
APN: 058 213500300

Sheet Contents:  
Approved AUP  
Proposed Exterior Elevations

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Project No:  
20-07-414

Drawn By:  
SSG

Checked By:  
SSG

Scale:  
1/4" = 1'-0"

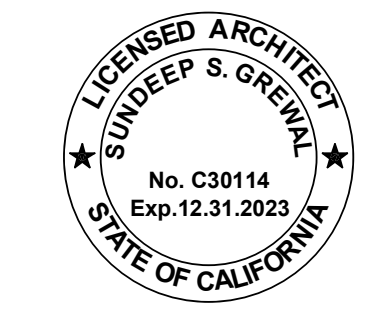
Revisions:  
AUP Modification Submittal:  
07-21-2022

Sheet  
**A1.4**

- Existing floor area
- Approved AUP  
New floor area
- AUP Modification  
New floor area



2223 Fifth St.  
Berkeley, CA 94710  
Ph: 510.548.7448  
info@sgsarch.com  
www.sgsarch.com



**MILLER RESIDENCE**  
**AUP Modification**  
1262 Francisco St.  
Berkeley, CA 94702  
APN: 058 213500300

Sheet Contents:  
AUP Modification  
Proposed Floor Plan

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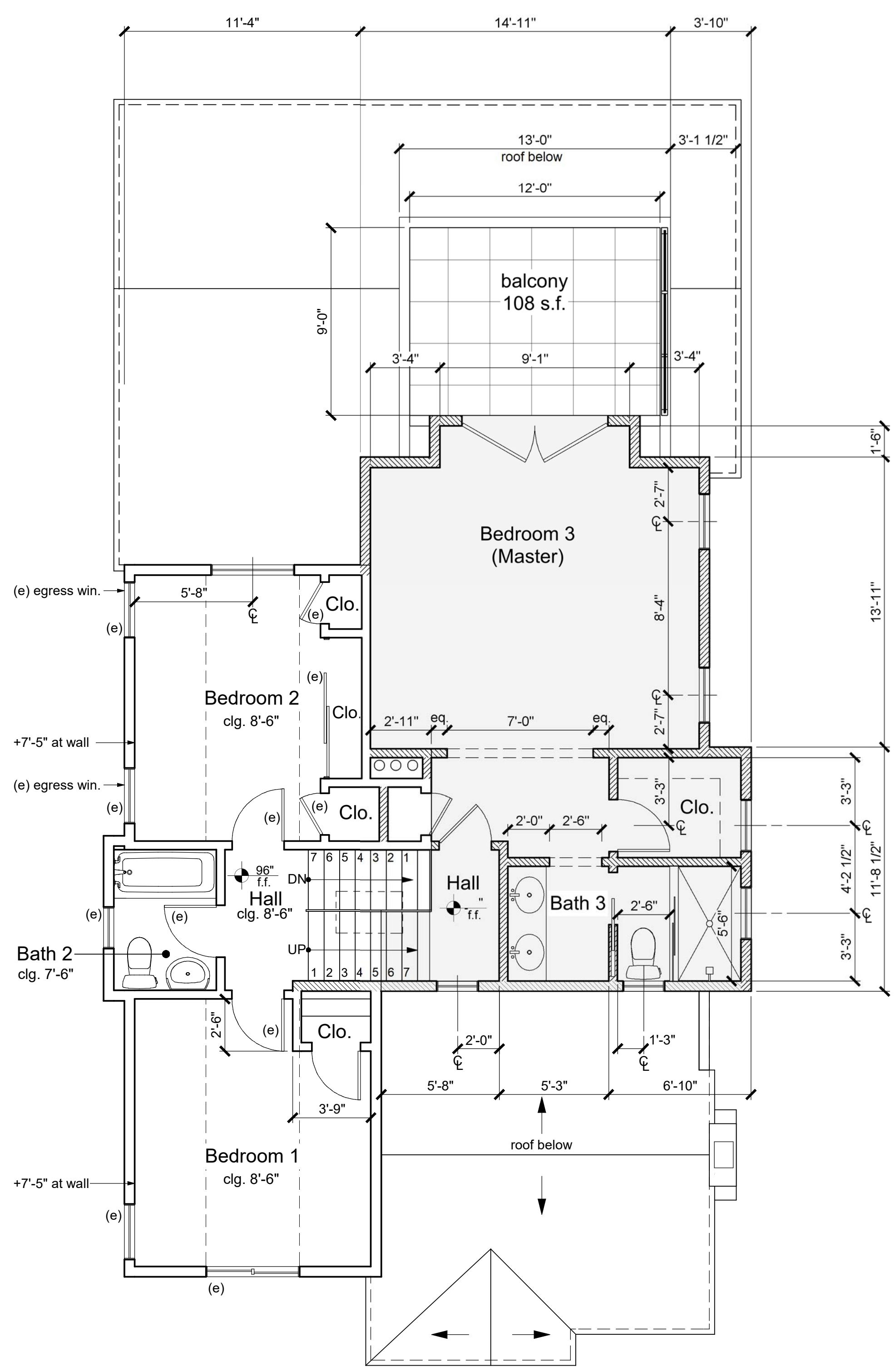
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Checked By: SSG

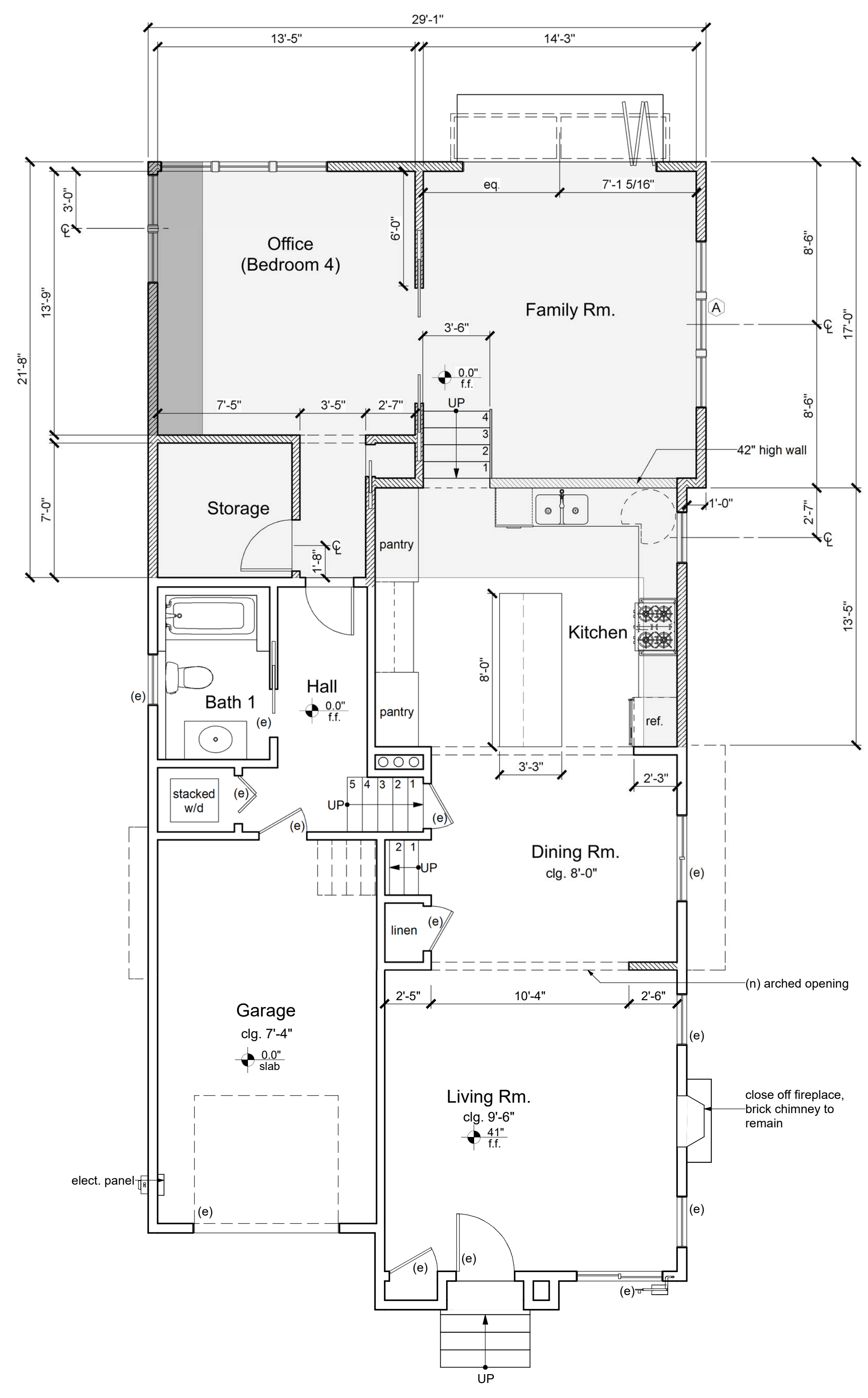
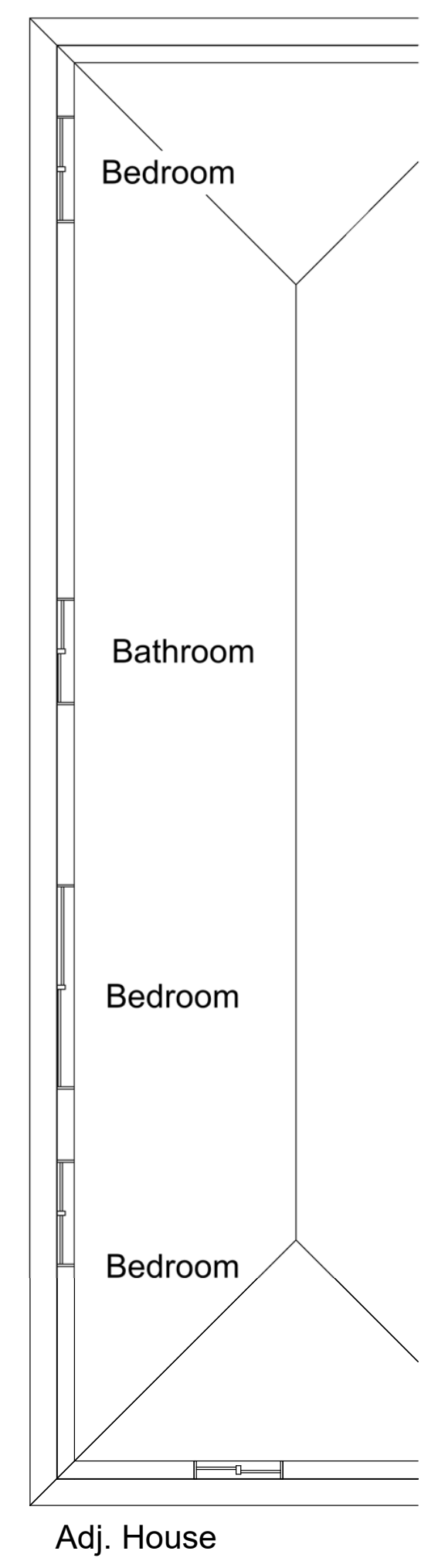
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AUP Modification Submittal:  
07-21-2022

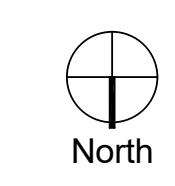
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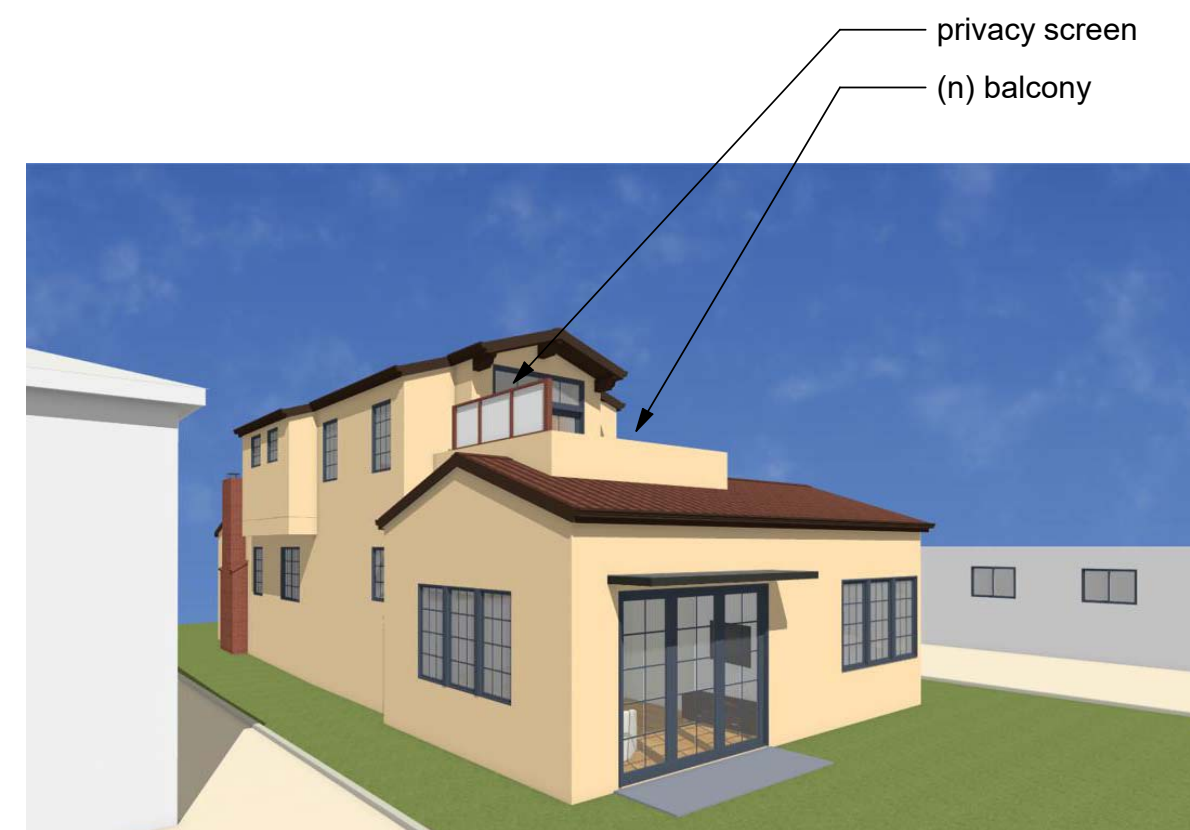


② Proposed Second Floor Plan  
AUP Modification



① Proposed First Floor Plan  
AUP Modification





8 Aerial View Of Proposed Addition  
AUP Modification

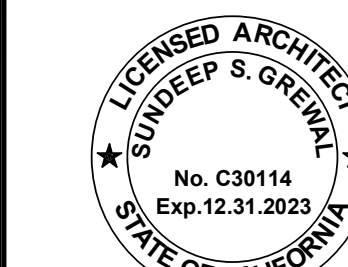
7 Right Rear View Of Proposed Addition  
AUP Modification

6 Left Rear View Of Proposed Addition  
AUP Modification

5 Street View Of Proposed Addition  
AUP Modification



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Ph: 510.548.7448  
info@sgsarch.com  
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Proposed Exterior Elevations

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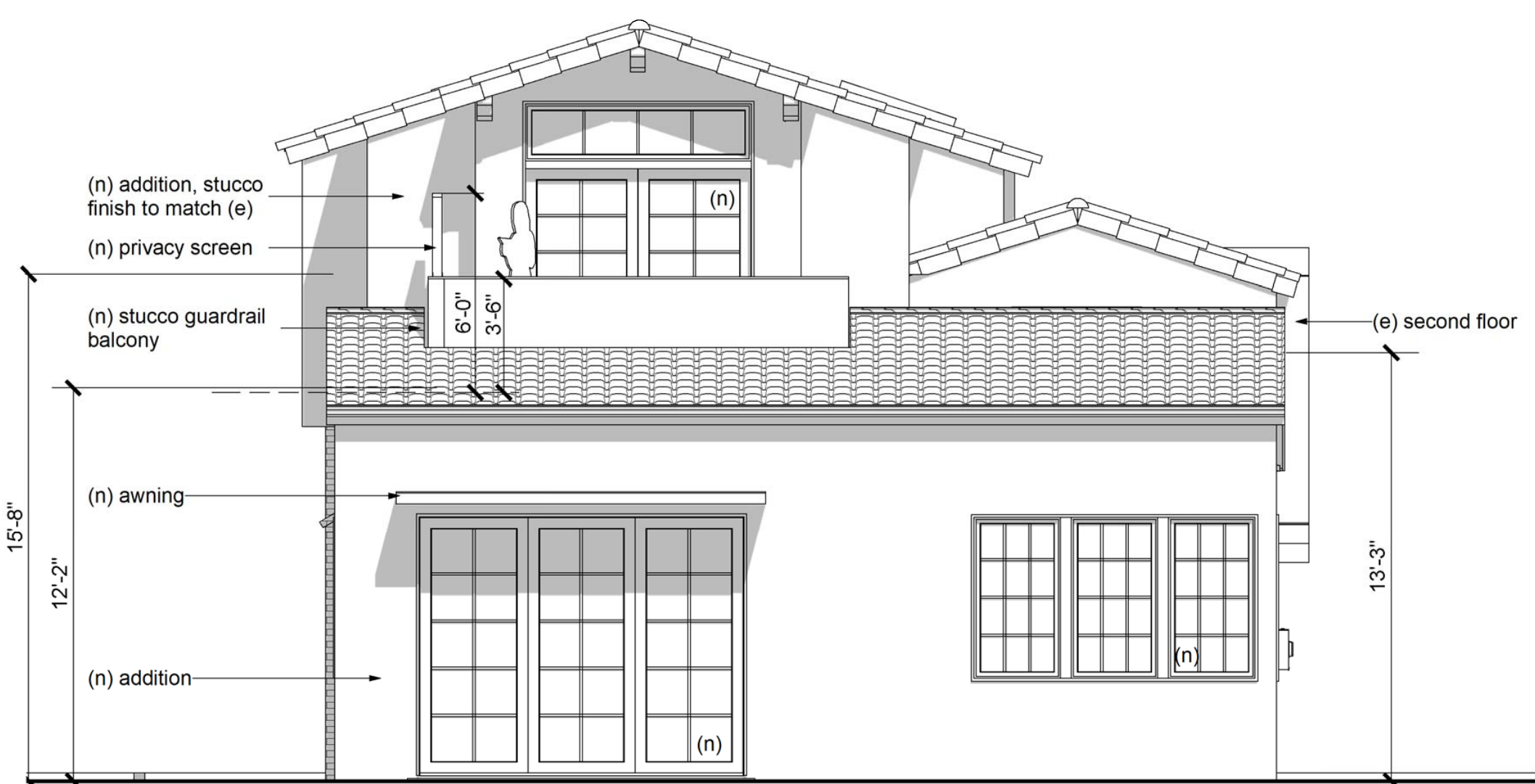
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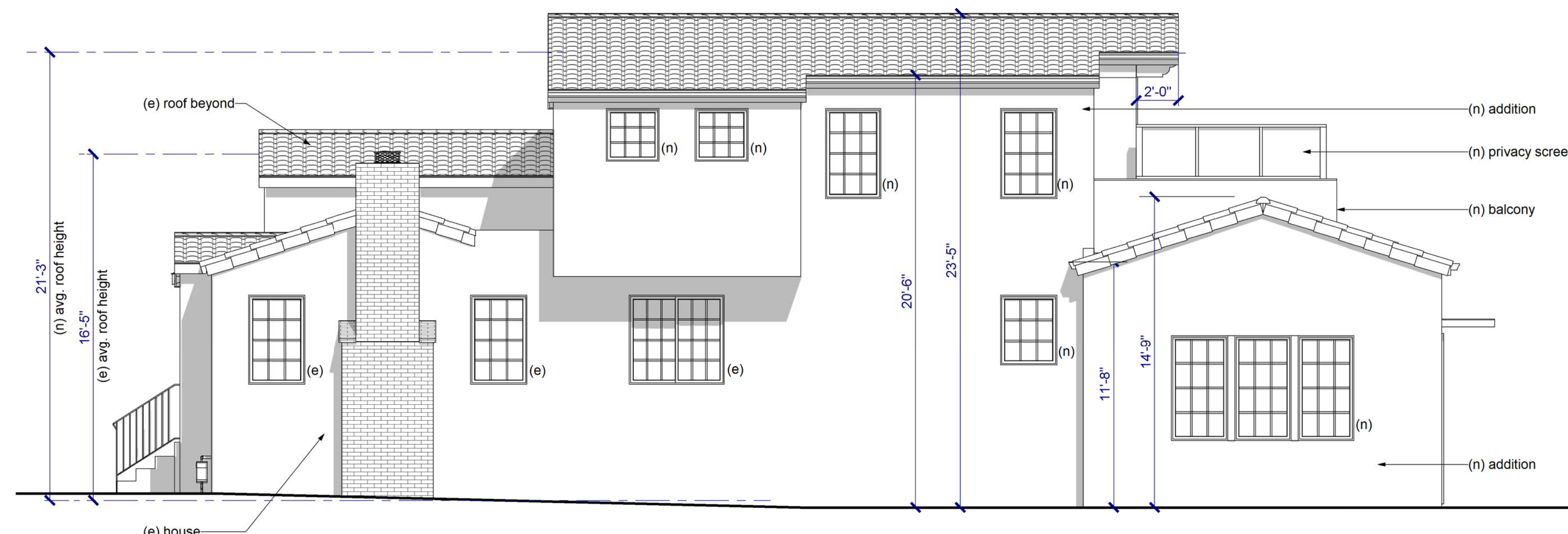
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07-21-2022

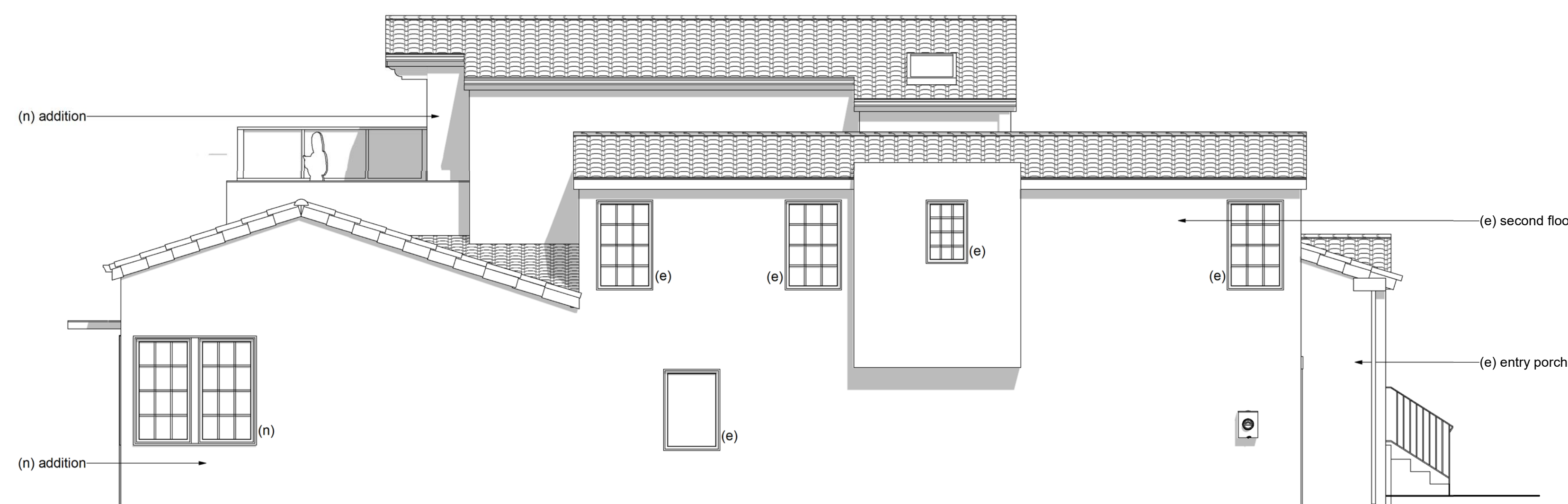
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4 Proposed South Elevation - Rear  
AUP Modification



3 Proposed West Elevation - Right Side  
AUP Modification



2 Proposed East Elevation - Left Side  
AUP Modification



1 Proposed North Elevation - Front  
AUP Modification



Proposed  
6-21-2020 / 7:47 am



Proposed  
12-21-2020 / 9:21 am



Proposed  
6-21-2020 / 6:35 pm



Existing  
6-21-2020 / 7:47 am



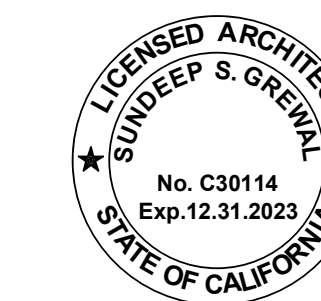
Existing  
12-21-2020 / 9:21 am



Existing  
6-21-2020 / 6:35 pm



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Sheet Contents:  
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Shadows Studies

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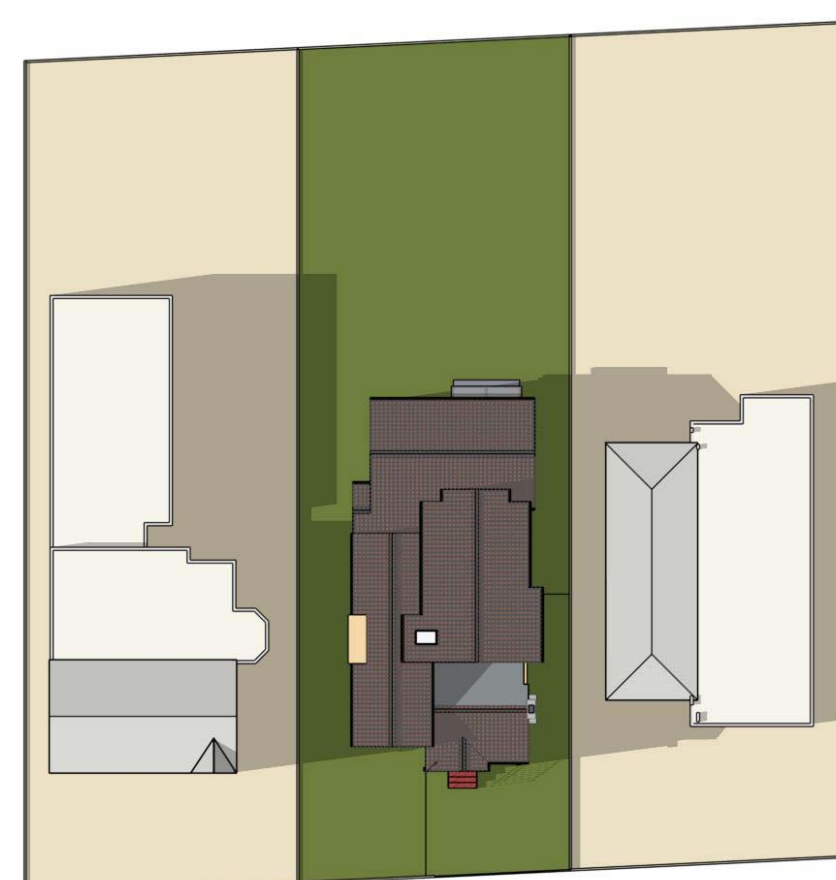
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Scale:  
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Revisions:  
AUP Modification Submittal:  
07-21-2022

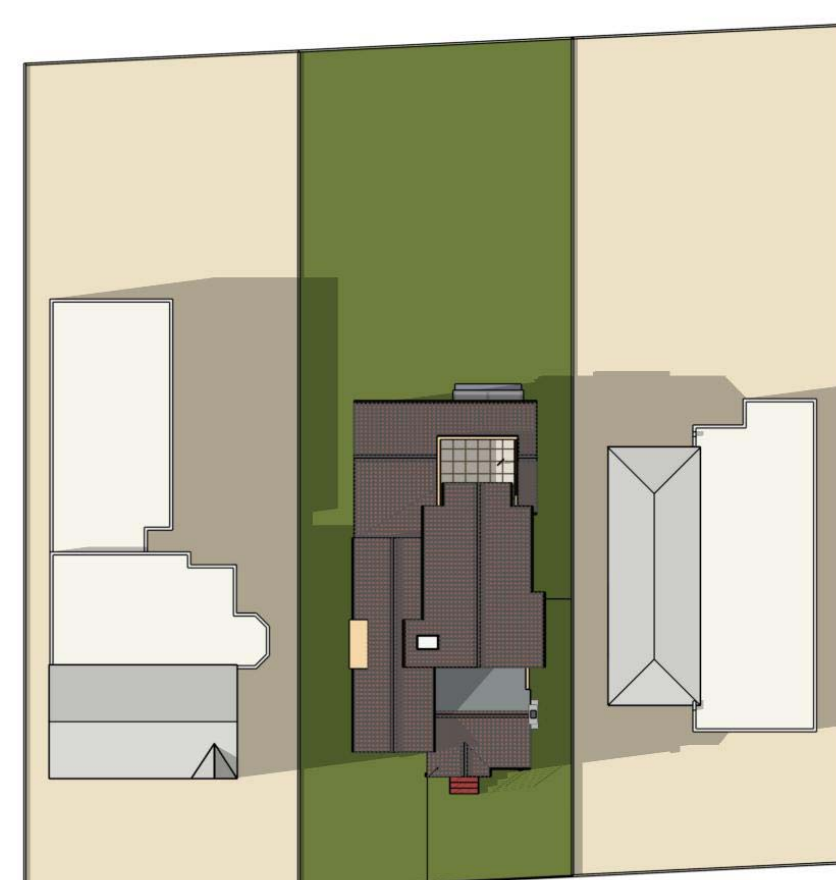
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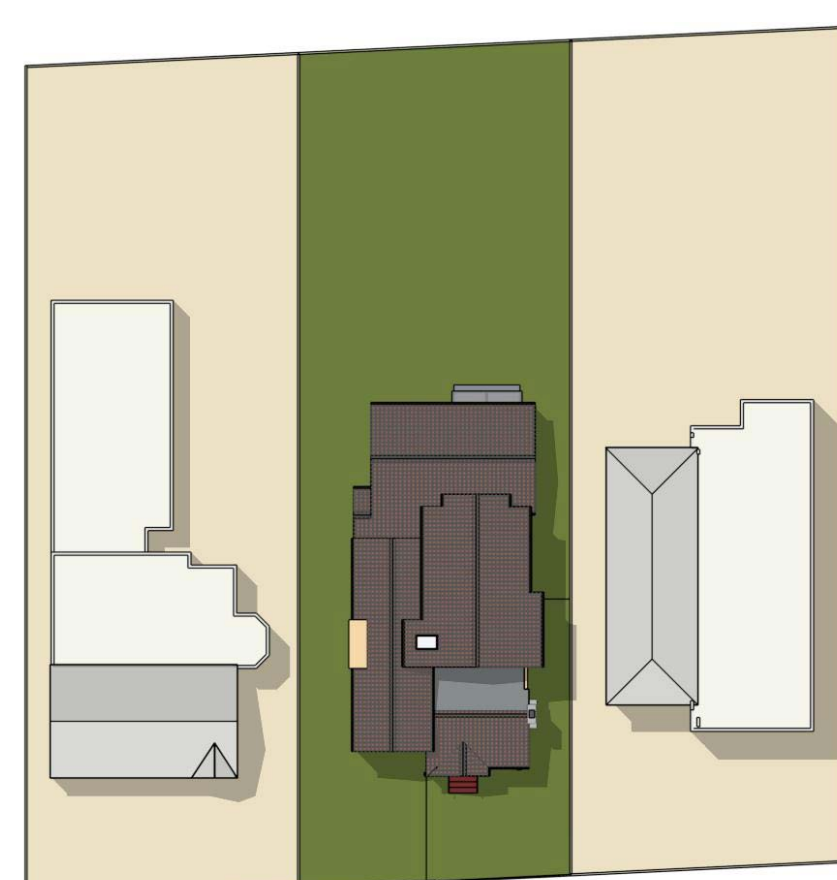


Approved Project

6-21-2020 / 7:47 am  
See Above

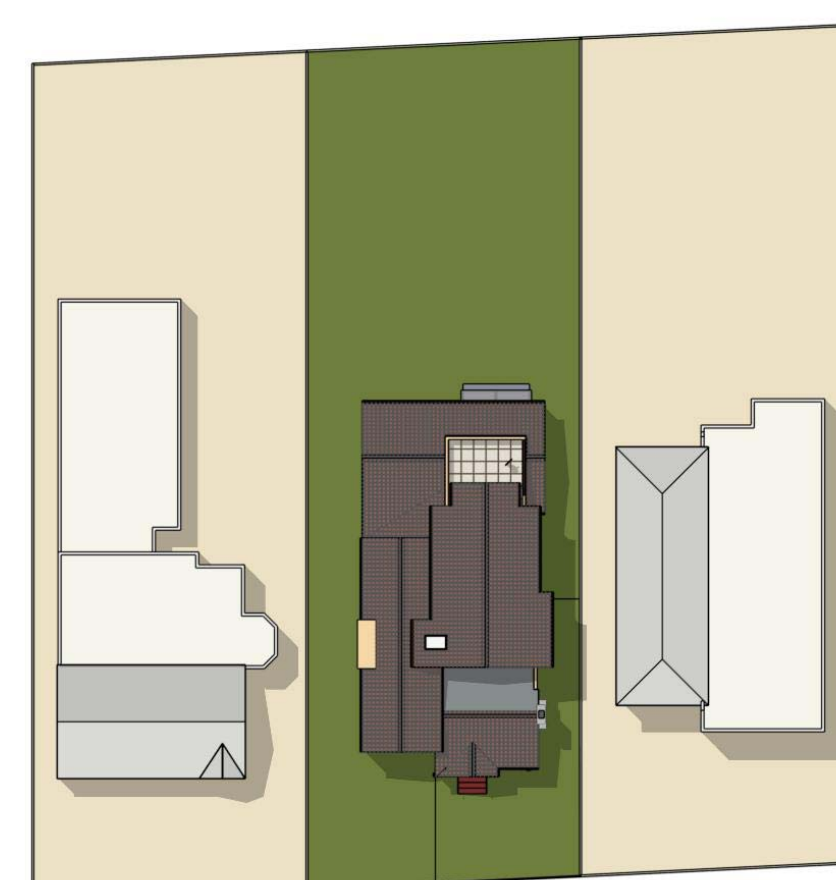


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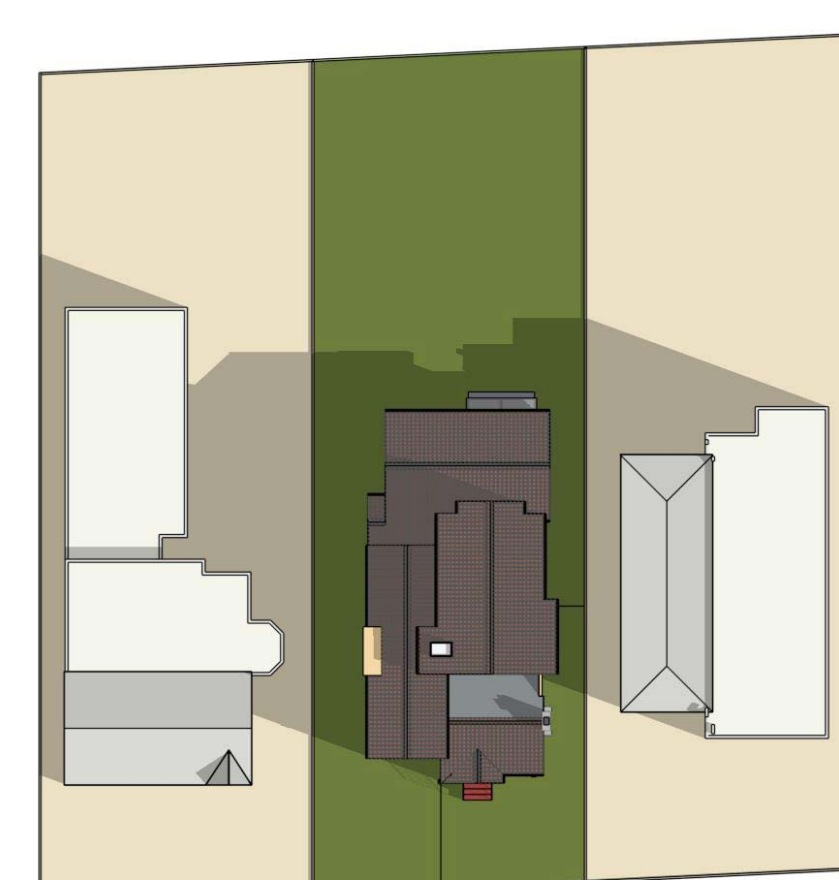


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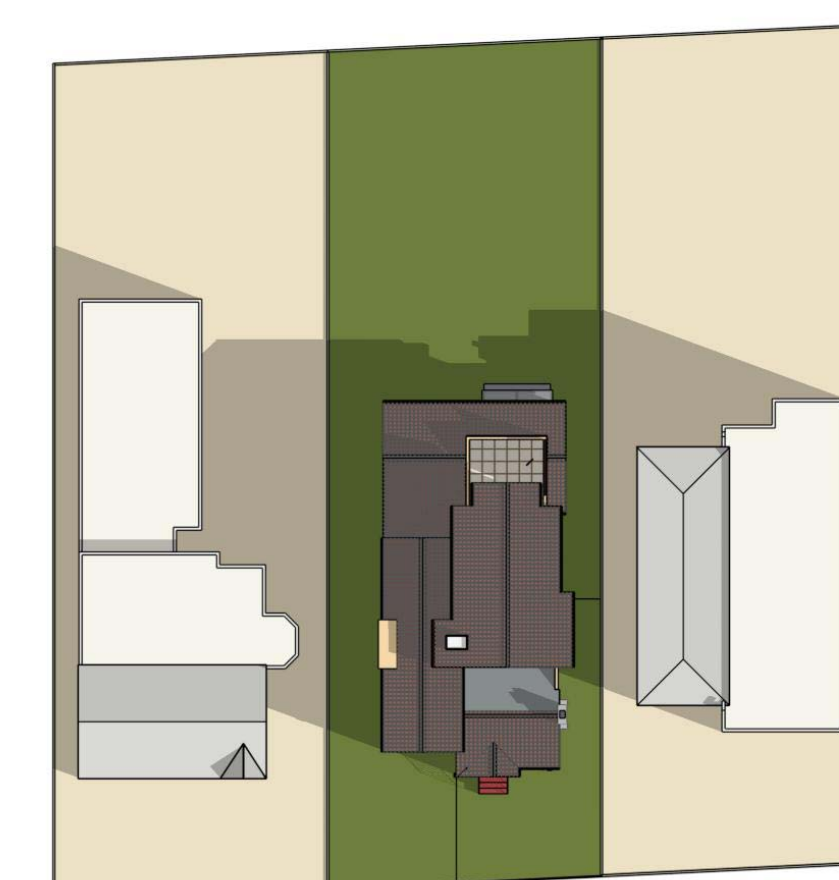


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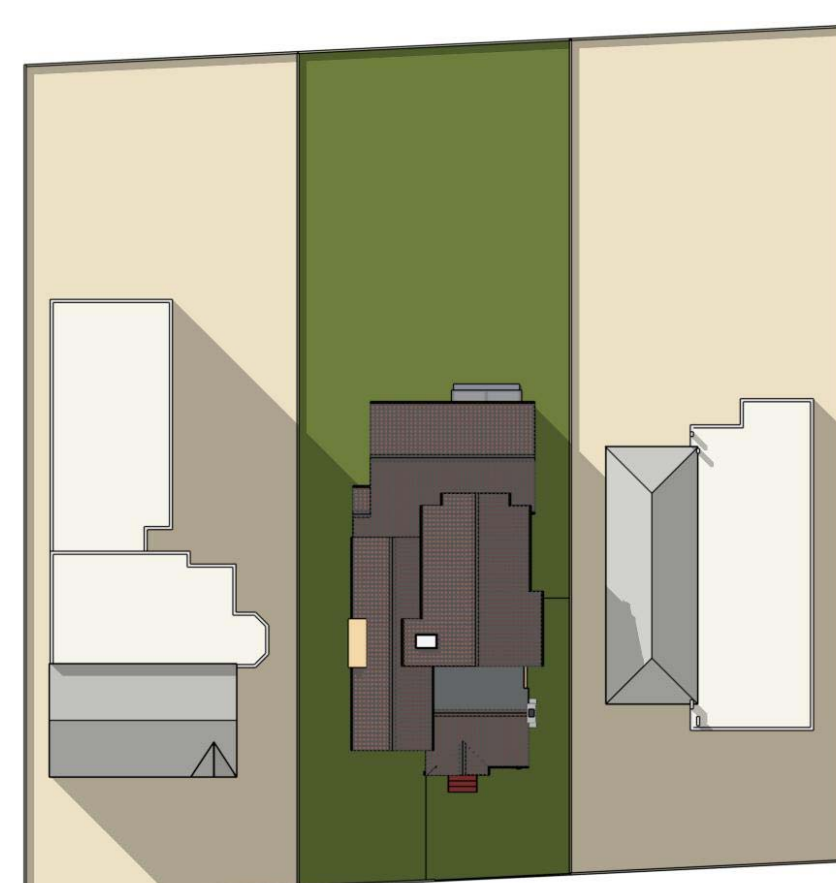


Approved Project

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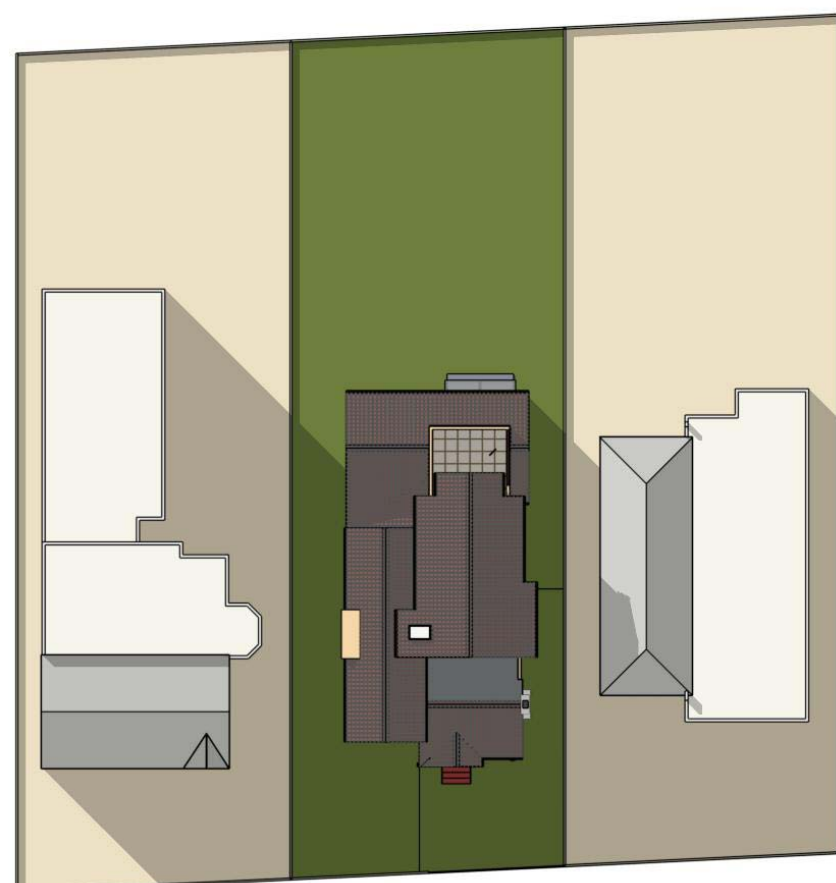


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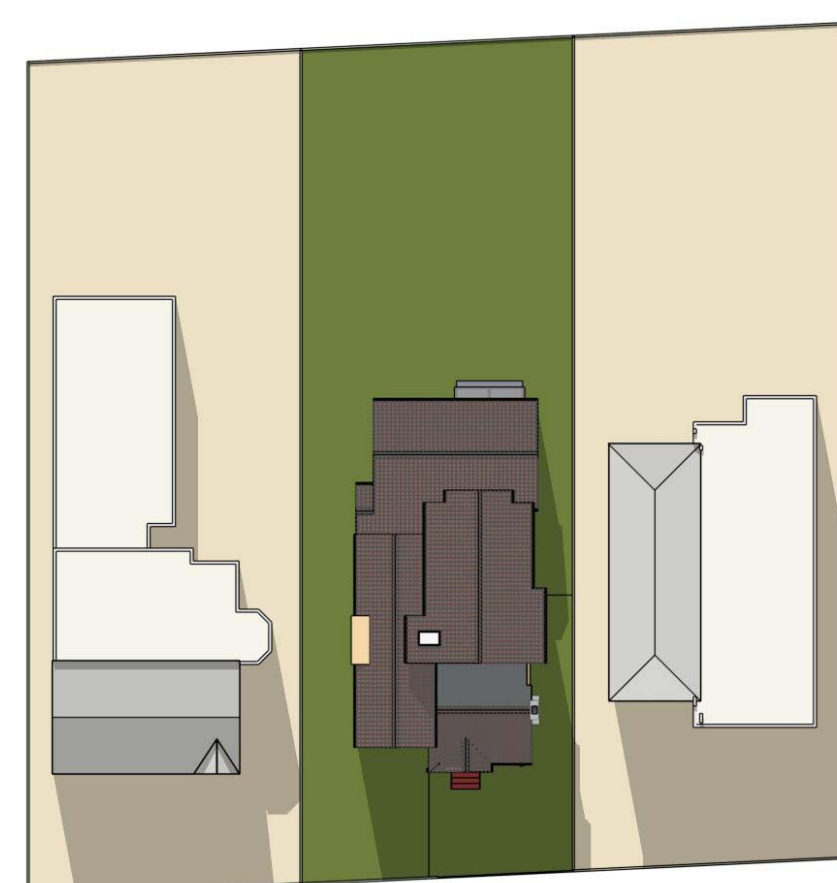


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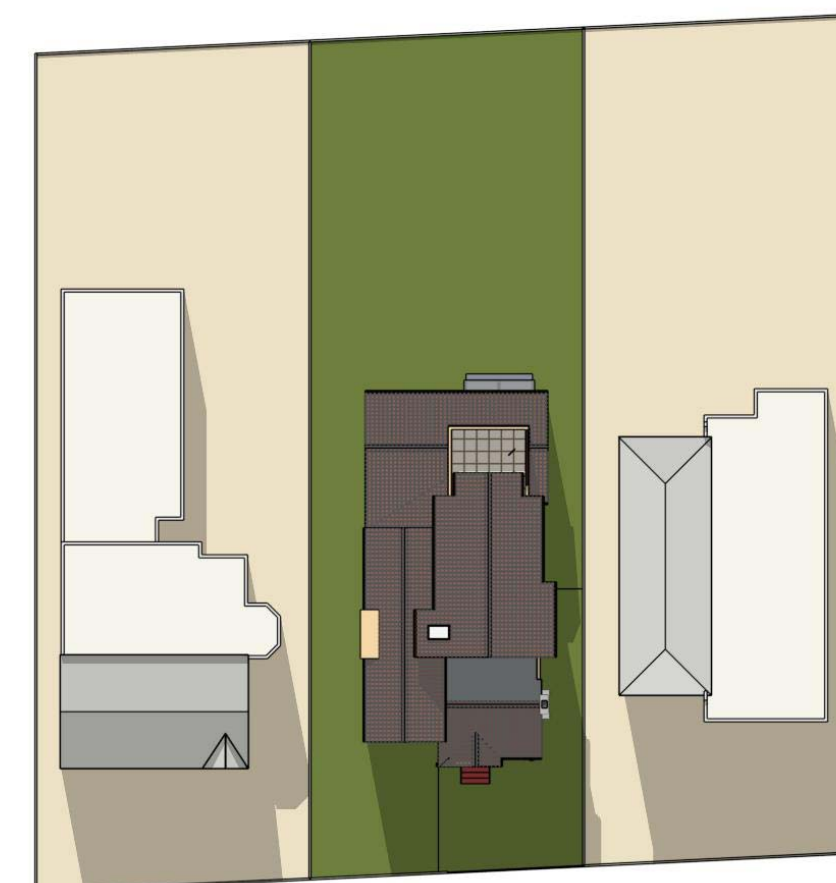


