



BERKELEY PUBLIC LIBRARY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING

Wednesday, November 2, 2022

AGENDA

6:30 PM

This Meeting Will Be
Conducted Exclusively
Through Videoconference
and Teleconference

Commission Members:

Amy Roth, President; Sophie Hahn, Vice President; Diane Davenport, Beverly Greene, John Selawsky

Public Advisory: This Meeting Will be Conducted Exclusively Through Videoconference & Teleconference

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

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/86042306505>. 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](tel:1-669-900-9128) and enter Meeting ID: [860-4230-6505](tel:860-4230-6505). If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. NOTE: Your phone number will appear on the screen.

To submit an e-mail comment during the meeting to be read aloud during public comment, email BOLT@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.

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

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 [Eve Franklin, Administrative Secretary, \(510\) 981-6102](mailto:Eve.Franklin@cityofberkeley.info). The Board of Library Trustees may take action related to any subject listed on the agenda.

I. PRELIMINARY MATTERS

A. Roll Call

B. Public Comment on Non-agenda Matters

Speakers are allowed 3 minutes each for up to 10 speakers; if more than 10 individuals have filled out and submitted cards to speak, the time for all speakers will be reduced to 2 minutes per person and if more than 20 individuals have submitted speaker's cards, the time per person will be reduced to one minute each, for a maximum of one hour of public comment.

C. Comments from Library Unions

For regular meetings of the BOLT, representatives from the three unions representing Library employees may address BOLT, with a total time limit of 15 minutes. If all three (3) unions have representatives present and wish to speak, each union shall receive 5 minutes to address BOLT. If only two (2) unions have representatives present and wishing to speak, each union shall receive 7.5 minutes to address BOLT, for a total of 15 minutes. If only one (1) union has representatives present and wishing to speak, that union shall receive 15 minutes to address BOLT. The Secretary shall, at the start of the Comment from Library Union item, ask union representatives who wish to speak to identify themselves and which union they represent. The Secretary shall then determine the appropriate allocation of speaking time according to the rules stated herein.

- i. SEIU, LOCAL 1021 (Maintenance and Clerical Units)
- ii. SEIU, LOCAL 1021 (Community Services and PTRLA Units)
- iii. Public Employees Union, LOCAL 1

D. Comments from Board of Library Trustees

II. CONSENT CALENDAR

The Board will consider removal and addition of items to the Consent Calendar prior to voting on the Consent Calendar. All items remaining on the Consent Calendar will be approved in one motion.

A. Minutes of October 19, 2022 Regular Meeting

From: Tess Mayer, Director of Library Services

Recommendation: Adopt the resolution to approve the minutes of the October 19, 2022 Regular Meeting of the Board of Library Trustees.

B. Contract: The Pivotal Group

From: Tess Mayer, Director of Library Services

Recommendation: Approve a resolution authorizing the Director of Library Services to execute a contract with The Pivotal Group Consulting for strategic planning consulting services for an amount not to exceed \$250,000 from December 2022 through July 2023.

C. Contract Amendment: No. 104330-2 CTC Technology & Energy (CTC)

From: Alicia Abramson, Manager, Library Information Technology

Recommendation: Adopt a resolution authorizing the Director of Library Services to amend Contract No. 104330-2 with CTC Technology & Energy ("CTC"), to increase the contracted not-to-exceed amount to \$707,865 for the continued provision to the Library of a 10 Gigabits per second connection to the California Research and Education Network ("CalREN") high-speed broadband fiber network until June 30, 2024.

III. ACTION CALENDAR

A. Discussion and Election of Board of Library Trustees President

From: Tess Mayer, Director of Library Services

Recommendation: Following discussion, the Board will elect a Trustee to sit as President, for the term commencing November 3, 2022, for a one-year term.

B. Discussion and Election of Board of Library Trustees Vice-President

From: Tess Mayer, Director of Library Services

Recommendation: Following discussion, the Board will elect a Trustee to sit as Vice-President, for the term commencing November 3, 2022, for a one-year term.

C. City of Berkeley Land Acknowledgement Memo and Proposed Action

From: Tess Mayer, Director of Library Services

Recommendation: Approve a resolution adopting the proposed resolution that the Land Acknowledgement adopted by the City of Berkeley on October 11, 2022 shall be displayed in writing at all Regular Meetings of the Board of Library Trustees and shall be read out loud during the Ceremonial portion of the first Regular Board of Library Trustees meeting of each month.