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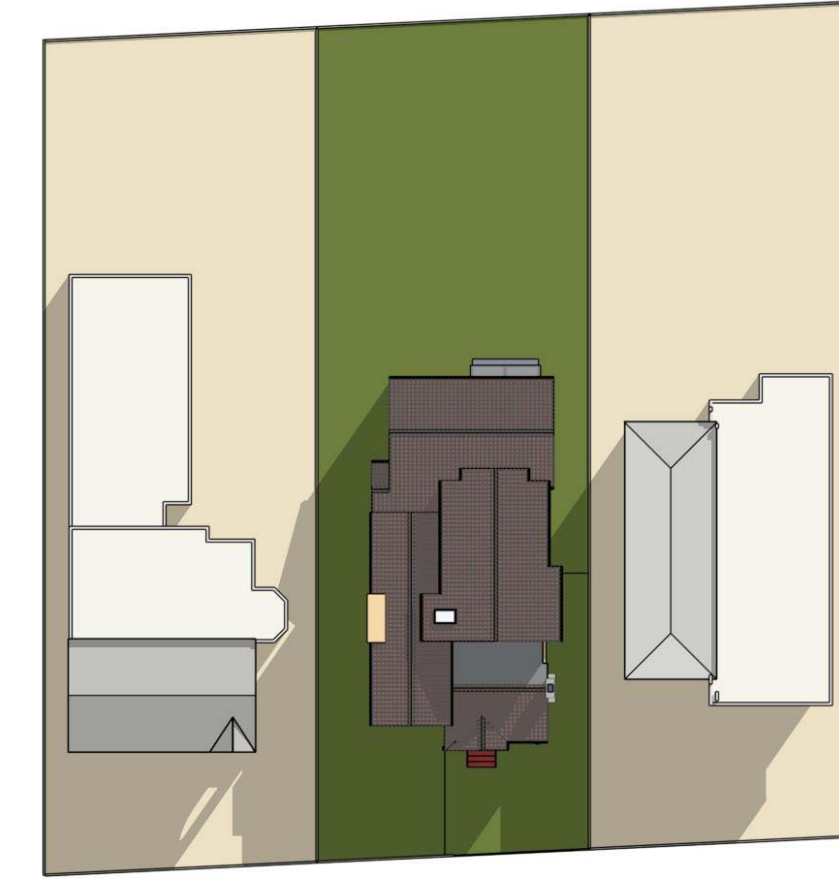


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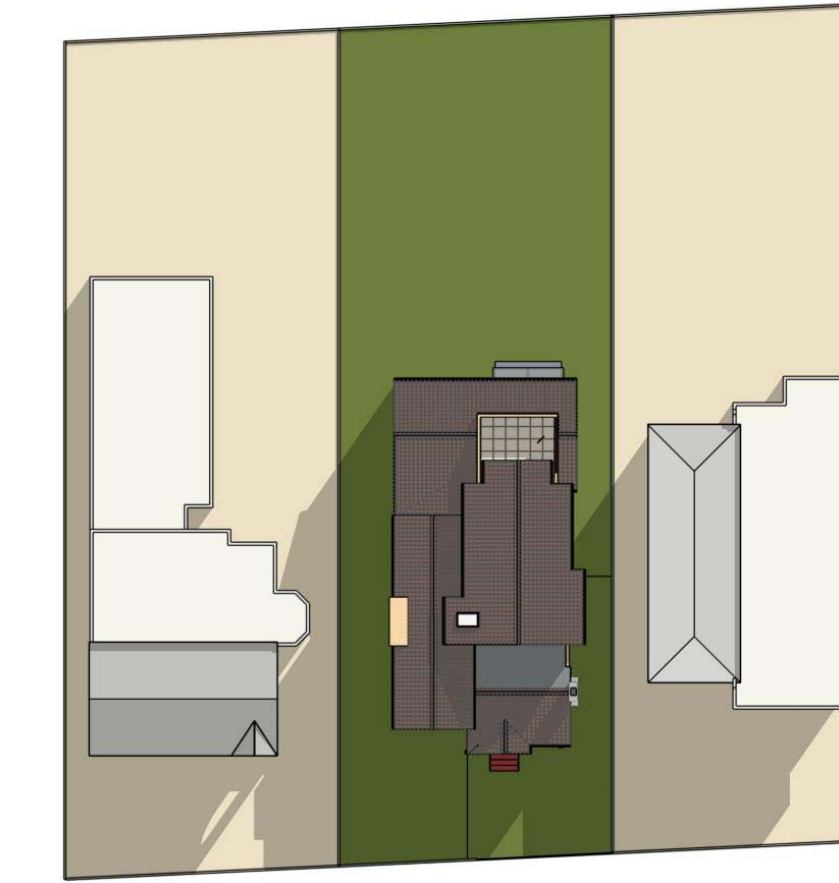


Proposed Modification



Approved Project

12-21-2020 / 2:54 pm



Proposed Modification





Shadow Accuracy Simulation  
**6-09-2020 / 4:00 pm**



Shadow Accuracy Simulation  
**6-09-2020 / 4:00 pm**



Proposed  
**6-21-2020 / 7:47 am**



Existing  
**6-21-2020 / 7:47 am**



Proposed  
**12-21-2020 / 9:21 am**



Existing  
**12-21-2020 / 9:21 am**



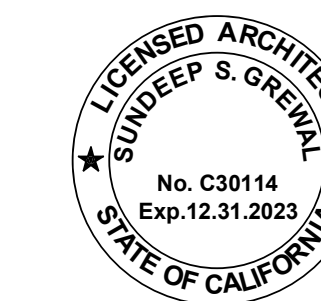
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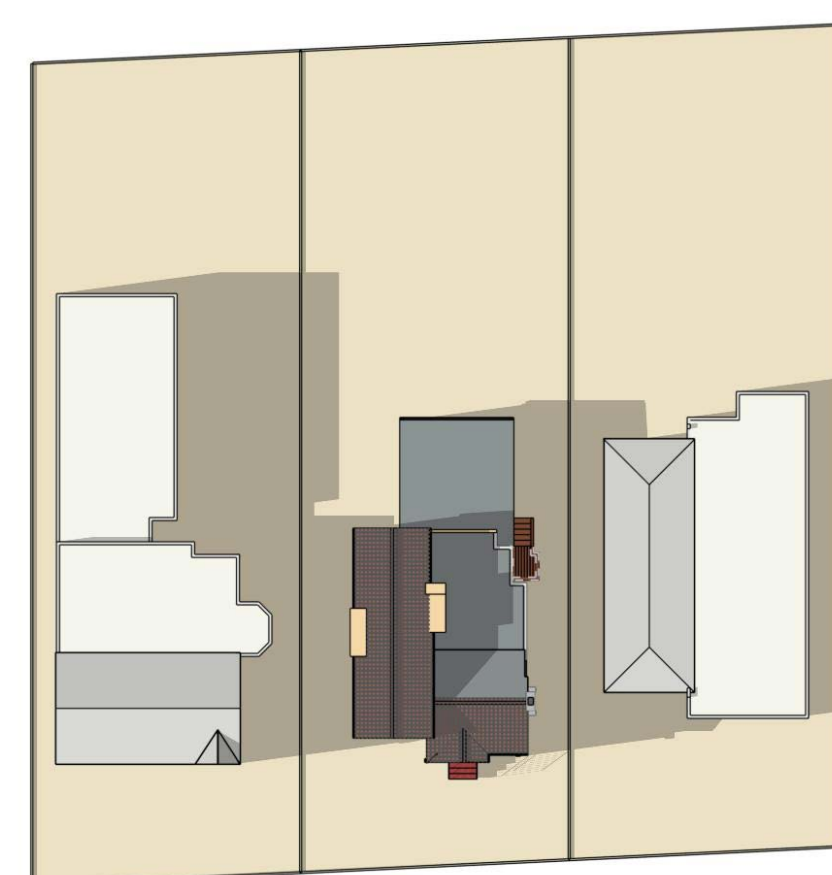
Existing  
**6-21-2020 / 6:35 pm**



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Berkeley, CA 94710  
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info@sgsarch.com  
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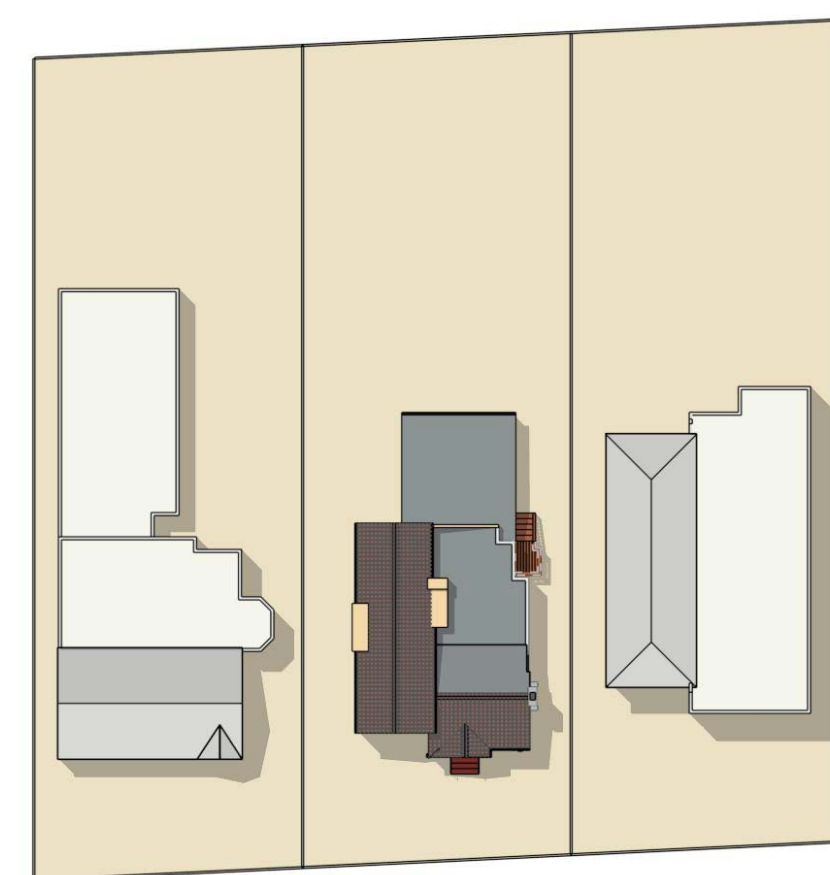


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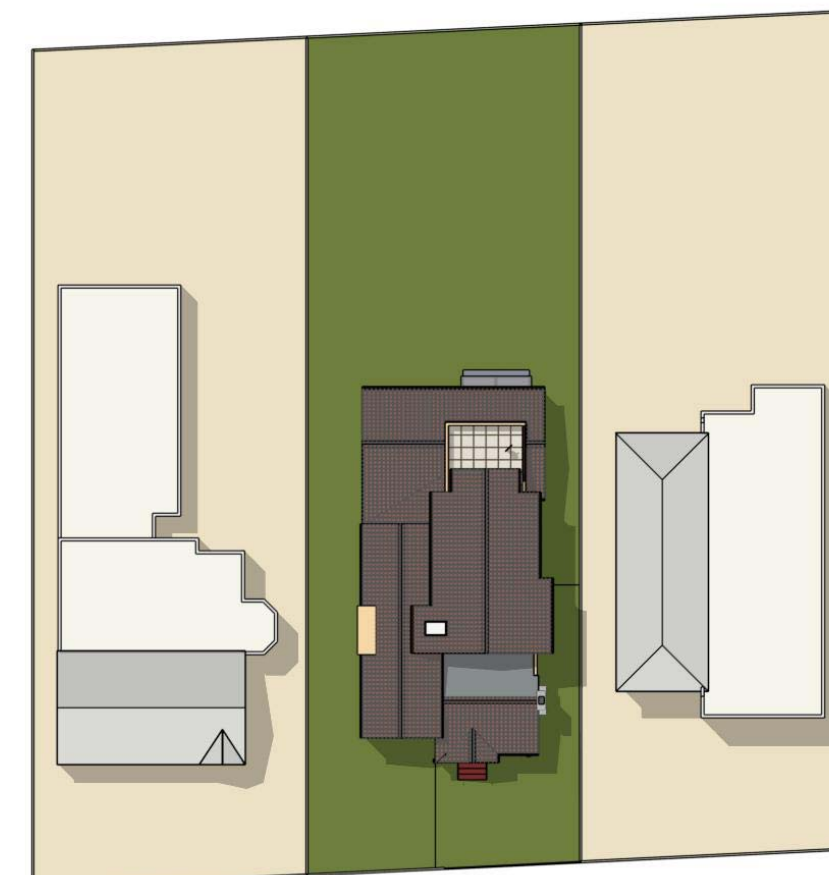


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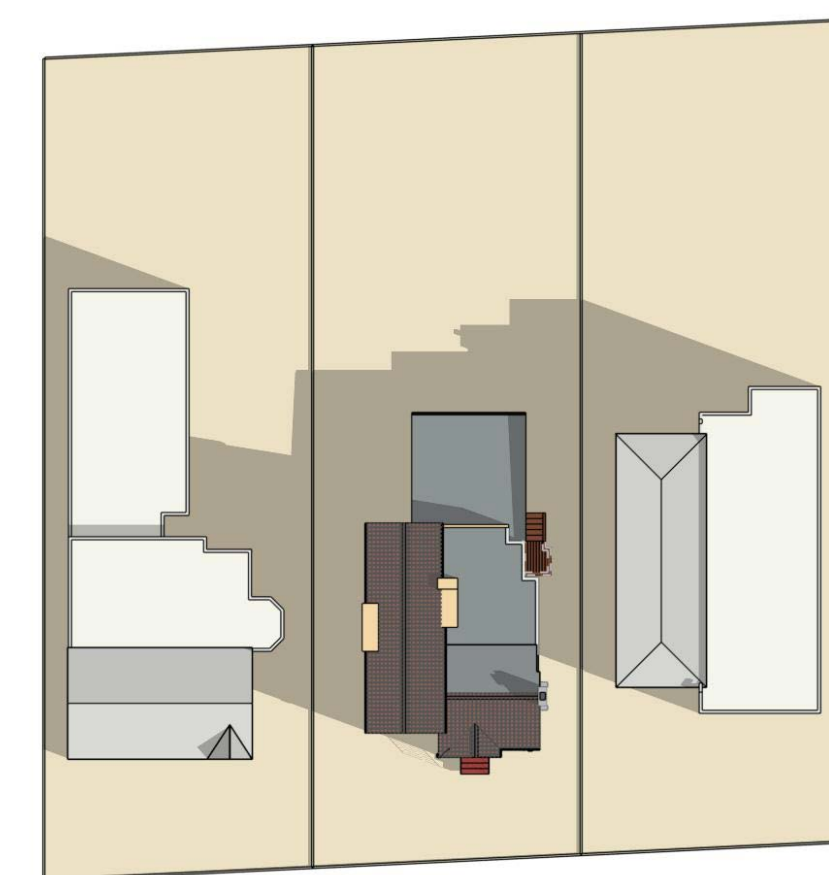


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**6-21-2020 / 12:00 pm**

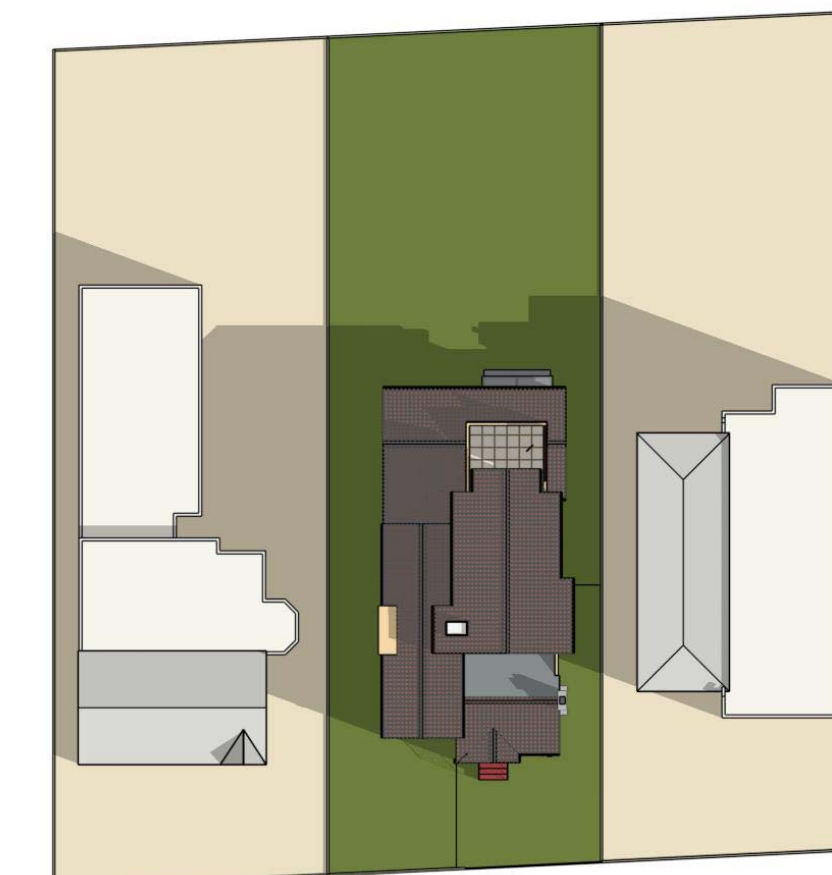


Proposed Modification



Existing

**6-21-2020 / 6:35 pm**  
See Above



Proposed Modification

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Shadows Studies

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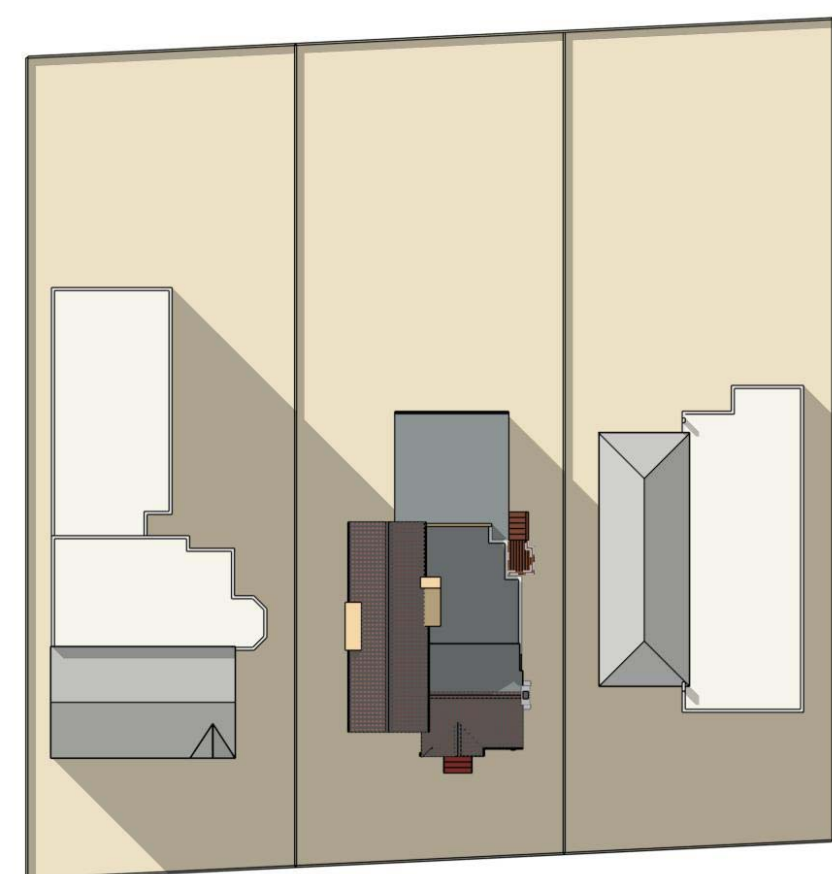
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20-07-414

Drawn By:  
SSG

Checked By:  
SSG

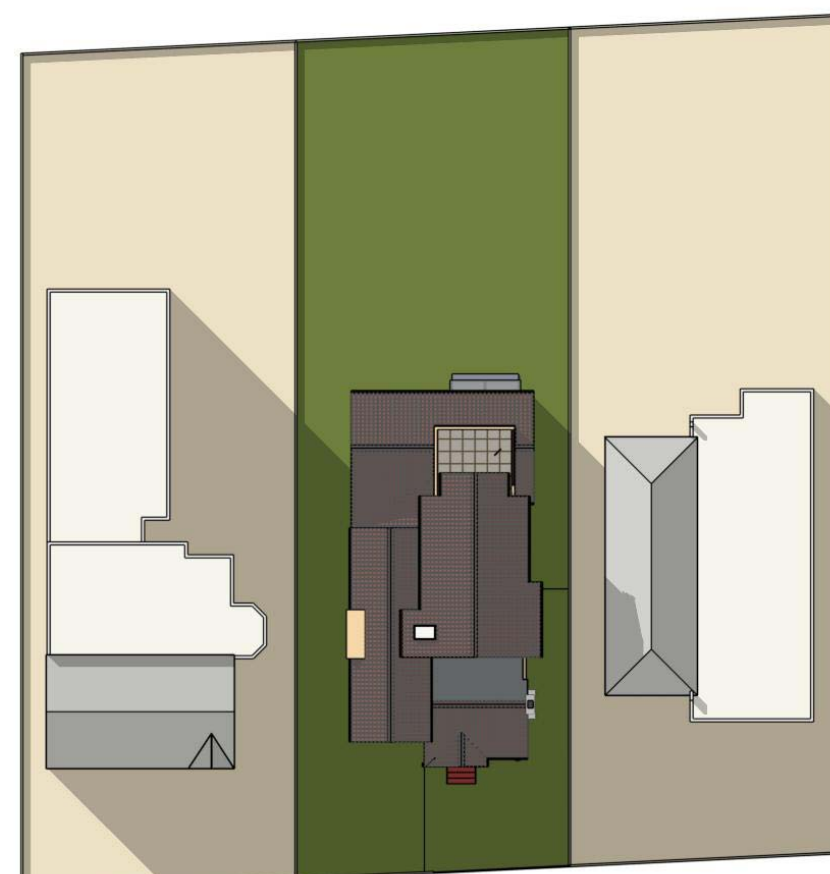
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Revisions:  
AUP Modification Submittal:  
07-21-2022

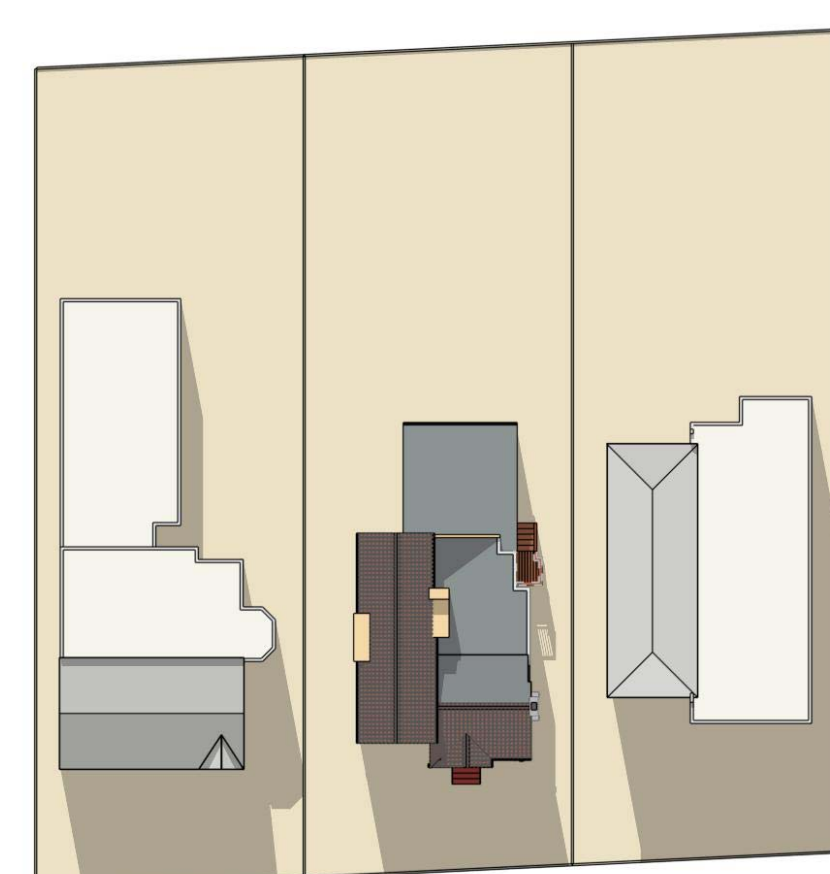


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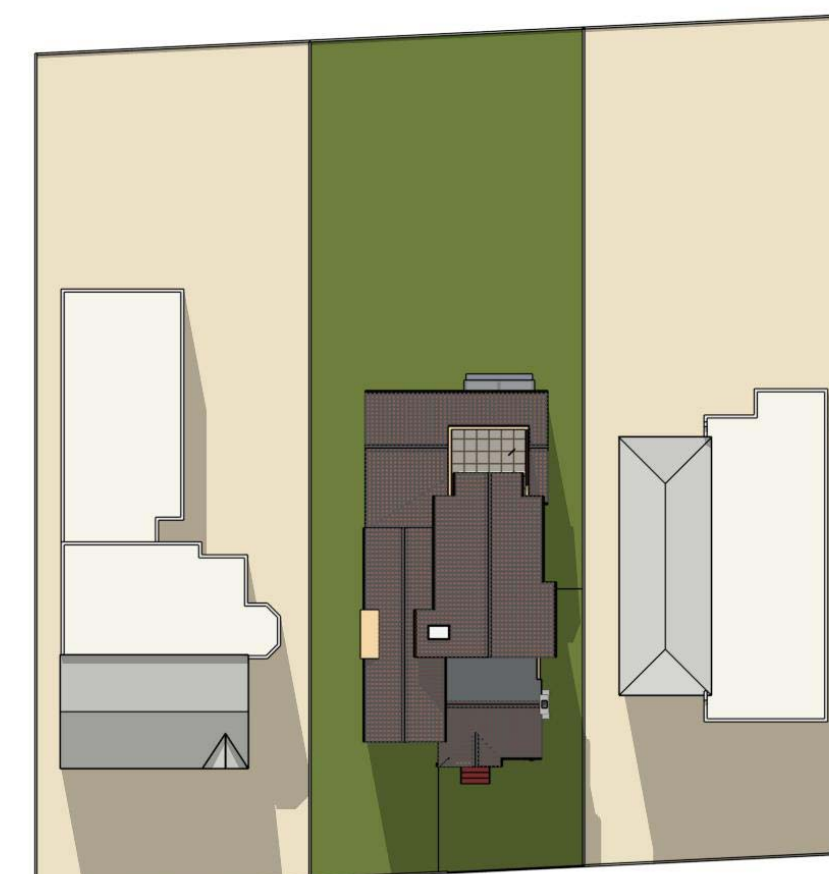


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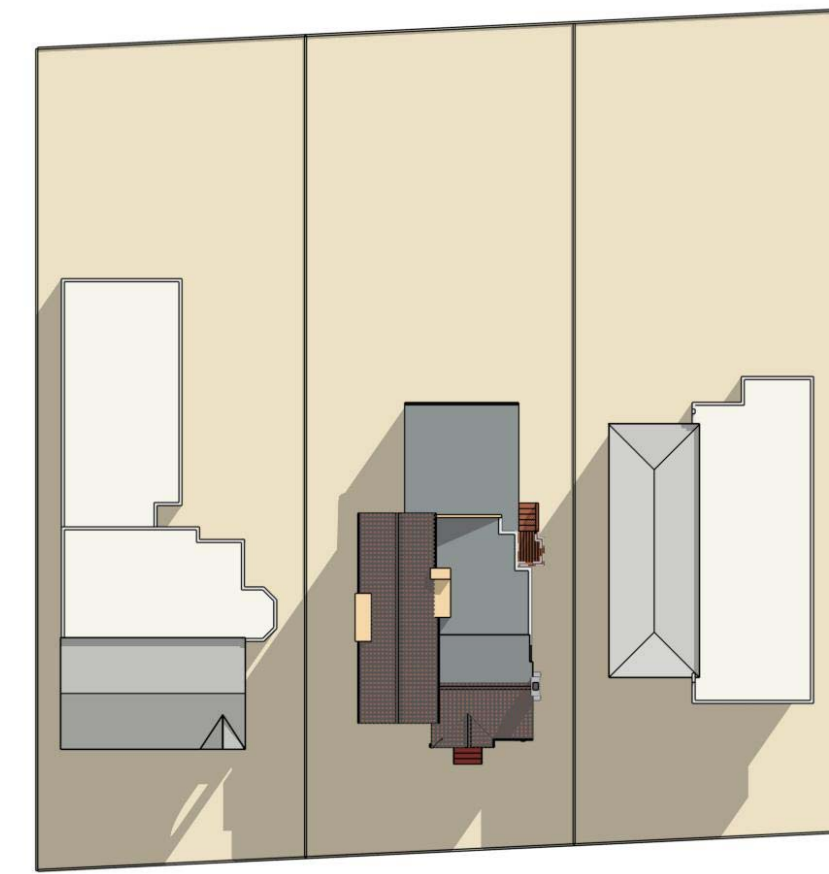


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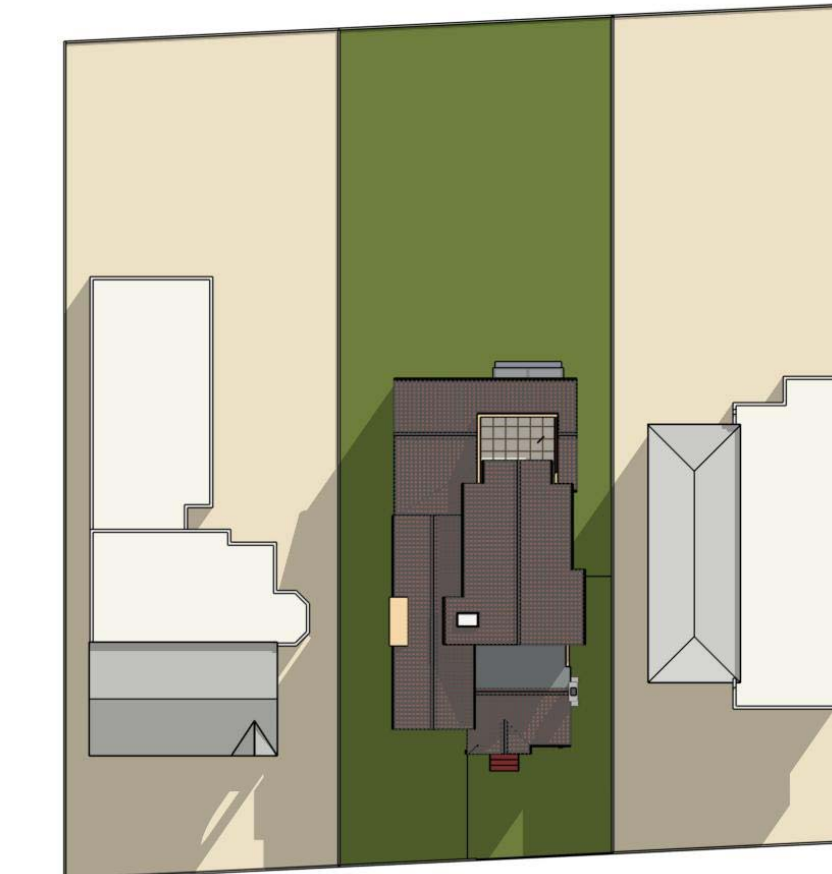


Proposed Modification



Existing

**12-21-2020 / 2:54 pm**



Proposed Modification



Sheet

**A4.2**

CITY OF BERKELEY - CITY CLERK  
2022 NOV 9 PM4:22

Dear City Council,

I wish to appeal the Zoning Officer's Decision to approve Administrative Use Permit #ZP2021-0006, which modifies AUP ZP#2020-0122 to add 40 square feet on the first floor and a balcony on the second floor.

I wish to appeal on two grounds:

1. A failure to disclose ex-parte communication between the Applicant (and/or his proxy) and the ZAB Acting-Chair Shoshana O'Keefe.
2. The inability of the ZAB to address the material misrepresentations made by the Architect Sunny Grewal in his AUP submission.

As to the first item regarding ex-parte disclosure, it became obvious during the ZAB Action Calendar of October 13 2022, that the Acting-Chair Shoshana O'Keefe was personally acquainted with the Applicant Mr Miller, to the degree that Mr Miller felt comfortable referring to Acting-Chair O'Keefe by her first name during his presentation.

Further, Acting-Chair O'Keefe failed to disclose an ex-parte communication from the Applicant (or his proxy) made to the ZAB Chair in March 2021. According to City records, the ZAB Chair at that time was Shoshana O'Keefe. The existence of this communication was clearly stated in my Appeal Letter.

I was unaware during the October 13 2022 meeting that Acting-Chair O'Keefe was the Chair referenced by the Applicant Mr Miller. The ZAB Secretary has been unable or unwilling to clarify the presumed acquaintanceship.

Berkeley's Commissioners Manual states:

*Commissioners shall verbally disclose all ex parte contacts concerning the subject of the hearing. Commissioners shall also submit a report of such contacts in writing prior to the commencement of the hearing. Ex parte contacts includes any contact between a commissioner and a person that is a party to the public hearing regarding the subject matter of the hearing.*

The communication from the Applicant Mr Miller in March 2021 stated:

*"I consulted with one of my best friends, whose high school buddy is the chair of the Berkeley ZAB, and given our situation, she assured him that, while you could delay my construction, you would lose any type of eventual challenge to #ZP2021-0006, as it satisfies all of the zoning restrictions and requirements with margin. Also, it's already been approved, awaiting the appeals period."*

If the Acting-Chair is acquainted with the Applicant and/or received communications on his behalf, this should have been disclosed.

As to the second item regarding the Architect Sunny Grewal, Mr Grewal made two false claims in the AUP filing for ZP2021-0006. Furthermore after mediation he refused to revise these claims. This led to a breakdown in the relationship with our neighbor and directly contributed to out-of-pockets costs exceeding \$5000.

1. Sunny Grewal claimed that the adjoining neighbors supported the proposed project.
  - a. My wife was never advised of, nor supported, a large roof deck 13' from our bedroom looking directly down onto our bed.
2. Sunny Grewal used dodgy arithmetic to claim a property line sufficient to avoid a required property survey.
  - a. Eventually the Planning Department required a property survey, but this took over 9 months – at which point we had already paid for our own.

While AUPs are signed under penalty of perjury, this is a high bar. Mr Grewal's claims were more in the realm of "little white lies" – meant to ease the passage of his submission through the Planning Department.

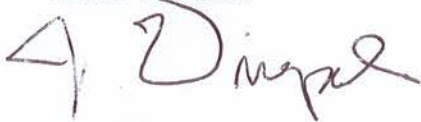
The Planning Department works with Applicants in a collegiate manner, asking for corrections where they are required. But this leaves them ill-equipped to deal with or discipline an Architect who intentionally chooses to make material misrepresentations. Asking residents to have their own laser measure and to double-check an Architect's measurements seems like a failure of the process.

How then can a progressive City act on the behalf of its residents in order to protect them against an Architect who might be tempted to put his thumb on the scale?

It would be helpful for the City to unambiguously state that Architect misrepresentation is unacceptable.

Be honest with your numbers. Be honest with your neighbors. Respect the mediation process.

John Vinopal  
1256 Francisco

  
2022-11-09



Z O N I N G  
A D J U S T M E N T S  
B O A R D  
S T A F F R E P O R T

FOR BOARD ACTION  
OCTOBER 13, 2022

# 1262 Francisco Street

**Appeal of Zoning Officer’s Decision to approve Administrative Use Permit #ZP2021-0006 to modify Administrative Use Permit ZP#2020-0122 to add 40 square feet on the first floor and a balcony on the second floor of an existing single-family dwelling unit.**

## I. Background

### A. Land Use Designations:

- General Plan: Low Medium Density Residential (LMD)
- Zoning: Restricted Two-Family Residential District (R-2)

### B. Zoning Permits Required:

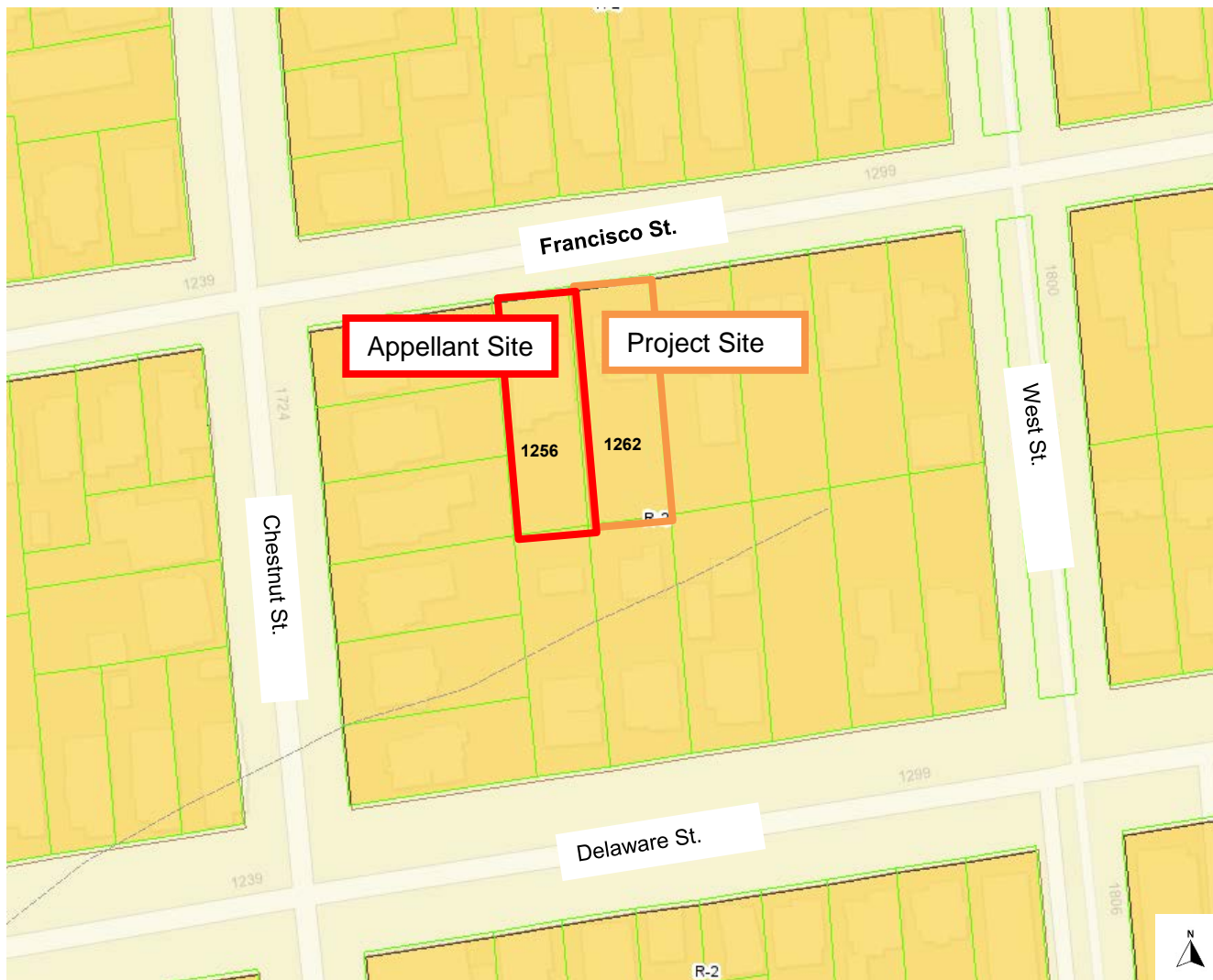
- Administrative Use Permit for an addition greater than 14 feet in height, under BMC Section 23.202.080(D).

**C. CEQA Recommendation:** It is staff’s recommendation that the project is categorically exempt pursuant to Section 153301 of the CEQA Guidelines (“Existing Facilities”). The determination is made by ZAB.

### D. Parties Involved:

- Applicant Sunny Grewal (Architect), Oakland
- Property Owner Jonathan Miller, 1262 Francisco, Berkeley
- Appellants: Aimee Baldwin, 1256 Francisco, Berkeley  
John Vinopal, 1256 Francisco, Berkeley

Figure 1: Vicinity Map – 1262 Francisco (Project Site) + 1256 Francisco (Appellant Site)



\*Map not to scale.

Yellow = R-2 Zoning District

Figure 2: Site Plan

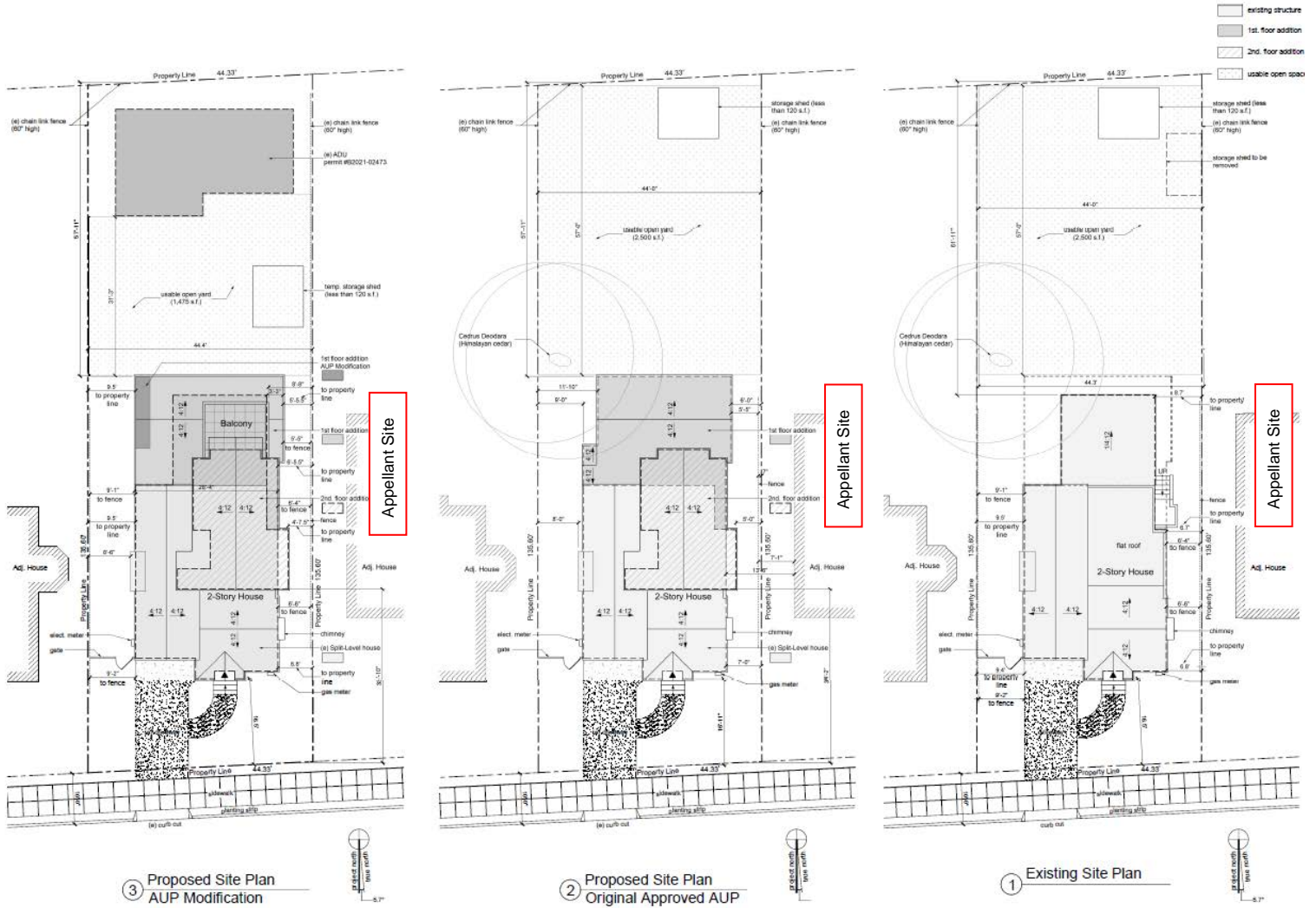


Figure 3: Original Approved First and Second Floor Plans

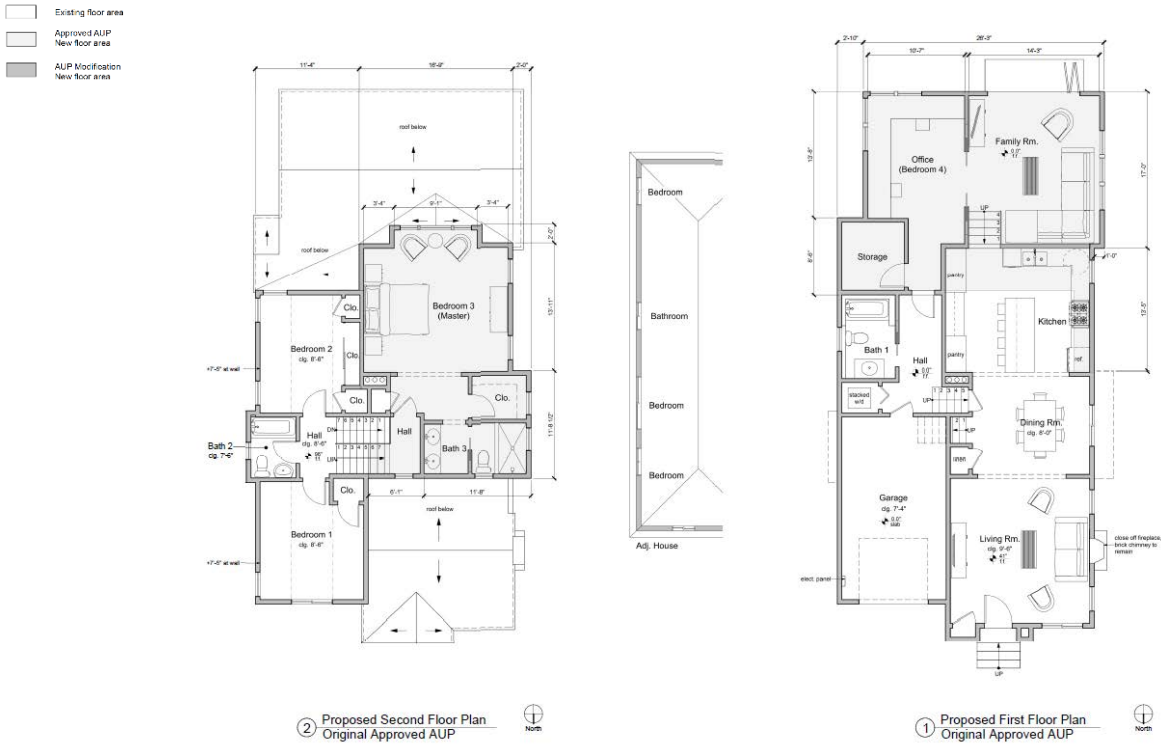
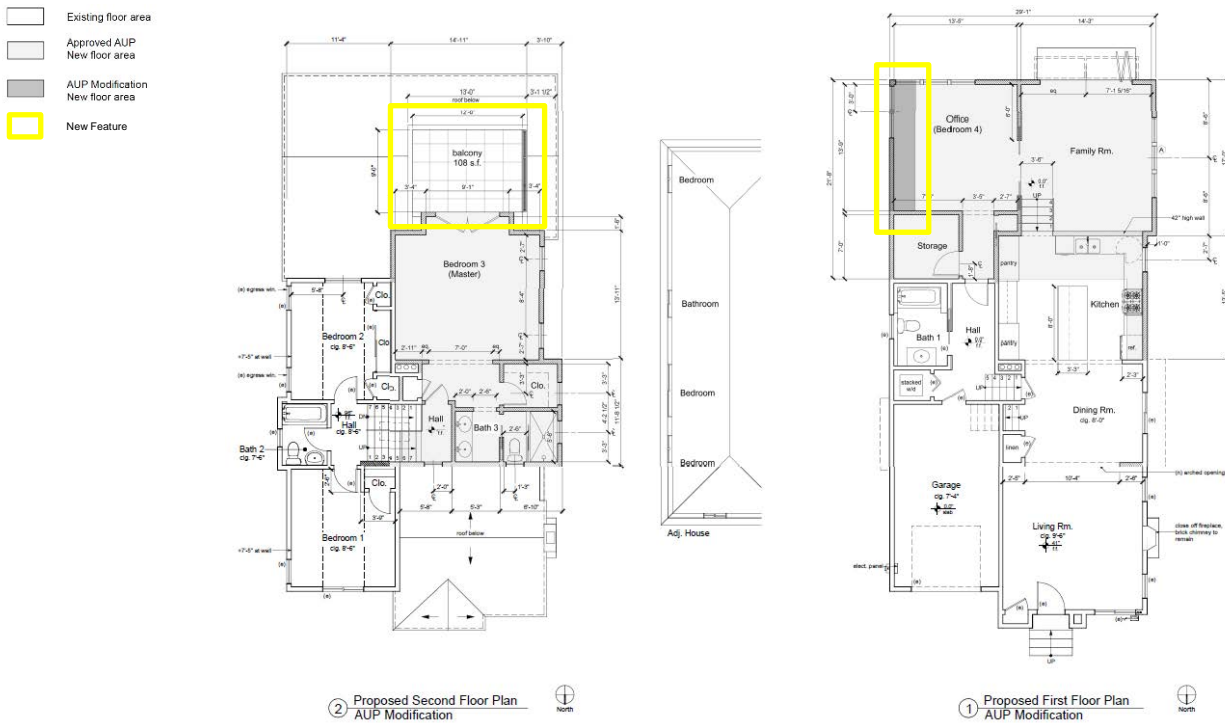


Figure 4: Proposed Modified First and Second Floor Plans



**Table 1: Land Use Information**

| Location               |       | Existing Use             | Zoning District | General Plan Designation |
|------------------------|-------|--------------------------|-----------------|--------------------------|
| Subject Property       |       | Single – Family Dwelling | R-2             | LMD                      |
| Surrounding Properties | North |                          |                 |                          |
|                        | South |                          |                 |                          |
|                        | East  |                          |                 |                          |
|                        | West  |                          |                 |                          |

**Table 2: Special Characteristics**

| Characteristic                                                                                 | Applies to Project? | Explanation                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.) | No                  | The project involves only new residential floor area, and thus this requirement does not apply.                                                                                                                                                                                                                                                                                                |
| Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)    | No                  | This fee applies to projects with net new 7,500 square feet of non-residential floor area. The project involves only new residential floor area, and thus this requirement does not apply.                                                                                                                                                                                                     |
| Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)                 | No                  | This fee applies to projects that propose 5 or more rental dwelling units. This project does not propose rental units.                                                                                                                                                                                                                                                                         |
| Alcohol Sales/Service                                                                          | No                  | The project is a residential project.                                                                                                                                                                                                                                                                                                                                                          |
| Creeks                                                                                         | No                  | The project is not located within the creek buffer.                                                                                                                                                                                                                                                                                                                                            |
| Density Bonus                                                                                  | No                  | The project is not a density bonus project.                                                                                                                                                                                                                                                                                                                                                    |
| Natural Gas Prohibition (Per BMC 12.80.020)                                                    | No                  | The project is not subject to the natural gas prohibition.                                                                                                                                                                                                                                                                                                                                     |
| Historic Resources                                                                             | No                  | The project site is not designated as a Landmark by the City, nor is the application proposing to demolish the existing structure.                                                                                                                                                                                                                                                             |
| Housing Accountability Act (Gov't Code Section 65589.5(j))                                     | No                  | A "housing development project" is defined as a is a project that is: residential units only, a mixed-use project with at least two-thirds of the square-footage residential, or for transitional or supportive housing. The project proposes modifications to an existing dwelling unit and does not meet the definition of a "housing development project," therefore HAA is not applicable. |
| Housing Crisis Act of 2019 (SB330)                                                             | No                  | The project is: all residential; a mixed-use project with at least two-thirds of the square-footage residential; or for transitional or supportive housing. However, the project proposes modifications to an existing dwelling unit and does not meet the definition of a "housing development project," therefore the Housing Crisis Act is not applicable.                                  |
| Coast Live Oak Trees (BMC 6.52.010)                                                            | No                  | There are no coast live oak trees on or abutting the project site.                                                                                                                                                                                                                                                                                                                             |
| Rent Controlled Units                                                                          | No                  | There are no rent controlled units on the subject site.                                                                                                                                                                                                                                                                                                                                        |
| Residential Preferred Parking (RPP)                                                            | No                  | The neighborhood surrounding the subject site is not located in an RPP Zone.                                                                                                                                                                                                                                                                                                                   |



|                                |     |                                                                                                                                                                                                                                  |
|--------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Seismic Hazards (SHMA)         | No  | The project is not located within an area susceptible to liquefaction as shown on the State Seismic Hazard Zones map.                                                                                                            |
| Soil/Groundwater Contamination | No  | The project site is not listed on the Cortese List (an annually updated list of hazardous materials sites), however it is located within the City's Environmental Management Area. Standard Toxics Conditions of Approval apply. |
| Transit                        | Yes | North Berkeley BART, AC Transit 72, 72M, 800                                                                                                                                                                                     |

**Table 3: Project Chronology**

| Date               | Action                                                  |
|--------------------|---------------------------------------------------------|
| October 27, 2020   | AUP (ZP2020-0122) application submitted                 |
| January 5, 2021    | AUP (ZPA2020-0122) Approved                             |
| February 5, 2021   | AUP Modification (ZP2021-0006) application submitted    |
| June 28, 2022      | Application deemed complete                             |
| August 3, 2022     | Notice of Decision Issued                               |
| August 4, 2022     | Appeal Received (#1)                                    |
| August 23, 2022    | Appeal Received (#2)                                    |
| September 29, 2022 | Public hearing notices for appeal hearing mailed/posted |
| October 13, 2022   | ZAB appeal hearing                                      |

**Table 4: Development Standards (Does not include ADU)**

| Standard                        |                   | Existing | Approved AUP (ZP2021-0006) | Proposed/ Approved by Zoning Officer | Permitted/ Required |
|---------------------------------|-------------------|----------|----------------------------|--------------------------------------|---------------------|
| BMC Sections 23.202.080.070-080 |                   |          |                            |                                      |                     |
| Lot Area (sq. ft.)              |                   | 6,000    | No change                  | No change                            | 5,000 min           |
| Gross Floor Area (sq. ft.)      |                   | 1,518    | 2,235                      | 2,275                                | N/A                 |
| Dwelling Units                  | Total             | 1        | No change                  | No change                            | 2 max               |
|                                 | Affordable        | 0        | No change                  | No change                            | N/A                 |
| Building Height                 | Average (ft.)     | 16'-5"   | 21'-3"                     | No change                            | 28 max              |
|                                 | Stories           | 2        | No change                  | No change                            | max                 |
| Building Setbacks (ft.)         | Front             | 16'-11"  | No change                  | No change                            | 20 min              |
|                                 | Rear              | 61'-11"  | 57'                        | No change                            | 20 min              |
|                                 | Left Side (West)  | 6'-7"    | 4'-7.5"                    | No change                            | 4 min               |
|                                 | Right Side (East) | 9'-6"    | 9'-6"                      | No change                            | 4 min               |
| Lot Coverage (%)                |                   | 25.6%    | 28.8%                      | 29.5%                                | 40 max              |
| Usable Open Space (sq. ft.)     |                   | 1,000+   | No change                  | No change                            | 400 min             |
| Parking                         | Automobile        | 1        | No change                  | No change                            | N/A                 |

## II. Project Setting

- A. Neighborhood/Area Description:** The subject site is located midblock along Francisco Street, between Webster Street and Chestnut Street in North Berkeley. The site is located about two blocks east of San Pablo Avenue and a block and a half west from the North Berkeley Bart Station. The surrounding area is composed of single to two-family dwelling units.
- B. Site Conditions:** The project site is rectangular, generally level, and is currently developed with a two-story dwelling unit, shed, and an Accessory Dwelling Unit (ADU), which was approved subsequent to the approval of the Administrative Use Permit (ZP2020-0122). The lot is accessed by an existing driveway and curb cut located east of center towards the front of the lot.

## III. Project Description

The project approved by the Zoning Officer would modify the original Administrative Use Permit (AUP) (ZP2020-0122) by adding 40 square feet to the office (bedroom 4) located on the first floor and a 108 square foot balcony located on the second floor accessed off the primary bedroom suite (bedroom 3). The subject balcony is located atop the existing roof of the first floor.

The original AUP, issued on January 5, 2021, was for a two-story major residential addition greater than 14 feet in average height.

## IV. Community Discussion

- A. Neighbor/Community Concerns:** At the time of submitting this application, the City had temporarily waived the Neighborhood Contact and Project Yellow Poster requirements for proposed zoning project applications to comply with the Shelter-in-Place order issued by the County Health Official. Instead, the City mailed a Notice of Received Application on February 23, 2020 to July 2021.

Staff received several communications from the residents at 1256 Francisco about the proposed balcony and its potential impacts on privacy, site lines, and noise. Staff determined that the proposed modifications were consistent with the underlying development standards and would not unreasonably obstruct sunlight, air, or views, and would not be detrimental neighboring properties.

- B. Zoning Officer's Decision to Approve:** The Zoning Officer determined that the proposed project, which would add 40 square feet to the southeast corner of single-family dwelling on the first floor and a balcony on the second floor, would not result in detrimental air, views, light, or privacy impacts and would be consistent with the underlying development standards in BMC Section 23.202.080.

The first appeal of the administrative decision was filed on August 4, 2022 by one owner of 1256 Francisco. The second appeal was filed on August 23, 2022 by a second resident of 1256 Francisco.

**C. Public Notice:** On October 6, 2022, the City mailed public hearing notices to all adjacent property owners and occupants within 300 feet of the subject property. Staff also posted the Notice of Public Hearing at two locations within the immediate vicinity of the subject site. At the time of this writing, Staff has not received any communications, outside of the appellants, regarding this project.

## V. Appeal Issues and Analysis

The issues raised in the appellants' letter and staff's responses are as follows. For the sake of brevity, the appeal issues are not re-stated in their entirety. Other issues were raised in the appeal letter, however, only the appeal points and analysis that are within the purview of the Zoning Adjustments Board are discussed below. Please refer to the appeal letters (Attachment 3) for full text.

**A. Appeal Issue:** The appellants state the application should be denied based on the privacy, views, and noise detriments created by the proposed balcony. The appellants assert that the balcony should be designed and located elsewhere on the property to preserve existing conditions between the neighboring dwellings. In addition to the balcony, the appellants note privacy concerns with the location of the windows along the western portion of the primary bedroom suite.

### Staff Response:

- *Views* – The modifications would not result in obstruction of significant views in the neighborhood as defined in BMC Section 23.502 (Glossary)<sup>1</sup>. This area is generally flat and developed with one- and two-story residences that filter or obscure most views that may be available of the Berkeley Hills or the Golden Gate Bridge from off-site view angles. Further, during a site visit of the subject properties conducted on September 1, 2022, staff observed that the views from 1256 Francisco looking eastward were not significant.
- *Noise* – Community noise is regulated pursuant to BMC Section 13.40 under the authority of the Environmental Health Department. The following information is provided for reference. Exterior noise limits are established to mitigate the detrimental impacts of specific sound levels and vibrations. Shown below, Table 13.40-1 outlines the exterior noise limit levels according to Zoning District.

### Figure 5: Exterior Noise Limits by Zoning District

<sup>1</sup> *View Corridor.* A significant view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the Campanile, Golden Gate Bridge, and Alcatraz Island or any other significant vista that substantially enhances the value and enjoyment of real property.

Table 13.40-1. EXTERIOR NOISE LIMITS

(Levels not to be exceeded more than 30 minutes any hour)

| Zoning District               | Time Period            | Noise Level (dBA) |
|-------------------------------|------------------------|-------------------|
| R-1, R-2, R-1A, R-2A, and ESR | 7:00 a.m. – 10:00 p.m. | 55                |
|                               | 10:00 p.m. – 7:00 a.m. | 45                |
| R-3 and above                 | 7:00 a.m. – 10:00 p.m. | 60                |
|                               | 10:00 p.m. – 7:00 a.m. | 55                |
| Commercial                    | 7:00 a.m. – 10:00 p.m. | 65                |
|                               | 10:00 p.m. – 7:00 a.m. | 60                |
| Industry                      | Anytime                | 70                |

Noise levels at 55 decibels A<sup>2</sup> (dBA) is equivalent to conversation amongst a group of people about three feet apart or the noise generated by a coffee percolator<sup>3</sup>.

Activity on the residential balcony is not within the purview of the Zoning Ordinance, however, the noise levels noted above are applicable and enforceable through Environmental Health.

- *Privacy* – The propose balcony will not result in significant privacy impacts. As shown in Figures 2 and 4, the proposed balcony at the second-story level is setback 8 feet-8 inches from the western property line and over 20 feet from the eastern property line. The proposed balcony parallels an existing second floor bedroom at 1256 Francisco Street. To mitigate the potential impacts to privacy, a privacy screen is proposed along the west side of the balcony, between the subject properties. Further, Staff amended the approved Conditions of Approval, adding Condition of Approval #11 to ensure that the privacy screen shall be maintained throughout the life of the project.

The location of the new primary bedroom, bathroom, and closet windows were approved under the original AUP (ZP2020-0122), and are not subject to the modification request. Although outside the purview of the modification and appeal, staff notes that the previously approved windows and second floor addition are located outside of the required side setback.

## VI. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board **APPROVE #ZP2021-0006** pursuant to Section 23.406.030.F and subject to the attached Findings and Conditions (see Attachment 1) and **DISMISS the Appeal**.

<sup>2</sup> *Decibel*. A unit used to measure the intensity of a sound or the power level of an electrical signal by comparing it with a given level on a logarithmic scale.

<sup>3</sup> *Sound Effects Decibel Level Chart* <https://www.creativefieldrecording.com/2017/11/01/sound-effects-decibel-level-chart/>

**Attachments:**

1. Findings and Conditions, #ZP2021-0006 August 3, 2022
2. Project Plans, dated July 21, 2022
3. Survey, dated May 16, 2022
4. Appeal Letters
5. Notice of Public Hearing

**Staff Planner:** Katrina Lapira, [klapira@cityofberkeley.info](mailto:klapira@cityofberkeley.info), (510) 981-7488

## INDEX TO ADMINISTRATIVE RECORD

1262 FRANCISCO STREET

Use Permit #ZP2021-0006

Prepared: March 28, 2022

|          | DOCUMENT                                                         | DATE       | PAGE | # of pages |
|----------|------------------------------------------------------------------|------------|------|------------|
| <b>A</b> | <b>STAFF REPORTS</b>                                             |            |      |            |
| 1        | ZAB Materials: staff report and attachments                      | 10/13/2022 | 1    | 39         |
| <b>B</b> | <b>CAPTIONER'S RECORD and minutes of all hearings</b>            |            |      |            |
| 2        | ZAB captioner's record                                           | 10/13/2022 | 40   | 55         |
| <b>C</b> | <b>REMAINDER OF ADMIN RECORD</b>                                 |            |      |            |
| 3        | Application materials                                            | 2/5/2021   | 95   | 29         |
| 4        | Welcome letter                                                   | 2/19/2021  | 124  | 1          |
| 5        | Notice of Received Application postcard notice with mailing list | 2/23/2021  | 125  | 3          |
| 6        | Notice of Received Application poster                            | 2/23/2021  | 128  | 1          |
| 7        | Email of Objection: John Vinopal                                 | 3/2/2021   | 129  | 4          |
| 8        | Resubmittal: sightlines                                          | 3/7/2021   | 133  | 9          |
| 9        | Resubmittal: project plans                                       | 3/26/2021  | 142  | 8          |
| 10       | Survey                                                           | 5/16/2022  | 150  | 1          |
| 11       | Letter of Objection: Aimee Baldwin                               | 6/15/2022  | 151  | 54         |
| 12       | Resubmittal: project plans                                       | 6/24/2022  | 205  | 10         |
| 13       | Letter of Completion                                             | 6/28/2022  | 215  | 1          |
| 14       | Resubmittal: project plans                                       | 7/21/2022  | 216  | 10         |
| 15       | Notice of Administrative Decision postcard with mailing list     | 8/3/2022   | 226  | 3          |
| 16       | Notice of Administrative Decision                                | 8/3/2022   | 229  | 20         |
| 17       | Letter of Appeal filed by Aimee Baldwin                          | 8/4/2022   | 249  | 5          |
| 18       | ZAB Public Hearing Notice postcard with mailing list             | 9/29/2022  | 254  | 7          |
| 19       | ZAB Notice of Decision                                           | 10/26/2022 | 261  | 23         |
| 20       | Appeal letter filed by John Vinopal                              | 11/9/2022  | 284  | 2          |
| 21       | Appeal Receipt letter from City Clerk to Appellant               | 11/18/2022 | 286  | 4          |



This attachment is on file and available for review at the City Clerk Department, or can be accessed from the City Council Website. Copies of the attachment are available upon request.

**City Clerk Department**

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

or from:

**The City of Berkeley, City Council's Web site**

<http://www.cityofberkeley.info/citycouncil/>

**NOTICE OF PUBLIC HEARING – BERKELEY CITY COUNCIL**

**ZAB APPEAL: 1262 FRANCISCO, USE PERMIT #ZP2021-0006**

**The public may participate in this hearing by remote video or in-person.**

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, FEBRUARY 28, 2023 at 6:00 P.M.** a public hearing will be conducted to consider an appeal of the decision by the Zoning Adjustments Board to **APPROVE Administrative Use Permit #ZP2021-0006 to modify Administrative Use Permit ZP#2020-0122 to add 40 square feet on the first floor and a balcony on the second floor of an existing single-family dwelling unit.**

The hearing will be held at the Berkeley Unified School District Board Room located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of February 16, 2023. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Katrina Lapira, Project Planner, (510) 981-7488 or [klapira@cityofberkeley.info](mailto:klapira@cityofberkeley.info). Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

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Mark Numainville, City Clerk

Mailed: **FEBRUARY 14, 2023**

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny (Code Civ. Proc. 01 94.6(b)) or approve (Gov. Code 65009(c)(5)) an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6, no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision 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 Zoning Adjustments Board decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

*If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available by request from the City Clerk Department and posted on the City of Berkeley webpage at least 10 days prior to the public hearing.*





Office of the City Manager

ACTION CALENDAR  
February 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Dee Williams-Ridley, City Manager  
 Subject: The City of Berkeley Employer of Choice Initiative

RECOMMENDATION

Adopt a resolution to support and endorse the City Manager's workplan to implement the City of Berkeley's Employer of Choice initiative. The workplan provides actionable recommendations by Municipal Resource Group (MRG), an independent consultant firm specializing in providing cities, counties, and government agencies with professional strategic services.

Consistent with MRG's 90-day Action Plan recommendations, the City Manager is currently requesting authorization to 1) hire two Associate HR Analysts and one Assistant HR Analyst, 2) contract with a branding and marketing agency in an amount not to exceed \$250,000 to help attract, outreach and recruit talent for the City workforce in support of the Human Resources Department; and 3) enhance communications and social media content planning and strategy including support for department communications in a combined amount not to exceed \$200,000.

FISCAL IMPACTS OF RECOMMENDATION

Costs associated with the resources identified within this initial 90-day workplan are offset by unanticipated salary savings within the General Fund, resulting in no net increase to the Fiscal Year 2023 Adopted Budget. The ongoing cost of increased personnel, as well as other potential resources required to effectively implement the Roadmap, will be presented as part of the Fiscal Year 2024 Mid-Biennial Budget Update.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley provides a portfolio of services to the community that is unparalleled in California for a city of its size. The quality of this broad array of services to residents, business, students and visitors is directly impacted by the ability of the City to retain and recruit talented and committed staff. Ensuring budgeted positions are filled with motivated employees is key. Fully staffing an organization that functions efficiently helps limit turnover, retain institutional knowledge and effectively implement the City's programs and policy initiatives.

In September 2022, the City engaged MRG to provide a Roadmap to help the City become an Employer of Choice. A team of three MRG consultants was selected for this project based on their broad experience managing public organizations at the executive level. The goal of the project was to assess the organization’s needs and craft an actionable plan titled the “Employer of Choice Roadmap” to retain and attract employees. This Roadmap creates six thematic areas of focus with a total of forty-eight (48) initiative areas. MRG was also asked to prepare a Hybrid Best Practices Guide which will be shared with Human Resources, labor unions, and employees through a separate process.

The MRG team conducted meetings and focus groups with employees, department heads, and bargaining units from all departments to identify Employer of Choice issues and strategies. Interviews and focus groups were confidential. Participants were assured that no specific quotes would be assigned to any one individual; rather, input would be integrated into general themes and recommendations.

After review of the Roadmap, the City Manager is recommending a Phase 1 focused workplan to address key 90-day deliverables in three defined areas. These recommendations are in alignment with the priority areas recommended by MRG.

| Focus area                      | Resources Needed                                                                                                                      | Cost                                                |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| Invest in HR and fill vacancies | Hire two Associate HR Analysts                                                                                                        | \$131,312 (FY 23)<br>\$448,468 (beginning in FY 24) |
| Invest in HR and fill vacancies | Hire one Assistant HR analyst                                                                                                         | \$53,515 (FY 23)<br>\$182,762 (beginning in FY 24)  |
| Invest in HR and fill vacancies | Contract with a branding/marketing consultant to assist HR in attracting and recruiting top talent through effective outreach methods | \$250,000 (one-time funding)                        |

|                                                                 |                                                                                                                         |                                              |
|-----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| Launch updated communication efforts                            | Enhance communications and social media content planning and strategy including support for departmental communications | \$200,000 (one-time funding)                 |
| Elevate and update internal systems and administrative services | Initial 90-day plan will be absorbed within the Office of Special Projects                                              | No financial support requested at this time. |

The attached report identifies three focus areas for the City to address immediately. They are 1) invest in HR and fill vacancies, 2) launch updated communications efforts and 3) elevate and update internal systems.

The Human Resources Department is requesting investment in two areas. The first is to build internal capacity with more staff with the addition of two Associate HR Analysts and one Assistant HR Analyst to be more agile in responding to the hiring demands of the organization. Increased capacity will be essential to hiring above attrition for several successive years in order to bridge the vacancy gaps hampering operations across City departments. The addition of analysts will increase the number of exams administered, will shorten the time required to establish eligible lists, will speed up hiring and onboarding processes, and will furnish adequate support to new employees through orientation, training, and benefits.

In order to expand the applicant pool and attract top talent, the Human Resources Department needs a communications consultant to support branding, marketing and recruitment presence on digital platforms, including social media. A full-service agency will be integral to developing recruitment campaign themes and visuals (including promotional videos) and launching them on digital platforms through strategic ads.

To update communication efforts and determine how best to open access to the website and social media use for departmental ease in community engagement, the plan also includes additional consulting resources to work with the City Manager’s Office.

To elevate and update internal systems, the City Manager’s Special Projects Division will work with the Organization to determine business processes and develop a plan using strike teams and/or business process teams to revamp internal and administrative systems for greater efficiency and effectiveness.

The second deliverable is a hybrid workplace best practices guide. This guide is in development incorporating the information from focus groups, what local and other government organizations are doing, and outlining evolving practices. The report will be delivered directly to Human Resources upon completion.

## BACKGROUND

There are a number of national issues facing government sector workplaces with an unusually high vacancy rate. The Great Resignation is a term used to describe a recently developed and ongoing trend of employees voluntarily leaving their places of employment. There is a need for defining new norms in the COVID realignment and remote work assessment process, which reflects the demand for more flexible workplace and hybrid options, and the demand for work/life balance and employers being more focused on employee wellbeing.

Traditional means of recruiting, retaining, and engaging employees are proving insufficient to address this trend. Jurisdictions around the country, including the City of Berkeley, need to understand these trends and associated changes, identify and tailor methods of retaining, recruiting and engaging employees for future workforce development. Employers that are not responding to this trend by quickly adapting may be in danger of losing excellent employees and being unable to compete for top talent.

In September 2022, the City engaged MRG to provide a Roadmap to help the City become an Employer of Choice. A team of three MRG consultants was selected for this project based on their broad experience managing public organizations at the executive level. (See Attachment 2 of the Roadmap for information on MRG.) The goal of the project was to assess the organization's needs and craft an actionable plan titled the "Employer of Choice Roadmap" to retain and attract employees. This Roadmap creates six thematic areas of focus with a total of forty-eight (48) initiative areas.

The City Manager provided a presentation to Council on October 11, 2022 that highlighted why this work was important to address our needs and provided a workplan with timelines to research best practices, engage in employee focus groups, including time set aside to engage management and labor. The City Manager also provided a "Workforce Analysis" presentation to the City Council on December 13, 2022 highlighting the current status of recruitment challenges and resulting organizational impacts. With launch of the Employer of Choice report, the City Manager committed to return to the Council with a presentation in February 2023.

The City Manager, MRG and the Senior Executive Team met to review the Roadmap recommendations in late January. The consensus for immediate action and effort were: (1) invest in Human Resources with the goal of filling vacant positions and improving the City's branding and recruitment outreach, (2) enhance communication internally with employees and externally with the public including providing more department access and agility with use of social media and website information; and (3) improve internal and administrative business processes and practices to improve efficiency, effectiveness and customer service. Based on this, the City Manager is recommending the following initial investment to jump start these efforts:

1) Hire two Associate HR Analysts and one Assistant HR Analyst;

2) Contract with a branding and marketing agency in an amount not to exceed \$250,000 to help attract, outreach and recruit talent for the City workforce in support of the Human Resources Department; and

3) Enhance communications and social media content planning and strategy including support for department communications in a combined amount not to exceed \$200,000.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Several of the recommendations focus on streamlining business processes, creating efficiencies, and greater adoption of technological solutions which will reduce paper and other waste associated with less-than-optimally efficient business practices.

#### RATIONALE FOR RECOMMENDATION

The City of Berkeley is at a crucial point in its need to both retain our valued staff and attract the best candidates for positions within the organization. To this end, we must transform our processes and implement new tools to be an Employer of Choice. It is imperative that we move with speed and agility to implement key activities defined within the proposed Roadmap. These actions are the key establishing a strong and stable Berkeley workforce to meet the demands and growth of the community. The City of Berkeley has been a leader in many initiatives, and we are looking to become a leader in workforce development.

#### ALTERNATIVE ACTIONS CONSIDERED

The City moved swiftly to gather this pertinent information to develop the action plan. It was clear that a third-party was needed to conduct the assessment. No other action was considered.

#### CONTACT PERSON

Dee Williams-Ridley, City Manager, City Manager's Office, 510-981-7000

#### Attachments:

1. Resolution
2. Employer of Choice Roadmap Report from Municipal Resource Group

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

THE EMPLOYER OF CHOICE INITIATIVE

WHEREAS, it is critical for the City of Berkeley to implement an initiative to respond to the major changes in employee attraction, retention and engagement due to COVID-19 and the resulting Great Resignation; and

WHEREAS, The Great Resignation is a term used to describe a recently developed and ongoing trend of employees voluntarily leaving their places of employment; and

WHEREAS, Municipal Resource Group (MRG) is an independent consultant firm specializing in providing cities, counties and government agencies with professional strategic services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley to adopt a resolution to support and endorse the City Manager's workplan to implement the Employer of Choice initiative, which will establish and make actionable the recommendations provided in the Roadmap by Municipal Resource Group (MRG), an independent consultant firm specializing in providing cities, counties and government agencies with professional strategic services.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to proceed with the following actions in the first phase of implementation of the Employer of Choice initiative: 1) hire two Associate HR Analysts and one Assistant HR Analyst, 2) contract with a branding and marketing agency in an amount not to exceed \$250,000 to help attract, outreach and recruit talent for the City workforce in support of the Human Resources Department; and 3) enhance communications and social media content planning and strategy including support for department communications in a combined amount not to exceed \$200,000.

# CITY OF BERKELEY

## Employer of Choice Roadmap

**February 15, 2023**

**Prepared by MRG**

*The City of Berkeley wishes to establish itself as an "Employer of Choice" -- to attract and retain high quality employees and foster an organization committed to health and long-term success of the city organization and its workforce.*

*The goal of this ROADMAP is to strengthen the culture of the organization in a way that improves the work environment and increases job satisfaction -- making Berkeley an exciting and supportive place to work and thrive.*



## INTRODUCTION

### Project Overview

In September 2022, the City of Berkeley (“City”) engaged Municipal Resource Group (“MRG”) to provide a Roadmap to help the City become an **Employer of Choice** to support the City’s Strategic Plan goal to attract and retain a talented and diverse City government workforce. The COVID-19 pandemic continues to have myriad impacts on our community and the world—including the phenomenon known as the Great Resignation. The Great Resignation is a term used to describe a recently developed and ongoing trend of employees voluntarily leaving their places of employment.

Today, Berkeley is facing significant vacancies across the organization and is experiencing challenges recruiting and retaining employees. Jurisdictions around the country, including the City of Berkeley, need to identify and tailor new methods of recruiting, retaining and engaging employees, and to plan for future workforce development. Employers that are not adapting and advancing their organizations are at danger of losing excellent employees and being unable to retain or compete for top talent.

A team of three MRG consultants were selected for this project based on their broad experience managing public organizations at the executive level. See Appendix B for information on MRG. The goal of the project was to assess the organization’s needs and craft an actionable plan to retain and attract employees titled the “Employer of Choice Roadmap”. This Roadmap creates six thematic areas of focus with a total of forty-eight (48) initiative areas. MRG was also asked to prepare a Hybrid Best Practices Guide which will be shared with Human Resources, labor and employees through a separate process.

The City of Berkeley provides a portfolio of services to the community that is unparalleled in California for a city of its size. The quality of this broad array of services to residents, business, students and visitors is directly impacted by the ability of the City to retain and recruit talented and committed staff. Ensuring budgeted positions are filled with motivated employees is key. Fully staffing an organization that functions efficiently helps limit turnover, retain institutional knowledge and effectively implements the City’s programs and policy initiatives.

*“Berkeley is in a staffing emergency! All the great work that the Council and community is used to seeing accomplished is being profoundly impacted. The level of work is not going to be as great and the Berkeley performance will be reduced until we can stabilize and rebuild the organization.”*

*-Berkeley Employee Voice*

### WHAT SUCCESS LOOKS LIKE ...

*Once the City of Berkeley implements the Roadmap and is established as an “Employer of Choice”, the organization will:*

- ✓ *Attract and retain high performing employees, who demonstrate a commitment to the long-term success of the city organization;*
- ✓ *Secure engaged employees that feel valued and see the purpose and impact of their work;*
- ✓ *Communicate regularly within the organization to build culture and employee engagement and to the public to build awareness and*
- ✓ *Enhance investment in training, career development, safety and health of staff; and*
- ✓ *Deliver efficient administrative service functions that support employees and enhanced delivery of programs to Berkeley residents.*





## HOW WAS THE ROADMAP DEVELOPED?

MRG believes that most good ideas regarding improving customer service and organizational performance come from within the organization. The MRG team conducted meetings and focus groups with employees and department heads labor groups from all departments in addition to labor groups to identify Employer of Choice issues and strategies. Interviews and focus groups were confidential. Participants were assured that no specific quotes would be assigned to any one individual; rather, input would be integrated into general themes and recommendations. These meetings were very productive with active engagement from all participants. The City Council and community should be proud of its workforce and its employees' commitment to improve the organization.

## WHAT ARE EMPLOYEE RECRUITMENT AND RETENTION TRENDS?

Hiring and retaining high performing public agency employees in 2023 is extremely challenging especially in the hyper-competitive Bay Area job market. The “Great Resignation” of the pandemic was actually a “great re-evaluation” of work which has forever changed how we work and how we think about our careers and life. The Pulse of the American Worker Survey [Fact Sheet](#) from March 2022 states that nearly a quarter of workers (22%) have switched employers since the start of the pandemic – up from 13% in April 2021. In addition, half of workers are actively searching or are considering looking for a new job. Demographic trends, the changing dynamic of in-person vs. remote work, retirements and an increased competition from the private sector in many job classifications are key drivers. Faced with this, many public employers are struggling to retain and hire key staff for important positions. The City of Berkeley is no exception. The most comprehensive data on the challenges facing the public sector’s hiring is NEOGOV’s recent [report](#), “*The Quiet Crisis in the Public Sector*”. By utilizing its GovernmentJobs.com site and its expertise as the provider of HR management solutions for the public sector, NEOGOV offers the following findings.

- ✓ **Key Drivers** -- Based on insights from public sector HR professionals, the biggest drivers for the increase in recent job openings are shown below with voluntary turnover (83%) as the largest contributor.
- ✓ **Lack of Qualified Candidates** – 79% of agencies cannot currently find qualified candidates for open positions.

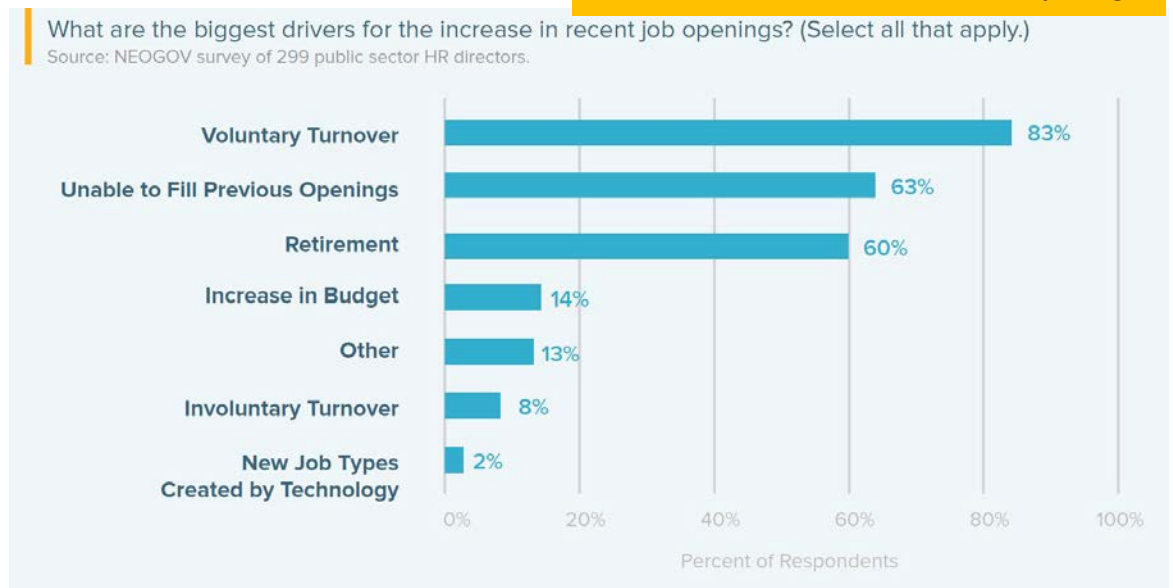
**Candidates want higher pay, flexible work options, and more meaningful work, and they aren't afraid to leave for better opportunities elsewhere.**

**Candidates also want clear and concise recruitment process, active communication and timeliness.**

*-NEOGOV, The Quiet Crisis in the Public Sector*

- ✓ **Lower Number of Applicants** -- The number of applicants is dramatically declining in the public sector while at the same time there are more job openings/vacancies.

**Chart #1 – NEOGOV Drivers of Job Openings**

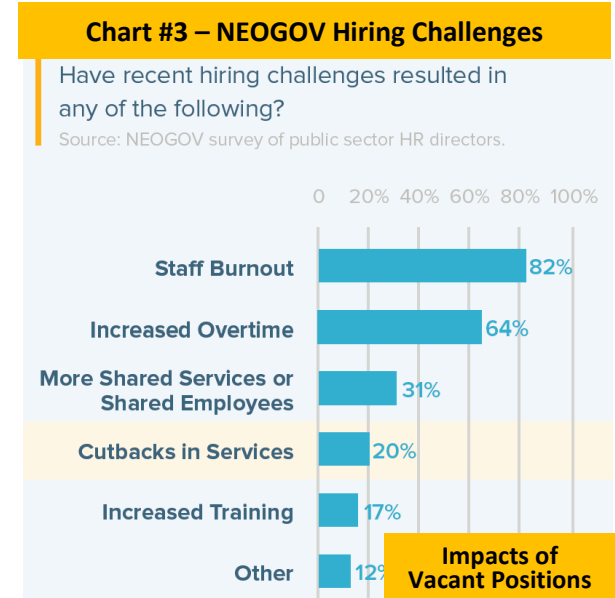


- Since 2021, there has been a 45% increase in public sector job openings. At the same time, there was a 56% decrease in applicants per job. Another way to think about this is that 50% of jobs are getting fewer than 10 applicants – which doesn't take into account that the applicants may not meet basic requirements of the job.
- This change becomes even more alarming when this trend is reviewed over the past six years. NEOGOV found that applicants per job in the public sector have decreased by 74%.



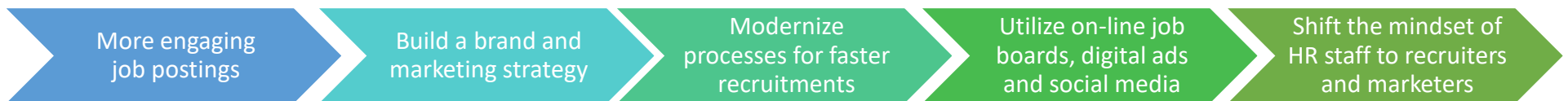
✓ **Impact of Unfilled Recruitments** – The impact of not filling positions dramatically affects the remaining workforce and public services. Chart #3 from the NEOGOV report illustrates the challenges of not being able to hire. Locally, the Berkeley City Manager presented a [Workforce Analysis](#) overview to the City Council on December 13, 2022 which outlined key causes for the national labor shortage, recruitment and workforce challenges, and impacts of vacancies on services in a number of departments. Similar to national issues, Berkeley is facing these impacts:

- Reduction in services and programs-- Increase in caseloads, reduction in service hours, reduction in programs, reduction in service quality, delays in service delivery.
- Temporary closure of facilities on certain days or during certain shifts.
- Prioritization of violent crimes over lower-priority property crimes and diminished ability for extra patrols.
- Decreased capacity to manage existing programs and projects.
- Reduction in maintenance standards and services for community amenities, parks and streets.
- Challenges meeting grant requirements and deliverables.
- Backlog of service requests, maintenance, infrastructure projects.
- Staff burnout, increased stress and frustrations; forced overtime; denial of time-off requests.



**NEOGOV Recommendations:**

To improve public sector recruitments, NEOGOV recommends the following actions:



## KEY COMPONENTS FOR EMPLOYEE RETENTION

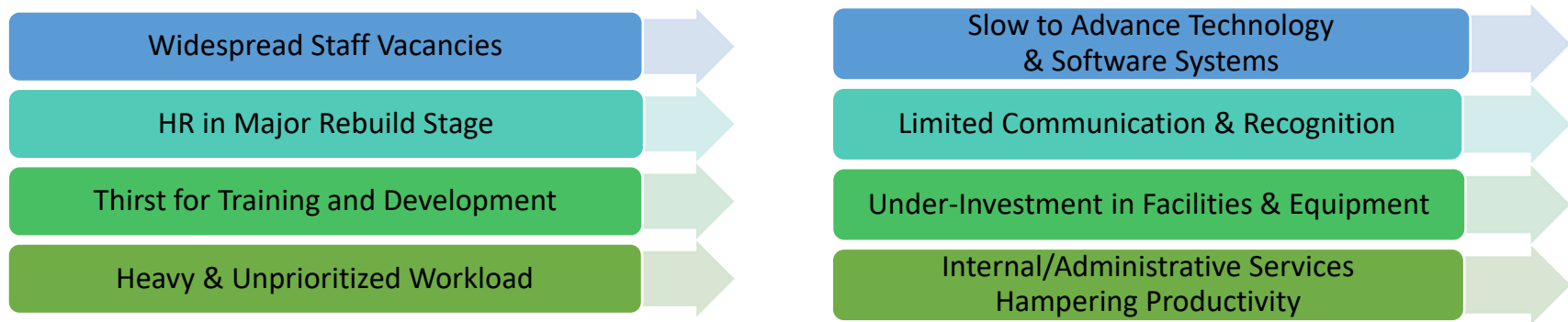
From MRG's research and best practices, it is important to recognize that employee retention has multiple layers. Key components for employee retention include the following.

- ✓ Competitive compensation and benefits.
- ✓ Purpose and meaning in the work being performed by employees.
- ✓ Flexibility and a desire for life balance which is requiring employers to embrace alternative work schedules and remote work.
- ✓ High desire to work for organizations that are committed to growth, training, and career development in their employees – which is especially true for Millennials.
- ✓ Recognition and appreciation for work efforts and accomplishments with an overall positive organizational culture.
- ✓ Competent and capable supervisors and managers committed to good communication, teamwork and active employee engagement.
- ✓ Organizations that invest in tools, technology, and business systems that let employees complete their work with ease and effectiveness.
- ✓ Comprehensive onboarding process that helps new employees find their footing, launch into their new role, and delivers a clear vision of the organization's values, culture and expectations.
- ✓ Prioritized and organized work that allows thorough and strategic work delivery.

When these conditions are met together as a package, the organization's culture and organizational operations all improve and move toward optimal. The Roadmap evaluates these layers and creates a work plan for the City to retain and attract a strong, talented and agile workforce.

## KEY FINDINGS

Below are the key findings that are impacting the City's ability to attract and retain employees. The impact of these issues results in City employees feeling tired, overworked, frustrated and underappreciated. The number one priority expressed by staff was to fill vacant positions first in order to improve customer service, reduce overtime, increase capacity, and reduce the level of work for current employees.



**KEY ROLE OF THE CITY COUNCIL IN EMPLOYEE RETENTION AND RECRUITMENT**

The City Council’s leadership is a key ingredient in the success of the Employer of Choice Roadmap. Initially, MRG sees three important roles for the City Council.

1. **Financial Support and Resources** – As outlined later in the report, the Roadmap will require one-time and ongoing financial resources for staff, tools, technology and equipment. Without secured financial support and investment, the Roadmap will not be successful. MRG recommends that the City Manager bring forward an initial list of resources for the first 90 Day Action Plan to then be supplemented with a more comprehensive multi-year budget.
2. **Compensation & Benefits** – While the Roadmap does not make specific recommendations regarding salary and benefits, compensation is critical in the recruitment and retention of employees. Appendix A outlines organization feedback that MRG received regarding compensation and benefits. A strategic assessment of the City’s compensation system ahead of labor negotiations is important.
3. **Priority Setting and Workload** -- The City’s latest Strategic Plan was created in 2017/2018 for work in FY 2018-2019 and has nine (9) long term goals. New initiatives creating workload enter the City various ways including State/Federal requirements, annual budget process, staff recommendations, and the City’s legislative and agenda process. The City of Berkeley legislative process accepts proposals from the Mayor, City Councilmembers, the Auditor, Commissions, and the City Manager. This process of direct legislation results in a high volume of agenda items, usually in the range of 850 – 950 total items annually. For legislative proposals from the Mayor and Council, there are multiple avenues through the legislative process. Items submitted for the agenda process may go directly to the full Council, or they may be referred to a policy subcommittee for review and amendment before being considered by the full Council. (There are additional City Council work items that are not captured in Chart #5 below.) As of January 2023, there are 351 Long Term Referrals and 149 Short Term Referrals.

City staff appreciates the City Council’s ideas for creative and entrepreneurial projects and initiatives to improve and serve the community, yet the volume of referrals impacts the delivery of core services to the community. New Council initiatives are regularly added and become staff’s priority. This results in City staff shifting resources to new initiatives and consequently, some prior projects are left partially completed or stalled. The high workload and shifting of priorities are impacting employee retention and project completion.

| Chart #5 – CURRENT CITY COUNCIL REFERRALS (as of Jan. 2023) |            |            |            |             |
|-------------------------------------------------------------|------------|------------|------------|-------------|
| REFERRALS                                                   | Long Term  | Short Term | Total      | Total (%)   |
| Not Active                                                  | 162        | 13         | 175        | 35%         |
| Completed                                                   | 100        | 129        | 229        | 46%         |
| In Process                                                  | 89         | 7          | 96         | 19%         |
| <b>Sub-Total</b>                                            | <b>351</b> | <b>149</b> | <b>500</b> | <b>100%</b> |
| Rescinded                                                   | 51         |            |            |             |
| <b>TOTAL</b>                                                | <b>402</b> |            |            |             |

It is a best practice in cities to create an annual City Council approved work plan built on multi-year strategic goals with periodic opportunities for additions throughout the year. For each organization, it is a balancing act to find a process that retains the ability for individual City Council Members to bring forward ideas and initiatives, while at the same time having a procedure where the full Council defines the priorities and work of the organization. MRG understands that Agenda & Rules Policy Committee is beginning a discussion on enhancements to the City’s legislative process, including referrals. MRG supports this review of the legislative process and recommends developing a more integrated system for goal and priority setting to establish an achievable work plan for the organization.

## EMPLOYER OF CHOICE ROADMAP

### Organization of Recommendations

Becoming an Employer of Choice requires culture change and organizational development. The Employer of Choice Road Map in this document provides specific recommendations in the following themed areas (lanes) as shown in this diagram.



## IMPLEMENTATION

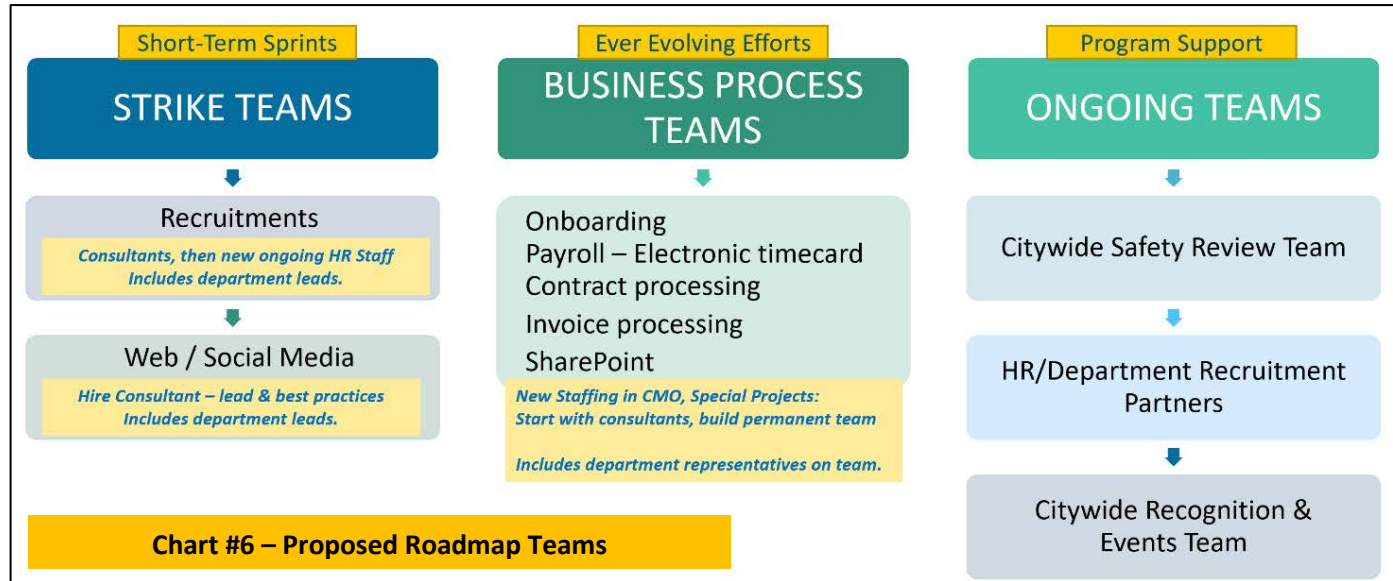
### The Need to Move Quickly

The City should implement certain changes quickly to move towards becoming an Employer of Choice. While a complete implementation of the Roadmap is estimated to take three years, immediate action and resolve is required. Quick action will demonstrate to staff and the community that the City is committed to retaining and attracting employees and enhancing community services. The following implementation methodologies are recommended:

1. **Executive Leadership & Project Champion** – This initiative crosses all departments and is foundational for how the organization will operate in the future. Committed executive leadership is required to ensure organizational change occurs and the Roadmap is implemented.
2. **Seasoned Project Manager** – The Employer of Choice Roadmap will require a seasoned manager to lead these interdepartmental efforts with the full support of the executive champion.
3. **Department Commitment** – Each Department Head needs to be committed to the Roadmap including supporting their staff to work on various project teams.
4. **1X & Ongoing Financial Resources** – New investments in the organization for staff, consultants, technology, equipment, supplies, etc. are all required to implement the Roadmap. The funding needs should be identified and set aside for upcoming three years to ensure this organizational effort has the resources to complete its projected outcomes.
5. **Rolling 90-Day Action Plans** – Large organizational initiatives like this often get stalled over time by the size of the recommendations and overall projected work. From the time the Roadmap is accepted by the City Council, it will take the City staff a few months to organize the implementation of the full Roadmap. By taking strategic and targeted 90-day Action Plans, Berkeley can weave this project in with other city priorities and ensure solutions move forward with proactive results. After a relatively short start-up period (no more than 60 days), the first 90-Day Action Plan should be created, launched and communicated to the organization.

6. **Transparency & Reporting Out** – Communication, reports, and current dashboards should be created. Celebrations of successes and recognition internally and externally is critical for maintaining momentum and honoring the work.
7. **Empowered Teams** – Many of the recommendations in the Roadmap require City staff from different departments or work units to collaborate, analyze, and execute phases of implementation. New ways of working and an investment in “strike teams” and “business process teams” will require new staffing and some consultant assistance. MRG recommends three different types of “teams” as shown in Chart #6.







8. **Prioritization** – There are 48 individual recommendations outlined in the Roadmap. While all are important, there are three key areas for initial focus and priority investment.



- **Invest in HR / Fill Vacancies** – Invest in staffing and consultant support to bring immediate additional resources to HR, streamline processes, work with line departments as business partners, leverage software and technology, and activate social media tools in recruitments.
- **Launch Communication** – Jump start internal communication from the City Manager’s Office and departments to employees, including open access to the website and social media for active use by departments in their community information and engagement efforts.
- **Elevate & Update Internal Systems** – Create Strike Teams and Business Process Teams to review and revamp internal and administrative systems for greater efficiency and effectiveness.