D. FY 2023 Budget Amendment (AAO)

From: Nneka Gallaread, Administrative and Fiscal Services Manager

Recommendation: Approve a resolution amending the FY 2023 approved Expenditures Budget for all Fund entities to \$24,954,247 based on appropriation of committed prior year funding and other adjustments totaling \$573,875

IV. INFORMATION REPORTS

All items for discussion only and no final action.

A. Central Children's Services Team Presentation – Elaine Tai, Supervising Librarian, Children's Services; Emma Coleman, Librarian and Yesica Hurd, Librarian.

B. FYTD 2022 – 4th Quarter YTD Budget Report – Nneka Gallaread, Administrative and Fiscal Services Manager

C. Monthly Library Director's Report – Tess Mayer, Director of Library Services

V. ITEMS FOR FUTURE AGENDAS

These items are not scheduled for discussion or action at this meeting. The Board of Library Trustees may schedule these items to the agenda of a future meeting.

A. Discussion of items to be added to future agendas

VI. ADJOURNMENT

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 Tess Mayer, 510-981-6195, tmayer@cityofberkeley.info.

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: E-mail addresses, names, addresses, and other contact information are not required but, if included in any communication to a City board, commission, or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission, or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission, or committee for further information.

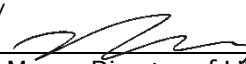
Any writings or documents provided to a majority of the commission regarding any item on this agenda will be made available for public inspection at the Berkeley Public Library Administration Office located at 2090 Kittredge Street - 3rd Floor Admin Wing, Berkeley, CA 94704.