*Implementation of these recommendations will require City Council support, executive leadership, staff resolve and significant changed behaviors. There is a lot to do. The City has the talent and resources to do it!*

# CITY OF BERKELEY -- Employer of Choice Roadmap

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <b>1</b> Recruiting for Talent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>2</b> Retaining Our Employees                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>3</b> Culture, Communication & Employee Engagement                                                                                                                                                                                                                                                                                                                                                                           | <b>4</b> Training & Professional Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>5</b> Health, Safety & Wellness                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>6</b> Elevate Internal Processes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>Staffing &amp; HR Role</b></p> <ul style="list-style-type: none"> <li>1.1 Invest in Human Resources Department (HR) Staffing Levels</li> <li>1.2 Streamline Recruitment Process – Strike Team</li> <li>1.3 Act as Business Partners with Departments</li> </ul> <p><b>Marketing &amp; Branding</b></p> <ul style="list-style-type: none"> <li>1.4 Create Recruitment Brand &amp; Marketing Strategy</li> <li>1.5 Upgrade Jobs/Career Web Presence</li> <li>1.6 Utilize Social Media</li> <li>1.7 Hire Graphic Design &amp; Social Media Expertise</li> <li>1.8 Referral Bonus for Current Employees</li> </ul> <p><b>HR Systems &amp; Data</b></p> <ul style="list-style-type: none"> <li>1.9 Resources &amp; Tools on Day 1</li> <li>1.10 HR Performance Metrics &amp; Reporting</li> <li>1.11 Workforce Analysis Report</li> <li>1.12 Training &amp; User Guides For ERMA &amp; NEOGOV</li> <li>1.13 Update Key Job Classifications</li> </ul> | <p><b>HR Systems</b></p> <ul style="list-style-type: none"> <li>2.1 Overhaul Onboarding Program</li> <li>2.2 Reform Eligibility List Process</li> <li>2.3 Continue to Improve HR Communications (<i>Berkeley Matters</i>)</li> <li>2.4 Performance Evaluation and Feedback</li> <li>2.5 Upgrade Exit Interview Process</li> </ul> <p><b>Recognition &amp; Appreciation</b></p> <ul style="list-style-type: none"> <li>2.6 Create a Comprehensive City Recognition Program</li> <li>2.7 Restart Longevity Awards Program</li> </ul> <p><b>Organizational Priority Setting &amp; Workload</b></p> <ul style="list-style-type: none"> <li>2.8 Focus Priorities &amp; Initiatives by City Council</li> </ul> | <p><b>Communication</b></p> <ul style="list-style-type: none"> <li>3.1 Invest in Internal Communication</li> <li>3.2 Foster Cross Department Collaboration</li> <li>3.3 Open Department Access to Website and Social Media Use</li> </ul> <p><b>Team Building &amp; Culture</b></p> <ul style="list-style-type: none"> <li>3.4 Invest in Cross Department Relationship Building</li> <li>3.5 Link to new DEI Program</li> </ul> | <p><b>Training Strategy &amp; Program</b></p> <ul style="list-style-type: none"> <li>4.1 Develop Training Strategy &amp; Plan for Learning Culture</li> <li>4.2 Invest in Learning Academies &amp; Specialized Training</li> <li>4.3 Invest in Coaching</li> <li>4.4 Invest in Learning Management Software</li> <li>4.5 Invest in Technology Training</li> <li>4.6 Develop Hybrid Management Training</li> </ul> <p><b>Systems &amp; Financial Support</b></p> <ul style="list-style-type: none"> <li>4.7 Use Credit Cards to Ease Training Procurement</li> <li>4.8 Upgrade Financial Support for Training &amp; Education</li> </ul> | <p><b>Employee Health</b></p> <ul style="list-style-type: none"> <li>5.1 Clear &amp; Consistent COVID Safety Protocols &amp; Practices</li> <li>5.2 Invest in Mental &amp; Physical Health Services for Employees</li> </ul> <p><b>Employee Safety</b></p> <ul style="list-style-type: none"> <li>5.3 Create a Citywide Safety Team</li> <li>5.4 De-escalation and High Conflict Training</li> </ul> <p><b>Work Schedules &amp; Flexibility</b></p> <ul style="list-style-type: none"> <li>5.5 Explore Expanding Alternative Work Schedules</li> <li>5.6 Formalize Hybrid Work Program</li> </ul> <p><b>Facilities &amp; Equipment</b></p> <ul style="list-style-type: none"> <li>5.7 Adequately Fund Capital Improvement Program &amp; Replacement Reserves</li> <li>5.8 Prioritize Investments in Buildings, Vehicles &amp; Equipment</li> </ul> | <p><b>Structure &amp; Programs</b></p> <ul style="list-style-type: none"> <li>6.1 Restructure Reporting of Administrative Services (HR, IT, Finance, Contracts) to One Deputy City Manager</li> <li>6.2 Elevate Importance of Service-Oriented Administrative Services &amp; Customer Connectivity</li> <li>6.3 Create an Innovation Program</li> </ul> <p><b>Business Improvements</b></p> <ul style="list-style-type: none"> <li>6.4 Empower Strike Teams / Interdepartmental Work Groups</li> <li>6.5 Provide Training on Common Administrative Practices &amp; Procedures</li> <li>6.6 Maximize Intranet as an Employee Resource</li> <li>6.7 Implement Business Practice Improvements in Finance, Information Technology, Payroll, HR and Contracts</li> </ul> |

## 1.0 - RECRUITING FOR TALENT

Recruiting for employees requires proactive marketing/branding and the development of a talent pipeline. Strong recruitment operations regularly build their employer’s brand, treat candidates as customers/future employees throughout the process, and have streamlined systems that work in partnership with line departments. At this time, for Berkeley, **the single most important action is to fill vacant positions** throughout the organization. Filling budgeted, vacant positions will demonstrate a commitment to existing employees resulting in rebalanced workloads and reduction in stress over time. Community services will be enhanced by a more fully staffed organization able to attract the highest quality talent possible.

Enhanced HR staffing and full utilization of modernized recruitment tools are critical to improve recruitments. By actively deploying social media sites in the recruitment process and creating a hiring campaign, an overall intentional and aligned marketing program can be launched. The first day and first few months of an employee’s time as an employee set the stage for their overall satisfaction and retention.

### Staffing & HR Role

|     |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----|-----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.1 | Invest In Human Resources Department (HR) Staffing Levels | <p>Immediately expand authorized HR staffing in key functions:</p> <ul style="list-style-type: none"> <li>▪ Recruitment operations (initially 3 additional FTE)</li> <li>▪ Labor Relations &amp; Training (initially up to 3 additional FTE)</li> </ul> <p>Continue to use consultant resources on a short-term basis as needed to augment staff resources until additional HR staff can be hired.</p> <p>Direct City Manager and HR Director to bring forward recommendations for right sized staffing of Human Resources Department in AAO and FY 2023/24 Proposed Budget.</p> |
| 1.2 | Streamline Recruitment Process – Strike Team              | <p>Create a small and agile Recruitment Strike Team comprised of HR, labor representatives and department staff that meets for four months. Issues to solve:</p> <ul style="list-style-type: none"> <li>▪ Use department ideas on how to improve recruitment process and practices; Establish responsibility checklist - Department and HR roles in new recruitments; and</li> <li>▪ Authorize initiation of recruitments ahead of actual vacancies.</li> </ul>                                                                                                                  |
| 1.3 | Act as Business Partners with Departments                 | <p>Reposition HR recruitment staff as business partners with departments. Reinstigate assignment of individual HR staff to work with each department’s designated point of contact. Two-person team should discuss and agree on responsibilities for:</p> <ul style="list-style-type: none"> <li>▪ Outreach plan for each recruitment including overall timeline and assigned responsibilities;</li> <li>▪ Review of minimum qualifications; and,</li> <li>▪ Interview and examination process.</li> </ul>                                                                       |

### Marketing & Branding

|     |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----|-----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.4 | Create Recruitment Brand & Marketing Strategy | <p>Develop a clear brand for the City of Berkeley’s recruitment efforts. “Recruitment Brand” should communicate Berkeley’s values, work culture, opportunities, and strengths as an organization. Create clear and consistent messages in all recruitments to denote Berkeley as an Employer of Choice including:</p> <ul style="list-style-type: none"> <li>▪ Color, information, style, graphics;</li> </ul> |
|-----|-----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



|     |                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                                              | <ul style="list-style-type: none"> <li>▪ Modern design and formatting for consistent look and feel for recruitment brochures and flyers;</li> <li>▪ Compelling description of Berkeley as world class City including descriptions of the organization and departments;</li> <li>▪ Clear, compelling and articulated description of the role of the position being recruited including key upcoming opportunities and projects (this is not just language from the job description).</li> <li>▪ Create a marketing program to highlight Berkeley’s hiring efforts (e.g., add branded hiring tag lines to employee’s email signatures, purchase advertising on buses, banners and other visual, high impact locations).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 1.5 | Upgrade Jobs/Career Web Presence             | <p>Upgrade the current Human Resources web site with a consistent “Recruitment Brand” Job Opportunities launch page. Create a launch page with more information and context regarding working for the City of Berkeley and then direct candidates to the NEOGOV site. The following agencies can be used as examples:</p> <ul style="list-style-type: none"> <li>▪ <a href="#">City of Roseville</a> – Strong primary “Job Opportunities” page with visuals, video, employee profile, approachable and culture themed message from the City Manager, helpful tips for applying. <a href="#">[Link]</a></li> <li>▪ <a href="#">City of Palo Alto</a> – First job page links to “Careers with the City of Palo Alto” with information about the community, city team, benefits, leave, remote and flexible work, commuter programs, wellness &amp; counseling services. <a href="#">[Link]</a></li> </ul> <p>Support departments to create their own dedicated recruitment and career web pages or website within the parameters of the City’s “Recruitment Brand”. Particularly important for police and fire where this is a standard approach among agencies competing for talent.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 1.6 | Utilize Social Media                         | <p>Modernize, expand and decentralize the City’s approach to social media.</p> <p>Create LinkedIn, Instagram and Facebook pages and use City’s Twitter account for recruitment marketing.</p> <p>Allow departments to create and deploy targeted recruitment outreach and marketing efforts. Ensure department efforts align with City “Recruitment Brand”, but provide more specialized department information. Department program initiatives, accomplishments, videos, employee profiles and operational updates should be marketed via social media.</p> <p>Additional information and recommendations for outreach and social media include:</p> <ul style="list-style-type: none"> <li>▪ <a href="#">Leverage NEOGOV</a> -- NEOGOV offers external advertising on other internet sites from selected partners, which can be purchased via Insight as needed by utilizing the “Advertise Job” link on the Insight Dashboard. Target use of Recruitics, Glassdoor and other sites depending on specific position.</li> <li>▪ <a href="#">CareersinGovernment.com</a> – With a nominal annual agreement, the City can publish all recruitments listings on CareersinGovernment.com which then pushes the recruitment through to their social media partners (LinkedIn, Instagram, Facebook and Twitter).</li> <li>▪ <a href="#">Use #Hashtags</a> – Include hashtags on the job posting. Web crawlers will find the hashtag, so an agencies’ job posting will appear in searches initiated by job seekers. Example hashtag inserted at the bottom of a recent job announcement: #Engineer, #PublicWorks, #Transportation.</li> </ul> |
| 1.7 | Hire Graphic Design & Social Media Expertise | <p>Add funding for graphic artist and social media expertise in HR budget. Funding would be used to enhance:</p> <ul style="list-style-type: none"> <li>▪ Marketing (Presentation of City to prospective applicants).</li> <li>▪ Advertising (Targeted outreach for individual job openings).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

|     |                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.8 | Referral Bonus for Current Employees | <p>Develop an employee referral bonus program.</p> <p>Provide \$1,000 referral bonus for current employees who help attract a new employee.</p> <p>Examples of other agencies with employee referral bonus programs include: UC Berkeley, San Mateo County, City of Torrance.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1.9 | Local Outreach & Targeted Programs   | <p>Develop additional Community Technical Education (CTE) pathway programs in collaboration with the Berkeley Unified School District (BUSD) that begin to expose students and prepare them for good paying, benefited careers within the City. Support CTE pathways with a variety of volunteer and paid internships, explorer programs and other opportunities to develop these potential future employees of the City.</p> <p>Develop robust internship program with UC Berkeley to bring on students into a variety of local government positions. Create a program that results in an annual “graduating” class of 10-15 interns across the organization who can be streamlined into the application process.</p> |

**HR Systems & Data**

|      |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.9  | Resources & Tools Ready on Day 1   | <p>Provide new employees with the tools, equipment, and workspace ready for them to begin work on their first day of employment. Create on-line checklist for workspace readiness with department responsibilities outlined.</p> <p>Document roles of HR and Information Technology Department to ensure new employees have computer, login access, phone and any other necessary equipment ready to go on Day 1.</p> <p>Document roles of Public Works maintenance staff and the hiring Department to ensure a clean fully equipped workspace is available upon arrival.</p> <p>Deliver welcome letter from City Manager/Department Head and/or scheduling meet and greet on new employees first day of work.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 1.10 | HR Performance Metrics & Reporting | <p>Once HR staffing is stabilized, update and further develop department performance metrics, procedures for accurate data collections, and a high-level dashboard for monthly reporting to City Manager and Department Heads.</p> <p>Information to include the following minimum data:</p> <ul style="list-style-type: none"> <li>▪ Current vacancies by department,</li> <li>▪ Resignations by month by department including reasons for employee’s departure,</li> <li>▪ Number of active recruitments in process,</li> <li>▪ Time to hire from department request for recruitment to hiring,</li> <li>▪ Number of candidates for positions sorted by meeting MQs and not meeting MQs, and</li> <li>▪ Number and why candidates decline Berkeley job offer.</li> </ul> <p>Once Recruitment Backlog is Eliminated – Establish the following performance metrics for time it takes to fill positions:</p> <ul style="list-style-type: none"> <li>▪ From budget authority/vacancy to job posting (30 days).</li> <li>▪ Filling positions from Day 0 (the time from budget authority/vacancy) to Day 45 (Job posting) to Day 100 (First day of work for new employee). Different metrics will be required for specialty recruitments (i.e. Police Officers).</li> <li>▪ Target vacancy rate of 5% of all budgeted positions in the organization.</li> </ul> |

|      |                                          |                                                                                                                                                                                                                                                                                                                                 |
|------|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                                          | Produce a vacancy report card with recruitment, hiring and current vacancy information and post on-line every three months beginning on 7/1/23.                                                                                                                                                                                 |
|      | Workforce Analysis Report - Annual       | Build data and systems in order to create an annual Workforce Analysis Report for annual reporting to departments and the City Council. It will take a number of years before HR is positioned to prepare this document as they building capacity, systems and data. See example from San Mateo County <a href="#">[Link]</a> . |
| 1.11 | Training & User Guides for ERMA & NEOGOV | Enhance training and user guides for ERMA, City’s financial and HRIS system, and NEOGOV, the City’s recruitment and applicant tracking software.<br><br>Provide target deployment dates for full deployment of system capabilities to increase efficiencies and reduce staff workload.                                          |
| 1.12 | Update Key Job Classifications           | Create and maintain (in collaboration with department reps and labor) targeted list of key job classifications to be reviewed and updated with target timeframes.<br><br>Prioritize hard to fill positions (e.g. Information Technology classifications) that provide essential internal administrative services.               |

## 2.0 - RETAINING OUR EMPLOYEES

*The impact of employee turnover is high – for the organization, community and employee – those that leave and more so for those that remain. There are eight key benefits to having programs and a clear strategy to retain employees: (1) reduced costs, (2) improved morale, (3) retained experienced employees, (4) efficacy in recruitment and training, (5) increased productivity, (6) elevated customer experience, (7) improved culture, and (8) improved employee satisfaction. It is more efficient to retain a quality employee than to recruit, train and orient a replacement employee of the same quality.*

*A comprehensive employee retention program can play a vital role in both attracting and retaining key employees, as well as in reducing turnover and its related costs. Retaining employees starts during the onboarding and socialization process to the organization. Recognition, appreciation, and employee engagement are central to building culture and having employees feel seen, heard, and valued. Employees also want to feel productive and see that their work is valued and impactful. A balanced workload with clear priorities allows employees to complete initiatives/tasks with pride and to align their accomplishments with the organization’s overall strategic priorities.*

*From MRG’s interviews and focus groups, there is significant work necessary by the City in this area.*

### HR Systems

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| 2.1 | Overhaul Onboarding Program | <p>Recreate HR Onboarding Program for new employees to include the following elements:</p> <ul style="list-style-type: none"> <li>▪ Brand the Onboarding Program with a unique title and tag line. [Example – BERKELEY ONBOARD, “Welcome to Our Team”]</li> <li>▪ Overview and training on City internal services processes and software (e.g. agenda, timesheets, travel reimbursements, communication, NEOGOV, ERMA, Microsoft Teams, contracts, invoices, etc.).</li> <li>▪ Meet the City Manager and respective Department Head for welcome, expectations and culture briefing.</li> <li>▪ Tour City facilities to connect the new employee to the broader organization’s efforts and locations.</li> <li>▪ Schedule mandatory training requirements needed during the first 6 months of employment.</li> <li>▪ Create separate orientation for first line supervisors and management in terms of their role, resources and processes for supervision and management duties.</li> <li>▪ Invest in personal touches such as welcome cards, coffee mug or other small treats to help welcome the new employee.</li> <li>▪ Assign a peer employee “buddy” within the hiring department to each new hire. This staffer is available to answer questions, explain culture and practices that may not be in rules and serve as a mentor for the first 3-6 months of employment.</li> </ul> <p>Use NEOGOV module to maximize use of on-line information for HR program.</p> <p>Gather feedback via a survey to all new employees after the 6-month orientation to gain feedback on how to continue to improve the Onboarding Program.</p> <p>Develop template for all Departments to create their own Department Onboarding Program, modeled off successful department programs currently in place.</p> <p>See sample Onboarding site <a href="#">[Link]</a>.</p> |
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| 2.2                                   | Reform Eligibility List Process                                   | Establish a Labor / HR working group to develop modifications to the Eligibility List process by 9/1/23.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 2.3                                   | Continue to Improve HR Communications ( <i>Berkeley Matters</i> ) | <p>Major improvements to <i>Berkeley Matters</i> (HR’s E-Newsletter and Job Opportunities Internal Promotion Listings) were completed in December 2022 with streamlining of relevant information, enhanced graphics, and weekly publishing of recruitment/promotional lists.</p> <p>Continue to refocus and upgrade <i>Berkeley Matters</i> and develop other HR communications to all employees.</p> <p>Ensure easy access for all employees whether office or field staff.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 2.4                                   | Performance Evaluation and Feedback                               | <p>Implement comprehensive review and update for the City’s performance management system including all evaluation forms. Review length of documents, timing, and inclusion of career development and training plans as a component. Ensure that all employees receive regular feedback and accountability.</p> <p>Support regular communication and coaching by management with increased training and support.</p> <p>Develop and implement a standard “stay interview” processes with current employees to ascertain specific needs and desires to maintain their employment with the City.</p> <p>Explore a 360-evaluation system for supervisors and managers to receive feedback from employees.</p> <p>Use Gallup employee survey tool as a means to gain feedback from employees regarding the performance of supervisors and managers.</p>                                                                                                          |
| 2.5                                   | Upgrade Exit Interview Process                                    | <p>Develop clear and robust exit interview process with confidential survey and 1x1 phone/in-person interview.</p> <p>Produce annual citywide and department report with summary information regarding reasons for employee departures.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Recognition &amp; Appreciation</b> |                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2.6                                   | Create a Comprehensive City Recognition Program                   | <p>Create an inter-departmental team to enhance the City’s Recognition Program. Consider the following ideas:</p> <ul style="list-style-type: none"> <li>▪ Annual employee recognition event.</li> <li>▪ Employee award programs are important tools to show appreciation and celebrate excellence and the way employees demonstrate the organization’s values. There are many samples of general employee award programs. Some organizations have an “Employee of the Quarter” program to recognize high performing employees that embody the values of the City’s and demonstrate their good work and talents.</li> <li>▪ Flexible and immediate recognition program where managers can recognize employee’s efforts with cards, notes and gift cards.</li> <li>▪ Program where employees can also show appreciation to their colleagues.</li> <li>▪ Ways to award extra hard work or key accomplishments of staff such as performance bonuses.</li> </ul> |
| 2.7                                   | Restart Longevity Awards Program                                  | <p>Reinstitute and revitalize a recognition program to honor employees at key benchmarks (every 5 years of service) for their length of service. Consider the following components:</p> <ul style="list-style-type: none"> <li>▪ Include employee’s names and years of service at 5-year benchmarks in a report to the City Council that is distributed to all employees.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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|  |  | <ul style="list-style-type: none"> <li>▪ Hold quarterly recognition event sponsored by the City Manager’s Office with attendance by Department Heads. Employees would receive a certificate or other form of recognition and their supervisor/Department Head would talk about the employee’s work and accomplishments.</li> <li>▪ Review and upgrade recognition gifts for employees. Employees with 20, 25 and more years of service should receive special recognition.</li> <li>▪ Provide 5-year pins for employees to add to their lanyards or display in other ways.</li> <li>▪ Explore opportunity for leave cash-out at key service increments as a way to provide additional monetary compensation.</li> </ul> |
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**Organization Priority Setting and Workload**

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| 2.8 | Focus Priorities & Initiatives by City Council | Review and redesign the legislative process to ensure Council priorities are accomplished while balancing the capacity of the organization. An updated legislative process needs to ensure Council initiatives are accomplished within a framework of enhanced planning and priority setting to allow the organization to better budget, deploy resources and align implementation. |
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### 3.0 - CULTURE, COMMUNICATION & EMPLOYEE ENGAGEMENT

*Authentic communication is the connectivity fuel needed to build trust, culture, and relationships. An organization requires strong relationships and people that know and respect each other to deliver excellence with efficiency and effectiveness. With good communication, managers can gain understanding and commitment from employees, achieve organizational goals and develop rapport with the people on their team. High performing organizations have various ways that employees can voice their ideas and concerns while being engaged in helping improve the organization.*

*Communication externally is also critical to building relationships and trust with the community. City departments need to be able to communicate with greater agility and timeliness with the public. While transactional information is important to the public, the City also needs to tell its own story of its work – to communicate the “why” and the “what”. In today’s world, the public is used to watching videos, reading blogs, and watching podcasts. A City’s external communication tools need to allow for creativity and voices by departments.*

#### Communication

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| 3.1 | Invest in Internal Communication                     | <p>The following actions are recommended:</p> <ul style="list-style-type: none"> <li>▪ <u>City Manager Monthly E-Newsletter</u> -- Develop and deliver a monthly newsletter to all employees from the City Manager with updates on key City projects, highlights of key accomplishments, recognition of employees, and other items. A focus would include building the City’s culture around values and mission. Ensure newsletter is delivered in a timely manner to staff without regular access to computers or email in the course of their daily work. This initial work can likely be absorbed initially within the City Manager’s Office, but over time will require additional staffing resources focused on employee engagement and support.</li> <li>▪ <u>Department Communication</u> – Provide email update and other communication to all department employees at least monthly. Department heads should also conduct in person meetings with each division no less than two times per year and hold an in person all department meeting no less than two times per year. Build in time for information sharing, department strategic updates and relationship building in these meetings.</li> <li>▪ <u>Management Team Meetings</u> – Facilitate mid-managers half day in person meeting with Senior Executive Team (SET) + division managers three times per year. Purpose is strategic planning, training, special initiatives, and cross-department relationship building.</li> </ul> |
| 3.2 | Foster Cross Department Collaboration                | <p>Facilitate events in which staff from different departments interact and understand other dept. priorities (e.g., three times per year Senior Executive Team + mid-manager meeting).</p> <p>Utilize cross-department task forces to gain employee input on ideas and projects.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 3.3 | Open Department Access to Website & Social Media Use | <p>Create parameters for outgoing content and authorize designated contacts in City Departments to communicate via social media and email.</p> <p>Allow designated department staff to add content to their department web pages and issue press releases.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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|                                    |                                                  | Hire an expert public agency public information consultant to quickly develop a game plan and work with departments and Public Information to allow more access and flexibility with the City’s website and social media within standards that can be operationalized.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Team Building &amp; Culture</b> |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 3.4                                | Invest in Cross Department Relationship Building | <p>Create a team of staff from different levels and different departments to create events, fun and activities. Ideas:</p> <ul style="list-style-type: none"> <li>▪ <u>Reimagine Department Open Houses</u> -- Create rotating Open House where each department would host a gathering time and sharing about their department with the rest of the City staff.</li> <li>▪ <u>Potlucks, Coffees &amp; Ice Cream Socials</u> – Hold monthly or quarterly coffees, potlucks or ice cream socials to bring people together with some fun activities both within departments and across departments. Provide some city funding for these activities.</li> <li>▪ <u>“Volunteering” for Community Improvement Projects</u> – Support staff to volunteers to join teams (department and inter-departmental) on important community activities such as cleaning a community garden, working on a Habitat for Humanity project, or doing a project for a local school or non-profit. Employees would be paid for the time and allowed to use 1-2 works days per year for these community activities. This type of program connects employees together and also connects employees to the community in ways that they may not be able to in their day-to-day public service.</li> </ul> |
| 3.5                                | Link to New DEI Program                          | <p>The City is hiring a dedicated DEI Coordinator. For the first 90 days, the newly appointed DEI Coordinator will be to reviewing Berkeley’s current status and needs with an eye towards best practices to create a DEI Work Plan.</p> <p>While many DEI efforts may be focused around hiring and promotion, consider investments in how the City organization can be culturally inclusive including training, communication, learning and collaboration.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |



## 4.0 - TRAINING & PROFESSIONAL DEVELOPMENT

*New and future employees are looking for organizations that will invest and support their growth and career development. Employees were clear in their desire for more growth and development opportunities – formally and informally. Providing various forms of professional development will build loyalty to the organization and develop employee’s individual talents to support internal advancement. A well-trained workforce supports innovation and a higher level of customer service to the community, plus employees have the opportunity to grow and progress within the organization as they promote.*

### Training Strategy & Programs

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| 4.1 | Develop Training Strategy & Plan for Learning Culture | <p>Invest in a learning culture and professional development for all employees as a key driver for employee retention. Review training program and determine which training should be done in-house and what to outsource or send employees to external training. Develop an initial Training and Professional Development Strategy for the City. Consider the following elements:</p> <ul style="list-style-type: none"> <li>▪ Utilize NEOGOV for monitoring and mandatory training.</li> <li>▪ Provide training opportunities for all level of employees.</li> <li>▪ Develop and deploy an annual survey for employees to gain ideas for the types of training and areas of interest.</li> <li>▪ Incorporate training discussion into regular 1:1 supervisor/employee meetings and annual performance reviews.</li> <li>▪ Include and track required department training on shared tracking department file (e.g., SharePoint) in common format across organization.</li> </ul> <p>Establish standards for training (e.g. # hours per employee per year).</p> <p>Ensure sufficient department training budgets are developed and discussed with the City Manager's Office in the preparation of the City's annual budget and line item allocations are included in proposed budgets.</p>                                                                |
| 4.2 | Invest In Learning Academies & Specialized Training   | <p>Employees and management across the organization see the need for modern, effective and strategic investments in training and professional development.</p> <p><u>Employee Academies</u> -- Implement the following Employee Academies robust learning programs:</p> <ul style="list-style-type: none"> <li>▪ Academy for Managers</li> <li>▪ Supervisory Academy for First Line supervisors</li> <li>▪ Seasoned Supervisors Academy for supervisors who want or need a refresher course in managing employees and/or updates and new information that needs to be communicated to sitting supervisors.</li> <li>▪ Skilled Worker Academy -- The City has just launched its first Skilled Worker Academy. After its beta year, a thorough evaluation should occur for continued refinement.</li> <li>▪ Administrative Assistant Academy</li> <li>▪ Analytical &amp; Project Management Academy</li> </ul> <p><u>Employee Relations Training</u> – The City is a member of an Employer Relations Consortium comprised of a number of local public agencies in the Bay Area. The Consortium and services are provided by Liebert Cassidy Whitmore. To fully take advantage of this resource:</p> <ul style="list-style-type: none"> <li>▪ Create a curriculum of courses to be taken by a First-time Supervisors and Managers over 2-3 years.</li> </ul> |

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|                                        |                                                    | <ul style="list-style-type: none"> <li>Require all supervisors and managers to take a minimum of two courses per year. Recognize this learning and investment with the City’s own certificate programs using LCW curriculum.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 4.3                                    | Invest in Coaching                                 | Develop internal (trained HR staff) and/or external (consultant) resources with management coaching experience and make coaches available to managers. Coaching can be done individually or in groups. Provide specialized training for public safety supervisors.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 4.4                                    | Invest in Learning Management Software             | Implement learning management system software (e.g. NEOGOV Learn) for the administration, documentation, tracking, reporting, automation, and delivery of educational courses, training programs, materials or learning and development programs across the organization.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 4.5                                    | Invest In Technology Training                      | Specialized training in the areas of software and technology is needed throughout the organization including Microsoft Office and other software systems. Encourage departments to authorize on site, off site or on-line training to maximize staff proficiency in relevant technology. Utilize assessment tools to help employees understand their current competency and which technology classes to take to learn and grow.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 4.6                                    | Develop Hybrid Management Training                 | Develop specialized training for supervisors and managers to augment skills and approaches for managing in a hybrid work environment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Systems &amp; Financial Support</b> |                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 4.7                                    | Use Credit Cards to Ease Training Procurement      | Assign credit cards to management employees and supervisors for various expenditures including signing up for training and any associated travel costs. This will expedite current 4-8 week turnaround on check requests for training.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 4.8                                    | Upgrade Financial Support for Training & Education | <p>Implement the following programs to support enhanced staff skills and customer service:</p> <ul style="list-style-type: none"> <li><u>Tuition Reimbursement</u> -- Review existing protocols for tuition reimbursement for greater flexibility and ease of approval. Explore creating financial consistency across all labor groups.</li> <li><u>Professional Association Memberships</u> – Authorize and create consistency across the organization for City payment of membership in professional associations to take advantage of training and best practices resources. Municipal professional associations include organizations such as American Planning Association, Municipal Management Assistants of Northern California, California Code Enforcement Association, etc. Develop list of authorized City sponsored memberships that are affiliated with position duties and include funding for memberships in department budgets.</li> <li><u>Conferences</u> – Support attendance at professional conferences. Many professional associations hold annual conferences with extensive training and learning opportunities.</li> </ul> <p>Broaden the organization’s philosophy regarding the City’s sponsorship (financial and time) of employee professional development to support general training and educational advancement even if the subject is not directly related to current work or classification. Align with individual professional goals and career advancement.</p> |

## 5.0 - HEALTH, SAFETY & WELLNESS

*In today's world, employers need to ensure their workforce is – and feels – safe. Employers need to strengthen their safety cultures like never before plus include a broader view of health and wellness. COVID has stretched organizations to breaking points as we learned and adjusted to a worldwide pandemic. Increasing violence and reductions in civility put employees in difficult circumstances. Without proper investment and maintenance, our facilities are tired and lacking in many features. Wellness today includes physical and mental health, plus opportunities for flexibility and life balance including hybrid and alternative work schedules. Investing in and caring for the health, safety and wellness of employees is a critical element for employee retention.*

### Employee Health

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| 5.1 | Clear & Consistent COVID Safety Protocols & Practices     | <p>Clarify vaccination and masking requirements across organization and communicate current policy to all employees.</p> <p>Send monthly updates regarding the policy, even if it has not changed since the previous month.</p> <p>Ensure safety requirements across the organization and within departments are clear, up to date and reviewed with all employees on a regular basis. Include current status on COVID safety protocols and practices on enhanced Intranet site or post in locations visible to field employees.</p>                                                                                                                                                                                                              |
| 5.2 | Invest in Mental & Physical Health Services for Employees | <p>Explore current and potential mental and physical health services for employees. Review internal programs for areas to expand and mirror (Berkeley Fire has a strong peer counseling internal program; Berkeley Police has a strong fitness program). Research best practices of other public agencies regarding strong mental and physical health programs and services.</p> <p>Review resources available with all employees on a regular basis.</p> <p>Develop programs and activities to support physical health (e.g. ergonomic, lunch walk programs, gym membership partial reimbursements).</p> <p>Explore fun ways to incorporate healthy activities into training, culture and internal community-building events and activities.</p> |

### Employee Safety

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| 5.3 | Create a Citywide Safety Team            | <p>Create a multi-disciplinary, multi-department Citywide Safety Review Team:</p> <ul style="list-style-type: none"> <li>▪ Assess and review workplace safety or potentially threatening situations that employees might be facing.</li> <li>▪ Bring forward recommendations for training, building changes, and other suggestions to improve the safety of staff and customers. Create system for employee input and feedback.</li> <li>▪ Review accidents and provide recommendations to implement additional safety measures as needed.</li> </ul> |
| 5.4 | De-Escalation And High Conflict Training | <p>Provide training and tools to prioritize employee safety and deescalate work with high conflict individuals in order to improve safety for employees and the public.</p>                                                                                                                                                                                                                                                                                                                                                                           |

### Work Schedules & Flexibility

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| 5.5 | Explore Expanding Alternative Work Schedules | <p>Review and update the City's policies and practices regarding alternative work schedules as a means to providing more employee work flexibility while ensuring service delivery to customers. Consider 9/80 and 4/10 schedules if customer service can be maintained.</p> |
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|                                   |                                                                    | Alternative Work Schedules provide employees with flexibility and additional time for life balance. While a Hybrid Work Schedule may not be possible for field staff or direct customer serving staff, an Alternative Work Schedule can be provided to these employees and provide them with some of the same benefits.                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 5.6                               | Formalize Hybrid Work Program                                      | <p>Hybrid work is a critical tool to attract and retain employees. Support the use of Hybrid Work Schedules on a permanent basis throughout the organization while balancing flexibility for the employee and customer service / organizational connectivity for the departments.</p> <p>Provide clear guidelines to support departments in implementing Hybrid Work.</p> <p>Provide training to management to learn to manage in this new environment.</p>                                                                                                                                                                                                                                                                                 |
| <b>Facilities &amp; Equipment</b> |                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 5.7                               | Adequately Fund Capital Improvement Program & Replacement Reserves | <p>Ensure Capital Improvement Program prioritizes deficiencies in City facilities with annual budget allocation.</p> <p>Establish budgeted replacement reserves for building and equipment replacement.</p> <p>Contract out more maintenance as needed to address current critical deficiencies.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 5.8                               | Prioritize Investments in Buildings, Vehicles, & Equipment         | <p>Ensure health and safety of staff and customers is prioritized within City facilities. Ensure functional, safe and clean systems:</p> <ul style="list-style-type: none"> <li>▪ HVAC with appropriate filters;</li> <li>▪ Windows;</li> <li>▪ Carpeting / flooring; and,</li> <li>▪ Physical security of sites.</li> </ul> <p>Provide security for staff and customers as needed.</p> <p>Ensure public safety and public works facilities are regularly maintained and replaced to professional standards.</p> <p>Ensure Equipment &amp; Vehicle Safety is prioritized to ensure safety of employees and the public.</p> <p>Use outside resources (e.g. Fire Department equipment) if needed to ensure proper maintenance and repair.</p> |

## 6.0 - ELEVATE INTERNAL PROCESSES

*Elevating the importance and effectiveness of the City’s administrative functions is necessary if the City of Berkeley is to become an Employer of Choice. Berkeley is known for its community innovation and willingness to try new approaches to community problems. The same innovation should be encouraged and rewarded for internal process improvements. Innovation applied to internal processes will support organizational effectiveness, relationship building, and efficiency. By reducing inefficiencies and improving processes and use of technology, employees can reduce their frustration and focus their time and expertise on customer service and public improvements.*

### Structure & Programs

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| 6.1 | Restructure Reporting of Administrative Services (HR, IT, Finance, Contracts) to One Deputy City Manager | <p>Realign the management reporting structure so that the Human Resources, Information Technology, Finance and Contracts report to the same executive (Deputy City Manager).</p> <p>Encourage collaboration and coordination among the three departments to problem solve, share staff resources and innovate.</p>                                                                                                                                                                                                                                                                                      |
| 6.2 | Elevate Importance of Service-Oriented Administrative Services & Customer Connectivity                   | <p>Ensure administrative services departments deliver elevated level of customer service to departments and function as true business partners with line departments.</p> <p>Schedule regular bi-monthly meetings with Finance and IT department representatives to provide feedback, ideas, advise and help improve systems for each function. These meetings will facilitate to provide input on the most critical short- and long-term internal service needs of the departments.</p> <p>Develop service level metrics and provide regular reports on status of work orders and key initiatives.</p> |
| 6.3 | Create An Innovation Program                                                                             | <p>Create an Innovation Program that reviews and rewards employees for creative and innovative ideas that save the organization time and money. Explore other ideas such as Innovation Labs, etc.</p>                                                                                                                                                                                                                                                                                                                                                                                                   |

### Business Improvements

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| 6.4 | Empower Strike Teams / Interdepartmental Work Groups             | <p>Create a Strike Team Model to accelerate implementation of improvements to internal processes across the organization. Empower the Strike Team with the authority to review systems, processes and technology and make improvements.</p> <p>Hire a Business Process Team (under Special Projects in CMO) to lead Strike Teams, document and realign key business processes (e.g., payroll, onboarding, staff report writing, technology acquisition) to affect efficiency and effectiveness of technology and practices/systems. Provide and coordinate staff training on processes.</p> |
| 6.5 | Provide Training on Common Administrative Practices & Procedures | <p>Employees and managers need to know how to process a contract, pay an invoice, start a recruitment, utilize an eligibility list, or prepare an evaluation.</p> <p>Create user guides, screen shots, and training manuals to help staff navigate the processes and procedures that are required for HR, IT, Contracts and Finance. Videos and training sessions should also be explored.</p>                                                                                                                                                                                              |
| 6.6 | Maximize Intranet as an Employee Resource                        | <p>Review and revamp as necessary, the City’s Intranet (i.e. SharePoint and Microsoft Suite of services), to create a vibrant, well organized, and content rich system for employees and managers to access and utilize.</p>                                                                                                                                                                                                                                                                                                                                                                |

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|------------|---------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                                                                                                               | <p>Identify an owner of these systems and complete buildout and deployment. Provide departments access to update within guidelines and naming conventions. Examples of content include training videos, communication templates, access to employee benefit resources, documentation of common processes.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>6.7</p> | <p>Implement Business Practice Improvements in Finance, Information Technology, Payroll, HR and Contracts</p> | <p>Prioritize implementation of these services to support efficient operations across the organization:</p> <p><u>Finance / Payroll</u> -- Establish implementation deadlines for:</p> <ol style="list-style-type: none"> <li>1. On-line electronic timesheets for Payroll integrated with the City’s financial management system.</li> <li>2. ERMA modules implementation</li> </ol> <p><u>Information Technology</u> -- Prioritize implementation of basic services to support efficient operations across the organization:</p> <ol style="list-style-type: none"> <li>1. File sharing - Consistency software and retention conventions across the organization.</li> <li>2. TEAMs - Deployment of full capabilities with access when working on-site or remotely.</li> <li>3. Cell phones - Consider change in cell phone policy that allows for reimbursement v. City issued cell phones.</li> <li>4. Work Order System – Enhance transparency to provide departments with estimated time of service delivery and status on IT service requests.</li> </ol> <p><u>Contracts</u> -- Enhance common processes with modern templates and software.</p> <ol style="list-style-type: none"> <li>1. Request for Proposals / Purchasing solicitations – Deploy standard templates for various types of RFPs and solicitations. Ensure vendor quality and performance is integrated into consistent purchasing solicitation processes throughout organization.</li> <li>2. Vendor performance standards – Establish basic standards to ensure satisfactory service from City vendors.</li> </ol> <p><u>Signature Authority</u> – Update levels of signing authority for City Manager and City Attorney to levels similar to other organizations of Berkeley’s complexity. Allows for greater efficiency and effectiveness in business processing. A quarterly report can be provided to Council to ensure transparency.</p> <ol style="list-style-type: none"> <li>1. <u>City Manager Signing Authority</u> -- Increase City Manager’s signature authority from \$50,000 to a minimum for \$100,000. Conduct a study of other similar size municipalities to learn about the practices of other agencies in this authority for additional increase.</li> <li>2. <u>City Attorney Settlement Authority</u> – Increase City Attorney’s signature Authority from \$15,000 for an individual liability claim to \$50,000. Conduct a study of other similar size municipalities to learn about the practices of other agencies in this authority for additional increase.</li> </ol> |

## COMPENSATION & BENEFITS – ORGANIZATIONAL FEEDBACK

Compensation and benefits are key ingredients in the attraction and retention of employees. There was a range of feedback provided to MRG regarding Berkeley's competitive position in the marketplace and compensation. Many employees and managers participating in interviews and focus groups raised concerns about aspects of the City's compensation portfolio. During MRG's interviews and focus groups, comments and suggestions were collected, and themes developed regarding compensation and benefits.

These items are subject to bargaining with labor unions and require negotiations and/or a meet and confer process. In addition, many compensation concerns require additional research and analysis before recommendations could be developed which was beyond the scope of this study. For these reasons, MRG did not include compensation and benefits recommendations within the formal Roadmap. However, these items should be reviewed by the City and labor as negotiations are initiated.

The City does not have a formal compensation policy or philosophy for the City as a whole that supports benefit structure and continuity across all labor groups. Many non-salary benefits have been negotiated over time by each individual labor group creating inconsistencies among labor groups. These different levels create perceptions of unfairness. In addition, these individual differences create added administrative complexity for the Human Resources Department, Auditor's Office and Finance Departments. It takes time to align core benefits across all labor groups, but the gains are worth the work for the employee and the organization. Below are comments and themes provided to MRG during interviews and focus groups.

### SALARY

- Many concerns from employees, labor groups, and management regarding base salary levels for all levels of employees and compaction issues. Very difficult to recruit and retain specialized technical positions such as engineers, information technology staff, public safety, and electricians. MRG was told of numerous instances where prospective candidates chose to not accept employment offers from Berkeley based on the salary and benefits offered.
- Employees that worked in the office during COVID versus remotely feel that there should be some financial appreciation for their work.
- Explore mechanisms to allow an employee to be moved to a higher step based on equity, retention, or performance. Review longevity pay or retention differentials as tools to retain employees at key intervals.

### BENEFITS

#### Benefits – Comprehensive Review

- Consider a comprehensive review of benefits looking forward to what employees value now versus when the current benefit system was developed decades ago. Employees are generally seeking more value now versus the value for a future retirement (which will be less for PEPRAs employees).
- Consider making benefit levels that same for all employees for as many basic health and wellbeing benefits as possible. This would simplify benefit administration and remove equity concerns.

#### Retirement – PERS

- Concerns remain regarding the ramp down and equalization of Classic and PEPRAs for existing and prospective employees.

#### Health Related Benefits

- Medical Benefits – Deep appreciation for the rich health benefit with limited co-pays.
- Vision -- No vision plan offered by City except to IBEW Local 1245. Relatively inexpensive benefit. High interest from employees.

Leave Benefits

- Vacation Leave – Various ideas offered for vacation leave.
  - Leave Accrual Rates – Concerns about the rate of accruals at various years of service.
  - Lateral Hires -- Interest in being able to offer seasoned public employees coming from other agencies with higher level of vacation leave as a starting point. Want to attract seasoned lateral talent without starting over with only 2 weeks of vacation leave. Explore way to provide years of service credit from other public agencies into Berkeley's leave accrual rates. (Ability to hire lateral police and fire personnel is critical.)
  - Desire for vacation cash out with management of leave caps.
- Administrative Leave – Administrative Leave is low (50 hours/year) compared to other agencies. Most Bay Area agencies provide higher hours of Administrative Leave to recognize the additional hours of work provided by management and professional staff including commission, committees and other night meetings while being exempt from overtime.
- Family / Elder Care Leave – No City paid Family Leave and Elder Care leave in place. Current practice allows for 1 year of leave with no pay and City provided medical benefits.

Commuter Subsidy and Employee Parking Benefits

- Transit / Parking Benefits -- Extensive frustration and comments regarding the Commuter Subsidy and employee parking. A review and update of parking and transit programs and benefits would be well received by employees.
  - While the City wants to encourage public transit for environmental sustainability, it's not convenient nor usable by many employees based on where they live.
  - Parking is cumbersome and costly for employees working downtown. Many employees park many blocks away from City Hall to ensure free parking. When it is dark outside, staff doesn't always feel safe walking to and from their vehicle. Employees stated that the convenient City Center lot frequently has capacity that is underutilized, but the cost is too high for employees without some City subsidy.
  - Enhancements to the parking and transit benefits can be seen as a way to recognize the efforts of employees who are coming into the office every day and have extra costs associated with their work for the City of Berkeley.

Miscellaneous Benefits

- Gym / Health Membership – The City pays for YMCA membership located in Berkeley. Consider providing benefit to employees using gyms outside of Berkeley.
- Employee Assistance Program – Provide additional mental health visits under base contract.

Management Benefits

- Interest in exploring car allowance, performance bonus, additional Administrative or Management Leave, enhanced wellness program, a sabbatical after determined term of service.

**JOB CLASSIFICATION**

- Many job classifications are outdated in terms of titles, requirements and descriptions of duties with affects on recruitment and promotional opportunities. Specifically, MRG heard concerns raised regarding Information Technology and Public Health.



APPENDIX B: MRG CONSULTANT FIRM / TEAM

Municipal Resource Group, LLC is an experienced, full-service consulting firm dedicated to assisting client agencies in attaining their strategic goals. MRG was founded in 2009 by highly skilled and broadly experienced professionals. MRG has a team of professionals who work to address challenges for both public and private sector clients. Our consultants have extensive experience in all aspects of Organizational Assessment & Development, Human Resources, including staffing and effectiveness analyses. Our team is experienced in working with elected officials, agency executives, managers, and staff.

- ✓ Full-service professional management consulting firm with over 60 affiliated consultants.
- ✓ Offices in Sacramento and Southern California.
- ✓ Deep HR and organizational development expertise.
- ✓ Deliver transformational solutions to leadership, governance, human resource, financial management and other complex organizational challenges.
- ✓ Help agencies rethink historic practices and review what is possible within agency-specific rules and standards.



*Project Team:*



**MARY EGAN**

Managing Partner/CEO

- Executive Coaching, Workplace Investigation, & Crisis Navigation
- Delivering truth to governing boards/leaders to solve complex problems



**CATHY CAPRIOLA**

Project Manager

- 30 years – local government
- Retired City Manager
- Organization Development, Leadership & Team Coaching
- Developer of people & organizations to the next tier



**CRAIG WHITTON**

Consultant

- 31 years - local government
- Retired DH & Assistant City Manager
- Driver of actionable service delivery improvements



**MARCIE SCOTT**

Consultant

- 20 years as HR Director & Manager in cities
- Seasoned guide for personnel management & employee relations





Office of the City Manager

CONSENT CALENDAR  
February 28, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Dee Williams-Ridley, City Manager

Subject: Resolution Terminating the Proclamation of Local Emergency Issued Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19); and discussion and possible action on the City’s eviction moratorium.

RECOMMENDATION

Adopt a Resolution terminating the proclamation of local emergency issued due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19); and discuss and take possible action regarding the City’s eviction moratorium.

FISCAL IMPACT OF RECOMMENDATION

To be determined.

CURRENT SITUATION AND ITS EFFECTS

Pursuant to California Government Code section 8630 and Berkeley Municipal Code Chapter 2.88, on March 3, 2020, the City Manager, in her capacity as Director of Emergency Services, proclaimed a local emergency due to conditions of extreme peril to the safety of persons and property within the City as a consequence of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19), including a confirmed case in the City of Berkeley. As a result of multiple confirmed and presumed cases in Alameda County, the County declared a local health emergency. The Proclamation of Local Emergency empowered the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such local emergency. Pursuant to Government Code section 8630(b) and Berkeley Municipal Code section 2.88.040.A.1, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69,312-N.S.

Pursuant to Government Code section 8630(c), the City Council reviewed the need for continuing the local emergency at least once every sixty (60) days. The City Council last reviewed and ratified the Proclamation of Local Emergency on January 31, 2023. The Council therefore must review the continuing need for the local emergency by April 1, 2023, if the Council wishes to continue the local emergency. The Council's last scheduled regular meeting before April 1, 2023, is March 21, 2023.

If at any time the Council determines that the need for continuing the local emergency has ended, state law directs the Council to terminate the local emergency at the earliest possible date that conditions warrant. (Cal. Gov. Code section 8630(d).)

While COVID-19 remains prevalent in the community, the City has made significant progress in addressing the impacts of COVID-19, including a reduction in the rates of hospitalization and death, as well as a citywide vaccination rate of at least ninety-four percent (94%). Governor Gavin Newsom has announced that the statewide COVID-19 State of Emergency will end on February 28, 2023. To stay consistent with state actions, it is recommended that the City Council terminate the local emergency.

The City's eviction moratorium, which has been in place since March 17, 2020, will expire upon the termination of the local emergency. (BMC § 13.110.030.A.) The City Council may vote by resolution to extend the duration of the eviction moratorium beyond the end of the local emergency. (Id.)

#### BACKGROUND

On March 1, 2020, Alameda County Public Health Department and Solano County Public Health Department reported two presumptive cases of COVID-19, pending confirmatory testing by the Centers for Disease Control (CDC), prompting Alameda County to declare a local health emergency.

On March 3, 2020, the City's Director of Emergency Services proclaimed a local emergency due to the spread of COVID-19, including a confirmed case in the City of Berkeley and multiple confirmed and presumed cases in Alameda County.

On March 10, 2020, the City Council ratified the Proclamation of Local Emergency. The City Council has subsequently reviewed and ratified the Proclamation of Local Emergency on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, July 26, 2022, September 20, 2022, November 3, 2022, December 13, 2022, and January 31, 2023.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

The Resolution would determine that current conditions warrant the termination of the local emergency declared due to the spread of COVID-19, and thereby terminate the local emergency, aligning with the termination of the statewide COVID-19 State of Emergency declared on February 28, 2023.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Dee Williams-Ridley, City Manager, City Manager's Office (510) 981-7000

Attachments:

1: Resolution

RESOLUTION NO. –N.S.

RESOLUTION TERMINATING THE PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, the Emergency Services Act, Government Code sections 8558(c) and 8630 authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, pursuant to Government Code section 8630, such an emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body; and

WHEREAS, Berkeley Municipal Code section 2.88.040 provides that the City Manager, serving as the Director of Emergency Services, may request that the City Council proclaim the existence of a local emergency; and

WHEREAS, under provision of local law, if the City Council cannot be convened and, in the judgment of the Director of Emergency Services, the circumstances warrant it, a proclamation of local emergency may be issued which must be ratified or nullified by the City Council within seven days of issuance; and

WHEREAS, in accordance with authority granted under the above provisions of state and local law, the Director of Emergency Services beginning on March 3, 2020 did proclaim the existence of a local emergency caused by epidemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus (“COVID-19”), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69,312-N.S.; and

WHEREAS, Government Code section 8630(c) requires that the City Council review the need for continuing the local emergency at least once every sixty (60) days; and

WHEREAS, the City Council subsequently reviewed the need for continuing the local emergency and again ratified the Proclamation of Local Emergency on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, July 26, 2022, September 20, 2022, November 3, 2022, December 13, 2022, and January 31, 2023; and

WHEREAS, Government Code section 8630(d) requires that the City Council proclaim the termination of the local emergency at the earliest possible date that conditions warrant; and

WHEREAS, while COVID-19 remains prevalent in the community, the City has made significant progress in addressing the impacts of COVID-19, including a reduction in the rates of hospitalization and death, as well as a citywide vaccination rate of at least ninety-four percent (94%); and

WHEREAS, the City will continue to monitor the effects of COVID-19 in the community; and

WHEREAS, Governor Gavin Newsom has announced that the statewide COVID-19 State of Emergency will end on February 28, 2023; and

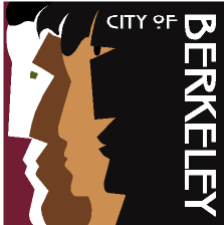
WHEREAS, current conditions warrant the termination of the local emergency; and

WHEREAS, based on the current conditions in the City of Berkeley related to COVID-19, and to stay consistent with state actions, it is recommended that the City Council terminate the local emergency.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that it is hereby proclaimed and ordered that the Proclamation of Local Emergency, issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the City Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, July 26, 2022, September 20, 2022, November 3, 2022, December 13, 2022, and January 31, 2023 is hereby terminated.







Youth Commission

## ACTION CALENDAR

February 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Youth Commission  
 Submitted by: Nina Thompson, Chair, Youth Commission  
 Subject: Adding a youth member to the Environment and Climate Commission

### RECOMMENDATION

That Council adds a seat on the Environment and Climate Commission for a person under 18 years of age; and that Student Director on the Berkeley Unified School Board nominates the new youth commissioner and that the full board confirms the appointment.

### POLICY COMMITTEE RECOMMENDATION

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

### FISCAL IMPACTS OF RECOMMENDATION

No fiscal impact.

### CURRENT SITUATION AND ITS EFFECTS

Currently, the only youth involvement in city policymaking is the Youth Commission. The Youth Commission is an important and powerful voice for youth in our city. Youth are affected by every policy decision made by the City Council, in particular, decisions to do with climate change. Youth will be affected by the decisions we make now for the rest of their lives, but are not seriously involved in making those decisions. The current Climate and Environment Commission has no designated seat for youth. This means that the commission lacks the valuable lived experience and perspectives of youth. It is imperative that youth's voices are considered when addressing climate change.

Youth Commission Meeting Monday, May 9, 2022

Action Item: **Adding a youth member to the Environment and Climate Commission**  
**M/S/Kaplan-Pettus/Thompson:** Aye's: Weisberg, Kaplan-Pettus, Chokkalingam, Schlosberg, Thompson, Powell, and Jay. Noe's: None. Abstain: None. Absent: Sanders

## BACKGROUND

In 1979 the City Council, by establishing the Youth Commission, recognized the importance of elevating the voices of young people in the city policy process. The enabling legislation of the Youth Commission states that the goal of the commission is to “give youth a voice in effecting City policy and services”. Since that time, the Youth Commission has done its best to navigate city policy bureaucracy and elevate the needs of youth in our city. However, youth voices have been lacking in the majority of city policy decisions.

## ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

There are no direct environmental impacts of this proposal. However, youth have the most to lose from the future of our environment and decisions about sustainability and hence should have a seat at the table when discussing environmental policy.

## RATIONALE FOR RECOMMENDATION

The proposal would expand youth involvement in city policymaking and better fulfill the vision laid out in the enabling legislation of the Youth Commission. The Environment and Climate Commission will benefit from the youth perspective. The youth member will help the commission understand the needs and capabilities of youth in our city. The youth member will help the commission to harness the power of young people’s experiences to better fulfill their mission. Young people will need to be part of our city’s, and our world’s, long-term environmental approach. This young person should not be tokenized but should be a full voting member of the commission. The commission should be required to fully engage youth in their planning process. The only way to ensure youth have a fair voice on the commission is if they are treated with respect and dignity by being allowed to fully participate and vote on all matters before the commission. If the city fails to give the youth member of the commission a full vote they risk the commission ignoring young people’s perspectives on this critical issue.

We recommend that the Student Director on the Berkeley Unified School Board nominates the youth commissioner and that the full board confirms their choice. This will better ensure that the representative is in line with the interests of the youth and reduce the risk of over politicization of the appointee.

## ALTERNATIVE ACTIONS CONSIDERED

We also considered the City of Berkeley Youth Commission appointing the new youth commissioner to the Environment and Climate Commission. We would support this if council feels it is a better approach.

## CITY MANAGER

The City Manager supports youth participation in the City’s boards and commissions. Currently, a student/youth in Berkeley may be appointed by the Mayor or a Councilmember to 26 of the City’s 30 commissions. With regards to expanding the number of seats on the Environment and Climate Commission (ECC) to reserve seats for persons between 12 and 19 years old, there are some potential alternatives or considerations that the council may wish to weigh.

- Raise the lower end of the age range from 12 to 14 or limit the designated seats to high school students. Commissions often meet until 9pm or 10pm in the evening, which may be difficult for middle school students. If the students are not able to attend regularly for the duration of the meeting, their absence can affect the quorum of the commission and the commission's ability to conduct business.
- Modify the ECC enabling legislation to require that one or two of the nine seats on the ECC to be filled with a "student" as defined. There are other city commissions that have reserved seats for certain interest groups or categories of commissioners (Mental Health Commission, Design Review Commission).
- Consider adding the additional seats as part of a pilot program or add a sunset date to evaluate the impact and effectiveness of the additional reserved appointments to determine if permanently expanding the membership is the best course of action.
- Clarify the intent to limit this practice to the ECC. Significant expansion of this practice would cause a large shift in how commission appointments are made and could result in requests for reserved seats from other agencies or interest groups.

#### CONTACT PERSONS

Nina Thompson, Chair, Youth Commission

Ginsi Bryant, Secretary, Youth Commission, 981-6678

#### Attachments:

1: Resolution

RESOLUTION NO. ##-###

AMENDING THE ENABLING LEGISLATION OF THE ENVIRONMENT AND CLIMATE COMMISSION (3.82) TO: ADD A SEAT TO THE ENVIRONMENT AND CLIMATE COMMISSION

WHEREAS, Youth (persons under 18 years of age) are unable to vote in council or mayoral elections; and

WHEREAS, youth (persons under 18) are not represented in the City of Berkeley Environment and Climate Commission; and

WHEREAS, the voices of youth (persons under 18) have valuable ideas for policy; and

WHEREAS, youth (persons under 18) are capable of serving and participating in city commissions; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Berkeley amends the enabling legislation of the Environment and Climate Commission (Section 3.82) to:

1. Add a seat to the Environment and Climate Commission.
2. The Berkeley Unified School District Board of Directors Student Director shall nominate the new youth commissioner.
3. The Berkeley Unified School District Board of Directors shall confirm the appointment to the Environment and Climate Commission,
4. The following desirable criteria may guide, but not restrict, the Berkeley Unified School District Board of Directors in making appointments:
  - a) To be residents of the City;
  - b) To be between the ages of twelve and eighteen;
5. The youth commissioner shall serve for no more than two years on the Environment and Climate Commission as the appointee of the Berkeley Unified School District.
6. The youth commissioner may continue to serve on the Environment and Climate Commission in the event they are no longer between the ages of 12-18.
7. The youth commissioner may be re-appointed in accordance with the provisions of Sections [2.04.030](#) through [2.04.130](#).
8. The youth commissioner shall be a fully-appointed member of the Environment and Climate Commission.



Environment and Climate Commission

ACTION CALENDAR  
February 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Environment and Climate Commission (ECC)  
 Submitted by: Ben Gould, Chairperson, ECC  
 Subject: Support for Youth Appointee to Environment and Climate Commission

### RECOMMENDATION

Refer to the City Manager to evaluate the feasibility of, and subsequently prepare draft legal language to enable, a tenth voting Environment & Climate Commission (ECC) member, representing youth, nominated by a suitable body or individual and confirmed by a suitable board of elected officials.

If feasible, the ECC recommends that a youth representative be nominated by the BUSD Student Director and confirmed by the full BUSD Board of Directors, in alignment with the recommendation passed by the Youth Commission.

### POLICY COMMITTEE RECOMMENDATION

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

### FISCAL IMPACTS OF RECOMMENDATION

Some staff time to review existing law and develop proposal. If enacted, having an additional ECC commissioner could result in slightly increased demands on staff time for ECC.

### CURRENT SITUATION AND ITS EFFECTS

With no youth voice on the Environment and Climate Commission, City staff and commissioners lack valuable perspective and insight into the perspectives of an important community demographic, which stands to be the most significantly impacted by the Commission's recommendations and City action (or lack thereof) on climate and environmental issues.

Historically, the ECC's predecessor commissions have been unsuccessful in engaging youth constituencies and stakeholders. Without youth perspectives, City policymaking is biased towards community members who have the time and resources to engage in local governance – typically older, wealthier residents, who are unlikely to directly experience some of the longer-term environmental consequences of climate policy.

The feasibility analysis and draft language from City staff should consider existing law in BMC 2.04.030 through 2.04.120, including:

- BMC 2.04.050, which establishes commissions at nine members,
- BMC 2.04.060 and related provisions, which restricts appointments to individual City Council members,
- BMC 2.04.140 and 2.04.145, which requires affidavits of residency for all commissioners, and
- BMC 2.04.040 (B) (2), which provides provisions for City Council majority appointment where the number of commission members is greater than nine.

At the Environment and Climate Commission meeting of Wednesday, September 28, 2022, ECC voted 6-2-0-0 to: Approve recommendations in support of Youth Member proposal and recommend one appointee nominated by BUSD Student Director and confirmed by the full BUSD Board of Directors, in alignment with the original May 9, 2022 Youth Commission proposal. M/S/Hedlund/Gould: Ayes: Ranney, McGuire, Tahara, Guliasi, Lunaparra, Gould. Noes: Hedlund, Allen. Abstain: None. Absent: None.

### BACKGROUND

The City of Berkeley established a Youth Commission in 1979, with the stated goal of “giving] youth a voice in effecting City policy and services.” However, environment and climate change issues are critical matters affecting all youth, yet youth have no institutionalized process for interacting or engaging with City environmental policy, and City Council has consistently failed to appoint any individuals under the age of 18 to the Environment and Climate Commission (ECC) or its predecessor commissions (the Energy Commission [EC] and the Community Environmental Advisory Commission [CEAC]). To date, the Youth Commission is the primary, and possibly only, City body to which individuals under 18 are appointed on a regular basis.

In May 2022, the Youth Commission passed a recommendation to establish a youth appointee to the ECC. However, the item has not yet been taken up by City Council.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

Supporting greater engagement of marginalized non-voting community members in environmental policymaking will result in more diverse perspectives and likely to produce better policymaking and feedback for staff, improving environmental sustainability overall.

RATIONALE FOR RECOMMENDATION

The proposal would expand youth involvement in city policymaking and allow ECC to better reflect and represent the broad interests of the community, without imposing an undue burden on City staff, Council, or otherwise impairing the functioning of the commission.

ALTERNATIVE ACTIONS CONSIDERED

The ECC considered asking the Youth Commission to send a nonvoting liaison to bridge the two commissions, but determined that a nonvoting position limited to public comment was unlikely to be effective at recruiting and sustaining interest from young people.

The ECC considered having the youth member be nominated by the Youth Commission and approved by the City Council, but determined that BUSD was better equipped to engage a wide range of students and youth, and having BUSD make the appointment would align with Berkeley's laws allowing 16- and 17-year-old youth to vote in School Board elections.

CITY MANAGER

The City Manager supports youth participation in the City's boards and commissions. Currently, a student/youth in Berkeley may be appointed by the Mayor or a Councilmember to 26 of the City's 30 commissions. With regards to expanding the number of seats on the Environment and Climate Commission (ECC) to reserve seats for persons between 12 and 19 years old, there are some potential alternatives or considerations that the Council may wish to weigh.

- Raise the lower end of the age range from 12 to 14 or limit the designated seats to high school students. Commissions often meet until 9pm or 10pm in the evening, which may be difficult for middle school students. If the students are not able to attend regularly for the duration of the meeting, their absence can affect the quorum of the commission and the commission's ability to conduct business.
- Modify the ECC enabling legislation to require that one or two of the nine seats on the ECC to be filled with a "student" as defined. There are other city commissions that have reserved seats for certain interest groups or categories of commissioners (Mental Health Commission, Design Review Commission).
- Consider adding the additional seats as part of a pilot program or add a sunset date to evaluate the impact and effectiveness of the additional reserved appointments to determine if permanently expanding the membership is the best course of action.
- Clarify the intent to limit this practice to the ECC. Significant expansion of this practice would cause a large shift in how commission appointments are made and could result in requests for reserved seats from other agencies or interest groups.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

Supporting greater engagement of marginalized non-voting community members in environmental policymaking will result in more diverse perspectives and likely to produce better policymaking and feedback for staff, improving environmental sustainability overall.

CONTACT PERSON

Ben Gould, Chair, Environment and Climate Commission  
Billi Romain, Secretary, Environment and Climate Commission





Kate Harrison  
Councilmember District 4

ACTION CALENDAR  
February 28, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison

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

RECOMMENDATION

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

POLICY COMMITTEE RECOMMENDATION

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

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

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

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

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

### BACKGROUND

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

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

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

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

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

### ATTACHMENTS

1. Ordinance Amending Berkeley Municipal Code Chapter 3.82

### FISCAL IMPACTS OF RECOMMENDATION

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

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

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

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Councilmember Kate Harrison, (510) 981-7140

ORDINANCE NO. -N.S.

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

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

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

ENVIRONMENT AND CLIMATE COMMISSION

Sections:

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

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

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

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

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

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

i. Appointees to be residents of the City;

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

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

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

**3.82.020 Council representative as commission liaison.**

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

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

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

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

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

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

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

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

**3.82.040 Functions.**

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

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of ~~Council Chamber~~the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Lori Droste  
Councilmember, District 8

ACTION CALENDAR  
February 28, 2023

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

**From:** Councilmember Lori Droste

**Subject:** Reforms to Public Comment Procedures at meetings of the Berkeley City Council

**Recommendation**

Adopt a Resolution revising the City Council Rules of Procedure and Order: Section IV. Conduct of the Meeting and Appendix C Temporary Rules for The Conduct of City Council Meetings Through Video Conference During The Covid-19 Emergency to:

1. Consolidate non-agenda public comment, public comment on the Consent Calendar, and public comment on Action Items into a single public comment period toward the start of the Council meeting (consistent with the Berkeley Unified School District's public comment procedure), and continue to provide for additional time for public comment at the end of meetings;
2. Adopt reasonable limits on the overall number of public speakers (consistent with rulings from the Second District Court of Appeal) with a mechanism for the City Council to extend public comment; and
3. Rescind Resolution No. 70,091– N.S

**POLICY COMMITTEE RECOMMENDATION**

On January 30, 2023, the Agenda and Rules Committee adopted the following action: M/S/C (Arreguin/Bartlett) to send the item to the City Council with a negative recommendation that no action be taken on the item. Vote: Ayes – Bartlett, Arreguin; Noes – None; Absent - Hahn.

**Current Situation and Its Effects**

City Council has occasionally tried to rebalance the City's approach to public comment at Council meetings to create a more welcoming atmosphere, conduct the people's business efficiently, and ensure elected officials have time to give items due consideration. Unfortunately, members of the public, applicants/appellants, and staff frequently have to wait for hours before an item is heard or unexpectedly moved to another meeting. This is due to the way public comment was established prior to the tenure of any of the current Councilmembers or the Mayor. This prevents many ordinary people, particularly those who have small children or work long hours, from having a reasonable opportunity to provide public comment and hear the Council deliberate. It also deprives the Council of the time needed for adequate consideration of items, especially major policy efforts, and frequently pushes important items to future meetings.

**Background and Rationale**

Pursuant to the Brown Act, Section 54954.3, members of the public shall be afforded the opportunity to speak on any agenda item of a substantive nature providing they are first recognized by the presiding officer. City Council greatly values input and comment from a broad

cross-section of the public on legislative matters. The City of Berkeley and Councilmembers appreciate and admire the dedication of the many mainstays at public comment. Nevertheless, other community members often feel overwhelmed and intimidated by the prospect of enduring hours-long City Council meetings, not just to provide public comment but to even hear the Council's discussions. Having to wait through hours of public comment (much of which is often duplicative) before one gets to participate and/or hear the position of one's elected representatives is neither fair, equitable, nor good for democracy.

Public comment and Council procedures have undergone iterations before. Most recently, Mayor Arreguín offered a very successful and equitable amendment to require three councilmembers to agree to pull an item from the consent calendar to the action calendar, instead of one councilmember or four public speakers. This change dramatically helped meetings run smoother and ensured that uncontroversial and broad-consensus consent calendar items were not subject to attempts at obstructionism or unduly long debates which extended meeting times.

Even with that positive change, the current approach to public comment ironically does not likely widen opportunities for civic engagement; but instead serves to preclude a more representative sample of participants—as political scientists from Boston University have [found](#). Currently, many residents must wait for extended periods of time in order to provide public comment on specific legislation, since no specific times are available for when a piece of legislation will be heard. This means that people who may care deeply about a particular issue are discouraged from participating in favor of those who have a general interest in speaking and the time to sit through the entirety of a meeting. Although their commitment and interest are commendable, such individuals are not necessarily representative of the broader public.

[The Brown Act](#) actually provides leeway for the City to consider other approaches to public comment. Under the Brown Act, the City must allow the public to comment on any agenda item; and there are certain items that require ensuring public comment from all interested parties (e.g., quasi-judicial proceedings and public hearings where due process demands allowing comment from all participants). But for most items, the Brown Act permits agencies to limit the amount of time for public comment on any given item, provided that such limits are content-neutral. For example, for most Council items, the City Council would be permitted under the Brown Act to impose a 10-minute limit on public comment, comprising ten speakers with one minute each, with the speakers determined on a lottery or first-come, first-served basis. Alternatively, the City Council could also adopt a content-neutral limitation on the number of speakers for a general public comment period at the start of each meeting which covers all agenda and non-agenda comments—as proposed in this item.

In its decision in the 2018 *Ribakoff v. City of Long Beach, et al.* decision, the Second District Court of Appeal ruled in part:

*“On the other hand, having no limit on either the length of any particular presentation by a member of the public **or on the number of public speakers (or on the total time for public comment)** has the potential for endless discussion—given the potential that there will be a far greater number of members of the public who may wish to speak to an issue than there are staff and guests who make presentations concerning it. The number of staff and invited guests speaking on a topic will clearly be limited; **the potential for public speakers is potentially extensive and needs some reasonable limitation.**”*



*We do not suggest that members of the public may not have expertise, or that their presentations would be of lesser value than those of the invited, expert staff and guest speakers, **only that their number must be considered in weighing the time allotted to public participation.** Indeed, this concern was a factor in shaping the text of Government Code section 54954.3 as it moved through the Legislature with amendments to the Brown Act adopted in 1986. On the one hand, the Legislature declared the importance of open governance and the public's right to participate. On the other, it **validated enactment of limits on public speakers so that the business of government could function.** (Gov. Code, § 54954.3.)<sup>23</sup>[emphasis added]"*

Members of the public would still have ample additional means of addressing their concerns to councilmembers, including in-person meetings and office hours, written correspondence, emails, telephone calls, and social media/online platforms. Although it is beyond the scope of this item, the City may also wish to explore expanding and enhancing Berkeley Considers to provide a new platform for community members to provide comments on upcoming Council items. Berkeley could potentially pioneer having a “one-stop shop” for members of the public to provide feedback on upcoming Council items and have that feedback delivered to Council in a formalized and easily visualized format.

### **Best Practices**

#### *Berkeley Unified School District*

The Berkeley Unified School District has adopted [a practice](#) that is likely more conducive to allowing a broader participation of residents in the civic process. There are two opportunities for public comment, one at the beginning and one at the end of the meeting. By allowing public comment at the beginning of the meeting, individuals do not have to wait for hours for an item with an unknown start time. And In other cities, the presiding officer can limit individual presentations, the amount of time allotted for public input, and/or limit the number of speakers with similar positions. This item proposes to use the approach used by BUSD.

### **Fiscal Impacts**

De minimis costs for staff to revise local and public-facing digital copies of the City Council's Rules of Procedure and time and materials costs for any printing of physical copies.

Long-term fiscal impacts are speculative, but reduced Council and staff time for the receipt and management of in-person and virtual public comment have a strong potential to reduce City costs. The cost reductions would be highly variable depending on the number and nature of staff present at any given City Council meeting.

### **Alternative Actions Considered**

Alternative Actions include but are not limited to:

- Leaving existing public comment policies and procedures unchanged.
- Adopting a limit on the number of public speakers for each item.

These options were rejected in favor of the more “tried and true” approach currently used by the Berkeley Unified School District, as well as other jurisdictions and agencies across California.

### **Contact Person**

Councilmember Lori Droste (legislative aide Eric Panzer)

[erpanzer@cityofberkeley.info](mailto:erpanzer@cityofberkeley.info)

Phone: 510-981-7180

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

RE-ADOPTING THE CITY COUNCIL RULES OF PROCEDURE AND ORDER AND  
RESCINDING RESOLUTION NO. 70,091–N.S.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the revised sections of the City Council Rules of Procedure and Order attached hereto as Exhibit A shall replace wholesale the corresponding sections of the existing City Council Rules of Procedure and Order attached hereto as Exhibit B and incorporated by reference.

BE IT FURTHER RESOLVED that the revised City Council Rules of Procedure and Order (Exhibit B as amended by Exhibit A) shall govern all proceedings of the City Council therein described, subject to the exceptions and deviations provided for in such rules.

BE IT FURTHER RESOLVED that violation of these rules shall not be construed as a penal offense, except as provided for by the adopted Rules of Procedure and Order.

BE IT FURTHER RESOLVED that the Council shall review its Rules of Procedure and Order in March of each odd-numbered year per [April 26, 2016 City Council action](#).

BE IT FURTHER RESOLVED that Resolution No 70,091–N.S. is hereby rescinded.

Exhibits

Exhibit A: Sections of the City Council Rules of Procedure and Order to be revised

Exhibit B: Existing City Council Rules of Procedure and Order

**Exhibit A: Sections of the City Council Rules of Procedure and Order to be Revised**

**IV.CONDUCT OF MEETING**

**A. Comments from the Public**

Public comment will be taken in the following order:

- An initial ~~ten-minute~~ period of public comment on non-agenda items, the consent calendar, action items (excluding public hearings, appeals, and/or other quasi-judicial matters), and information items, after the commencement of the meeting and immediately after Ceremonial Matters and City Manager Comments.
- ~~Public comment on the Consent and Information Calendars.~~
- Public comment on action items, any appeals, and/or public hearings, and/or other quasi-judicial matters requiring extended public comment for due process purposes, as they are taken up under procedures set forth in the sections governing each below.
- Public comment on non-agenda items from any speakers who did not speak during the first round of ~~non-agenda~~ public comment at the beginning of the meeting.

Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. A speaker wishing to yield their time shall identify themselves, shall be recognized by the chair, and announce publicly their intention to yield their time. Disabled persons shall have priority seating in the front row of the public seating area.

A member of the public may only speak once at public comment ~~on any single item~~, unless called upon by the Mayor or a Councilmember to answer a specific inquiry, or unless the individual is speaking with respect to a public hearing, a quasi-judicial matter, and/or any other item requiring unrestricted public comment as a matter of due process.

Prior to the general public comment period, the Presiding Officer shall announce any planned changes to the order of the agenda, including any items which are being moved to the Consent Calendar and/or any items that are being removed from the agenda at the prerogative of the Presiding Officer and/or the item's sponsor(s).

The Presiding Officer will request that persons wishing to speak, line up at the podium, raise their hands on Zoom, or otherwise indicate their intent to speak in order to be recognized and to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking virtually or in person, each speaker may speak for two minutes at the discretion of the Presiding Officer. If there are more than ten persons interested in speaking, the Presiding Officer shall limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one another, however no one speaker shall have more than four minutes.

A maximum of 50 individuals shall be permitted to speak or yield time during the general public comment period. This maximum shall apply whether speakers are virtual, in person, or a combination of the two. In the event that more than 50 individuals wish to speak at a fully virtual or fully in-person Council meeting, speaking opportunities shall be given on a "first come, first served" basis.

In the event that more than 50 individuals wish to speak at a "hybrid" Council meeting (with both a virtual and in-person component), 25 in-person speakers shall be allowed to speak first.

followed by 25 virtual speakers. For both the virtual and in-person queues, speakers shall be recognized in the order they lined up or provided virtual notification of their intent to speak. If the queue for either type of speaker is exhausted while speakers of the other type remain, the remaining individuals in either queue will be allowed to speak, up to the overall 50-speaker maximum.

The maximum number of speakers/yielders may be increased up to 100 total individuals by a two-thirds (2/3) vote of the City Council. Increases above 100 total individuals speaking or yielding shall require a unanimous vote of the City Council. In no case shall these limits be applied to items which require unconstrained public comment to ensure due process.

These procedures/limits also apply to public hearings except for those which would be precluded by the types of due process public hearings specifically provided for in Section 2, below.

### **1. Public Comment on Consent Calendar and Information Items.**

As described above, public comment on the "Consent Calendar" will be taken as part of the general public comment period at the start of the Council meeting following Ceremonial Matters and any comments from the City Manager.

Prior to this initial general public comment period, the Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar," and/or move "Consent Calendar" items 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."

The Council will then take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. A speaker may only speak once during the period for public comment on Consent Calendar and Information items. Following the initial period of general public comment, the three or more members of City Council may still move items from the "Consent Calendar" to "Action," but no additional items can be moved onto the Consent Calendar once public comment has commenced.

At any time during, or immediately after, the initial period of general public comment on Information and Consent items, the Mayor or any Councilmember may move any Information or Consent item to "Action." Three or more members of the City Council, including the Mayor, may move any 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.

### **2. Public Comment on Action Items.**

After the initial ten minutes of public comment on non-agenda items, public comment on consent and information items, and adoption of the Consent Calendar, the public may comment on each remaining item listed on the agenda for action as the item is taken up.

The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

~~If ten or fewer persons are interested in speaking, each speaker 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.~~

~~This procedure also applies to public hearings except those types of public hearings specifically provided for in this section, below.~~

**32. Appeals Appearing on Action Calendar.**

With the exception of appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission, appeals from decisions of City commissions appear on the "Action" section of the Council Agenda. Council determines whether to affirm the action of the commission, set a public hearing, or remand the matter to the commission. Appeals of proposed special assessment liens shall also appear on the "Action" section of the Council Agenda. Appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission are automatically set for public hearing and appear on the "Public Hearings" section of the Council Agenda. The procedures for public comment on appeals from these two bodies and attendant public hearings shall be the same as described below for all other commission appeals.

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have seven minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment. In the case of an appeal of a proposed special assessment lien, the appellant shall have seven minutes to comment.

After the conclusion of the seven-minute comment periods, members of the public may comment on the appeal. Comments from members of the public regarding appeals shall be limited to one minute per speaker. Any person that addressed the Council during one of the seven-minute periods may not speak again during the public comment period on the appeal. Speakers may yield their time to one other speaker, however, no speaker shall have more than two minutes. Each side shall be informed of this public comment procedure at the time the Clerk notifies the parties of the date the appeal will appear on the Council agenda.

**43. Public Comment on Non-Agenda Matters.**

~~Immediately following Ceremonial Matters and the City Manager Comments and prior to the Consent Calendar, persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, 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 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.~~

Individuals wishing to address the Council about non-agenda matters may do so during the initial period of general public comment, and will count toward the overall limit on the number of individuals making public comment.

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.

~~Persons submitting speaker cards are not required to list their actual name, however they must list some identifying information or alternate name in order to be called to speak.~~ For the second round of public comment on non-agenda matters, the Presiding Officer retains the authority to limit the number of speakers by subject. The Presiding Officer will generally request that persons wishing to speak, line up at the podium, raise their hand on zoom, or otherwise to be recognized to determine the number of persons interested in speaking at that time. Each speaker will be entitled to speak for two minutes each unless the Presiding Officer determines that one-minute is appropriate given the number of speakers.

Pursuant to this document, no Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items. If any agenda item remains unfinished at 11:00 p.m. or the expiration of any extension after 11:00 p.m., it will be referred to the Agenda & Rules Committee for scheduling pursuant to Chapter II, Section F. In that event, the meeting shall be automatically extended for up to fifteen (15) minutes for public comment on non-agenda items.

#### 54. Ralph M. Brown Act Pertaining to Public Comments.

The Brown Act prohibits the Council from discussing or taking action on an issue raised during Public Comment, unless it is specifically listed on the agenda. However, the Council may refer a matter to the City Manager.

### **APPENDIX C. TEMPORARY RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS THROUGH VIDEO CONFERENCE DURING THE COVID-19 EMERGENCY**

#### **Public Comment Speaking Time**

With the exception of prescribed times in the Rules of Procedure for public hearings, the amount of time for each speaker during public comment is limited to ~~two~~one minutes maximum and that speakers can only address an agenda item once, ~~however the Presiding Officer has the discretion to reduce speaker time if needed in order to allow the orderly conduct of the meeting, subject to the consent of a majority of the City Council.~~ Speakers may yield their time for a maximum of four minutes per individual. If a speaker wishes to yield their time, they must indicate so when called on by the Presiding Officer and state who they are yielding their speaker time to. The Presiding Officer will keep a list with the names and amount of time yielded to individuals.

In order to inform members of the public of their place in the speaker's queue, the Presiding Officer will call the names of 5 speakers at a time.

Public Comment on Non-Agenda Matters ~~will~~may be conducted in the order of hands raised on the Zoom platform or based upon a lottery or similar system, ~~and will be limited to either the first~~

~~10 speakers during the initial round of Non-Agenda public comment, as well as all hands raised during the closing round of Non-Agenda public comment at the conclusion to the meeting, until such time that the meeting adjourns. If there are five or fewer speakers with hands raised for Public Comment on Non-Agenda Matters, each speaker will have two minutes to address the City Council. If there are more than five speakers with their hands raised then speaker time will be limited to one minute per person. The procedure for selection of Non-Agenda speakers prescribed in the Rules of Procedure by random draw is suspended for videoconference meetings where there is no physical meeting location.~~

**Exhibit B:  
City Council Rules of Procedure and Order**



# The Berkeley City Council Rules of Procedure and Order

Adopted by Resolution No. 70,091–N.S.

Effective October 26, 2021

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## I. DUTIES

### A. Duties of Mayor

The Mayor shall preside at the meetings of the Council and shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. In the Mayor's absence, the Vice President of the Council (hereafter referred to as the Vice-Mayor) shall preside.

### B. Duties of Councilmembers

Promptly at the hour set by law on the date of each regular meeting, the members of the Council shall take their regular stations in the Council Chambers and the business of the Council shall be taken up for consideration and disposition.

### C. Motions to be Stated by Chair

When a motion is made, it may be stated by the Chair or the City Clerk before debate.

### D. Decorum by Councilmembers

While the Council is in session, the City Council will practice civility and decorum in their discussions and debate. Councilmembers will value each other's time and will preserve order and decorum. A member shall neither, by conversation or otherwise, delay or interrupt the proceedings of the Council, use personal, impertinent or slanderous remarks, nor disturb any other member while that member is speaking or refuse to obey the orders of the presiding officer or the Council, except as otherwise provided herein.

All Councilmembers have the opportunity to speak and agree to disagree but no Councilmember shall speak twice on any given subject unless all other Councilmembers have been given the opportunity to speak. The Presiding Officer may set a limit on the speaking time allotted to Councilmembers during Council discussion.

The presiding officer has the affirmative duty to maintain order. The City Council will honor the role of the presiding officer in maintaining order. If a Councilmember believes the presiding officer is not maintaining order, the Councilmember may move that the Vice-Mayor, or another Councilmember if the Vice-Mayor is acting as the presiding officer at the time, enforce the rules of decorum and otherwise maintain order. If that motion receives a second and is approved by a majority of the Council, the Vice-Mayor, or other designated Councilmember, shall enforce the rules of decorum and maintain order.

### E. Voting Disqualification

No member of the Council who is disqualified shall vote upon the matter on which the member is disqualified. Any member shall openly state or have the presiding officer announce the fact and nature of such disqualification in open meeting, and shall not be subject to further inquiry. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the member affected, be

decided by the other members of the Council, by motion, and such decision shall determine such member's right and obligation to vote. A member who is disqualified by conflict of interest in any matter shall not remain in the Chamber during the debate and vote on such matter, but shall request and be given the presiding officer's permission to recuse themselves. Any member having a "remote interest" in any matter as provided in Government Code shall divulge the same before voting.

**F. Requests for Technical Assistance and/or Reports**

A majority vote of the Council shall be required to direct staff to provide technical assistance, develop a report, initiate staff research, or respond to requests for information or service generated by an individual council member.

## II. MEETINGS

### A. Call to Order - Presiding Officer

The Mayor, or in the Mayor's absence, the Vice Mayor, shall take the chair precisely at the hour appointed by the meeting and shall immediately call the Council to order. Upon the arrival of the Mayor, the Vice Mayor shall immediately relinquish the chair. In the absence of the two officers specified in this section, the Councilmember present with the longest period of Council service shall preside.

### B. Roll Call

Before the Council shall proceed with the business of the Council, the City Clerk shall call the roll of the members and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes.

### C. Quorum Call

During the course of the meeting, should the Chair note a Council quorum is lacking, the Chair shall call this fact to the attention of the City Clerk. The City Clerk shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the meeting shall be deemed automatically adjourned.

### D. Council Meeting Conduct of Business

The agenda for the regular business meetings shall include the following: Ceremonial Items (including comments from the City Auditor if requested); Comments from the City Manager; Comments from the Public; Consent Calendar; Action Calendar (Appeals, Public Hearings, Continued Business, Old Business, New Business); Information Reports; and Communication from the Public. Presentations and workshops may be included as part of the Action Calendar. The Chair will determine the order in which the item(s) will be heard with the consent of Council.

Upon request by the Mayor or any Councilmember, any item may be moved from the Consent Calendar or Information Calendar to the Action Calendar. Unless there is an objection by the Mayor or any Councilmember, the Council may also move an item from the Action Calendar to the Consent Calendar.

A public hearing that is not expected to be lengthy may be placed on the agenda for a regular business meeting. When a public hearing is expected to be contentious and lengthy and/or the Council's regular meeting schedule is heavily booked, the Agenda & Rules Committee, in conjunction with the staff, will schedule a special meeting exclusively for the public hearing. No other matters shall be placed on the agenda for the special meeting. All public comment will be considered as part of the public hearing and no separate time will be set aside for public comment not related to the public hearing at this meeting.

Except at meetings at which the budget is to be adopted, no public hearing may commence later than 10:00 p.m. unless there is a legal necessity to hold the hearing or make a decision at that meeting or the City Council determines by a two-thirds vote that there is a fiscal necessity to hold the hearing.

**E. Adjournment**

1. No Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific agenda items to be covered and shall specify in which order these items shall be handled.
2. Any items not completed at a regularly scheduled Council meeting may be continued to an Adjourned Regular Meeting by a two-thirds majority vote of the Council.

**F. Unfinished Business**

Any items not completed by formal action of the Council, and any items not postponed to a date certain, shall be considered Unfinished Business. All Unfinished Business shall be referred to the Agenda & Rules Committee for scheduling for a Council meeting that occurs within 60 days from the date the item last appeared on a Council agenda. The 60 day period is tolled during a Council recess.

**G. City Council Schedule and Recess Periods**

Pursuant to the Open Government Ordinance, the City Council shall hold a minimum of twenty-four (24) meetings, or the amount needed to conduct City business in a timely manner, whichever is greater, each calendar year.

Regular meetings of the City Council shall be held generally two to three Tuesdays of each month except during recess periods; the schedule to be established annually by Council resolution taking into consideration holidays and election dates.

Regular City Council meetings shall begin no later than 6:00 p.m.

A recess period is defined as a period of time longer than 21 days without a regular meeting of the Council.

When a recess period occurs, the City Manager is authorized to take such ministerial actions for matters of operational urgency as would normally be taken by the City Council during the period of recess except for those duties specifically reserved to the Council by the Charter, and including such emergency actions as are necessary for the immediate preservation of the public peace, health or safety; the authority to extend throughout the period of time established by the City Council for the period of recess.

The City Manager shall have the aforementioned authority beginning the day after the Agenda & Rules Committee meeting for the last regular meeting before a Council recess and this authority shall extend up to the date of the Agenda & Rules Committee meeting for the first regular meeting after the Council recess.

The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required and confirm said actions of the City Manager.

**H. Pledge of Allegiance to the Flag**

At the first meeting of each year following the August recess and at any subsequent meeting if specifically requested before the meeting by any member of the Council in order to commemorate an occasion of national significance, the first item on the Ceremonial Calendar will be the Pledge of Allegiance.

**I. Ad Hoc Subcommittees**

From time to time the Council or the Mayor may appoint several of its members but fewer than the existing quorum of the present body to serve as an ad hoc subcommittee. Only Councilmembers may be members of the ad hoc subcommittee; however, the subcommittee shall seek input and advice from residents, related commissions, and other groups, as appropriate to the charge or responsibilities of such subcommittee. Ad hoc subcommittees must be reviewed annually by the Council to determine if the subcommittee is to continue.

Upon creation of an ad hoc subcommittee, the Council shall allow it to operate with the following parameters:

1. A specific charge or outline of responsibilities shall be established by the Council.
2. A target date must be established for a report back to the Council.
3. Maximum life of the subcommittee shall be one year, with annual review and possible extension by the Council.

Subcommittees shall conduct their meetings in locations that are open to the public and meet accessibility requirements under the Americans with Disabilities Act. Meetings may be held at privately owned facilities provided that the location is open to all that wish to attend and that there is no requirement for purchase to attend. Agendas for subcommittee meetings must be posted in the same manner as the agendas for regular Council meetings except that subcommittee agendas may be posted with 24-hour notice. The public will be permitted to comment on agenda items but public comments may be limited to one minute if deemed necessary by the Committee Chair. Agendas and minutes of the meetings must be maintained and made available upon request.

Ad hoc subcommittees will be staffed by City Council legislative staff. As part of the ad hoc subcommittee process, City staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item(s) under consideration. Staff analysis at ad hoc subcommittees is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

Subcommittees must be comprised of at least two members. If only two members are appointed, then both must be present in order for the subcommittee meeting to be held. In other words, the quorum for a two-member subcommittee is always two.

Ad hoc subcommittees may convene a closed session meeting pursuant to the conditions and regulations imposed by the Brown Act.



### III. AGENDA

#### A. Declaration of Policy

No ordinance, resolution, or item of business shall be introduced, discussed or acted upon before the Council at its meeting without prior thereto its having been published on the agenda of the meeting and posted in accordance with Section III.D.2. Exceptions to this rule are limited to circumstances listed in Section III.D.4.b and items continued from a previous meeting and published on a revised agenda.

#### B. Definitions

For purposes of this section, the terms listed herein shall be defined as follows:

1. "Agenda Item" means an item placed on the agenda (on either the Consent Calendar or as a Report For Action) for a vote of the Council by the Mayor or any Councilmember, the City Manager, the Auditor, or any board/commission/committee created by the City Council, or any Report For Information which may be acted upon if the Mayor or a Councilmember so requests. For purposes of this section, appeals shall be considered action items. All information from the City Manager concerning any item to be acted upon by the Council shall be submitted as a report on the agenda and not as an off-agenda memorandum and shall be available for public review, except to the extent such report is privileged and thus confidential such as an attorney client communication concerning a litigation matter. Council agenda items are limited to a maximum of four Authors and Co-Sponsors, in any combination that includes at least one Author.

Authors must be listed in the original item as submitted by the Primary Author. Co-Sponsors may only be added in the following manner:

- In the original item as submitted by the Primary Author
  - In a revised item submitted by the Primary Author at the Agenda & Rules Committee
  - By verbal request of the Primary Author at the Agenda & Rules Committee
  - In a revised item submitted by the Primary Author in Supplemental Reports and Communications Packet #1 or #2
  - By verbal or written request of the Mayor or any Councilmember at the Policy Committee meeting or meeting of the full Council at which the item is considered
2. Agenda items shall contain all relevant documentation, including the information listed below:
    - a) A descriptive title that adequately informs the public of the subject matter and general nature of the item or report;
    - 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 report's Primary Author that describes the action to be taken on the item, if applicable;
  - 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;
  - k) Additional information and analysis as required. It is recommended that reports include the points of analysis in Appendix B - Guidelines for Developing and Writing Council Agenda Items.
3. "Author" means the Mayor or other Councilmembers who actually authored an item by contributing to the ideas, research, writing or other material elements.
4. "Primary Author" means the Mayor or Councilmember listed first on the item. The Primary Author is the sole contact for the City Manager with respect to the item. Communication with other Authors and Co-Sponsors, if any, is the responsibility of the Primary Author.
5. "Co-Sponsor" means the Mayor or other Councilmembers who wish to indicate their strong support for the item, but are not Authors, and are designated by the Primary Author to be co-sponsors of the council agenda item.
6. "Agenda" means the compilation of the descriptive titles of agenda items submitted to the City Clerk, arranged in the sequence established in Section III.E hereof.
7. "Packet" means the agenda plus all its corresponding agenda items.
8. "Emergency Matter" arises when prompt action is necessary due to the disruption or threatened disruption of public facilities and a majority of the Council determines that:
- a) A work stoppage or other activity which severely impairs public health, safety, or both;
  - b) A crippling disaster, which severely impairs public health, safety or both. Notice of the Council's proposed consideration of any such emergency

matter shall be given in the manner required by law for such an emergency pursuant to Government Code Section 54956.5.

9. "Continued Business" Items carried over from a prior agenda of a meeting occurring less than 11 days earlier.
10. "Old Business" Items carried over from a prior agenda of a meeting occurring more than 11 days earlier.

**C. Procedure for Bringing Matters Before City Council**

**1. Persons Who Can Place Matters on the Agenda.**

Matters may be placed on the agenda by the Mayor or any Councilmember, the City Manager, the Auditor, or any board/commission/committee created by the City Council. All items are subject to review, referral, and scheduling by the Agenda & Rules Committee pursuant to the rules and limitations contained herein. The Agenda & Rules Committee shall be a standing committee of the City Council.

The Agenda & Rules Committee shall meet 15 days prior to each City Council meeting and shall approve the agenda of that City Council meeting. Pursuant to BMC Section 1.04.080, if the 15<sup>th</sup> day prior to the Council meeting falls on a holiday, the Committee will meet the next business day. The Agenda & Rules Committee packet, including a draft agenda and Councilmember, Auditor, and Commission reports shall be distributed by 5:00 p.m. four days before the Agenda & Rules Committee meeting.

The Agenda & Rules Committee shall have the powers set forth below.

**a) Items Authored by the Mayor, a Councilmember, or the Auditor.**

As to items authored by the Mayor, a Councilmember, or the Auditor, the Agenda & Rules Committee shall review the item and may take the following actions:

- i. Refer the item to a commission for further analysis (Primary Author may decline and request Policy Committee assignment).
- ii. Refer the item to the City Manager for further analysis (Primary Author may decline and request Policy Committee assignment).
- iii. Refer the item back to the Primary Author for adherence to required form or for additional analysis as required in Section III.B.2 (Primary Author may decline and request Policy Committee assignment).
- iv. Refer the item to a Policy Committee.
- v. Schedule the item for the agenda under consideration or one of the next three full Council agendas.

For referrals under Chapter III.C.1.a.i, ii, or iii, the Primary Author must inform the City Clerk within 24 hours of the adjournment of the Agenda & Rules Committee meeting whether they prefer to:

- 1) re-submit the item for a future meeting with modifications as suggested by the Agenda & Rules Committee; or
- 2) pull the item completely; or
- 3) re-submit the item with revisions as requested by the Agenda & Rules Committee within 24 hours of the adjournment of the Agenda & Rules Committee meeting for the Council agenda under consideration; or
- 4) accept the referral of the Agenda & Rules Committee in sub paragraphs III.C.1.a. i, ii, or iii, or request Policy Committee assignment.

If the Primary Author requests a Policy Committee assignment, the item will appear on the next draft agenda presented to the Agenda & Rules Committee for assignment.

In the event that the City Clerk does not receive guidance from the Primary Author of the referred item within 24 hours of the Agenda & Rules Committee's adjournment, the item will appear on the next draft agenda for consideration by the Agenda & Rules Committee.

Items held for a future meeting to allow for modifications will be placed on the next available Council meeting agenda at the time that the revised version is submitted to the City Clerk.

- b) **Items Authored by the City Manager.** The Agenda & Rules Committee shall review agenda descriptions of items authored by the City Manager. The Committee can recommend that the matter be referred to a commission or back to the City Manager for adherence to required form, additional analysis as required in Section III.B.2, or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

If the City Manager determines that the matter should proceed notwithstanding the Agenda & Rules Committee's action, it will be placed on the agenda as directed by the Manager. All City Manager items placed on the Council agenda against the recommendation of the Agenda & Rules Committee will automatically be placed on the Action Calendar.

- c) **Items Authored by Boards and Commissions.** Council items submitted by boards and commissions are subject to City Manager review and must follow procedures and timelines for submittal of reports as described in the Commissioners' Manual. The content of commission items is not subject to review by the Agenda & Rules Committee unless referred for policy review to the Agenda & Rules Committee.
- i) For a commission item that does not require a companion report from the City Manager, the Agenda & Rules Committee may act on an agendaized commission report in the following manner:
  - 1. Move a commission report from the Consent Calendar to the Action Calendar or from the Action Calendar to the Consent Calendar.
  - 2. Re-schedule the commission report to appear on one of the next three regular Council meeting agendas that occur after the regular meeting under consideration. Commission reports submitted in response to a Council referral shall receive higher priority for scheduling.
  - 3. Refer the item to a Policy Committee for review.
  - 4. Allow the item to proceed as submitted.
- ii) For any commission report that requires a companion report, the Agenda & Rules Committee may schedule the item on a Council agenda. The Committee must schedule the commission item for a meeting occurring not sooner than 60 days and not later than 120 days from the date of the meeting under consideration by the Agenda & Rules Committee. A commission report submitted with a complete companion report may be scheduled pursuant to subparagraph c.i. above.
- d) The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in Chapter III, Section E.

**2. Scheduling Public Hearings Mandated by State, Federal, or Local Statute.**

The City Clerk may schedule a public hearing at an available time and date in those cases where State, Federal or local statute mandates the City Council hold a public hearing.

**3. Submission of Agenda Items.**

- a) **City Manager Items.** Except for Continued Business and Old Business, as a condition to placing an item on the agenda, agenda items from departments, including agenda items from commissions, shall be furnished to the City Clerk at a time established by the City Manager.

- b) **Council and Auditor Items.** The deadline for reports submitted by the Auditor, Mayor and City Council is 5:00 p.m. on Monday, 22 days before each Council meeting.
- c) **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 Councilmember is received by the City Clerk after established deadlines and is not included on the Agenda & Rules Committee's published agenda.

The Primary Author of the report shall bring any reports submitted as Time Critical to the meeting of the Agenda & Rules Committee. Time Critical items must be accompanied by complete reports and statements of financial implications. If the Agenda & Rules Committee finds the matter to meet the definition of Time Critical, the Agenda & Rules Committee may place the matter on the Agenda on either the Consent or Action Calendar.

- d) The City Clerk may not accept any agenda item after the adjournment of the Agenda & Rules Committee meeting, except for items carried over by the City Council from a prior City Council meeting occurring less than 11 days earlier, which may include supplemental or revised reports, and reports concerning actions taken by boards and commissions that are required by law or ordinance to be presented to the Council within a deadline that does not permit compliance with the agenda timelines in BMC Chapter 2.06 or these rules.

#### 4. **Submission of Supplemental and Revised Agenda Material.**

Berkeley Municipal Code Section 2.06.070 allows for the submission of supplemental and revised agenda material. Supplemental and revised material cannot be substantially new or only tangentially related to an agenda item. Supplemental material must be specifically related to the item in the Agenda Packet. Revised material should be presented as revised versions of the report or item printed in the Agenda Packet. Supplemental and revised material may be submitted for consideration as follows:

- a) Supplemental and revised agenda material shall be submitted to the City Clerk no later than 5:00 p.m. seven calendar days prior to the City Council meeting at which it is to be considered. Supplemental and revised items that are received by the deadline shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. five calendar days prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for citizen review or City Councilmember evaluation.

- b) Supplemental and revised agenda material submitted to the City Clerk after 5:00 p.m. seven days before the meeting and no later than 12:00 p.m. one day prior to the City Council meeting at which it is to be considered shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. one day prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for citizen review or City Council evaluation.
- c) After 12:00 p.m. one calendar day prior to the meeting, supplemental or revised reports may be submitted for consideration by delivering a minimum of 42 copies of the supplemental/revised material to the City Clerk for distribution at the meeting. Each copy must be accompanied by a completed supplemental/revised material cover page, using the form provided by the City Clerk. Revised reports must reflect a comparison with the original item using track changes formatting. The material may be considered only if the City Council, by a two-thirds roll call vote, makes a factual determination that the good of the City clearly outweighs the lack of time for citizen review or City Councilmember evaluation of the material. Supplemental and revised material must be distributed and a factual determination made prior to the commencement of public comment on the agenda item in order for the material to be considered.