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 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

~~~~~  
I hereby certify that the agenda for this regular/special meeting of the Board of Library Trustees was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way and in front of the Central Public Library at 2090 Kittredge Street as well as on the Berkeley Public Library's website, on October 26, 2022

//s//

  
Tess Mayer, Director of Library Services  
Serving as Secretary to the Board of Library Trustees

**Communications:**

|                      |                                                   |            |
|----------------------|---------------------------------------------------|------------|
| Eric Friedman        | Sundays                                           | 10/23/2022 |
| Mayer, Tess          | RE: Land Acknowledgement Statement                | 10/21/2022 |
| Numainville, Mark L. | Land Acknowledgement Statement                    | 10/21/2022 |
| Aditi                | Kidlit about indian by Indians from India         | 10/4/2022  |
| Aditi                | Expanding offerings of books from and about India | 10/4/2022  |





## MINUTES

### Berkeley Public Library - Board of Library Trustees Regular Meeting Wednesday, October 19, 2022 6:30 PM

This meeting was conducted exclusively through videoconference and teleconference.

#### Board of Library Trustees:

|                             |                 |
|-----------------------------|-----------------|
| Amy Roth, President         | Diane Davenport |
| Sophie Hahn, Vice President | Beverly Greene  |
|                             | John Selawsky   |

## I. PRELIMINARY MATTERS

A copy of the agenda packet can be found at <http://www.berkeleypubliclibrary.org/about/board-library-trustees>

- A. **Call to order:** 6:31 pm.
  - Present: Trustees Davenport, Greene, Hahn, Roth and Selawsky.  
John Selawsky arrived 6:33pm
  - Absent: None.
  - Also Present: Tess Mayer, Director of Library Services; Alicia Abramson, Information Services Technology Manager; Jay Dickinson, Circulation Services Manager; Amanda Myers, Acting Library Services Manager; My Chan, Associate Human Resources Analyst; Aimee Reeder; Assoc. Management Analyst; Eve Franklin, Administrative Secretary; Perlita Payne, Supervising Librarian, Central Adult Services; Kasey Breien, Librarian I; Jef Findley, Librarian II, and Fabiola Hernandez-Soto, Librarian I.
- B. **Ceremonial Matters:**
  - 1. Adjourn in memory of Amelia Tavistock, library employee
- C. **Public Comments:** 0 speakers.
- D. **Comments from Library Unions:**
  - A. SEIU, LOCAL 1021 (Maintenance and Clerical Units) – 0 speakers
  - B. SEIU, LOCAL 1021 (Community Services and PTRLA Units) – 0 speakers
  - C. Public Employees Union, LOCAL 1 – 0 speakers
- E. **Comments from Board of Library Trustees**
  - A. Trustee Davenport – Really enjoyed Dr. Lori A. Watson Race Work training.
  - B. Trustee Hahn – Expressed condolences, we have had a tragic loss in the Library.
  - C. Trustee Greene – Race Work training was excellent. Thank you to staff for initiating this training.
  - D. Trustee Roth – Race Work training was eye opening on many levels.

## II. CONSENT CALENDAR

**Action:** M/S/C Trustee Selawsky / Trustee Davenport to adopt resolution #R22-046 to approve the consent calendar as presented

**Vote:** Ayes: Trustees Davenport, Greene, Hahn, Roth and Selawsky. Noes: None. Absent: None. Abstentions: None.

### A. Approve Minutes of the September 7, 2022 Regular Meeting

**From:** Director of Library Services

**Recommendation:** Adopt a resolution to approve the minutes of the September 7, 2022 Regular Meeting of the Board of Library Trustees as presented.

**Financial Implications:** None

**Contact:** Tess Mayer, Director of Library Services

**Action:** M/S/C Trustee Selawsky / Trustee Davenport to adopt resolution #R22-047 to approve the minutes as presented.

**Vote:** Ayes: Trustees Davenport, Greene, Hahn, Roth and Selawsky. Noes: None. Absent: None. Abstentions: None.

**B. Authorization to Open the Central Library and all Branches One Hour Late to Allow Adequate Time for All-Staff Meetings during 2023**

**From:** Director of Library Services

**Recommendation:** Adopt a resolution to open the Central Library and all Branch Libraries one hour later on March 31, June 30, and September 29, 2023 to allow adequate time for the all-staff meeting.

**Financial Implications:** None

**Contact:** Tess Mayer, Director of Library Services

**Action:** M/S/C Trustee Selawsky / Trustee Davenport to adopt resolution #R22-048 to open the Central Library and all Branch Libraries one hour later on March 31, June 30, and September 29, 2023 to allow adequate time for the all-staff meeting.