## **5. Submission of Late Urgency Items Pursuant to Government Code Section 54954.2(b)**

Late Urgency Items are items proposed for submission to the Council Agenda pursuant to Government Code Section 54954.2(b)

All items to be submitted for consideration for addition to an agenda as Late Urgency Items shall be accompanied by a cover sheet that includes 1) boxes to check for the Author to affirm whether the item is submitted under the Emergency or Immediate Action Rule (and a short explanation of what is required to meet each rule, as well as the vote threshold required for the item to be placed onto the agenda by the City Council); 2) a disclaimer in BOLD 14pt. CAPS stating that the item is not yet agendized and may or may not be accepted for the agenda as a Late Urgency Item, at the City Council's discretion according to Brown Act rules; 3) a prompt requiring the author to list the facts which support consideration of the item for addition to the agenda as either an Emergency or Immediate Action item; and 4) a copy of the City Attorney memo on Late Urgency Items.

Late Items must be submitted to the City Clerk no later than 12:00 p.m. (noon) the day prior to the meeting.

All complete Late Items submitted by the deadline will be distributed with Supplemental Communication Packet #2 by 5:00 p.m. the day before the Council meeting. A Late Item is not considered "complete" and will not be distributed unless submitted with the required cover sheet, filled out in a complete manner.

Very Late Urgency Items of an extremely urgent nature (e.g., earthquake, severe wildfire, pandemic) may be submitted for addition to the agenda after the deadline of 12:00 p.m. the day before the meeting to accommodate unforeseeable, extreme and unusual circumstances. A Very Late Urgency Item will be distributed at the Council meeting prior to any vote to add it to the agenda and the Presiding Officer may provide an appropriate break to allow Councilmembers and the public to review the item before voting on whether to add it to the agenda and possibly again, at the Presiding Officer's discretion, before the item is voted on.

The required cover sheet should be included with the Very Late Urgency Item unless extremely exigent circumstances underlie the Very Late Urgency Item submission and a written cover sheet could not be prepared (for example, power is out and printing or emailing is not possible), in which case the individual "walking in" the item should be ready to provide all required information verbally at the meeting before a vote is taken to add or not add the item to the Agenda.

**6. Scheduling a Presentation.**

Presentations from staff are either submitted as an Agenda Item or are requested by the City Manager. Presentations from outside agencies and the public are coordinated with the Mayor's Office. The Agenda & Rules Committee may adjust the schedule of presentations as needed to best manage the Council Agenda. The Agenda & Rules Committee may request a presentation by staff in consultation with the City Manager.

**D. Packet Preparation and Posting**

**1. Preparation of the Packet.**

Not later than the thirteenth day prior to said meeting, the City Clerk shall prepare the packet, which shall include the agenda plus all its corresponding agenda items. No item shall be considered if not included in the packet, except as provided for in Section III.C.4 and Section III.D.4.

**2. Distribution and Posting of Agenda.**

- a) The City Clerk shall post each agenda of the City Council regular meeting no later than 11 days prior to the meeting and shall post each agenda of a special meeting at least 24 hours in advance of the meeting in the official bulletin board. The City Clerk shall maintain an affidavit indicating the location, date and time of posting each agenda.
- b) The City Clerk shall also post agendas and annotated agendas of all City Council meetings and notices of public hearings on the City's website.
- c) No later than 11 days prior to a regular meeting, copies of the agenda shall be mailed by the City Clerk to any resident of the City of Berkeley who so requests in writing. Copies shall also be available free of charge in the City Clerk Department.



**3. Distribution of the Agenda Packet.**

The Agenda Packet shall consist of the Agenda and all supporting documents for agenda items. No later than 11 days prior to a regular meeting, the City Clerk shall:

- a) distribute the Agenda Packet to each member of the City Council;
- b) post the Agenda Packet to the City's website;
- c) place copies of the Agenda Packet in viewing binders in the office of the City Clerk and in the main branch of the Berkeley Public Library; and
- d) make the Agenda Packet available to members of the press.

**4. Failure to Meet Deadlines.**

- a) The City Clerk shall not accept any agenda item or revised agenda item after the deadlines established.
- b) Matters not included on the published agenda may be discussed and acted upon as otherwise authorized by State law or providing the Council finds one of the following conditions is met:
  - A majority of the Council determines that the subject meets the criteria of "Emergency" as defined in Section III.B.8.
  - Two thirds of the Council determines that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the agenda as required by law.
- c) Matters listed on the printed agenda but for which supporting materials are not received by the City Council on the eleventh day prior to said meeting as part of the agenda packet, shall not be discussed or acted upon.

**E. Agenda Sequence and Order of Business**

The Council agenda for a regular business meeting is to be arranged in the following order:

1. Preliminary Matters: (Ceremonial, Comments from the City Manager, Comments from the City Auditor, Non-Agenda Public Comment)
2. Consent Calendar
3. Action Calendar
  - a) Appeals
  - b) Public Hearings
  - c) Continued Business
  - d) Old Business
  - e) New Business

4. Information Reports
5. Non-Agenda Public Comment
6. Adjournment
7. Communications

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

The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in this section.

**F. Closed Session Documents**

This section establishes a policy for the distribution of, and access to, confidential closed session documents by the Mayor and members of the City Council.

1. Confidential closed session materials shall be kept in binders numbered from one to nine and assigned to the Mayor (#9) and each Councilmember (#1 to #8 by district). The binders will contain confidential closed session materials related to Labor Negotiations, Litigation, and Real Estate matters.
2. The binders will be maintained by City staff and retained in the Office of the City Attorney in a secure manner. City staff will bring the binders to each closed session for their use by the Mayor and Councilmembers. At other times, the binders will be available to the Mayor and Councilmembers during regular business hours for review in the City Attorney's Office. The binders may not be removed from the City Attorney's Office or the location of any closed session meeting by the Mayor or Councilmembers. City staff will collect the binders at the end of each closed session meeting and return them to the City Attorney's Office.
3. Removal of confidential materials from a binder is prohibited.
4. Duplication of the contents of a binder by any means is prohibited.
5. Confidential materials shall be retained in the binders for at least two years.
6. This policy does not prohibit the distribution of materials by staff to the Mayor and Councilmembers in advance of a closed session or otherwise as needed, but such materials shall also be included in the binders unless it is impracticable to do so.

## **G. Regulations Governing City Council Policy Committees**

### **1. Legislative Item Process**

All agenda items begin with submission to the Agenda & Rules Committee.

#### Full Council Track

Items under this category are exempt from Agenda & Rules Committee discretion to refer them to a Policy Committee. Items in this category may be submitted for the agenda of any scheduled regular meeting pursuant to established deadlines (same as existing deadlines). Types of Full Council Track items are listed below.

- a. Items submitted by the City Manager and City Auditor
- b. Items submitted by Boards and Commissions
- c. Resolutions on Legislation and Electoral Issues relating to Outside Agencies/Jurisdictions
- d. Position Letters and/or Resolutions of Support/Opposition
- e. Donations from the Mayor and Councilmember District Office Budgets
- f. Referrals to the Budget Process
- g. Proclamations
- h. Sponsorship of Events
- i. Information Reports
- j. Presentations from Outside Agencies and Organizations
- k. Ceremonial Items
- l. Committee and Regional Body Appointments

The Agenda & Rules Committee has discretion to determine if an item submitted by the Mayor or a Councilmember falls under a Full Council Track exception or if it will be processed as a Policy Committee Track item.

#### Policy Committee Track

Items submitted by the Mayor or Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts will go first to the Agenda & Rules Committee on a draft City Council agenda.

The Agenda & Rules Committee must refer an item to a Policy Committee at the first meeting that the item appears before the Agenda & Rules Committee. The Agenda & Rules Committee may only assign the item to a single Policy Committee.

For a Policy Committee Track item, the Agenda & Rules Committee, at its discretion, may either route item directly to 1) the agenda currently under consideration, 2) one of the next three full Council Agendas (based on completeness of the item, lack of potential controversy, minimal impacts, etc.), or 3) to a Policy Committee.

### Time Critical Track

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 Mayor or Councilmember is received by the City Clerk after established deadlines and is not included on the Agenda & Rules Committee's published agenda.

The Agenda & Rules Committee retains final discretion to determine the time critical nature of an item.

- a) Time Critical items submitted on the Full Council Track deadlines, that would otherwise be assigned to the Policy Committee Track, may bypass Policy Committee review if determined to be time critical. If such an item is deemed not to be time critical, it may be referred to a Policy Committee.
- b) Time Critical items on the Full Council Track or Policy Committee Track that are submitted at a meeting of the Agenda & Rules Committee may go directly on a council agenda if determined to be time critical.

## **2. Council Referrals to Committees**

The full Council may refer any agenda item to a Policy Committee by majority vote.

## **3. Participation Rules for Policy Committees Pursuant to the Brown Act**

- a. The quorum of a three-member Policy Committee is always two members. A majority vote of the committee (two 'yes' votes) is required to pass a motion.
- b. Two Policy Committee members may not discuss any item that has been referred to the Policy Committee outside of an open and noticed meeting.
- c. Notwithstanding paragraph (b) above, two members of a Policy Committee may be listed as Authors or Co-Sponsors on an item provided that one of the Authors or Co-Sponsors will not serve as a committee member for consideration of the item, and shall not participate in the committee's discussion of, or action on the item. For purposes of the item, the appointed alternate, who also cannot be an Author or Co-Sponsor, will serve as a committee member in place of the non-participating Author or Co-Sponsor.
- d. All three members of a Policy Committee may not be Authors or Co-Sponsors of an item that will be heard by the committee.
- e. Only one Author or Co-Sponsor who is not a member of the Policy Committee may attend the committee meeting to participate in discussion of the item.

- f. If two or more non-committee members are present for any item or meeting, then all non-committee members may act only as observers and may not participate in discussion. If an Author who is not a member of the committee is present to participate in the discussion of their item, no other non-committee member Councilmembers, nor the Mayor, may attend as observers.
- g. An item may be considered by only one Policy Committee before it goes to the full Council.

#### **4. Functions of the Committees**

Committees shall have the following qualities/components:

- a. All committees are Brown Act bodies with noticed public meetings and public comment. Regular meeting agendas will be posted at least 72 hours in advance of the meeting.
- b. Minutes shall be available online.
- c. Committees shall adopt regular meeting schedules, generally meeting once or twice per month; special meetings may be called when necessary, in accordance with the Brown Act.
- d. Generally, meetings will be held at 2180 Milvia Street in publicly accessible meeting rooms that can accommodate the committee members, public attendees, and staff.
- e. Members are recommended by the Mayor and approved by the full Council no later than January 31 of each year. Members continue to serve until successors are appointed and approved.
- f. Chairs are elected by the Committee at the first regular meeting of the Committee after the annual approval of Committee members by the City Council. In the absence of the Chair, the committee member with the longest tenure on the Council will preside.
- g. The Chair, or a quorum of the Committee may call a meeting or cancel a meeting of the Policy Committee.
- h. Committees will review items for completeness in accordance with Section III.B.2 of the City Council Rules of Procedure and Order and alignment with Strategic Plan goals.
- i. Reports leaving a Policy Committee must adequately include budget implications, administrative feasibility, basic legal concerns, and staff resource demands in order to allow for informed consideration by the full Council.
- j. Per Brown Act regulations, any revised or supplemental materials must be direct revisions or supplements to the item that was published in the agenda packet.

Items referred to a Policy Committee from the Agenda & Rules Committee or from the City Council must be agendized for a committee meeting within 60 days of the referral date.

Within 120 days of the referral date, either (1) the committee Chair may accept the Primary Author's request, either in writing, or in person at a meeting of the committee, that the item remain in committee until a date certain (more than one extension may be requested by the Primary Author); or (2) the committee may vote to send the item to the Agenda & Rules Committee to be placed on a Council Agenda with a Committee recommendation consisting of one of the four options listed below. The Committee Chair shall report any extension granted outside of a meeting to the Committee by email or verbally at the next Committee meeting.

1. Positive Recommendation (recommending Council pass the item as proposed),
2. Qualified Positive Recommendation (recommending Council pass the item with some changes),
3. Qualified Negative Recommendation (recommending Council reject the item unless certain changes are made) or
4. Negative Recommendation (recommending the item not be approved).

The Policy Committee's recommendation will be included in a separate section of the report template for that purpose.

A Policy Committee may not refer an item under its consideration to a city board or commission.

The Primary Author of an item referred to a Policy Committee is responsible for revisions and resubmission of the item back to the full Council. Items originating from the City Manager are revised and submitted by the appropriate city staff. Items from Commissions are revised and resubmitted by the members of the Policy Committee. Items and recommendations originating from the Policy Committee are submitted to the City Clerk by the members of the committee.

If a Policy Committee does not take final action by the 120-day deadline, the item is returned to the Agenda & Rules Committee and appears on the next available Council agenda. The Agenda & Rules Committee may leave the item on the agenda under consideration or place it on the next Council agenda. Items appearing on a City Council agenda due to lack of action by a Policy Committee may not be referred to a Policy Committee and must remain on the full Council agenda for consideration.

Policy Committees may add discussion topics that are within their purview to their agenda with the concurrence of a majority of the Committee. These items are not subject to the 120-day deadline for action.

Once the item is voted out of a Policy Committee, the final item will be resubmitted to the agenda process by the Primary Author, and it will return to the Agenda & Rules Committee

on the next available agenda. The Agenda & Rules Committee may leave the item on the agenda under consideration or place it on the following Council agenda. Only items that receive a Positive Recommendation can be placed on the Consent Calendar.

The Primary Author may request expedited committee review for items referred to a committee. Criteria for expedited review is generally to meet a deadline for action (e.g. grant deadline, specific event date, etc.). If the committee agrees to the request, the deadline for final committee action is 45 days from the date the committee approves expedited review.

### **5. Number and Make-up of Committees**

Six committees are authorized, each comprised of three Councilmembers, with a fourth Councilmember appointed as an alternate. Each Councilmember and the Mayor will serve on two committees. The Mayor shall be a member of the Agenda and Rules Committee. The committees are as follows:

1. Agenda and Rules Committee
2. Budget and Finance Committee
3. Facilities, Infrastructure, Transportation, Environment, and Sustainability
4. Health, Life Enrichment, Equity, and Community
5. Land Use, Housing, and Economic Development
6. Public Safety

The Agenda & Rules Committee shall establish the Policy Committee topic groupings, and may adjust said groupings periodically thereafter in order to evenly distribute expected workloads of various committees.

All standing Policy Committees of the City Council are considered “legislative bodies” under the Brown Act and must conduct all business in accordance with the Brown Act.

### **6. Role of City Staff at Committee Meetings**

Committees will be staffed by appropriate City Departments and personnel. As part of the committee process, staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item. Staff analysis at the Policy Committee level is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

## IV. CONDUCT OF MEETING

### A. Comments from the Public

Public comment will be taken in the following order:

- An initial ten-minute period of public comment on non-agenda items, after the commencement of the meeting and immediately after Ceremonial Matters and City Manager Comments.
- Public comment on the Consent and Information Calendars.
- Public comment on action items, appeals and/or public hearings as they are taken up under procedures set forth in the sections governing each below.
- Public comment on non-agenda items from any speakers who did not speak during the first round of non-agenda public comment at the beginning of the meeting.

Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. A speaker wishing to yield their time shall identify themselves, shall be recognized by the chair, and announce publicly their intention to yield their time. Disabled persons shall have priority seating in the front row of the public seating area.

A member of the public may only speak once at public comment on any single item, unless called upon by the Mayor or a Councilmember to answer a specific inquiry.

#### 1. Public Comment on Consent Calendar and Information Items.

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.” 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.”

The Council will then take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. A speaker may only speak once during the period for public comment on Consent Calendar and Information items. 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, the Mayor or 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.



**2. Public Comment on Action Items.**

After the initial ten minutes of public comment on non-agenda items, public comment on consent and information items, and adoption of the Consent Calendar, the public may comment on each remaining item listed on the agenda for action as the item is taken up.

The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking, each speaker 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.

This procedure also applies to public hearings except those types of public hearings specifically provided for in this section, below.

**3. Appeals Appearing on Action Calendar.**

With the exception of appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission, appeals from decisions of City commissions appear on the "Action" section of the Council Agenda. Council determines whether to affirm the action of the commission, set a public hearing, or remand the matter to the commission. Appeals of proposed special assessment liens shall also appear on the "Action" section of the Council Agenda. Appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission are automatically set for public hearing and appear on the "Public Hearings" section of the Council Agenda.

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have seven minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment. In the case of an appeal of proposed special assessment lien, the appellant shall have seven minutes to comment.

After the conclusion of the seven-minute comment periods, members of the public may comment on the appeal. Comments from members of the public regarding appeals shall be limited to one minute per speaker. Any person that addressed the Council during one of the seven-minute periods may not speak again during the public comment period on the appeal. Speakers may yield their time to one other speaker, however, no speaker shall have more than two minutes. Each side

shall be informed of this public comment procedure at the time the Clerk notifies the parties of the date the appeal will appear on the Council agenda.

#### **4. Public Comment on Non-Agenda Matters.**

Immediately following Ceremonial Matters and the City Manager Comments and prior to the Consent Calendar, persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, 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 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. Speaker cards are not required for this second round of public comment on non-agenda matters.

Persons submitting speaker cards are not required to list their actual name, however they must list some identifying information or alternate name in order to be called to speak.

For the second round of public comment on non-agenda matters, the Presiding Officer retains the authority to limit the number of speakers by subject. The Presiding Officer will generally request that persons wishing to speak, line up at the podium to be recognized to determine the number of persons interested in speaking at that time. Each speaker will be entitled to speak for two minutes each unless the Presiding Officer determines that one-minute is appropriate given the number of speakers.

Pursuant to this document, no Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items. If any agenda item remains unfinished at 11:00 p.m. or the expiration of any extension after 11:00 p.m., it will be referred to the Agenda & Rules Committee for scheduling pursuant to Chapter II, Section F. In that event, the meeting shall be automatically extended for up to fifteen (15) minutes for public comment on non-agenda items.

#### **5. Ralph M. Brown Act Pertaining to Public Comments.**

The Brown Act prohibits the Council from discussing or taking action on an issue raised during Public Comment, unless it is specifically listed on the agenda. However, the Council may refer a matter to the City Manager.

#### **B. Consent Calendar**

There shall be a Consent Calendar on all regular meeting agendas on which shall be included those matters which the Mayor, Councilmembers, boards, commissions, City Auditor and City Manager deem to be of such nature that no debate or inquiry

will be necessary at the Council meetings. Ordinances for second reading may be included in the Consent Calendar.

It is the policy of the Council that the Mayor or Councilmembers wishing to ask questions concerning Consent Calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for discussion of consent calendar items can be minimized.

Consent Calendar items may be moved to the Action Calendar by the Council. Action items may be reordered at the discretion of the Chair with the consent of Council.

**C. Information Reports Called Up for Discussion**

Reports for Information designated for discussion at the request of the Mayor or any Councilmember shall be added to the appropriate section of the Action Calendar and may be acted upon at that meeting or carried over as pending business until discussed or withdrawn. The agenda will indicate that at the request of Mayor or any Councilmember a Report for Information may be acted upon by the Council.

**D. Written Communications**

Written communications from the public will not appear on the Council agenda as individual matters for discussion but will be distributed as part of the Council agenda packet with a cover sheet identifying the author and subject matter and will be listed under "Communications." All such communications must have been received by the City Clerk no later than 5:00 p.m. fifteen days prior to the meeting in order to be included on the agenda.

In instances where an individual forwards more than three pages of email messages not related to actionable items on the Council agenda to the Council to be reproduced in the "Communications" section of the Council packet, the City Clerk will not reproduce the entire email(s) but instead refer the public to the City's website or a hard copy of the email(s) on file in the City Clerk Department.

All communications shall be simply deemed received without any formal action by the Council. The Mayor or a Councilmember may refer a communication to the City Manager for action, if appropriate, or prepare a consent or action item for placement on a future agenda.

Communications related to an item on the agenda that are received after 5:00 p.m. fifteen days before the meeting are published as provided for in Chapter III.C.4.

**E. Public Hearings for Land Use, Zoning, Landmarks, and Public Nuisance Matters**

The City Council, in setting the time and place for a public hearing, may limit the amount of time to be devoted to public presentations. Staff shall introduce the public hearing item and present their comments.

Following any staff presentation, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Members shall also submit a report of such contacts in writing prior to the commencement of the hearing. Such reports shall include a brief statement describing the name, date,

place, and content of the contact. Written reports shall be available for public review in the office of the City Clerk prior to the meeting and placed in a file available for public viewing at the meeting.

This is followed by five-minute presentations each by the appellant and applicant. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have five minutes to comment and the applicant shall have five minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have five minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have five minutes to comment and the persons supporting the action of the board or commission on appeal shall have five minutes to comment. In the case of a public nuisance determination, the representative(s) of the subject property shall have five minutes to present.

The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking, each speaker 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. Any person that addressed the Council during one of the five-minute periods may not speak again during the public comment period on the appeal. 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.

#### **F. Work Sessions**

The City Council may schedule a matter for general Council discussion and direction to staff. Official/formal action on a work session item will be scheduled on a subsequent agenda under the Action portion of the Council agenda.

In general, public comment at Council work sessions will be heard after the staff presentation, for a limited amount of time to be determined by the Presiding Officer.

The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking, each speaker 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.

After Council discussion, if time permits, the Presiding Officer may allow additional public comment. During this time, each speaker will receive one minute. Persons who spoke during the prior public comment time may be permitted to speak again.

**G. Protocol**

People addressing the Council may first give their name in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No one other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked of a Councilmember except through the Presiding Officer.

## V. PROCEDURAL MATTERS

### A. Persons Authorized to Sit at Tables

No person, except City officials, their representatives and representatives of boards and commissions shall be permitted to sit at the tables in the front of the Council Chambers without the express consent of the Council.

### B. Decorum

No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council Dais without consent. Any written communications addressed to the Council shall be delivered to the City Clerk for distribution to the Council.

### C. Enforcement of Decorum

When the public demonstrates a lack of order and decorum, the presiding officer shall call for order and inform the person(s) that the conduct is violating the Rules of Order and Procedure and provide a warning to the person(s) to cease the disruptive behavior. Should the person(s) fail to cease and desist the disruptive conduct, the presiding officer may call a five (5) minute recess to allow the disruptions to cease.

If the meeting cannot be continued due to continued disruptive conduct, the presiding officer may have any law enforcement officer on duty remove or place any person who violates the order and decorum of the meeting under arrest and cause that person to be prosecuted under the provisions of applicable law.

### D. Precedence of Motions

When a question or motion is before the Council, no motion shall be entertained except:

1. To adjourn;
2. To fix the hour of adjournment;
3. To lay on the table;
4. For the previous question;
5. To postpone to a certain day;
6. To refer;
7. To amend;
8. To substitute; and
9. To postpone indefinitely.

These motions shall have precedence in order indicated. Any such motion, except a motion to amend or substitute, shall be put to a vote without debate.

**E. Robert's Rules of Order**

Robert's Rules of Order have been adopted by the City Council and apply in all cases except the precedence of motions in Section V.D shall supersede.

**F. Rules of Debate****1. Presiding Officer May Debate.**

The presiding officer may debate from the chair; subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Council by reason of that person acting as the presiding officer.

**2. Getting the Floor - Improper References to be avoided.**

Members desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine themselves to the question under debate.

**3. Interruptions.**

A member, once recognized, shall not be interrupted when speaking unless it is to call a member to order, or as herein otherwise provided. If a member, while speaking, were called to order, that member shall cease speaking until the question of order is determined, and, if in order, the member shall be permitted to proceed.

**4. Privilege of Closing Debate.**

The Mayor or Councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the debate. When a motion to call a question is passed, the Mayor or Councilmember moving adoption of an ordinance, resolution or other action shall have three minutes to conclude the debate.

**5. Motion to Reconsider.**

A motion to reconsider any action taken by the Council may be made only during the same session such action is taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by a member on the prevailing side, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or other motion at a subsequent meeting of the Council.

**6. Repeal or Amendment of Action Requiring a Vote of Two-Thirds of Council, or Greater.**

Any ordinance or resolution which is passed and which, as part of its terms, requires a vote of two-thirds of the Council or more in order to pass a motion pursuant to such an ordinance or resolution, shall require the vote of the same percent of the Council to repeal or amend the ordinance or resolution.

**G. Debate Limited**

1. Consideration of each matter coming before the Council shall be limited to 20 minutes from the time the matter is first taken up, at the end of which period consideration of such matter shall terminate and the matter shall be dropped to the foot of the agenda, immediately ahead of Information Reports; provided that either of the following two not debatable motions shall be in order:
  - a) A motion to extend consideration which, if passed, shall commence a new twenty-minute period for consideration; or
  - b) If there are one or more motions on the floor, a motion for the previous question, which, if passed by a 2/3 vote, shall require an immediate vote on pending motions.
2. The time limit set forth in subparagraph 1 hereof shall not be applicable to any public hearing, public discussion, Council discussion or other especially set matter for which a period of time has been specified (in which case such specially set time shall be the limit for consideration) or which by applicable law (e.g. hearings of appeals, etc.), the matter must proceed to its conclusion.
3. In the interest of expediting the business of the City, failure by the Chair or any Councilmember to call attention to the expiration of the time allowed for consideration of a matter, by point of order or otherwise, shall constitute unanimous consent to the continuation of consideration of the matter beyond the allowed time; provided, however, that the Chair or any Councilmember may at any time thereafter call attention to the expiration of the time allowed, in which case the Council shall proceed to the next item of business, unless one of the motions referred to in Section D hereof is made and is passed.

**H. Motion to Lay on Table**

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion of a member voting with the majority and with consent of two-thirds of the members present.

**I. Division of Question**

If the question contains two or more propositions, which can be divided, the presiding officer may, and upon request of a member shall, divide the same.

**J. Addressing the Council**

Under the following headings of business, unless the presiding officer rules otherwise, any interested person shall have the right to address the Council in accordance with the following conditions and upon obtaining recognition by the presiding officer:

**1. Written Communications.**

Interested parties or their authorized representatives may address the Council in the form of written communications in regard to matters of concern to them by



submitting their written communications at the meeting, or prior to the meeting pursuant to the deadlines in Chapter III.C.4.

**2. Public Hearings.**

Interested persons or their authorized representatives may address the Council by reading protests, petitions, or communications relating to matters then under consideration.

**3. Public Comment.**

Interested persons may address the Council on any issue concerning City business during the period assigned to Public Comment.

**K. Addressing the Council After Motion Made**

When a motion is pending before the Council, no person other than the Mayor or a Councilmember shall address the Council without first securing the permission of the presiding officer or Council to do so.

**L. Use of Cellular Phones and Electronic Devices**

The use of cell phones during City Council meetings is discouraged for the Mayor and Councilmembers. While communications regarding Council items should be minimized, personal communications between family members and/or caregivers can be taken outside in the case of emergencies. In order to acknowledge differences in learning styles and support tactile learners, note-taking can continue to be facilitated both with a pen and paper and/or on electronic devices such as laptop computers and tablets.

The use cell phones during Closed Session Meetings is explicitly prohibited for the Mayor and Councilmembers.

## VI. FACILITIES

### A. Meeting Location Capacity

Attendance at council meetings shall be limited to the posted seating capacity of the meeting location. Entrance to the meeting location will be appropriately regulated by the City Manager on occasions when capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the meeting room except to address the Council, and sitting on the floor shall not be permitted.

### B. Alternate Facilities for Council Meetings

The City Council shall approve in advance a proposal that a Council meeting be held at a facility other than the School District Board Room.

If the City Manager has reason to anticipate that the attendance for a meeting will be substantially greater than the capacity of the Board Room and insufficient time exists to secure the approval of the City Council to hold the meeting at an alternate facility, the City Manager shall make arrangements for the use of a suitable alternate facility to which such meeting may be recessed and moved, if the City Council authorizes the action.

If a suitable alternate facility is not available, the City Council may reschedule the matter to a date when a suitable alternate facility will be available.

Alternate facilities are to be selected from those facilities previously approved by the City Council as suitable for meetings away from the Board Room.

### C. Signs, Objects, and Symbolic Materials

Objects and symbolic materials such as signs which do not have sticks or poles attached or otherwise create any fire or safety hazards will be allowed within the meeting location during Council meetings.

### D. Fire Safety

Exits shall not be obstructed in any manner. Obstructions, including storage, shall not be placed in aisles or other exit ways. Hand carried items must be stored so that such items do not inhibit passage in aisles or other exit ways. Attendees are strictly prohibited from sitting in aisles and/or exit ways. Exit ways shall not be used in any way that will present a hazardous condition.

### E. Overcrowding

Admittance of persons beyond the approved capacity of a place of assembly is prohibited. When the meeting location has reached the posted maximum capacity, additional attendees shall be directed to the designated overflow area.

## APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

### Purpose

To establish a uniform policy regarding the naming and renaming of existing and future parks, streets, pathways and other public facilities.

### Objective

- A. To ensure that naming public facilities (such as parks, streets, recreation facilities, pathways, open spaces, public building, bridges or other structures) will enhance the values and heritage of the City of Berkeley and will be compatible with community interest.

### Section 1 – Lead Commission

The City Council designates the following commissions as the ‘Lead Commissions’ in overseeing, evaluating, and ultimately advising the Council in any naming or renaming of a public facility. The lead commission shall receive and coordinate comment and input from other Commissions and the public as appropriate.

#### Board of Library Trustees

Parks and Recreation Commission –Parks, recreation centers, camps, plazas and public open spaces

Public Works Commission –Public buildings (other than recreation centers), streets and bridges or other structures in the public thoroughfare.

Waterfront Commission –Public facilities within the area of the City known as the Waterfront, as described in BMC 3.36.060.B.

### Section 2 – General Policy

- A. Newly acquired or developed public facilities shall be named immediately after acquisition or development to ensure appropriate public identity.
- B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
- C. Public facilities that are renamed must follow the same criteria for naming new facilities. In addition, the historical significance and geographical reference of the established name should be considered when weighing and evaluating any name change.
- D. The City encourages the recognition of individuals for their service to the community in ways that include the naming of activities such as athletic events, cultural presentations, or annual festivals, which do not involve the naming or renaming of public facilities.
- E. Unless restricted by covenant, facilities named after an individual should not necessarily be considered a perpetual name.

### Section 3 – Criteria for Naming of Public Facilities

When considering the naming of a new public facility or an unnamed portion or feature within an already named public facility (such as a room within the facility or a feature within an established park), or, the renaming of an existing public facility the following criteria shall be applied:

- A. Public Facilities are generally easier to identify by reference to adjacent street names, distinct geographic or environmental features, or primary use activity. Therefore, the preferred practice is to give City-owned property a name of historical or geographical significance and to retain these names.
- B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
- C. The naming of a public facility or any parts thereof in recognition of an individual posthumously may only be considered if the individual had a positive effect on the community and has been deceased for more than 1 year.
- D. When a public facility provides a specific programmatic activity, it is preferred that the activity (e.g. skateboard park, baseball diamond) be included in the name of the park or facility.
- E. When public parks are located adjacent to elementary schools, a name that is the same as the adjacent school shall be considered.
- F. When considering the renaming of an existing public facility, in addition to applying criteria A-E above, proper weight should be given to the fact that: a name lends a site or property authenticity and heritage; existing names are presumed to have historic significance; and historic names give a community a sense of place and identity, continuing through time, and increases the sense of neighborhood and belonging.

#### Section 4 –Naming Standards Involving a Major Contribution

When a person, group or organization requests the naming or renaming of a public facility, all of the following conditions shall be met:

- A. An honoree will have made a major contribution towards the acquisition and/or development costs of a public facility or a major contribution to the City.
- B. The honoree has a record of outstanding service to their community
- C. Conditions of any donation that specifies that name of a public facility, as part of an agreement or deed, must be approved by the City Council, after review by and upon recommendation of the City Manager.

#### Section 5 –Procedures for Naming or Renaming of Public Facilities

- A. Any person or organization may make a written application to the City Manager requesting that a public facility or portion thereof, be named or renamed.
  - 1. Recommendations may also come directly of the City Boards or Commissions, the City Council, or City Staff.
- B. The City Manager shall refer the application to the appropriate lead commission as defined in Section 1 of the City's policy on naming of public facilities, for that commission's review, facilitation, and recommendation of disposition.
  - 1. The application shall contain the name or names of the persons or organization making the application and the reason for the requested naming or renaming.
- C. The lead commission shall review and consider the application, using the policies and criteria articulated to the City Policy on Naming and Renaming to make a recommendation to Council.
  - 1. All recommendations or suggestion will be given the same consideration without regard to the source of the nomination
- D. The lead commission shall hold a public hearing and notify the general public of any discussions regarding naming or renaming of a public facility.

1. Commission action will be taking at the meeting following any public hearing on the naming or renaming.
- E. The commission's recommendation shall be forwarded to Council for final consideration.

The City of Berkeley Policy for Naming and Renaming Public Facilities was adopted by the Berkeley City Council at the regular meeting of January 31, 2012.

## APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide “additional analysis” if the item as submitted evidences a “significant lack of background or supporting information” or “significant grammatical or readability issues.”

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt Authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. Agenda items shall contain all relevant documentation, including the following as Applicable:
  - a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
  - b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
  - c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
  - d. Fiscal impacts of the recommendation;
  - e. A description of the current situation and its effects;
  - f. Background information as needed;
  - g. Rationale for recommendation;
  - h. Alternative actions considered;
  - i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
  - j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

Guidelines for City Council Items:

1. Title
2. Consent/Action/Information Calendar
3. Recommendation
4. Summary Statement/Current situation and its effects
5. Background
6. Review of Existing Plans, Programs, Policies and Laws
7. Actions/Alternatives Considered
8. Consultation/Outreach Overview and Results
9. Rationale for Recommendation
10. Implementation, Administration and Enforcement
11. Environmental Sustainability
12. Fiscal Impacts
13. Outcomes and Evaluation
14. Contact Information
15. Attachments/Supporting Materials

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**1. Title**

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

**2. Consent/Action/Information Calendar**

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

**3. Recommendation**

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options include:

- Adopt first reading of ordinance
- Adopt a resolution
- Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
- Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
- Referral to a Commission or to a Standing or Ad Hoc Council Committee
- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

**4. Summary Statement/ “Current situation and its effects”**

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):  
*Winter rains are lasting longer than expected. Berkeley’s winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley’s winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.*

**5. Background**

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

**6. Review of Existing Plans, Programs, Policies and Laws**

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan



- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

## **7. Actions/Alternatives Considered**

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

## **8. Consultation/Outreach Overview and Results**

- Review/list external and internal stakeholders that were consulted
  - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
  - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, Clerk, etc.
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

## **9. Rationale for Recommendation**

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented,

but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

**10. Implementation, Administration and Enforcement**

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

**11. Environmental Sustainability**

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

**12. Fiscal Impacts**

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs.

**13. Outcomes and Evaluation**

State the specific outcomes expected, if any (i.e., *"it is expected that 100 homeless people will be referred to housing every year"*) and what reporting or evaluation is recommended.

**14. Contact Information**

**15. Attachments/Supporting Materials**

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## **APPENDIX C. TEMPORARY RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS THROUGH VIDEO CONFERENCE DURING THE COVID-19 EMERGENCY**

### **Mayor and Councilmember Speaking Time on Agenda Items**

For the Consent Calendar, the Mayor and Councilmembers will initially have up to five minutes each to make comments. After all members of the Council have spoken (or passed) and after public comment, members will each have two additional minutes to discuss the Consent Calendar.

For non-Consent items, the Mayor and Councilmembers will have two minutes each to make initial comments on an agenda item, except for the author of an agenda item who will have five minutes to initially present the item. After every Councilmember has spoken or declined and after public comment, Councilmembers will each have another five minutes per person to address an item. Debate may be extended beyond a second round of Council comments by a majority vote (5 votes).

Time will toll during staff answers to questions; Councilmembers are urged to ask their questions of city staff before the meeting or in writing.

### **Procedure for Pulling Items from Consent or Information Calendar**

Three (3) members of the City Council must agree to pull an item from the Consent or Information Calendar for it to move to Action. Absent three members concurring, the item will stay on Consent or Information Calendar and, with respect to Consent items, the Mayor or Councilmembers will be allowed to record their aye, nay or abstain votes on individual items or the entire Consent Calendar.

Moving an item from the Action Calendar to the Consent Calendar requires the unanimous consent of the entire City Council.

### **Public Comment Speaking Time**

With the exception of prescribed times in the Rules of Procedure for public hearings, the amount of time for each speaker during public comment is limited to two minutes maximum and that speakers can only address an agenda item once, however the Presiding Officer has the discretion to reduce speaker time if needed in order to allow the orderly conduct of the meeting, subject to the consent of a majority of the City Council. Speakers may yield their time for a maximum of four minutes per individual. If a speaker wishes to yield their time, they must indicate so when called on by the Presiding Officer and state who they are yielding their speaker time to. The Presiding Officer will keep a list with the names and amount of time yielded to individuals.

In order to inform members of the public of their place in the speaker's queue, the Presiding Officer will call the names of 5 speakers at a time.

Public Comment on Non-Agenda Matters will be conducted in the order of hands raised on the Zoom platform, and will be limited to either the first 10 speakers during the initial round of Non-Agenda public comment, as well as all hands raised during the closing round of Non-Agenda public comment at the conclusion to the meeting, until such time that the

meeting adjourns. If there are five or fewer speakers with hands raised for Public Comment on Non-Agenda Matters, each speaker will have two minutes to address the City Council. If there are more than five speakers with their hands raised then speaker time will be limited to one minute per person. The procedure for selection of Non-Agenda speakers prescribed in the Rules of Procedure by random draw is suspended for videoconference meetings where there is no physical meeting location.



Office of the City Manager

INFORMATION CALENDAR  
FEBRUARY 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Henry Oyekanmi, Director, Finance Department  
 Subject: FY 2023 First Quarter Investment Report: Ended September 30, 2022

SUMMARY

The City's investment policy requires that a quarterly investment report be submitted to the City Council on the status of the investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the types, values (par, book, and market), term, and yield of each security.

- The return on pooled investments for the quarter ended September 30, 2022 was 1.83%, 54 basis points more than the 1.29% earned by the State Local Agency Investment Fund (State LAIF), which is the benchmark for investment performance used by the City. The return on pooled investments of 1.83% for the quarter ended September 30, 2022 was 54 basis points more than the rate of 1.29% earned in the quarter ended June 30, 2022.
- The average return on all Retiree Medical Trust Fund investments was 4.09% for the quarter ended September 30, 2022.

CURRENT SITUATION AND ITS EFFECTS

Attached is a summary of quarterly reports for the fiscal year 2023 First Quarter ending September 30, 2022 representing the status of the City's investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the values (par, book, and market), term, and yield of each security.

Summary information by type of security and detailed information on each security is provided on Exhibit 2-A. An evaluation of portfolio performance for this accounting period compared to the previous three accounting periods is also included in Attachment 1.

**A. Portfolio Results**

As a result of the differences in the investment policies of different cities, including responsible investing policies, maturity restrictions, investment restrictions, etc., it was difficult for the City of Berkeley to come up with a reasonable performance measure for pooled cash investments. In order to provide some measure of the relative performance of the City's investment returns, many years ago the City established the State Local Agency Investment Fund (LAIF) as the performance measure to be reported in the quarterly investment reports, since many local governments invested significant portions of their investment portfolios in LAIF.

LAIF was intended to be a reference point to compare the City's investment performance against, rather than a true performance measure, since most cities typically earn a yield higher than LAIF in normal interest rate environments, and because LAIF's average maturity of its investments is generally shorter than most cities. As a result, past City Councilmembers requested that information about the rates earned by other California cities be included in the quarterly investment reports for comparison purposes, despite the differences in the investment policies of the various cities.

1. Liquidity of Portfolio:

The average investment in the pooled portfolio matures in 1,337 days as of September 30, 2022. This is 49 days less than the 1,386 maturity days as of June 30, 2022.

2. Comparison of Results to Performance Measures – Pooled investments: Quarter Ended September 30, 2022

The City's yield on investments for the quarter ended September 30, 2022 was 1.83%, an increase of 54 basis points (.54%) from the 1.29 earned during the quarter ended June 30, 2022. The average yield on a 90-day Treasury bill at the end of the quarter ended September 30, 2022 was 3.25%, an increase of 162 basis points (1.62%) from the 1.63% at the end of the previous quarter, as a result of the Fed raising rates .75% in July 2022 and .75% in September 2022.

As summarized in Table 1, staff's overall results were above the performance measure for the quarter by 54 basis points. Staff's performance was above the performance measure in July by approximately 50 basis points (+.50%); over the performance measure in August by approximately 58 basis points (+.58%); and, was over the performance measure in September by approximately 53 basis points (+.53%). The performance measure for the return on investments is compared to the rate of return of the State LAIF.

**Table 1**

| For Quarter Ending September 30, 2022 |       |            |            |
|---------------------------------------|-------|------------|------------|
| Period                                | City  | State LAIF | Difference |
| Jul-22                                | 1.59% | 1.09%      | +0.50%     |
| Aug-22                                | 1.86% | 1.28%      | +0.58%     |
| Sep-22                                | 2.04% | 1.51%      | +0.53%     |
| Jul 1-Sept 30                         | 1.83% | 1.29%      | 0.54%      |

3. Investment Results-Retiree Health Insurance Funds:

Average interest rates earned on the retiree health insurance trust funds for the quarter ended September 30, 2022 compared to the quarter ended June 30 2022, were as follows:

**Table 2**

| EARNED INTEREST RATES                             |                    |                    |
|---------------------------------------------------|--------------------|--------------------|
| For Quarter Ended 9/30/2022 Compared To 6/30/2022 |                    |                    |
| Trust Fund                                        | 1st Qtr<br>9/30/22 | 4th Qtr<br>6/30/22 |
| Retiree Medical Trust Fund (Misc Employees)       | 4.78%              | 4.85%              |
| Fire Retiree Medical Trust Fund                   | 3.92%              | 3.98%              |
| Police Retiree Medical Trust Fund                 | 3.58%              | 3.33%              |

The rates earned on these plans are expected to be higher in the future, as staff plans to use the investment authority granted by Council to purchase long-term bonds as rates move higher.

Details related to retiree health trust fund investments are in Attachment 3, Exhibits 3-A, 3-B, and 3-C of this report.

**B. Discussion of Interest Rate Environment and Outlook**

In its September 21, 2022 statement, the Federal Open Market Committee said recent indicators point to modest growth in spending and production. Job gains have been robust in recent months, and the unemployment rate has remained low. Inflation remains

elevated, reflecting supply and demand imbalances related to the pandemic, higher food and energy prices, and broader price pressures.

Russia's war against Ukraine is causing tremendous human and economic hardship. The war and related events are creating additional upward pressure on inflation and are weighing on global economic activity. The Committee is highly attentive to inflation risks.

### Yield Trend

The Committee seeks to achieve maximum employment and inflation at the rate of 2 percent over the longer run. In support of these goals, the Committee decided to raise the target range for the federal funds rate to 3-1/4 percent and anticipates that ongoing increases in the target range will be appropriate. In addition, the Committee will continue reducing its holdings of Treasury securities and agency debt and mortgage-backed securities, as described in the Plans for Reducing the Size of the Federal Reserve's Balance Sheet that were issued in May.

The Committee is strongly committed to returning inflation to its 2 percent objective. In assessing the appropriate stance of monetary policy, the Committee will continue to monitor the implications of incoming on economic outlook. The Committee would be prepared to adjust monetary policy as appropriate if risks emerge that could impede the attainment of the Committee's goals. The Committee's assessments will take into account a wide range of information, including readings on public health, labor market conditions, inflation pressures and inflation expectations, and financial and international developments.

Since the Federal Reserve change its zero-interest rate policy in March 2017 to combat high inflation, the Federal Reserve Board has raised the Federal Funds rate seven times for a total of 4.25%, as follows:

**Table 3**

| DATE       | RATE CHANGE | FEDERAL FUNDS RATE |
|------------|-------------|--------------------|
| 03/17/22   | .25%        | .25%-.50%          |
| 05/05/22   | .50%        | .75%-1.00%         |
| 06/16/22   | .75%        | 1.50%-1.75%        |
| 07/27/22   | .75%        | 2.25%-2.50%        |
| 09/21/22   | .75%        | 3.00%-3.25%        |
| 11/02/2022 | .75%        | 3.75%-4.00%        |
| 12/14/2022 | .50%        | 4.25%-4.50%        |



The Federal Reserve has indicated that it will slow down the increases starting in December, so an additional increase of .50% or .25% is expected in early 2023, and then staff expects the Fed to pause.

### Change in Strategy

Prior to the Fed's change in monetary policy starting March 16, 2022, staff's basic strategy consisted of not purchasing any Agency or Medium-Term corporate note securities with a maturity beyond three years, unless the securities were step-up securities (i.e., securities whose interest rates increased periodically, if they were not called). After the Fed's change in monetary policy in March 2022, the City's investment strategy changed to extending the investment maturities of securities purchased beyond three years and locking in rates. This should result in a significant increase in interest income during the remainder of FY 2022, and into FY 2023.

As a result of the Fed's sharp increase in interest rates and the move to sell Agency and Mortgage-Backed securities from its Balance Sheet, there is an increasing probability of a recession in the US in 2023, which could force the Federal Reserve to start reducing interest rates later in 2023 or early 2024, if inflation continues to decline.

The City's earned rate is expected to be above the City's benchmark (State LAIF) and the City's return is expected to be comparable to rates earned by most other cities in California. A sample of rates earned by Northern and Southern California cities is reflected in table 3 below (previously only Northern California cities were included):

**Table 4**

| <b>Other California Cities<br/>Earned Interest Rates</b> |                     |
|----------------------------------------------------------|---------------------|
| For the Quarter Ending September 30, 2022                |                     |
| <b>City</b>                                              | <b>Rates Earned</b> |
| Burbank                                                  | 2.03%               |
| Los Angeles                                              | 1.89%               |
| <b>Berkeley</b>                                          | <b>1.83%</b>        |
| Palo Alto                                                | 1.66%               |
| Oakland                                                  | 1.66%               |
| San Jose                                                 | 1.62%               |
| Sacramento                                               | 1.47%               |
| Torrance                                                 | 1.42%               |
| San Francisco                                            | 1.28%               |
| Hayward                                                  | 1.21%               |
| San Diego                                                | .64%                |

BACKGROUND

- Pooled Investments

Short-term cash is invested primarily in government sponsored enterprises (referred to as Federal Agency) notes and medium-term corporate notes for periods of one to five years. Additional cash is invested in a money market fund or overnight securities to meet the liquidity needs of the City.

In some cases, the City may have investments with a current market value that is greater or less than the recorded cost. These changes in market value are due to fluctuations in the market and have no effect on yield, as the City does not intend to sell securities prior to maturity.