**Vote:** Ayes: Trustees Davenport, Greene, Hahn, Roth and Selawsky. Noes: None. Absent: None. Abstentions: None.

**C. 2023 Regular Meeting Schedule for the Board of Library Trustees**

**From:** Director of Library Services

**Recommendation:** Adopt the resolution approving dates, times and locations for the 2023 regular meeting schedule for the Board of Library Trustees.

**Financial Implications:** See report

**Contact:** Tess Mayer, Director of Library Services

**Action:** M/S/C Trustee Selawsky / Trustee Davenport to adopt resolution #R22-049 approving dates, times and locations for the 2023 regular meeting schedule for the Board of Library Trustees.

**Vote:** Ayes: Trustees Davenport, Greene, Hahn, Roth and Selawsky. Noes: None. Absent: None. Abstentions: None.

**D. 2023 Berkeley Public Library Holiday & Early Closing Schedule**

**From:** Director of Library Services

**Recommendation:** Adopt the resolution approving the 2023 Berkeley Public Library Holiday & Early Closing Schedule.

**Financial Implications:** See report

**Contact:** Tess Mayer, Director of Library Services

**Action:** M/S/C Trustee Selawsky / Trustee Davenport to adopt resolution #R22-050 approving the 2023 Berkeley Public Library Holiday & Early Closing Schedule with correction of the Lincoln's Birthday holiday to February 13, 2023.

**Vote:** Ayes: Trustees Davenport, Greene, Hahn, Roth and Selawsky. Noes: None. Absent: None. Abstentions: None.

**III. ACTION CALENDAR**

**A. Nominations for the Selection of Board President and Vice-President**

**From:** Director of Library Services

**Recommendation:** Following discussion, the Board will nominate Trustees to sit as President and Vice-President, for the term commencing November 3, 2022, for a one-year term.

**Financial Implications:** See report

**Contact:** Tess Mayer, Director of Library Services

**Action:** Trustee Davenport nominated Amy Roth as President for a second term. Trustee Selawsky nominated Sophie Hahn as Vice-President for a second term. The election of officers will be held at the November 2, 2022 meeting, per the process established in the adopted Bylaws of the Board of Library Trustees.

**B. Gift and Donation Policy Update**

**From:** Director of Library Services

**Recommendation:** Approve a resolution adopting the revised Gift and Donation Policy updating the Library policy regarding managing gifts and donations to the Library.

**Financial Implications:** See report

**Contact:** Tess Mayer, Director of Library Services

**Action:** M/S/C Trustee Davenport / Trustee Selawsky to adopt resolution #R22-051 to approve the revised Gift and Donation Policy updating the Library policy regarding managing gifts and donations to the Library.

**Vote:** Ayes: Trustees Davenport, Greene, Hahn, Roth and Selawsky. Noes: None. Absent: None. Abstentions: None.

#### IV. INFORMATION CALENDAR

##### A. Central Adult Services Update

**From:** Perlita Payne, Supervising Librarian, Central Adult Services; Kasey Breien, Librarian II; Jef Findley, Librarian II, and Fabiola Hernandez-Soto, Librarian I

**Action:** Received (Attachment 1)

##### B. Strategic Planning Update

**From:** Tess Mayer, Director of Library Services

**Action:** Received

##### C. Monthly Library Director's Report – Tess Mayer, Director of Library Services

**From:** Tess Mayer, Director of Library Services

**Action:** Received

#### V. AGENDA BUILDING

Next regular meeting will be held November 2, 2022.

Future topics:

- Election of Officers

#### VI. ADJOURNMENT

Trustee Davenport motioned, Trustee Selawsky seconded to adjourn the meeting.

Vote: Ayes: Trustees Davenport, Greene, Hahn, and Roth. Noes: None. Absent: Trustee Selawsky. Abstentions: None.

Adjourned in honor of Amelia Tavistock at 7:56 PM.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of October 19, 2022 as approved by the Board of Library Trustees.

//s// \_\_\_\_\_

Tess Mayer, Director of Library Services, acting as secretary to BOLT

Attachments:

1. Central Adult Services Update Presentation





# Central Adult Services Updates

Perlita Payne, Supervising Librarian

BOLT Meeting 10/19/22

## Meet The Team

- Central Adult Services staff are: Janine Bedon, Kasey Breien, Jenna Brotsky, Kielaya Carswell, Jef Findley, Fabiola Hernandez-Soto, Amy Kuo, Molly Nichols, Kelsey Ockert, Sonam Wangmo, and Julia Wiswell.
- New hires: Janine, Gaby, Sonam, Molly, Fabiola, Jenna, and Kielaya.
- Team work in onboarding.

## Our Work

- Reference Desk
- Programs
- Outreach
- Supporting Library System
- Collection
- Committees
- Trainings/Professional Development

## Programming Goals

- Develop relationships in the community by engaging with people we are currently not serving and meeting people where they are; through relationships co-create more community-led programming.
- Cultivate community resiliency and stewardship through DIY programming with an asset-based community focus.
- Engage in discussions of intersectional equity issues and initiatives, with attention to the intersection of concerns such as race, class, and disability.
- Foster social/emotional learning and connection for all community members.

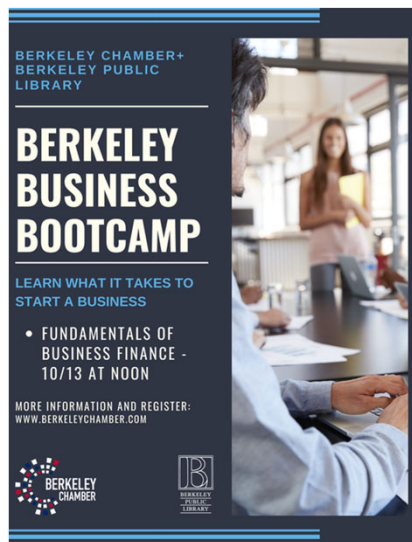
## Programming Goals (cont'd)

- Respond to community interest in music, culture, arts, authors and literature.
- Build capacity for community recovery, wellness and health.
- Support the interest of entrepreneurs and small business people to sustain their livelihoods under significantly changed conditions due to the pandemic.
- Engage with community interest in and knowledge of science, technology, engineering, art, mathematics, and related fields (STEAM).
- Offer opportunities to learn how to use technology for self-empowerment.

## Programs

- Berkeley Business Bootcamp (BBB)
- Resume Writing
- Lawyers in the Library
- Book Clubs: Leamos Autoras, BPL Book Club, and Berkeley & Portland LGBT+ Book Club
- ESL Conversation Classes
- Tech Help
- Introduction to Python
- Popping the Science Bubble
- Knitting Group
- Zine-making
- Make a Manifest Box
- Guided Visualization with Reiki Energy
- Decoding Chinese Opera
- Pushed Up The Mountain
- Waltz Lecture in Mandarin

Berkeley  
Business  
Bootcamp  
(BBB)  
by Jef Findley



# Leamos Autoras: Club de lectura en español

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Fabiola Hernandez-Soto & Lis María Arévalo Hidalgo  
Biblioteca Pública de Berkeley

LEAMOS AUTORAS: CLUB DE LECTURA EN ESPAÑOL

- This is a yearlong Spanish book club, it focuses on Latinx women authors from different Latin American countries
- We meet in-person on the first Friday of the month and meet virtually over Zoom on the last Friday of the month
- The library provides 15 free giveaway copies, they are distributed among all branches – additional copies have been added to the permanent collection
- September 29th, we had the author of Quiltras, Arelis Uribe, join us via Zoom from New York – plans are in motion to have a speaker join us this Friday October 28th to discuss our current book by author Rita Indiana Hernandez & Caribbean literature



The original format of our in person ESL Conversation Club included a topic presentation with 5 tables with 5 table leads/volunteers which we would rotate over the hour and a half.

The program was held biweekly at the Central Library on Wednesdays and at the West Library on Fridays

Due to the proximity of our locations we received many patrons including adult school students, visiting scholars, and the local language school.



## How ESL Conversation Club began...

## ESL Conversation Club on Zoom

Starting in September of 2020 ESL Conversation has moved to our Zoom. We were happy to see many of our previous participants had returned to our online platform. Our biggest surprise was that our group had even expanded to new members during this time.





# How ESL Conversation Club

## Works



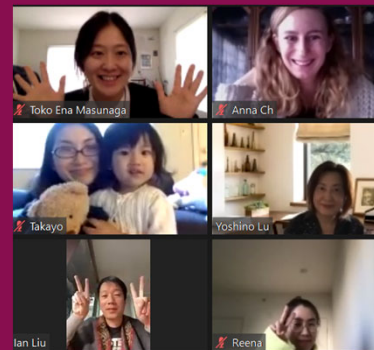
### Introductions

We hold the first 15 minutes for casual conversation while everyone gets settled. It is then followed by introductions.



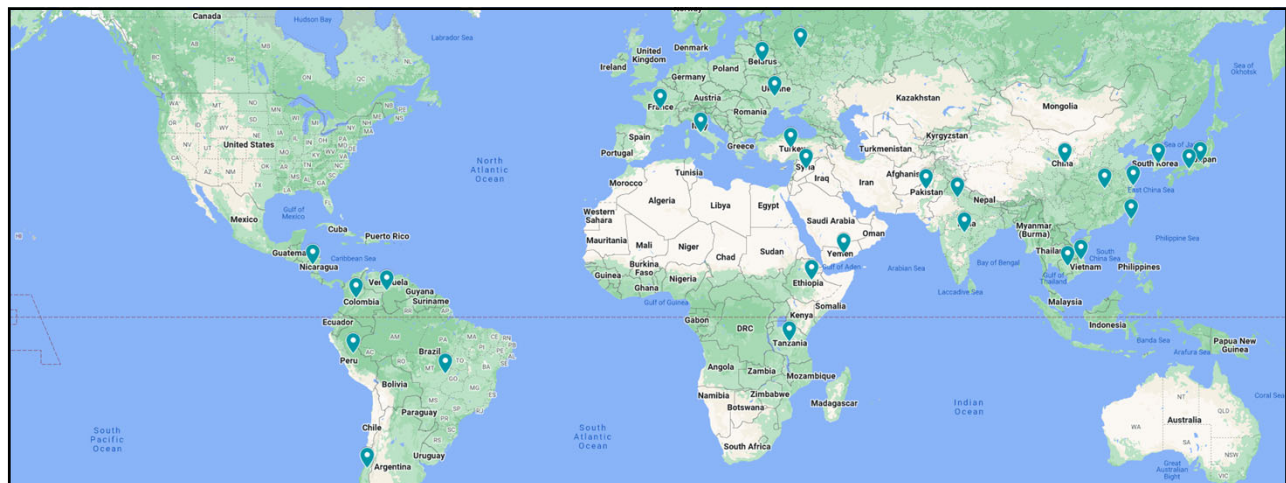
### Topic Presentation

We follow the introductions with sharing the weekly topics. Past topics range from hobbies to voting to advertising.



### Small Groups

After the presentation we break out into small groups of 3-8 to discuss questions related to the topic of the week.



## Where our participants are from...





ThankYou!



- Questions?

Perlita Payne

[ppayne@cityofberkeley.info](mailto:ppayne@cityofberkeley.info),  
510-981-6132





**CONSENT CALENDAR**

November 2, 2022

To: Board of Library Trustees  
From: Tess Mayer, Director of Library Trustees  
Subject: Contract: The Pivotal Group

**RECOMMENDATION**

Adopt a Resolution authorizing the Director of Library Services to execute a contract with The Pivotal Group Consulting for strategic planning consulting services for an amount not to exceed \$250,000 from December 2022 through July 2023.

**FISCAL IMPACTS OF RECOMMENDATION**

The FY 2021 Library Tax Fund (101) budget includes funding to support this request on account line 101-22-241-261-0000-000-463-612990. A budgetary adjustment is not needed to accommodate this contract.

**BACKGROUND**

**CURRENT SITUATION AND ITS EFFECTS**

On November 3, 2021, the Board of Library Trustees adopted **RESOLUTION NO: R21- 126** to