- Retiree Health Trust Fund Investments

The City agreed to provide retiree Health insurance coverage for fire, police and miscellaneous employees under certain terms and conditions. An actuarial study commissioned by the City many years ago determined that, in addition to City Contributions, an average rate of return of 7% on miscellaneous employees trust fund assets invested must be achieved to fund the retiree health benefit at the desired 70% level. Primarily as a result of the Federal Reserve Board's decision to keep short-term rates near zero for the last 14 years, the average rate currently earned is significantly below that 7% level. City Finance Department staff manages these investment portfolios.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7326

ATTACHMENTS

1. Portfolio Evaluation FY 2023 First Quarter
2. Investment Report Analysis FY 2023 First Quarter
  - a. Exhibit 2-A: Pooled Cash and Investments
  - b. Exhibit 2-B.1 through 2-B.3: Interest Earnings July 1, 2022 – September 30, 2022
  - c. Exhibit 2-C: Book Value By Investment Type
  - d. Exhibit 2-D: Current Holdings vs. Policy Limits
  - e. Exhibit 2-E: Investment Portfolio Trend
3. Summary of Pooled and Cash Investments FY 2023 First Quarter –Trust Funds
  - a. Exhibit 3-A: Retiree Medical Trust Funds –Misc.
  - b. Exhibit 3-B: Retiree Medical Trust Funds –Fire
  - c. Exhibit 3-C: Retiree Medical Trust Funds –Police



**Portfolio Evaluation**  
**Quarter Ended September 30, 2022**

|                                             | Quarter Ending |                    |                |                    |                    |                    |               |                    |                |                    |                    |                |    |                    |                |
|---------------------------------------------|----------------|--------------------|----------------|--------------------|--------------------|--------------------|---------------|--------------------|----------------|--------------------|--------------------|----------------|----|--------------------|----------------|
|                                             | September 2022 |                    | June 2022      |                    | March 2022         |                    | December 2021 |                    | September 2021 |                    |                    |                |    |                    |                |
| <b>Total Portfolio</b>                      |                |                    |                |                    |                    |                    |               |                    |                |                    |                    |                |    |                    |                |
| Pooled Cash and Investments (COB)           | \$             | 595,920,437        | \$             | 698,786,628        | \$                 | 581,600,292        | \$            | 599,176,851        | \$             | 526,986,435        |                    |                |    |                    |                |
| Pooled Cash and Investments (Trust)         |                | 50,385,235         |                | 49,954,298         |                    | 50,745,325         |               | 52,859,894         |                | 52,247,171         |                    |                |    |                    |                |
| Total Cash and Investments                  | \$             | <u>646,305,672</u> | \$             | <u>748,740,926</u> | \$                 | <u>632,345,617</u> | \$            | <u>652,036,745</u> | \$             | <u>579,233,606</u> |                    |                |    |                    |                |
| <b>Average Life of Investment Portfolio</b> |                |                    |                |                    |                    |                    |               |                    |                |                    |                    |                |    |                    |                |
| Pooled Investments (CoB)                    |                | 1,337              |                | 1,386              |                    | 1,352              |               | 1,300              |                | 1,304              |                    |                |    |                    |                |
| Trust Investments                           |                | 1.91 years         |                | 2.069 years        |                    | 2.008 years        |               | 2.378 years        |                | 1.961 years        |                    |                |    |                    |                |
| <b>Weighted Yield</b>                       |                |                    |                |                    |                    |                    |               |                    |                |                    |                    |                |    |                    |                |
| Pooled Investments (CoB)                    |                | 1.830%             |                | 1.293%             |                    | 0.969%             |               | 1.096%             |                | 0.992%             |                    |                |    |                    |                |
| Trust Investments                           |                | 4.094%             |                | 4.398%             |                    | 4.137%             |               | 4.055%             |                | 3.369%             |                    |                |    |                    |                |
| Prime Rate                                  |                | 6.250%             |                | 4.750%             |                    | 3.500%             |               | 3.250%             |                | 3.250%             |                    |                |    |                    |                |
| 91-day Treasury Bill Rate                   |                | 3.247%             |                | 1.626%             |                    | 0.482%             |               | 0.030%             |                | 0.033%             |                    |                |    |                    |                |
| 2-year Treasury Note Rate                   |                | 4.279%             |                | 2.953%             |                    | 2.335%             |               | 0.732%             |                | 0.276%             |                    |                |    |                    |                |
| <b>Cash and Investments Maturity</b>        |                |                    |                |                    |                    |                    |               |                    |                |                    |                    |                |    |                    |                |
| Within one year                             | \$             | 199,265,720        | 30.83%         | \$                 | 327,419,689        | 43.73%             | \$            | 253,735,661        | 40.13%         | \$                 | 250,773,736        | 38.46%         | \$ | 164,472,378        | 28.39%         |
| Between 1 to 3 years                        |                | 89,762,997         | 13.89%         |                    | 65,308,653         | 8.72%              |               | 52,619,468         | 8.32%          |                    | 48,320,863         | 7.41%          |    | 43,663,650         | 7.54%          |
| Between 3 to 5 years                        |                | 314,751,739        | 48.70%         |                    | 329,817,379        | 44.05%             |               | 305,166,300        | 48.26%         |                    | 321,618,796        | 49.33%         |    | 333,855,324        | 57.64%         |
| Between 5 to 10 years                       |                | 42,525,217         | 6.58%          |                    | 11,272,605         | 1.51%              |               | 20,824,188         | 3.29%          |                    | 31,323,351         | 4.80%          |    | 37,242,254         | 6.43%          |
| Over 10 years                               |                | -                  | 0.00%          |                    | 14,922,600         | 1.99%              |               | -                  | 0.00%          |                    | -                  | 0.00%          |    | -                  | 0.00%          |
| Total                                       | \$             | <u>646,305,672</u> | <u>100.00%</u> | \$                 | <u>748,740,926</u> | <u>100.00%</u>     | \$            | <u>632,345,617</u> | <u>100.00%</u> | \$                 | <u>652,036,745</u> | <u>100.00%</u> | \$ | <u>579,233,606</u> | <u>100.00%</u> |



**Investment Report Analysis  
As of September 30, 2022**

| <b>Investments</b>                                     | <b>Pooled Investments</b> | <b>Pension and OPEB</b>  |  | <b>Total</b>          |
|--------------------------------------------------------|---------------------------|--------------------------|--|-----------------------|
|                                                        |                           | <b>Trust Investments</b> |  |                       |
| Portfolio                                              | \$ 500,942,121            | \$ 25,129,337            |  | \$ 526,071,458        |
| Unrecognized gain/(loss)                               | (38,509,395)              | (2,898,602)              |  | (41,407,997)          |
| <b>Total Investments</b>                               | <b>462,432,726</b>        | <b>22,230,735</b>        |  | <b>484,663,461</b>    |
| <b>Cash</b>                                            | <b>Pooled Cash</b>        | <b>Pension and OPEB</b>  |  | <b>Total</b>          |
|                                                        |                           | <b>Trust Cash</b>        |  |                       |
| Cash with Fidelity Money Market                        | 158,170,561               | -                        |  | 158,170,561           |
| Cash with Fiscal Agents                                | 14                        | -                        |  | 14                    |
| Cash Deposits in Banks                                 | 3,471,636                 | -                        |  | 3,471,636             |
| Pooled Cash Adjustment                                 | (28,154,500)              | 28,154,500               |  | -                     |
| <b>Total Cash</b>                                      | <b>133,487,711</b>        | <b>28,154,500</b>        |  | <b>161,642,211</b>    |
| <b>Adjusted Grand Total (All Cash and Investments)</b> | <b>\$ 595,920,437</b>     | <b>\$ 50,385,235</b>     |  | <b>\$ 646,305,672</b> |

**Pooled Cash Portfolio Breakdown As of September 30, 2022**

|             | <b>Book Value</b>     | <b>Market Value</b>   |
|-------------|-----------------------|-----------------------|
| Investments | \$ 500,942,121        | \$ 462,432,726        |
|             | <b>\$ 500,942,121</b> | <b>\$ 462,432,726</b> |

Note: Pooled cash for General Fund includes Rent Board cash of \$5,887,622.86



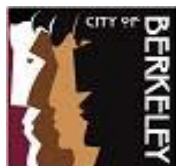
City of Berkeley  
Pooled Cash and Investments  
As of September 30, 2022

| CUSIP                                   | Investment # | Issuer                    | Book Value           | Par Value            | Market Value         | Current Rate | YTM/C 365    | Maturity Date | Days To Maturity | Moody's Rating |
|-----------------------------------------|--------------|---------------------------|----------------------|----------------------|----------------------|--------------|--------------|---------------|------------------|----------------|
| <b>Certificates of Deposits</b>         |              |                           |                      |                      |                      |              |              |               |                  |                |
| 254673RD0                               | 14539        | Discover Bank             | 250,000.00           | 250,000.00           | 248,770.00           | 3.300        | 3.300        | 07/05/2023    | 277              | N/A            |
| 795450T47                               | 14540        | Sallie Mae Bank           | 250,000.00           | 250,000.00           | 248,787.50           | 3.300        | 3.300        | 07/03/2023    | 275              | N/A            |
| <b>Subtotal and Average</b>             |              |                           | <b>500,000.00</b>    | <b>500,000.00</b>    | <b>497,557.50</b>    |              | <b>3.300</b> |               | <b>276</b>       |                |
| <b>Medium Term Notes</b>                |              |                           |                      |                      |                      |              |              |               |                  |                |
| 88579YAR2                               | 14659        | 3M COMPANY                | 4,850,870.95         | 5,000,000.00         | 4,752,600.00         | 3.000        | 4.120        | 08/07/2025    | 1,041            | A1             |
| 008252AM0                               | 14582        | Affiliated Managers Group | 1,025,317.76         | 1,000,000.00         | 990,670.00           | 4.250        | 2.300        | 02/15/2024    | 502              | A3             |
| 037833AK6                               | 14536        | Apple Inc                 | 4,977,676.46         | 5,000,000.00         | 4,945,350.00         | 2.400        | 3.225        | 05/03/2023    | 214              | AAA            |
| 04685A2L4                               | 14590        | Athene Global Funding     | 5,972,988.17         | 5,950,000.00         | 5,549,327.00         | 2.500        | 2.320        | 01/14/2025    | 836              | A1             |
| 04685A2L4                               | 14602        | Athene Global Funding     | 4,921,090.57         | 5,000,000.00         | 4,663,300.00         | 2.500        | 3.250        | 01/14/2025    | 836              | A1             |
| 084670BJ6                               | 14542        | Berkshire Hathaway        | 4,997,489.71         | 5,000,000.00         | 4,986,800.00         | 3.000        | 3.150        | 02/11/2023    | 133              | AA2            |
| 20030NBN0                               | 14563        | Comcast Corp              | 5,035,583.93         | 5,000,000.00         | 4,799,450.00         | 3.375        | 3.100        | 08/15/2025    | 1,049            | A3             |
| 233851CU6                               | 14571        | Daimler Finance           | 5,048,852.39         | 5,000,000.00         | 4,646,550.00         | 3.450        | 3.190        | 01/06/2027    | 1,558            | A3             |
| 233851CU6                               | 14574        | Daimler Finance           | 3,788,535.70         | 3,725,000.00         | 3,461,679.75         | 3.450        | 3.000        | 01/06/2027    | 1,558            | A3             |
| 24422EUM9                               | 14554        | John Deere Cap            | 5,016,524.50         | 5,000,000.00         | 4,965,350.00         | 3.650        | 3.300        | 10/12/2023    | 376              | A2             |
| 24422EWK1                               | 14663        | John Deere Cap            | 4,977,798.02         | 5,000,000.00         | 4,852,150.00         | 4.150        | 4.250        | 09/15/2027    | 1,810            | A2             |
| 375558BF9                               | 14570        | Gilead Sciences           | 5,081,345.52         | 5,000,000.00         | 4,752,650.00         | 3.650        | 3.118        | 03/01/2026    | 1,247            | A3             |
| 540424AQ1                               | 14555        | Loews Corporation         | 4,979,147.29         | 5,000,000.00         | 4,948,850.00         | 2.625        | 3.350        | 05/15/2023    | 226              | A3             |
| 30303M8B1                               | 14660        | Meta Platforms Inc        | 4,813,065.52         | 5,000,000.00         | 4,675,550.00         | 3.500        | 4.360        | 08/15/2027    | 1,779            | A1             |
| 68389XAS4                               | 14548        | Oracle Corp               | 5,008,137.60         | 5,000,000.00         | 4,956,600.00         | 3.625        | 3.388        | 07/15/2023    | 287              | BAA2           |
| 747525AT0                               | 14564        | Qualcomm Inc              | 4,988,687.15         | 5,000,000.00         | 4,858,850.00         | 2.900        | 3.050        | 05/20/2024    | 597              | A2             |
| 747525AU7                               | 14587        | Qualcomm Inc              | 6,167,935.52         | 5,963,000.00         | 5,583,216.53         | 3.250        | 2.435        | 05/20/2027    | 1,692            | A2             |
| 828807CS4                               | 14606        | Simon Property Group      | 4,997,652.11         | 5,000,000.00         | 4,851,250.00         | 3.375        | 3.353        | 10/01/2024    | 731              | A3             |
| 07330MAA5                               | 14588        | Truist Bank               | 5,268,892.70         | 5,000,000.00         | 4,702,200.00         | 3.800        | 2.365        | 10/30/2026    | 1,490            | A2             |
| <b>Subtotal and Average</b>             |              |                           | <b>91,917,591.57</b> | <b>91,638,000.00</b> | <b>87,942,393.28</b> |              | <b>3.206</b> |               | <b>965</b>       |                |
| <b>Federal Agency Coupon Securities</b> |              |                           |                      |                      |                      |              |              |               |                  |                |
| 3133ENVS6                               | 14650        | Federal Farm Credit Bank  | 5,000,000.00         | 5,000,000.00         | 4,940,550.00         | 2.030        | 2.030        | 05/02/2023    | 213              | AAA            |
| 3133ENN22                               | 14664        | Federal Farm Credit Bank  | 4,980,522.23         | 5,000,000.00         | 4,921,750.00         | 3.750        | 3.890        | 09/22/2025    | 1,087            | AAA            |
| 3133ENP95                               | 14666        | Federal Farm Credit Bank  | 4,979,155.00         | 5,000,000.00         | 4,983,150.00         | 4.250        | 4.400        | 09/30/2025    | 1,095            | AAA            |
| 3130ATDK0                               | 14661        | Federal Home Loan Banks   | 4,993,686.57         | 5,000,000.00         | 4,972,200.00         | 3.875        | 3.989        | 12/08/2023    | 433              | AAA            |
| <b>Subtotal and Average</b>             |              |                           | <b>19,953,363.80</b> | <b>20,000,000.00</b> | <b>19,817,650.00</b> |              | <b>3.576</b> |               | <b>706</b>       |                |
| <b>Medium-Term Notes - Callable</b>     |              |                           |                      |                      |                      |              |              |               |                  |                |
| 05531FBF9                               | 14561        | BB&T Corporation          | 5,040,302.60         | 5,000,000.00         | 4,952,900.00         | 3.750        | 3.012        | 12/06/2023    | 431              | A3             |
| 22553PWD7                               | 14652        | Credit Suisse AG          | 5,000,000.00         | 5,000,000.00         | 4,796,800.00         | 4.050        | 4.050        | 05/25/2025    | 967              | A2             |
| 22553PXJ3                               | 14655        | Credit Suisse AG          | 5,000,000.00         | 5,000,000.00         | 4,448,950.00         | 5.000        | 5.001        | 05/31/2032    | 3,530            | A2             |
| 693475AV7                               | 14557        | PNC Financial Services    | 5,007,682.42         | 5,000,000.00         | 4,920,500.00         | 3.500        | 3.425        | 01/23/2024    | 479              | A3             |
| 751212AC5                               | 14566        | Ralph Lauren              | 5,084,498.22         | 5,000,000.00         | 4,856,750.00         | 3.750        | 3.106        | 09/15/2025    | 1,080            | A3             |



City of Berkeley  
 Pooled Cash and Investments  
 As of September 30, 2022

| CUSIP                       | Investment # | Issuer     | Book Value           | Par Value            | Market Value         | Current Rate | YTM/C 365    | Maturity Date | Days To Maturity | Moody's Rating |
|-----------------------------|--------------|------------|----------------------|----------------------|----------------------|--------------|--------------|---------------|------------------|----------------|
| 91159HHU7                   | 14562        | US Bancorp | 5,132,286.16         | 5,000,000.00         | 4,872,300.00         | 3.950        | 2.848        | 11/17/2025    | 1,143            | A2             |
| <b>Subtotal and Average</b> |              |            | <b>30,264,769.40</b> | <b>30,000,000.00</b> | <b>28,848,200.00</b> |              | <b>3.568</b> |               | <b>1,269</b>     |                |



City of Berkeley  
Pooled Cash and Investments  
As of September 30, 2022

| CUSIP                                       | Investment # | Issuer                        | Book Value            | Par Value             | Market Value          | Current Rate | YTM/C 365    | Maturity Date | Days To Maturity | Moody's Rating |
|---------------------------------------------|--------------|-------------------------------|-----------------------|-----------------------|-----------------------|--------------|--------------|---------------|------------------|----------------|
| <b>Federal Agency Callable</b>              |              |                               |                       |                       |                       |              |              |               |                  |                |
| 3130ARXL0                                   | 14649        | Federal Home Loan Banks       | 5,000,000.00          | 5,000,000.00          | 4,835,800.00          | 3.000        | 3.000        | 05/25/2023    | 236              | AAA            |
| 3130ATH42                                   | 14665        | Federal Home Loan Banks       | 8,000,000.00          | 8,000,000.00          | 8,029,200.00          | 4.700        | 4.700        | 09/29/2027    | 1,824            | AAA            |
|                                             |              |                               | <b>13,000,000.00</b>  | <b>13,000,000.00</b>  | <b>12,865,000.00</b>  |              | <b>4.046</b> |               | <b>1,213</b>     |                |
| <b>Federal Agency Continuously Callable</b> |              |                               |                       |                       |                       |              |              |               |                  |                |
| 31422XJW3                                   | 14638        | Farmer Mac                    | 10,000,000.00         | 10,000,000.00         | 8,981,600.00          | 0.300        | 0.300        | 07/20/2026    | 1,388            | N/A            |
| 3133ENUV0                                   | 14644        | Federal Farm Credit Bank      | 5,000,000.00          | 5,000,000.00          | 4,722,450.00          | 4.000        | 4.000        | 04/19/2032    | 3,488            | AAA            |
| 3133ENVV9                                   | 14647        | Federal Farm Credit Bank      | 5,000,000.00          | 5,000,000.00          | 4,762,400.00          | 3.630        | 3.630        | 05/03/2027    | 1,675            | AAA            |
| 3133ENWW6                                   | 14653        | Federal Farm Credit Bank      | 4,994,695.88          | 5,000,000.00          | 4,714,450.00          | 4.370        | 4.384        | 05/17/2032    | 3,516            | AAA            |
| 3130AMAV4                                   | 14611        | Federal Home Loan Banks       | 5,600,000.00          | 5,600,000.00          | 4,926,656.00          | 1.250        | 1.125        | 04/29/2027    | 1,671            | AAA            |
| 3130ALZA5                                   | 14612        | Federal Home Loan Banks       | 9,000,000.00          | 9,000,000.00          | 8,153,550.00          | 0.750        | 0.500        | 04/29/2026    | 1,306            | AAA            |
| 3130AMEX6                                   | 14613        | Federal Home Loan Banks       | 15,000,000.00         | 15,000,000.00         | 13,476,750.00         | 0.750        | 0.500        | 05/27/2026    | 1,334            | AAA            |
| 3130AMF72                                   | 14615        | Federal Home Loan Banks       | 15,000,000.00         | 15,000,000.00         | 13,329,000.00         | 0.650        | 0.650        | 05/27/2026    | 1,334            | AAA            |
| 3130AMFQ0                                   | 14616        | Federal Home Loan Banks       | 15,000,000.00         | 15,000,000.00         | 13,452,750.00         | 1.150        | 1.020        | 05/26/2026    | 1,333            | AAA            |
| 3130AMFT4                                   | 14617        | Federal Home Loan Banks       | 10,000,000.00         | 10,000,000.00         | 8,870,900.00          | 0.625        | 0.625        | 05/27/2026    | 1,334            | AAA            |
| 3130AMG22                                   | 14618        | Federal Home Loan Banks       | 20,000,000.00         | 20,000,000.00         | 17,812,600.00         | 0.700        | 0.500        | 05/27/2026    | 1,334            | AAA            |
| 3130AMGG1                                   | 14619        | Federal Home Loan Banks       | 10,000,000.00         | 10,000,000.00         | 8,948,500.00          | 0.600        | 0.600        | 05/26/2026    | 1,333            | AAA            |
| 3130AMFN7                                   | 14620        | Federal Home Loan Banks       | 10,000,000.00         | 10,000,000.00         | 8,954,800.00          | 0.500        | 0.500        | 05/26/2026    | 1,333            | AAA            |
| 3130AMG55                                   | 14622        | Federal Home Loan Banks       | 10,000,000.00         | 10,000,000.00         | 8,680,100.00          | 0.750        | 0.750        | 05/27/2027    | 1,699            | AAA            |
| 3130AMG22                                   | 14624        | Federal Home Loan Banks       | 10,000,000.00         | 10,000,000.00         | 8,906,300.00          | 0.700        | 0.500        | 05/27/2026    | 1,334            | AAA            |
| 3130AMLS9                                   | 14627        | Federal Home Loan Banks       | 10,000,000.00         | 10,000,000.00         | 8,945,500.00          | 0.750        | 0.713        | 06/17/2026    | 1,355            | AAA            |
| 3130AMN24                                   | 14628        | Federal Home Loan Banks       | 10,000,000.00         | 10,000,000.00         | 8,962,500.00          | 1.150        | 1.034        | 06/03/2026    | 1,341            | AAA            |
| 3130AMN57                                   | 14629        | Federal Home Loan Banks       | 20,000,000.00         | 20,000,000.00         | 17,893,400.00         | 1.100        | 1.013        | 06/03/2026    | 1,341            | AAA            |
| 3130AMP71                                   | 14630        | Federal Home Loan Banks       | 20,000,000.00         | 20,000,000.00         | 17,939,000.00         | 1.200        | 1.077        | 06/18/2026    | 1,356            | AAA            |
| 3130AMPL0                                   | 14631        | Federal Home Loan Banks       | 15,000,000.00         | 15,000,000.00         | 13,438,650.00         | 1.150        | 0.375        | 06/08/2026    | 1,346            | AAA            |
| 3130AMMW9                                   | 14632        | Federal Home Loan Banks       | 10,000,000.00         | 10,000,000.00         | 8,949,400.00          | 0.875        | 0.500        | 06/10/2026    | 1,348            | AAA            |
| 3130AMWM0                                   | 14634        | Federal Home Loan Banks       | 4,250,000.00          | 4,250,000.00          | 3,787,302.50          | 1.050        | 0.500        | 06/30/2026    | 1,368            | AAA            |
| 3130ANSU0                                   | 14642        | Federal Home Loan Banks       | 10,000,000.00         | 10,000,000.00         | 8,931,700.00          | 0.750        | 0.500        | 07/29/2026    | 1,397            | AAA            |
| 3130ANJY7                                   | 14643        | Federal Home Loan Banks       | 40,000,000.00         | 40,000,000.00         | 35,067,200.00         | 1.000        | 0.400        | 08/26/2026    | 1,425            | AAA            |
| 3130ARTE1                                   | 14645        | Federal Home Loan Banks       | 6,425,000.00          | 6,425,000.00          | 6,021,767.00          | 4.100        | 4.100        | 04/26/2032    | 3,495            | AAA            |
| 3130ARX71                                   | 14648        | Federal Home Loan Banks       | 5,000,000.00          | 5,000,000.00          | 4,801,700.00          | 3.000        | 3.000        | 05/23/2025    | 965              | AAA            |
| 3130ARYA3                                   | 14651        | Federal Home Loan Banks       | 5,000,000.00          | 5,000,000.00          | 4,803,300.00          | 4.000        | 4.000        | 05/26/2027    | 1,698            | AAA            |
| 3130AS7K9                                   | 14654        | Federal Home Loan Banks       | 5,000,000.00          | 5,000,000.00          | 4,727,600.00          | 4.440        | 4.440        | 05/26/2032    | 3,525            | AAA            |
| 3130ASGF0                                   | 14656        | Federal Home Loan Banks       | 5,000,000.00          | 5,000,000.00          | 4,885,200.00          | 4.000        | 4.000        | 06/30/2025    | 1,003            | AAA            |
| 3130ATDV6                                   | 14662        | Federal Home Loan Banks       | 5,000,000.00          | 5,000,000.00          | 5,008,650.00          | 5.000        | 5.000        | 09/30/2027    | 1,825            | AAA            |
| 3134GXRS5                                   | 14646        | Federal Home Loan Mortgage Co | 5,000,000.00          | 5,000,000.00          | 4,860,950.00          | 3.100        | 3.100        | 04/29/2025    | 941              | AAA            |
| 3134GXC28                                   | 14657        | Federal Home Loan Mortgage Co | 5,000,000.00          | 5,000,000.00          | 4,930,400.00          | 4.100        | 4.100        | 07/18/2025    | 1,021            | AAA            |
| 3134GXC36                                   | 14658        | Federal Home Loan Mortgage Co | 5,000,000.00          | 5,000,000.00          | 4,953,000.00          | 4.000        | 4.000        | 12/30/2024    | 821              | AAA            |
|                                             |              |                               | <b>340,269,695.88</b> | <b>340,275,000.00</b> | <b>307,600,025.50</b> |              | <b>1.245</b> |               | <b>1,493</b>     |                |

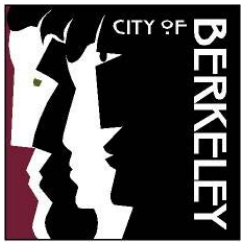


City of Berkeley  
Pooled Cash and Investments  
As of September 30, 2022

| CUSIP                                | Investment # | Issuer                       | Book Value            | Par Value             | Market Value          | Current Rate | YTM/C 365    | Maturity Date | Days To Maturity | Moody's Rating |
|--------------------------------------|--------------|------------------------------|-----------------------|-----------------------|-----------------------|--------------|--------------|---------------|------------------|----------------|
| <b>Municipal Bonds</b>               |              |                              |                       |                       |                       |              |              |               |                  |                |
| 13063DGB8                            | 14559        | General Obligation Unlimited | 5,036,700.40          | 5,000,000.00          | 4,861,900.00          | 3.375        | 3.087        | 04/01/2025    | 913              | AA2            |
|                                      |              | <b>Subtotal and Average</b>  | <b>5,036,700.40</b>   | <b>5,000,000.00</b>   | <b>4,861,900.00</b>   |              | <b>3.087</b> |               | <b>913</b>       |                |
| <b>Total Investments and Average</b> |              |                              | <b>500,942,121.05</b> | <b>500,413,000.00</b> | <b>462,432,726.28</b> |              | <b>1.931</b> |               |                  |                |

|                                                     |                       |
|-----------------------------------------------------|-----------------------|
| Total Investments (Book Value)                      | 500,942,121.05        |
| Cash                                                | 133,487,711.00        |
| <b>Total Investments (Book Value) and Cash</b>      | <b>634,429,832.05</b> |
| Increase / (Decrease) in Market Value of Securities | (38,509,394.77)       |
| <b>Total Investments (Market Value) and Cash</b>    | <b>595,920,437.28</b> |





**Pooled Investments Selected Funds**  
**Interest Earnings**  
**Sorted by Fund - Fund**  
**July 1, 2022 - July 31, 2022**  
**Yield on Beginning Book Value**

| CUSIP                                      | Investment # | Fund | Security Type | Ending Par Value | Beginning Book Value | Ending Book Value | Maturity Date | Current Rate | Annualized Yield | Adjusted Interest Earnings |                         |                            |
|--------------------------------------------|--------------|------|---------------|------------------|----------------------|-------------------|---------------|--------------|------------------|----------------------------|-------------------------|----------------------------|
|                                            |              |      |               |                  |                      |                   |               |              |                  | Interest Earned            | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |               |                  |                      |                   |               |              |                  |                            |                         |                            |
| 3130ARX71                                  | 14648        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 05/23/2025    | 3.000        | 2.944            | 12,500.00                  | 0.00                    | 12,500.00                  |
| 3130AMEX6                                  | 14613        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00     | 05/27/2026    | 0.750        | 0.736            | 9,375.00                   | 0.00                    | 9,375.00                   |
| 3130ALZA5                                  | 14612        | 010  | MC5           | 9,000,000.00     | 9,000,000.00         | 9,000,000.00      | 04/29/2026    | 0.750        | 0.736            | 5,625.00                   | 0.00                    | 5,625.00                   |
| 3130AMF72                                  | 14615        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00     | 05/27/2026    | 0.650        | 0.638            | 8,125.00                   | 0.00                    | 8,125.00                   |
| 3130AMFQ0                                  | 14616        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00     | 05/26/2026    | 1.150        | 1.128            | 14,375.00                  | 0.00                    | 14,375.00                  |
| 3130AMFN7                                  | 14620        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 05/26/2026    | 0.500        | 0.491            | 4,166.67                   | 0.00                    | 4,166.67                   |
| 3130AMGG1                                  | 14619        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 05/26/2026    | 0.600        | 0.589            | 5,000.00                   | 0.00                    | 5,000.00                   |
| 3130AMG22                                  | 14618        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00     | 05/27/2026    | 0.700        | 0.687            | 11,666.67                  | 0.00                    | 11,666.67                  |
| 3130AN5U0                                  | 14642        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 07/29/2026    | 0.750        | 0.621            | 5,277.78                   | 0.00                    | 5,277.78                   |
| 3130ARXL0                                  | 14649        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 05/25/2023    | 3.000        | 2.944            | 12,500.00                  | 0.00                    | 12,500.00                  |
| 3130AMAV4                                  | 14611        | 010  | MC5           | 5,600,000.00     | 5,600,000.00         | 5,600,000.00      | 04/29/2027    | 1.250        | 1.226            | 5,833.33                   | 0.00                    | 5,833.33                   |
| 3130ARYA3                                  | 14651        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 05/26/2027    | 4.000        | 3.925            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 3130AS7K9                                  | 14654        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 05/26/2032    | 4.440        | 4.356            | 18,500.00                  | 0.00                    | 18,500.00                  |
| 3130ASGF0                                  | 14656        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 06/30/2025    | 4.000        | 3.925            | 16,666.66                  | 0.00                    | 16,666.66                  |
| 3130AMG55                                  | 14622        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 05/27/2027    | 0.750        | 0.736            | 6,250.00                   | 0.00                    | 6,250.00                   |
| 3130AMFT4                                  | 14617        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 05/27/2026    | 0.625        | 0.613            | 5,208.33                   | 0.00                    | 5,208.33                   |
| 3130AMN24                                  | 14628        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 06/03/2026    | 1.150        | 1.128            | 9,583.34                   | 0.00                    | 9,583.34                   |
| 3130AMN57                                  | 14629        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00     | 06/03/2026    | 1.100        | 1.079            | 18,333.33                  | 0.00                    | 18,333.33                  |
| 3130ANJY7                                  | 14643        | 010  | MC5           | 40,000,000.00    | 40,000,000.00        | 40,000,000.00     | 08/26/2026    | 0.400        | 0.392            | 13,333.33                  | 0.00                    | 13,333.33                  |
| 3130AMWM0                                  | 14634        | 010  | MC5           | 4,250,000.00     | 4,250,000.00         | 4,250,000.00      | 06/30/2026    | 1.050        | 1.030            | 3,718.75                   | 0.00                    | 3,718.75                   |
| 3130AMPL0                                  | 14631        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00     | 06/08/2026    | 1.150        | 1.128            | 14,375.00                  | 0.00                    | 14,375.00                  |
| 3130AMP71                                  | 14630        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00     | 06/18/2026    | 1.200        | 1.177            | 20,000.00                  | 0.00                    | 20,000.00                  |
| 3130AMMW9                                  | 14632        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 06/10/2026    | 0.875        | 0.859            | 7,291.66                   | 0.00                    | 7,291.66                   |
| 3130ARTE1                                  | 14645        | 010  | MC5           | 6,425,000.00     | 6,425,000.00         | 6,425,000.00      | 04/26/2032    | 4.100        | 4.023            | 21,952.08                  | 0.00                    | 21,952.08                  |
| 3130AMG22                                  | 14624        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 05/27/2026    | 0.700        | 0.687            | 5,833.33                   | 0.00                    | 5,833.33                   |
| 3130AMLS9                                  | 14627        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 06/17/2026    | 0.750        | 0.736            | 6,250.00                   | 0.00                    | 6,250.00                   |
| 3133ENUV0                                  | 14644        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 04/19/2032    | 4.000        | 3.925            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 3133ENVV9                                  | 14647        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 05/03/2027    | 3.630        | 3.562            | 15,125.00                  | 0.00                    | 15,125.00                  |
| 3133ENV56                                  | 14650        | 010  | FAC           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 05/02/2023    | 2.030        | 1.992            | 8,458.34                   | 0.00                    | 8,458.34                   |
| 3133ENWW6                                  | 14653        | 010  | MC5           | 5,000,000.00     | 4,994,558.15         | 4,994,604.06      | 05/17/2032    | 4.370        | 4.303            | 18,208.33                  | 45.91                   | 18,254.24                  |
| 3134GXC36                                  | 14658        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 12/30/2024    | 4.000        | 3.925            | 16,666.66                  | 0.00                    | 16,666.66                  |
| 3134GXRS5                                  | 14646        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 04/29/2025    | 3.100        | 3.042            | 12,916.67                  | 0.00                    | 12,916.67                  |

**Interest Earnings**

**July 1, 2022 - July 31, 2022**

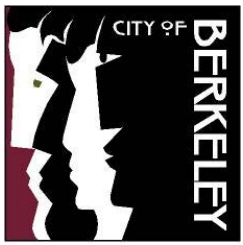
**Exhibit 2-B.1**

| CUSIP                                      | Investment # | Fund | Security Type   | Ending Par Value      | Beginning Book Value  | Ending Book Value     | Maturity Date | Current Rate | Annualized Yield | Adjusted Interest Earnings |                         |                            |
|--------------------------------------------|--------------|------|-----------------|-----------------------|-----------------------|-----------------------|---------------|--------------|------------------|----------------------------|-------------------------|----------------------------|
|                                            |              |      |                 |                       |                       |                       |               |              |                  | Interest Earned            | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |                 |                       |                       |                       |               |              |                  |                            |                         |                            |
| 3134GXC28                                  | 14657        | 010  | MC5             | 5,000,000.00          | 0.00                  | 5,000,000.00          | 07/18/2025    | 4.100        | 3.860            | 7,402.78                   | 0.00                    | 7,402.78                   |
| 53944VAS8                                  | 14580        | 010  | MTN             | 5,000,000.00          | 5,000,285.88          | 5,000,086.43          | 08/14/2022    | 2.250        | 2.161            | 9,375.00                   | -199.45                 | 9,175.55                   |
| 037833AK6                                  | 14536        | 010  | MTN             | 5,000,000.00          | 4,968,199.48          | 4,971,358.47          | 05/03/2023    | 2.400        | 3.119            | 10,000.00                  | 3,158.99                | 13,158.99                  |
| 254673RD0                                  | 14539        | 010  | SCD             | 250,000.00            | 250,000.00            | 250,000.00            | 07/05/2023    | 3.300        | 3.300            | 700.68                     | 0.00                    | 700.68                     |
| 795450T47                                  | 14540        | 010  | SCD             | 250,000.00            | 250,000.00            | 250,000.00            | 07/03/2023    | 3.300        | 3.300            | 700.68                     | 0.00                    | 700.68                     |
| 084670BJ6                                  | 14542        | 010  | MTN             | 5,000,000.00          | 4,995,751.82          | 4,996,331.11          | 02/11/2023    | 3.000        | 3.083            | 12,500.00                  | 579.29                  | 13,079.29                  |
| 31422XJW3                                  | 14638        | 010  | MC5             | 10,000,000.00         | 10,000,000.00         | 10,000,000.00         | 07/20/2026    | 0.300        | 0.294            | 2,500.00                   | 0.00                    | 2,500.00                   |
| 589331AT4                                  | 14545        | 010  | MTN             | 5,000,000.00          | 4,993,949.64          | 4,996,402.49          | 09/15/2022    | 2.400        | 2.936            | 10,000.00                  | 2,452.85                | 12,452.85                  |
| 68389XAS4                                  | 14548        | 010  | MTN             | 5,000,000.00          | 5,010,716.42          | 5,009,856.81          | 07/15/2023    | 3.625        | 3.347            | 15,104.17                  | -859.61                 | 14,244.56                  |
| 24422EUM9                                  | 14554        | 010  | MTN             | 5,000,000.00          | 5,020,533.14          | 5,019,196.93          | 10/12/2023    | 3.650        | 3.253            | 15,208.33                  | -1,336.21               | 13,872.12                  |
| 540424AQ1                                  | 14555        | 010  | MTN             | 5,000,000.00          | 4,970,768.97          | 4,973,561.75          | 05/15/2023    | 2.625        | 3.252            | 10,937.50                  | 2,792.78                | 13,730.28                  |
| 693475AV7                                  | 14557        | 010  | MC3             | 5,000,000.00          | 5,009,147.29          | 5,008,659.00          | 01/23/2024    | 3.500        | 3.313            | 14,583.33                  | -488.29                 | 14,095.04                  |
| 13063DGB8                                  | 14559        | 010  | MUN             | 5,000,000.00          | 5,040,370.45          | 5,039,147.10          | 04/01/2025    | 3.375        | 2.999            | 14,062.50                  | -1,223.35               | 12,839.15                  |
| 05531FBF9                                  | 14561        | 010  | MC3             | 5,000,000.00          | 5,048,837.27          | 5,045,992.38          | 12/06/2023    | 3.750        | 2.980            | 15,625.00                  | -2,844.89               | 12,780.11                  |
| 91159HHU7                                  | 14562        | 010  | MC3             | 5,000,000.00          | 5,142,859.65          | 5,139,335.16          | 11/17/2025    | 3.950        | 2.961            | 16,458.33                  | -3,524.49               | 12,933.84                  |
| 20030NBN0                                  | 14563        | 010  | MTN             | 5,000,000.00          | 5,038,681.18          | 5,037,648.77          | 08/15/2025    | 3.375        | 3.045            | 14,062.50                  | -1,032.41               | 13,030.09                  |
| 747525AT0                                  | 14564        | 010  | MTN             | 5,000,000.00          | 4,986,958.53          | 4,987,534.74          | 05/20/2024    | 2.900        | 2.989            | 12,083.33                  | 576.21                  | 12,659.54                  |
| 747525AU7                                  | 14587        | 010  | MTN             | 5,963,000.00          | 6,178,986.57          | 6,175,302.89          | 05/20/2027    | 3.250        | 2.375            | 16,149.79                  | -3,683.68               | 12,466.11                  |
| 751212AC5                                  | 14566        | 010  | MC3             | 5,000,000.00          | 5,091,645.62          | 5,089,263.16          | 09/15/2025    | 3.750        | 3.062            | 15,625.00                  | -2,382.46               | 13,242.54                  |
| 375558BF9                                  | 14570        | 010  | MTN             | 5,000,000.00          | 5,087,297.63          | 5,085,313.59          | 03/01/2026    | 3.650        | 3.061            | 15,208.34                  | -1,984.04               | 13,224.30                  |
| 233851CU6                                  | 14574        | 010  | MTN             | 3,725,000.00          | 3,792,260.92          | 3,791,019.18          | 01/06/2027    | 3.450        | 2.940            | 10,709.38                  | -1,241.74               | 9,467.64                   |
| 233851CU6                                  | 14571        | 010  | MTN             | 5,000,000.00          | 5,051,716.70          | 5,050,761.93          | 01/06/2027    | 3.450        | 3.128            | 14,375.00                  | -954.77                 | 13,420.23                  |
| 008252AM0                                  | 14582        | 010  | MTN             | 1,000,000.00          | 1,029,930.31          | 1,028,392.79          | 02/15/2024    | 4.250        | 2.291            | 3,541.66                   | -1,537.52               | 2,004.14                   |
| 07330MAA5                                  | 14588        | 010  | MTN             | 5,000,000.00          | 5,285,366.72          | 5,279,875.38          | 10/30/2026    | 3.800        | 2.304            | 15,833.34                  | -5,491.34               | 10,342.00                  |
| 04685A2L4                                  | 14602        | 010  | MTN             | 5,000,000.00          | 4,912,461.35          | 4,915,337.75          | 01/14/2025    | 2.500        | 3.186            | 10,416.67                  | 2,876.40                | 13,293.07                  |
| 04685A2L4                                  | 14590        | 010  | MTN             | 5,950,000.00          | 5,975,502.07          | 5,974,664.10          | 01/14/2025    | 2.500        | 2.277            | 12,395.84                  | -837.97                 | 11,557.87                  |
| 828807CS4                                  | 14606        | 010  | MTN             | 5,000,000.00          | 4,997,358.62          | 4,997,456.45          | 10/01/2024    | 3.375        | 3.336            | 14,062.50                  | 97.83                   | 14,160.33                  |
| 15654VAK4                                  | 14641 T-1    | 010  | MTN             | 0.00                  | 4,000,000.00          | 0.00                  | 07/15/2022    | 0.300        | 0.304            | 466.67                     | 0.00                    | 466.67                     |
| 22553PWD7                                  | 14652        | 010  | MC3             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 05/25/2025    | 4.050        | 3.974            | 16,875.00                  | 0.00                    | 16,875.00                  |
| 22553PXJ3                                  | 14655        | 010  | MC3             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 05/31/2032    | 5.000        | 4.906            | 20,833.33                  | 0.00                    | 20,833.33                  |
|                                            |              |      | <b>Subtotal</b> | <b>467,413,000.00</b> | <b>467,399,144.38</b> | <b>468,382,102.42</b> |               |              | <b>1.756</b>     | <b>714,245.25</b>          | <b>-17,041.96</b>       | <b>697,203.29</b>          |
| <b>Fund: Fidelity MM - Trans</b>           |              |      |                 |                       |                       |                       |               |              |                  |                            |                         |                            |
| SYS14190                                   | 14190        | 030  | RRP             |                       |                       |                       |               | 0.002        | 0.001            | 34.91                      | 0.00                    | 34.91                      |
|                                            |              |      |                 |                       |                       |                       |               | <b>0.001</b> | <b>0.001</b>     | <b>34.91</b>               | <b>0.00</b>             | <b>34.91</b>               |
| <b>Fund: Fidelity MM - Regular</b>         |              |      |                 |                       |                       |                       |               |              |                  |                            |                         |                            |
| SYS14265                                   | 14265        | 040  | RRP             |                       |                       |                       |               | 0.003        | 1.556            | 273,203.36                 | 0.00                    | 273,203.36                 |
|                                            |              |      |                 |                       |                       |                       |               | <b>1.556</b> | <b>1.556</b>     | <b>273,203.36</b>          | <b>0.00</b>             | <b>273,203.36</b>          |

**Page 15 of 27**  
Pooled Investments Selected Funds  
Interest Earnings  
July 1, 2022 - July 31, 2022

**Exhibit 2-B-1**

| CUSIP | Investment # | Fund | Security Type | Ending Par Value | Beginning Book Value | Ending Book Value | Maturity Date | Current Rate | Adjusted Interest Earnings |                 |                         |                            |
|-------|--------------|------|---------------|------------------|----------------------|-------------------|---------------|--------------|----------------------------|-----------------|-------------------------|----------------------------|
|       |              |      |               |                  |                      |                   |               |              | Annualized Yield           | Interest Earned | Amortization/ Accretion | Adjusted Interest Earnings |
|       |              |      | <b>Total</b>  | 467,413,000.00   | 467,399,144.38       | 468,382,102.42    |               |              | 1.589                      | 987,483.52      | -17,041.96              | 970,441.56                 |



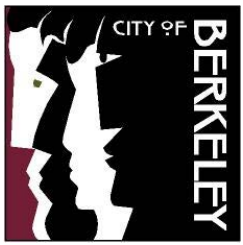
**Pooled Investments Selected Funds**  
**Interest Earnings**  
**Sorted by Fund - Fund**  
**August 1, 2022 - August 31, 2022**  
**Yield on Beginning Book Value**

| CUSIP                                      | Investment # | Fund | Security Type | Ending Par Value | Beginning Book Value | Ending Book Value | Maturity Date | Current Rate | Annualized Yield | Adjusted Interest Earnings |                         |                            |
|--------------------------------------------|--------------|------|---------------|------------------|----------------------|-------------------|---------------|--------------|------------------|----------------------------|-------------------------|----------------------------|
|                                            |              |      |               |                  |                      |                   |               |              |                  | Interest Earned            | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |               |                  |                      |                   |               |              |                  |                            |                         |                            |
| 3130ARX71                                  | 14648        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 05/23/2025    | 3.000        | 2.944            | 12,500.00                  | 0.00                    | 12,500.00                  |
| 3130AMEX6                                  | 14613        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00     | 05/27/2026    | 0.750        | 0.736            | 9,375.00                   | 0.00                    | 9,375.00                   |
| 3130ALZA5                                  | 14612        | 010  | MC5           | 9,000,000.00     | 9,000,000.00         | 9,000,000.00      | 04/29/2026    | 0.750        | 0.736            | 5,625.00                   | 0.00                    | 5,625.00                   |
| 3130AMF72                                  | 14615        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00     | 05/27/2026    | 0.650        | 0.638            | 8,125.00                   | 0.00                    | 8,125.00                   |
| 3130AMFQ0                                  | 14616        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00     | 05/26/2026    | 1.150        | 1.128            | 14,375.00                  | 0.00                    | 14,375.00                  |
| 3130AMFN7                                  | 14620        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 05/26/2026    | 0.500        | 0.491            | 4,166.66                   | 0.00                    | 4,166.66                   |
| 3130AMGG1                                  | 14619        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 05/26/2026    | 0.600        | 0.589            | 5,000.00                   | 0.00                    | 5,000.00                   |
| 3130AMG22                                  | 14618        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00     | 05/27/2026    | 0.700        | 0.687            | 11,666.67                  | 0.00                    | 11,666.67                  |
| 3130AN5U0                                  | 14642        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 07/29/2026    | 0.750        | 0.736            | 6,250.00                   | 0.00                    | 6,250.00                   |
| 3130ARXL0                                  | 14649        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 05/25/2023    | 3.000        | 2.944            | 12,500.00                  | 0.00                    | 12,500.00                  |
| 3130AMAV4                                  | 14611        | 010  | MC5           | 5,600,000.00     | 5,600,000.00         | 5,600,000.00      | 04/29/2027    | 1.250        | 1.226            | 5,833.33                   | 0.00                    | 5,833.33                   |
| 3130ARYA3                                  | 14651        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 05/26/2027    | 4.000        | 3.925            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 3130AS7K9                                  | 14654        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 05/26/2032    | 4.440        | 4.356            | 18,500.00                  | 0.00                    | 18,500.00                  |
| 3130ASGF0                                  | 14656        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 06/30/2025    | 4.000        | 3.925            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 3130AMG55                                  | 14622        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 05/27/2027    | 0.750        | 0.736            | 6,250.00                   | 0.00                    | 6,250.00                   |
| 3130AMFT4                                  | 14617        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 05/27/2026    | 0.625        | 0.613            | 5,208.33                   | 0.00                    | 5,208.33                   |
| 3130AMN24                                  | 14628        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 06/03/2026    | 1.150        | 1.128            | 9,583.33                   | 0.00                    | 9,583.33                   |
| 3130AMN57                                  | 14629        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00     | 06/03/2026    | 1.100        | 1.079            | 18,333.34                  | 0.00                    | 18,333.34                  |
| 3130ANJY7                                  | 14643        | 010  | MC5           | 40,000,000.00    | 40,000,000.00        | 40,000,000.00     | 08/26/2026    | 1.000        | 0.491            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 3130AMWMO                                  | 14634        | 010  | MC5           | 4,250,000.00     | 4,250,000.00         | 4,250,000.00      | 06/30/2026    | 1.050        | 1.030            | 3,718.75                   | 0.00                    | 3,718.75                   |
| 3130AMPL0                                  | 14631        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00     | 06/08/2026    | 1.150        | 1.128            | 14,375.00                  | 0.00                    | 14,375.00                  |
| 3130AMP71                                  | 14630        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00     | 06/18/2026    | 1.200        | 1.177            | 20,000.00                  | 0.00                    | 20,000.00                  |
| 3130AMMW9                                  | 14632        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 06/10/2026    | 0.875        | 0.859            | 7,291.67                   | 0.00                    | 7,291.67                   |
| 3130ARTE1                                  | 14645        | 010  | MC5           | 6,425,000.00     | 6,425,000.00         | 6,425,000.00      | 04/26/2032    | 4.100        | 4.023            | 21,952.08                  | 0.00                    | 21,952.08                  |
| 3130AMG22                                  | 14624        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 05/27/2026    | 0.700        | 0.687            | 5,833.34                   | 0.00                    | 5,833.34                   |
| 3130AMLS9                                  | 14627        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 06/17/2026    | 0.750        | 0.736            | 6,250.00                   | 0.00                    | 6,250.00                   |
| 3133ENUV0                                  | 14644        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 04/19/2032    | 4.000        | 3.925            | 16,666.66                  | 0.00                    | 16,666.66                  |
| 3133ENVV9                                  | 14647        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 05/03/2027    | 3.630        | 3.562            | 15,125.00                  | 0.00                    | 15,125.00                  |
| 3133ENVS6                                  | 14650        | 010  | FAC           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 05/02/2023    | 2.030        | 1.992            | 8,458.33                   | 0.00                    | 8,458.33                   |
| 3133ENWW6                                  | 14653        | 010  | MC5           | 5,000,000.00     | 4,994,604.06         | 4,994,649.97      | 05/17/2032    | 4.370        | 4.303            | 18,208.33                  | 45.91                   | 18,254.24                  |
| 3134GXC36                                  | 14658        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 12/30/2024    | 4.000        | 3.925            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 3134GXRS5                                  | 14646        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 04/29/2025    | 3.100        | 3.042            | 12,916.67                  | 0.00                    | 12,916.67                  |

**Interest Earnings**

**August 1, 2022 - August 31, 2022**

| CUSIP                                      | Investment # | Fund | Security Type   | Ending Par Value      | Beginning Book Value  | Ending Book Value     | Maturity Date | Current Rate | Annualized Yield | Adjusted Interest Earnings |                         |                            |                   |
|--------------------------------------------|--------------|------|-----------------|-----------------------|-----------------------|-----------------------|---------------|--------------|------------------|----------------------------|-------------------------|----------------------------|-------------------|
|                                            |              |      |                 |                       |                       |                       |               |              |                  | Interest Earned            | Amortization/ Accretion | Adjusted Interest Earnings |                   |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |                 |                       |                       |                       |               |              |                  |                            |                         |                            |                   |
| 3134GXC28                                  | 14657        | 010  | MC5             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 07/18/2025    | 4.100        | 4.023            | 17,083.33                  | 0.00                    | 17,083.33                  |                   |
| 53944VAS8                                  | 14580        | 010  | MTN             | 0.00                  | 5,000,086.43          | 0.00                  | 08/14/2022    | 2.250        | 2.233            | 4,062.50                   | -86.43                  | 3,976.07                   |                   |
| 037833AK6                                  | 14536        | 010  | MTN             | 5,000,000.00          | 4,971,358.47          | 4,974,517.46          | 05/03/2023    | 2.400        | 3.117            | 10,000.00                  | 3,158.99                | 13,158.99                  |                   |
| 254673RD0                                  | 14539        | 010  | SCD             | 250,000.00            | 250,000.00            | 250,000.00            | 07/05/2023    | 3.300        | 3.300            | 700.69                     | 0.00                    | 700.69                     |                   |
| 795450T47                                  | 14540        | 010  | SCD             | 250,000.00            | 250,000.00            | 250,000.00            | 07/03/2023    | 3.300        | 3.300            | 700.68                     | 0.00                    | 700.68                     |                   |
| 084670BJ6                                  | 14542        | 010  | MTN             | 5,000,000.00          | 4,996,331.11          | 4,996,910.41          | 02/11/2023    | 3.000        | 3.082            | 12,500.00                  | 579.30                  | 13,079.30                  |                   |
| 31422XJW3                                  | 14638        | 010  | MC5             | 10,000,000.00         | 10,000,000.00         | 10,000,000.00         | 07/20/2026    | 0.300        | 0.294            | 2,500.00                   | 0.00                    | 2,500.00                   |                   |
| 589331AT4                                  | 14545        | 010  | MTN             | 5,000,000.00          | 4,996,402.49          | 4,998,855.34          | 09/15/2022    | 2.400        | 2.935            | 10,000.00                  | 2,452.85                | 12,452.85                  |                   |
| 68389XAS4                                  | 14548        | 010  | MTN             | 5,000,000.00          | 5,009,856.81          | 5,008,997.21          | 07/15/2023    | 3.625        | 3.348            | 15,104.16                  | -859.60                 | 14,244.56                  |                   |
| 24422EUM9                                  | 14554        | 010  | MTN             | 5,000,000.00          | 5,019,196.93          | 5,017,860.72          | 10/12/2023    | 3.650        | 3.254            | 15,208.34                  | -1,336.21               | 13,872.13                  |                   |
| 540424AQ1                                  | 14555        | 010  | MTN             | 5,000,000.00          | 4,973,561.75          | 4,976,354.52          | 05/15/2023    | 2.625        | 3.250            | 10,937.50                  | 2,792.77                | 13,730.27                  |                   |
| 693475AV7                                  | 14557        | 010  | MC3             | 5,000,000.00          | 5,008,659.00          | 5,008,170.71          | 01/23/2024    | 3.500        | 3.313            | 14,583.33                  | -488.29                 | 14,095.04                  |                   |
| 13063DGB8                                  | 14559        | 010  | MUN             | 5,000,000.00          | 5,039,147.10          | 5,037,923.75          | 04/01/2025    | 3.375        | 3.000            | 14,062.50                  | -1,223.35               | 12,839.15                  |                   |
| 05531FBF9                                  | 14561        | 010  | MC3             | 5,000,000.00          | 5,045,992.38          | 5,043,147.49          | 12/06/2023    | 3.750        | 2.982            | 15,625.00                  | -2,844.89               | 12,780.11                  |                   |
| 91159HHU7                                  | 14562        | 010  | MC3             | 5,000,000.00          | 5,139,335.16          | 5,135,810.66          | 11/17/2025    | 3.950        | 2.963            | 16,458.34                  | -3,524.50               | 12,933.84                  |                   |
| 20030NBN0                                  | 14563        | 010  | MTN             | 5,000,000.00          | 5,037,648.77          | 5,036,616.35          | 08/15/2025    | 3.375        | 3.045            | 14,062.50                  | -1,032.42               | 13,030.08                  |                   |
| 747525ATO                                  | 14564        | 010  | MTN             | 5,000,000.00          | 4,987,534.74          | 4,988,110.95          | 05/20/2024    | 2.900        | 2.989            | 12,083.34                  | 576.21                  | 12,659.55                  |                   |
| 747525AU7                                  | 14587        | 010  | MTN             | 5,963,000.00          | 6,175,302.89          | 6,171,619.21          | 05/20/2027    | 3.250        | 2.377            | 16,149.80                  | -3,683.68               | 12,466.12                  |                   |
| 751212AC5                                  | 14566        | 010  | MC3             | 5,000,000.00          | 5,089,263.16          | 5,086,880.69          | 09/15/2025    | 3.750        | 3.064            | 15,625.00                  | -2,382.47               | 13,242.53                  |                   |
| 375558BF9                                  | 14570        | 010  | MTN             | 5,000,000.00          | 5,085,313.59          | 5,083,329.55          | 03/01/2026    | 3.650        | 3.062            | 15,208.33                  | -1,984.04               | 13,224.29                  |                   |
| 233851CU6                                  | 14574        | 010  | MTN             | 3,725,000.00          | 3,791,019.18          | 3,789,777.44          | 01/06/2027    | 3.450        | 2.940            | 10,709.37                  | -1,241.74               | 9,467.63                   |                   |
| 233851CU6                                  | 14571        | 010  | MTN             | 5,000,000.00          | 5,050,761.93          | 5,049,807.16          | 01/06/2027    | 3.450        | 3.128            | 14,375.00                  | -954.77                 | 13,420.23                  |                   |
| 008252AM0                                  | 14582        | 010  | MTN             | 1,000,000.00          | 1,028,392.79          | 1,026,855.28          | 02/15/2024    | 4.250        | 2.295            | 3,541.67                   | -1,537.51               | 2,004.16                   |                   |
| 07330MAA5                                  | 14588        | 010  | MTN             | 5,000,000.00          | 5,279,875.38          | 5,274,384.04          | 10/30/2026    | 3.800        | 2.306            | 15,833.33                  | -5,491.34               | 10,341.99                  |                   |
| 04685A2L4                                  | 14602        | 010  | MTN             | 5,000,000.00          | 4,915,337.75          | 4,918,214.16          | 01/14/2025    | 2.500        | 3.184            | 10,416.66                  | 2,876.41                | 13,293.07                  |                   |
| 04685A2L4                                  | 14590        | 010  | MTN             | 5,950,000.00          | 5,974,664.10          | 5,973,826.14          | 01/14/2025    | 2.500        | 2.278            | 12,395.83                  | -837.96                 | 11,557.87                  |                   |
| 828807CS4                                  | 14606        | 010  | MTN             | 5,000,000.00          | 4,997,456.45          | 4,997,554.28          | 10/01/2024    | 3.375        | 3.336            | 14,062.50                  | 97.83                   | 14,160.33                  |                   |
| 22553PWD7                                  | 14652        | 010  | MC3             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 05/25/2025    | 4.050        | 3.974            | 16,875.00                  | 0.00                    | 16,875.00                  |                   |
| 22553PXJ3                                  | 14655        | 010  | MC3             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 05/31/2032    | 5.000        | 5.397            | 22,916.66                  | 0.00                    | 22,916.66                  |                   |
|                                            |              |      | <b>Subtotal</b> | <b>462,413,000.00</b> | <b>468,382,102.42</b> | <b>463,365,173.49</b> |               |              |                  | <b>1.790</b>               | <b>724,535.53</b>       | <b>-16,928.93</b>          | <b>707,606.60</b> |
| <b>Fund: Fidelity MM - Regular</b>         |              |      |                 |                       |                       |                       |               |              |                  |                            |                         |                            |                   |
| SYS14265                                   | 14265        | 040  | RRP             |                       |                       |                       |               | 0.003        | 2.023            | 327,987.68                 | 0.00                    | 327,987.68                 |                   |
|                                            |              |      |                 |                       |                       |                       |               |              | <b>2.023</b>     | <b>327,987.68</b>          | <b>0.00</b>             | <b>327,987.68</b>          |                   |
|                                            |              |      | <b>Total</b>    | <b>462,413,000.00</b> | <b>468,382,102.42</b> | <b>463,365,173.49</b> |               |              | <b>1.858</b>     | <b>1,052,523.21</b>        | <b>-16,928.93</b>       | <b>1,035,594.28</b>        |                   |



**Pooled Investments Selected Funds**  
**Interest Earnings**  
**Sorted by Fund - Fund**  
**September 1, 2022 - September 30, 2022**  
**Yield on Beginning Book Value**

| CUSIP                                      | Investment # | Fund | Security Type | Ending Par Value | Beginning Book Value | Ending Book Value | Maturity Date | Current Rate | Annualized Yield | Adjusted Interest Earnings |                         |                            |
|--------------------------------------------|--------------|------|---------------|------------------|----------------------|-------------------|---------------|--------------|------------------|----------------------------|-------------------------|----------------------------|
|                                            |              |      |               |                  |                      |                   |               |              |                  | Interest Earned            | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |               |                  |                      |                   |               |              |                  |                            |                         |                            |
| 3130ARX71                                  | 14648        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 05/23/2025    | 3.000        | 3.042            | 12,500.00                  | 0.00                    | 12,500.00                  |
| 3130AMEX6                                  | 14613        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00     | 05/27/2026    | 0.750        | 0.760            | 9,375.00                   | 0.00                    | 9,375.00                   |
| 3130ALZA5                                  | 14612        | 010  | MC5           | 9,000,000.00     | 9,000,000.00         | 9,000,000.00      | 04/29/2026    | 0.750        | 0.760            | 5,625.00                   | 0.00                    | 5,625.00                   |
| 3130AMF72                                  | 14615        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00     | 05/27/2026    | 0.650        | 0.659            | 8,125.00                   | 0.00                    | 8,125.00                   |
| 3130AMFQ0                                  | 14616        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00     | 05/26/2026    | 1.150        | 1.166            | 14,375.00                  | 0.00                    | 14,375.00                  |
| 3130AMFN7                                  | 14620        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 05/26/2026    | 0.500        | 0.507            | 4,166.67                   | 0.00                    | 4,166.67                   |
| 3130AMGG1                                  | 14619        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 05/26/2026    | 0.600        | 0.608            | 5,000.00                   | 0.00                    | 5,000.00                   |
| 3130AMG22                                  | 14618        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00     | 05/27/2026    | 0.700        | 0.710            | 11,666.66                  | 0.00                    | 11,666.66                  |
| 3130AN5U0                                  | 14642        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 07/29/2026    | 0.750        | 0.760            | 6,250.00                   | 0.00                    | 6,250.00                   |
| 3130ATH42                                  | 14665        | 010  | MC4           | 8,000,000.00     | 0.00                 | 8,000,000.00      | 09/29/2027    | 4.700        | 4.765            | 2,088.89                   | 0.00                    | 2,088.89                   |
| 3130ATDV6                                  | 14662        | 010  | MC5           | 5,000,000.00     | 0.00                 | 5,000,000.00      | 09/30/2027    | 5.000        | 5.069            | 694.44                     | 0.00                    | 694.44                     |
| 3130ARXL0                                  | 14649        | 010  | MC4           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 05/25/2023    | 3.000        | 3.042            | 12,500.00                  | 0.00                    | 12,500.00                  |
| 3130AMAV4                                  | 14611        | 010  | MC5           | 5,600,000.00     | 5,600,000.00         | 5,600,000.00      | 04/29/2027    | 1.250        | 1.267            | 5,833.34                   | 0.00                    | 5,833.34                   |
| 3130ARYA3                                  | 14651        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 05/26/2027    | 4.000        | 4.056            | 16,666.66                  | 0.00                    | 16,666.66                  |
| 3130AS7K9                                  | 14654        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 05/26/2032    | 4.440        | 4.502            | 18,500.00                  | 0.00                    | 18,500.00                  |
| 3130ATDK0                                  | 14661        | 010  | FAC           | 5,000,000.00     | 0.00                 | 4,993,686.57      | 12/08/2023    | 3.875        | 4.042            | 8,611.11                   | 236.57                  | 8,847.68                   |
| 3130ASGF0                                  | 14656        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 06/30/2025    | 4.000        | 4.056            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 3130AMG55                                  | 14622        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 05/27/2027    | 0.750        | 0.760            | 6,250.00                   | 0.00                    | 6,250.00                   |
| 3130AMFT4                                  | 14617        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 05/27/2026    | 0.625        | 0.634            | 5,208.34                   | 0.00                    | 5,208.34                   |
| 3130AMN24                                  | 14628        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 06/03/2026    | 1.150        | 1.166            | 9,583.33                   | 0.00                    | 9,583.33                   |
| 3130AMN57                                  | 14629        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00     | 06/03/2026    | 1.100        | 1.115            | 18,333.33                  | 0.00                    | 18,333.33                  |
| 3130ANJY7                                  | 14643        | 010  | MC5           | 40,000,000.00    | 40,000,000.00        | 40,000,000.00     | 08/26/2026    | 1.000        | 1.014            | 33,333.33                  | 0.00                    | 33,333.33                  |
| 3130AMWMO                                  | 14634        | 010  | MC5           | 4,250,000.00     | 4,250,000.00         | 4,250,000.00      | 06/30/2026    | 1.050        | 1.065            | 3,718.75                   | 0.00                    | 3,718.75                   |
| 3130AMPL0                                  | 14631        | 010  | MC5           | 15,000,000.00    | 15,000,000.00        | 15,000,000.00     | 06/08/2026    | 1.150        | 1.166            | 14,375.00                  | 0.00                    | 14,375.00                  |
| 3130AMP71                                  | 14630        | 010  | MC5           | 20,000,000.00    | 20,000,000.00        | 20,000,000.00     | 06/18/2026    | 1.200        | 1.217            | 20,000.00                  | 0.00                    | 20,000.00                  |
| 3130AMMW9                                  | 14632        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 06/10/2026    | 0.875        | 0.887            | 7,291.67                   | 0.00                    | 7,291.67                   |
| 3130ARTE1                                  | 14645        | 010  | MC5           | 6,425,000.00     | 6,425,000.00         | 6,425,000.00      | 04/26/2032    | 4.100        | 4.157            | 21,952.09                  | 0.00                    | 21,952.09                  |
| 3130AMG22                                  | 14624        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 05/27/2026    | 0.700        | 0.710            | 5,833.33                   | 0.00                    | 5,833.33                   |
| 3130AMLS9                                  | 14627        | 010  | MC5           | 10,000,000.00    | 10,000,000.00        | 10,000,000.00     | 06/17/2026    | 0.750        | 0.760            | 6,250.00                   | 0.00                    | 6,250.00                   |
| 3133ENP95                                  | 14666        | 010  | FAC           | 5,000,000.00     | 0.00                 | 4,979,155.00      | 09/30/2025    | 4.250        | 4.469            | 590.28                     | 19.32                   | 609.60                     |
| 3133ENVU0                                  | 14644        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 04/19/2032    | 4.000        | 4.056            | 16,666.67                  | 0.00                    | 16,666.67                  |
| 3133ENVV9                                  | 14647        | 010  | MC5           | 5,000,000.00     | 5,000,000.00         | 5,000,000.00      | 05/03/2027    | 3.630        | 3.680            | 15,125.00                  | 0.00                    | 15,125.00                  |

**Interest Earnings**

**September 1, 2022 - September 30, 2022**

| CUSIP                                      | Investment # | Fund | Security Type   | Ending Par Value      | Beginning Book Value  | Ending Book Value     | Maturity Date | Current Rate | Annualized Yield | Adjusted Interest Earnings |                         |                            |                   |
|--------------------------------------------|--------------|------|-----------------|-----------------------|-----------------------|-----------------------|---------------|--------------|------------------|----------------------------|-------------------------|----------------------------|-------------------|
|                                            |              |      |                 |                       |                       |                       |               |              |                  | Interest Earned            | Amortization/ Accretion | Adjusted Interest Earnings |                   |
| <b>Fund: Pooled Investment - Long Term</b> |              |      |                 |                       |                       |                       |               |              |                  |                            |                         |                            |                   |
| 3133ENVS6                                  | 14650        | 010  | FAC             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 05/02/2023    | 2.030        | 2.058            | 8,458.33                   | 0.00                    | 8,458.33                   |                   |
| 3133ENN22                                  | 14664        | 010  | FAC             | 5,000,000.00          | 0.00                  | 4,980,522.23          | 09/22/2025    | 3.750        | 3.950            | 4,687.50                   | 163.68                  | 4,851.18                   |                   |
| 3133ENWW6                                  | 14653        | 010  | MC5             | 5,000,000.00          | 4,994,649.97          | 4,994,695.88          | 05/17/2032    | 4.370        | 4.447            | 18,208.34                  | 45.91                   | 18,254.25                  |                   |
| 3134GXC36                                  | 14658        | 010  | MC5             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 12/30/2024    | 4.000        | 4.056            | 16,666.67                  | 0.00                    | 16,666.67                  |                   |
| 3134GXRS5                                  | 14646        | 010  | MC5             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 04/29/2025    | 3.100        | 3.143            | 12,916.66                  | 0.00                    | 12,916.66                  |                   |
| 3134GXC28                                  | 14657        | 010  | MC5             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 07/18/2025    | 4.100        | 4.157            | 17,083.33                  | 0.00                    | 17,083.33                  |                   |
| 037833AK6                                  | 14536        | 010  | MTN             | 5,000,000.00          | 4,974,517.46          | 4,977,676.46          | 05/03/2023    | 2.400        | 3.218            | 10,000.00                  | 3,159.00                | 13,159.00                  |                   |
| 254673RD0                                  | 14539        | 010  | SCD             | 250,000.00            | 250,000.00            | 250,000.00            | 07/05/2023    | 3.300        | 3.300            | 678.08                     | 0.00                    | 678.08                     |                   |
| 795450T47                                  | 14540        | 010  | SCD             | 250,000.00            | 250,000.00            | 250,000.00            | 07/03/2023    | 3.300        | 3.300            | 678.09                     | 0.00                    | 678.09                     |                   |
| 084670BJ6                                  | 14542        | 010  | MTN             | 5,000,000.00          | 4,996,910.41          | 4,997,489.71          | 02/11/2023    | 3.000        | 3.185            | 12,500.00                  | 579.30                  | 13,079.30                  |                   |
| 31422XJW3                                  | 14638        | 010  | MC5             | 10,000,000.00         | 10,000,000.00         | 10,000,000.00         | 07/20/2026    | 0.300        | 0.304            | 2,500.00                   | 0.00                    | 2,500.00                   |                   |
| 589331AT4                                  | 14545        | 010  | MTN             | 0.00                  | 4,998,855.34          | 0.00                  | 09/15/2022    | 2.400        | 3.031            | 4,666.67                   | 1,144.66                | 5,811.33                   |                   |
| 68389XAS4                                  | 14548        | 010  | MTN             | 5,000,000.00          | 5,008,997.21          | 5,008,137.60          | 07/15/2023    | 3.625        | 3.460            | 15,104.17                  | -859.61                 | 14,244.56                  |                   |
| 24422EUM9                                  | 14554        | 010  | MTN             | 5,000,000.00          | 5,017,860.72          | 5,016,524.50          | 10/12/2023    | 3.650        | 3.364            | 15,208.33                  | -1,336.22               | 13,872.11                  |                   |
| 24422EWK1                                  | 14663        | 010  | MTN             | 5,000,000.00          | 0.00                  | 4,977,798.02          | 09/15/2027    | 4.150        | 4.318            | 8,645.83                   | 186.68                  | 8,832.51                   |                   |
| 540424AQ1                                  | 14555        | 010  | MTN             | 5,000,000.00          | 4,976,354.52          | 4,979,147.29          | 05/15/2023    | 2.625        | 3.357            | 10,937.50                  | 2,792.77                | 13,730.27                  |                   |
| 693475AV7                                  | 14557        | 010  | MC3             | 5,000,000.00          | 5,008,170.71          | 5,007,682.42          | 01/23/2024    | 3.500        | 3.424            | 14,583.34                  | -488.29                 | 14,095.05                  |                   |
| 13063DGB8                                  | 14559        | 010  | MUN             | 5,000,000.00          | 5,037,923.75          | 5,036,700.40          | 04/01/2025    | 3.375        | 3.101            | 14,062.50                  | -1,223.35               | 12,839.15                  |                   |
| 05531FBF9                                  | 14561        | 010  | MC3             | 5,000,000.00          | 5,043,147.49          | 5,040,302.60          | 12/06/2023    | 3.750        | 3.083            | 15,625.00                  | -2,844.89               | 12,780.11                  |                   |
| 91159HHU7                                  | 14562        | 010  | MC3             | 5,000,000.00          | 5,135,810.66          | 5,132,286.16          | 11/17/2025    | 3.950        | 3.064            | 16,458.33                  | -3,524.50               | 12,933.83                  |                   |
| 20030NBN0                                  | 14563        | 010  | MTN             | 5,000,000.00          | 5,036,616.35          | 5,035,583.93          | 08/15/2025    | 3.375        | 3.148            | 14,062.50                  | -1,032.42               | 13,030.08                  |                   |
| 747525AT0                                  | 14564        | 010  | MTN             | 5,000,000.00          | 4,988,110.95          | 4,988,687.15          | 05/20/2024    | 2.900        | 3.088            | 12,083.33                  | 576.20                  | 12,659.53                  |                   |
| 747525AU7                                  | 14587        | 010  | MTN             | 5,963,000.00          | 6,171,619.21          | 6,167,935.52          | 05/20/2027    | 3.250        | 2.458            | 16,149.79                  | -3,683.69               | 12,466.10                  |                   |
| 751212AC5                                  | 14566        | 010  | MC3             | 5,000,000.00          | 5,086,880.69          | 5,084,498.22          | 09/15/2025    | 3.750        | 3.167            | 15,625.00                  | -2,382.47               | 13,242.53                  |                   |
| 375558BF9                                  | 14570        | 010  | MTN             | 5,000,000.00          | 5,083,329.55          | 5,081,345.52          | 03/01/2026    | 3.650        | 3.165            | 15,208.33                  | -1,984.03               | 13,224.30                  |                   |
| 233851CU6                                  | 14574        | 010  | MTN             | 3,725,000.00          | 3,789,777.44          | 3,788,535.70          | 01/06/2027    | 3.450        | 3.039            | 10,709.38                  | -1,241.74               | 9,467.64                   |                   |
| 233851CU6                                  | 14571        | 010  | MTN             | 5,000,000.00          | 5,049,807.16          | 5,048,852.39          | 01/06/2027    | 3.450        | 3.233            | 14,375.00                  | -954.77                 | 13,420.23                  |                   |
| 008252AM0                                  | 14582        | 010  | MTN             | 1,000,000.00          | 1,026,855.28          | 1,025,317.76          | 02/15/2024    | 4.250        | 2.375            | 3,541.67                   | -1,537.52               | 2,004.15                   |                   |
| 07330MAA5                                  | 14588        | 010  | MTN             | 5,000,000.00          | 5,274,384.04          | 5,268,892.70          | 10/30/2026    | 3.800        | 2.386            | 15,833.33                  | -5,491.34               | 10,341.99                  |                   |
| 04685A2L4                                  | 14602        | 010  | MTN             | 5,000,000.00          | 4,918,214.16          | 4,921,090.57          | 01/14/2025    | 2.500        | 3.288            | 10,416.67                  | 2,876.41                | 13,293.08                  |                   |
| 04685A2L4                                  | 14590        | 010  | MTN             | 5,950,000.00          | 5,973,826.14          | 5,972,988.17          | 01/14/2025    | 2.500        | 2.354            | 12,395.83                  | -837.97                 | 11,557.86                  |                   |
| 828807CS4                                  | 14606        | 010  | MTN             | 5,000,000.00          | 4,997,554.28          | 4,997,652.11          | 10/01/2024    | 3.375        | 3.447            | 14,062.50                  | 97.83                   | 14,160.33                  |                   |
| 22553PWD7                                  | 14652        | 010  | MC3             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 05/25/2025    | 4.050        | 4.106            | 16,875.00                  | 0.00                    | 16,875.00                  |                   |
| 22553PXJ3                                  | 14655        | 010  | MC3             | 5,000,000.00          | 5,000,000.00          | 5,000,000.00          | 05/31/2032    | 5.000        | 5.069            | 20,833.34                  | 0.00                    | 20,833.34                  |                   |
| 88579YAR2                                  | 14659        | 010  | MTN             | 5,000,000.00          | 0.00                  | 4,850,870.95          | 08/07/2025    | 3.000        | 4.231            | 7,083.33                   | 2,470.95                | 9,554.28                   |                   |
| 30303M8B1                                  | 14660        | 010  | MTN             | 5,000,000.00          | 0.00                  | 4,813,065.52          | 08/15/2027    | 3.500        | 4.496            | 7,777.78                   | 1,705.22                | 9,483.00                   |                   |
|                                            |              |      | <b>Subtotal</b> | <b>500,413,000.00</b> | <b>463,365,173.49</b> | <b>500,942,121.05</b> |               |              |                  | <b>1.944</b>               | <b>769,857.01</b>       | <b>-13,368.31</b>          | <b>756,488.70</b> |

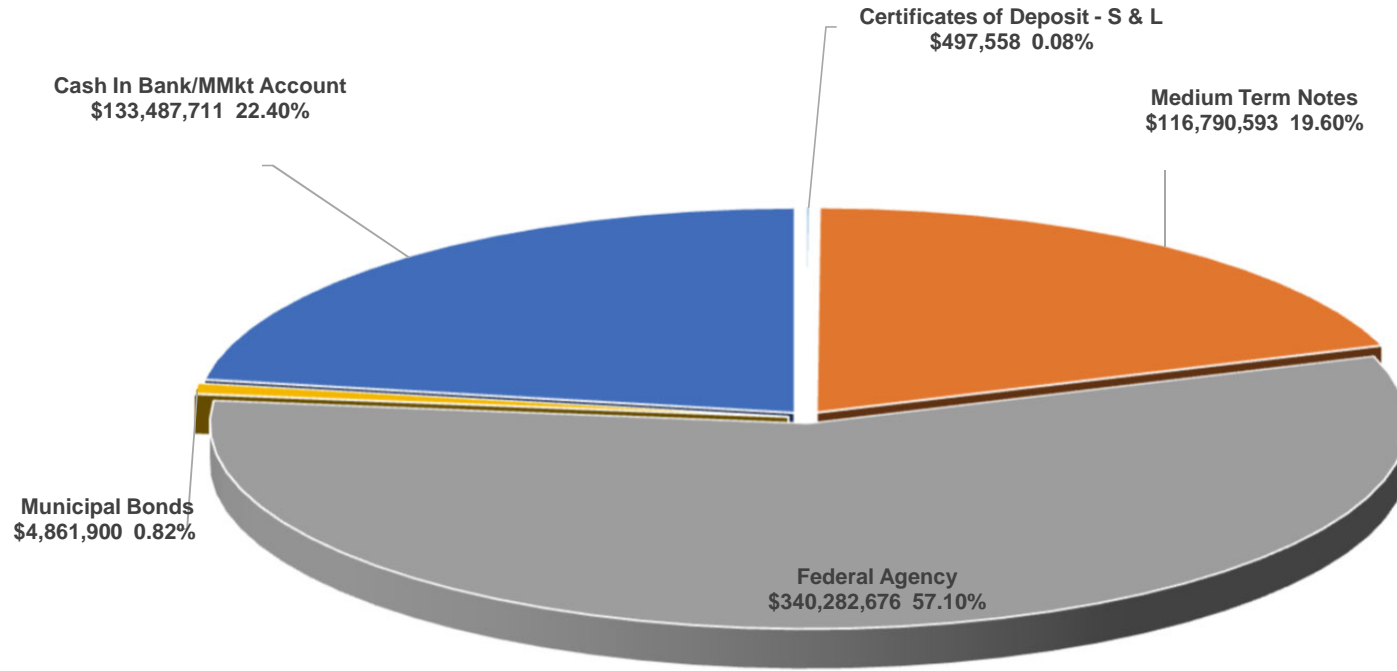
**Page 20 of 27**  
Pooled Investments Selected Funds  
Interest Earnings  
September 1, 2022 - September 30, 2022

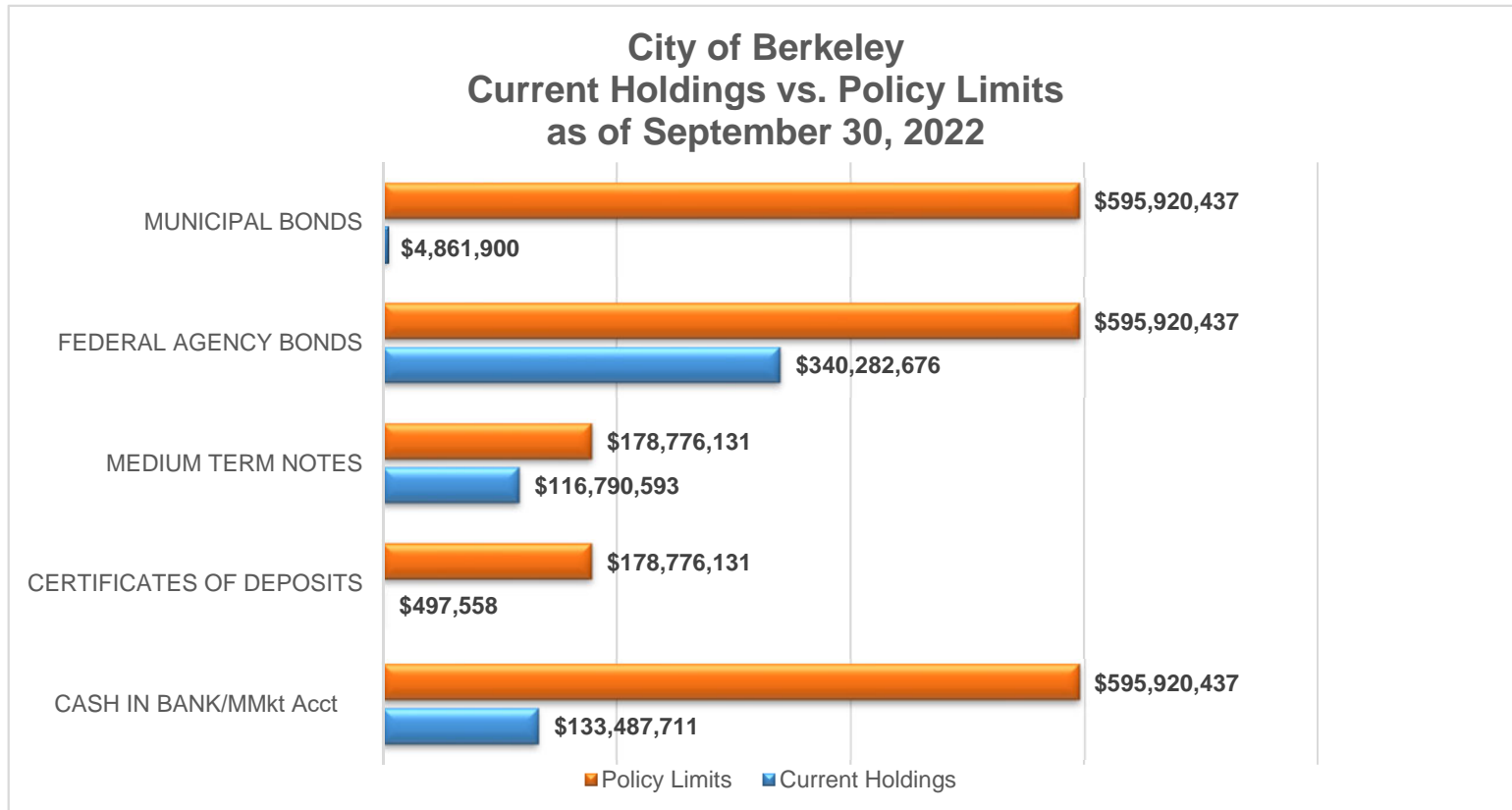
Exhibit 2-B.3

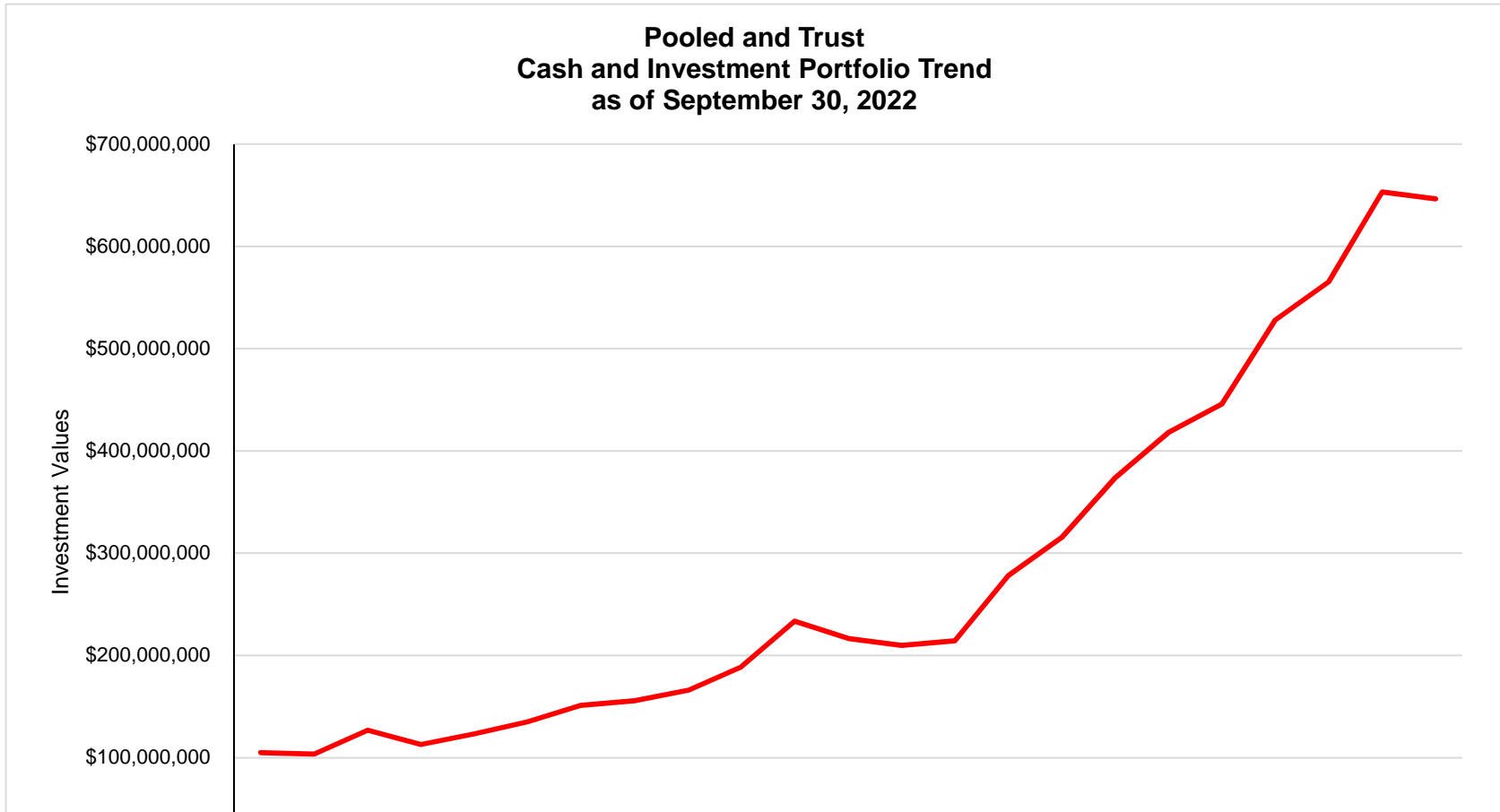
| CUSIP                              | Investment # | Fund | Security Type | Ending Par Value      | Beginning Book Value  | Ending Book Value     | Maturity Date | Current Rate | Adjusted Interest Earnings |                     |                         |                            |
|------------------------------------|--------------|------|---------------|-----------------------|-----------------------|-----------------------|---------------|--------------|----------------------------|---------------------|-------------------------|----------------------------|
|                                    |              |      |               |                       |                       |                       |               |              | Annualized Yield           | Interest Earned     | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Fund: Fidelity MM - Regular</b> |              |      |               |                       |                       |                       |               |              |                            |                     |                         |                            |
| SYS14265                           | 14265        | 040  | RRP           |                       |                       |                       |               | 0.003        | 2.300                      | 351,994.08          | 0.00                    | 351,994.08                 |
|                                    |              |      |               |                       |                       |                       |               |              | <b>2.300</b>               | <b>351,994.08</b>   | <b>0.00</b>             | <b>351,994.08</b>          |
|                                    |              |      | <b>Total</b>  | <b>500,413,000.00</b> | <b>463,365,173.49</b> | <b>500,942,121.05</b> |               |              | <b>2.044</b>               | <b>1,121,851.09</b> | <b>-13,368.31</b>       | <b>1,108,482.78</b>        |



Pooled Cash and Investments  
(Market Value)  
as of September 30, 2022









**Summary of Pooled Cash and Investments - Trust Funds**  
**(Market Value)**  
**As of September 30, 2022**

|                                         |                                       | <u>Pooled Cash</u>   | <u>Investments<br/>(Book Value)</u> | <u>Gain/Loss on<br/>Investments</u> | <u>Pooled Cash<br/>&amp; Investments<br/>(Market Value)</u> |
|-----------------------------------------|---------------------------------------|----------------------|-------------------------------------|-------------------------------------|-------------------------------------------------------------|
| <b>Retiree Medical Trust Fund</b>       |                                       |                      |                                     |                                     |                                                             |
| <b>Fund No.</b>                         |                                       |                      |                                     |                                     |                                                             |
| 721                                     | BHA                                   | \$ 442,280           | \$ 202,204                          | \$ (34,561)                         | \$ 609,923                                                  |
| 722                                     | M1=IBEW                               | (35,507)             | 96,986                              | (9,869)                             | 51,610                                                      |
| 723                                     | M2=Local 1                            | 6,604,259            | 4,454,542                           | (545,823)                           | 10,512,978                                                  |
| 724                                     | MUI=Z1                                | 1,011,747            | 912,225                             | (71,696)                            | 1,852,276                                                   |
| 725                                     | MUI=Z2 to Z6                          | 1,538,454            | 1,264,839                           | (123,911)                           | 2,679,382                                                   |
| 726                                     | M535= Local 535                       | 5,864,273            | 4,097,245                           | (380,451)                           | 9,581,067                                                   |
| 727                                     | M3=Local 790                          | 3,813,202            | 2,760,831                           | (368,757)                           | 6,205,276                                                   |
| <b>Total Retiree Medical Trust Fund</b> |                                       | <b>19,238,708</b>    | <b>13,788,872</b>                   | <b>(1,535,068)</b>                  | <b>31,492,512</b>                                           |
| <b>Fire Medical Trust Fund</b>          |                                       |                      |                                     |                                     |                                                             |
| 736                                     | Fire Medical Trust Fund               | 6,051,321            | 6,849,339                           | (807,507)                           | 12,093,153                                                  |
| <b>Total Fire Medical Trust Fund</b>    |                                       | <b>6,051,321</b>     | <b>6,849,339</b>                    | <b>(807,507)</b>                    | <b>12,093,153</b>                                           |
| <b>Police Medical Trust Fund</b>        |                                       |                      |                                     |                                     |                                                             |
| 731                                     | Police EE Retiree HLT Assistance Plan | 881,361              | 1,641,022                           | (220,430)                           | 2,301,953                                                   |
| 701                                     | Safety Members Pension Fund           | 53,612               |                                     |                                     | 53,612                                                      |
| 706                                     | Police Medical Trust Fund             | 1,929,498            | 2,850,104                           | (335,597)                           | 4,444,005                                                   |
| <b>Total Police Medical Trust Fund</b>  |                                       | <b>2,864,471</b>     | <b>4,491,126</b>                    | <b>(556,027)</b>                    | <b>6,799,570</b>                                            |
| <b>Total Trust Funds</b>                |                                       | <b>\$ 28,154,500</b> | <b>\$ 25,129,337</b>                | <b>\$ (2,898,602)</b>               | <b>\$ 50,385,235</b>                                        |



Retiree Medical Trust Fund  
Fund 721 - 727  
Interest Earnings  
July 1 to September 30, 2022

| Investments<br>As of September 30, 2022 |              |                      |                         |                         |                         |                         |               | Interest Earnings<br>July 1 to September 30, 2022 |              |                  |                            |                            |                            |
|-----------------------------------------|--------------|----------------------|-------------------------|-------------------------|-------------------------|-------------------------|---------------|---------------------------------------------------|--------------|------------------|----------------------------|----------------------------|----------------------------|
| CUSIP                                   | Investment # | Issuer               | Par Value               | Beginning Book Value    | Ending Book Value       | Market Value            | Maturity Date | Moody's Rating                                    | Current Rate | Annualized Yield | Adjusted Interest Earnings |                            |                            |
|                                         |              |                      |                         |                         |                         |                         |               |                                                   |              |                  | Interest Earned            | Amortization/<br>Accretion | Adjusted Interest Earnings |
| <b>Federal Agency Coupon Securities</b> |              |                      |                         |                         |                         |                         |               |                                                   |              |                  |                            |                            |                            |
| 3133EFQT7                               | 14361        | Fed Farm Credit Bank | 2,600,000.00            | 2,606,184.86            | 2,605,730.09            | 2,475,122.00            | 11/25/2025    | AAA                                               | 2.700        | 2.602            | 17,550.00                  | (454.77)                   | 17,095.23                  |
| <b>Municipal Bonds</b>                  |              |                      |                         |                         |                         |                         |               |                                                   |              |                  |                            |                            |                            |
| 786091AG3                               | 14316        | SACGEN               | 5,000,000.00            | 5,166,609.25            | 5,153,100.39            | 5,246,650.00            | 08/01/2025    | A3                                                | 7.250        | 5.922            | 90,625.00                  | (13,508.86)                | 77,116.14                  |
| <b>Savo Island Loan</b>                 |              |                      |                         |                         |                         |                         |               |                                                   |              |                  |                            |                            |                            |
| SYS10988                                | 10988        | EMPMED               | 193,000.00              | 193,000.00              | 150,000.00              | 150,000.00              | 09/01/2025    | N/A                                               | 8.000        | 7.397            | 3,598.44                   | -                          | 3,598.44                   |
| <b>Preferred Securities</b>             |              |                      |                         |                         |                         |                         |               |                                                   |              |                  |                            |                            |                            |
| 00206R706                               | 14591        | AT&T Inc.            | 1,680,033.60            | 1,680,033.60            | 1,680,033.60            | 1,252,025.05            | N/A           | N/A                                               | 4.596        | 4.672            | 29,672.61                  | -                          | 29,672.61                  |
| 00206R706                               | 14596        | AT&T Inc.            | 1,680,008.40            | 1,680,008.40            | 1,680,008.40            | 1,252,006.27            | N/A           | N/A                                               | 4.640        | 4.670            | 19,773.56                  | -                          | 19,773.56                  |
| 00206R706                               | 14597        | AT&T Inc.            | 2,520,000.00            | 2,520,000.00            | 2,520,000.00            | 1,878,000.01            | N/A           | N/A                                               | 4.643        | 4.623            | 19,577.79                  | -                          | 19,577.79                  |
| <b>Total</b>                            |              |                      | <b>\$ 13,673,042.00</b> | <b>\$ 13,845,836.11</b> | <b>\$ 13,788,872.48</b> | <b>\$ 12,253,803.33</b> |               |                                                   |              | <b>4.780</b>     | <b>\$ 180,797.40</b>       | <b>\$ (13,963.63)</b>      | <b>\$ 166,833.77</b>       |

|                                                     |                  |
|-----------------------------------------------------|------------------|
| Total Investments (Book Value)                      | \$ 13,788,872.48 |
| Gain/Loss on Investments                            | (1,535,069.15)   |
| Total Investments (Market Value)                    | 12,253,803.33    |
| Temporarily Invested with Pooled Cash & Investments | 19,238,708.00    |
| Total Pooled Cash and Investments                   | \$ 31,492,511.33 |



**Fire Retiree Medical  
Fund 736  
Interest Earnings  
July 1 to September 30, 2022**

| Investments<br>As of September 30, 2022 |              |                            |                        |                        |                        |                        |               | Interest Earnings<br>July 1 to September 30, 2022 |              |                  |                            |                         |                            |
|-----------------------------------------|--------------|----------------------------|------------------------|------------------------|------------------------|------------------------|---------------|---------------------------------------------------|--------------|------------------|----------------------------|-------------------------|----------------------------|
| CUSIP                                   | Investment # | Issuer                     | Par Value              | Beginning Book Value   | Ending Book Value      | Market Value           | Maturity Date | Moody's Rating                                    | Current Rate | Annualized Yield | Adjusted Interest Earnings |                         |                            |
|                                         |              |                            |                        |                        |                        |                        |               |                                                   |              |                  | Interest Earned            | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Medium Term Notes</b>                |              |                            |                        |                        |                        |                        |               |                                                   |              |                  |                            |                         |                            |
| 6174467X1                               | 14318        | Morgan Stanley DW DTC#0015 | 2,000,000.00           | 2,026,225.58           | 2,024,295.65           | 1,974,320.00           | 11/24/2025    | BAA1                                              | 5.000        | 4.517            | 25,000.00                  | (1,929.93)              | 23,070.07                  |
| <b>Federal Agency Coupon Securities</b> |              |                            |                        |                        |                        |                        |               |                                                   |              |                  |                            |                         |                            |
| 3133EFQT7                               | 14362        | Fed Farm Credit Bank       | 2,300,000.00           | 2,305,471.23           | 2,305,068.93           | 2,189,531.00           | 11/25/2025    | AAA                                               | 2.700        | 2.602            | 15,525.00                  | (402.30)                | 15,122.70                  |
| <b>Preferred Securities</b>             |              |                            |                        |                        |                        |                        |               |                                                   |              |                  |                            |                         |                            |
| 00206R706                               | 14592        | AT&T Inc.                  | 1,679,983.20           | 1,679,983.20           | 1,679,983.20           | 1,251,987.49           | N/A           | N/A                                               | 4.596        | 4.641            | 19,652.86                  | -                       | 19,652.86                  |
| 00206R706                               | 14594        | AT&T Inc.                  | 839,991.60             | 839,991.60             | 839,991.60             | 625,993.74             | N/A           | N/A                                               | 4.640        | 4.670            | 9,886.63                   | -                       | 9,886.63                   |
| <b>Total</b>                            |              |                            | <b>\$ 6,819,974.80</b> | <b>\$ 6,851,671.61</b> | <b>\$ 6,849,339.38</b> | <b>\$ 6,041,832.23</b> |               |                                                   |              | <b>3.922</b>     | <b>\$ 70,064.49</b>        | <b>\$ (2,332.23)</b>    | <b>\$ 67,732.26</b>        |

|                                                                |                         |
|----------------------------------------------------------------|-------------------------|
| <b>Total Investments (Book Value)</b>                          | <b>\$ 6,849,339.38</b>  |
| <b>Gain/Loss on Investments</b>                                | <b>(807,507.15)</b>     |
| <b>Total Investments (Market Value)</b>                        | <b>6,041,832.23</b>     |
| <b>Temporarily Invested with Pooled Cash &amp; Investments</b> | <b>6,051,321.00</b>     |
| <b>Total Pooled Cash and Investments</b>                       | <b>\$ 12,093,153.23</b> |



Police Retiree Medical  
Fund 731 and 706  
Interest Earnings  
July 1 to September 30, 2022

| Investments<br>As of September 30, 2022 |              |                            |                        |                        |                        |                        |               |                | Interest Earnings<br>July 1 to September 30, 2022 |                  |                     |                         |                            |
|-----------------------------------------|--------------|----------------------------|------------------------|------------------------|------------------------|------------------------|---------------|----------------|---------------------------------------------------|------------------|---------------------|-------------------------|----------------------------|
| CUSIP                                   | Investment # | Issuer                     | Par Value              | Beginning Book Value   | Ending Book Value      | Market Value           | Maturity Date | Moody's Rating | Current Rate                                      | Annualized Yield | Interest Earned     | Amortization/ Accretion | Adjusted Interest Earnings |
| <b>Medium Term Notes</b>                |              |                            |                        |                        |                        |                        |               |                |                                                   |                  |                     |                         |                            |
| 6174467X1                               | 14319        | Morgan Stanley DW DTC#0015 | 500,000.00             |                        | 506,073.91             | 493,580.00             | 11/24/25      | BAA1           | 5.000                                             | 4.517            | 6,250.00            | (482.48)                | 5,767.52                   |
| <b>Federal Agency Coupon Securities</b> |              |                            |                        |                        |                        |                        |               |                |                                                   |                  |                     |                         |                            |
| 3133EFQT7                               | 14363        | Fed. Farm Credit Banks     | 2,300,000.00           |                        | 2,305,068.93           | 2,189,531.00           | 11/25/25      | AAA            | 2.700                                             | 2.602            | 15,525.00           | (402.30)                | 15,122.70                  |
| <b>Preferred Securities</b>             |              |                            |                        |                        |                        |                        |               |                |                                                   |                  |                     |                         |                            |
| 00206R706                               | 14593        | AT&T Inc.                  | 1,679,983.20           | 1,679,983.20           | 1,679,983.20           | 1,251,987.49           | N/A           | N/A            | 4.596                                             | 4.641            | 19,652.86           | -                       | 19,652.86                  |
| <b>Total</b>                            |              |                            | <b>\$ 4,479,983.20</b> | <b>\$ 1,679,983.20</b> | <b>\$ 4,491,126.04</b> | <b>\$ 3,935,098.49</b> |               |                |                                                   | <b>3.581</b>     | <b>\$ 41,427.86</b> | <b>\$ (884.78)</b>      | <b>\$ 40,543.08</b>        |

|                                                     |                        |
|-----------------------------------------------------|------------------------|
| Total Investments (Book Value)                      | \$ 4,491,126.04        |
| Gain/Loss on Investments                            | (556,027.55)           |
| Total Investments (Market Value)                    | 3,935,098.49           |
| Temporarily Invested with Pooled Cash & Investments | 2,864,471.00           |
| <b>Total Pooled Cash and Investments</b>            | <b>\$ 6,799,569.49</b> |







# Communications

All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

## **City Clerk Department**

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

## **Records Online**

<https://records.cityofberkeley.info/>

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF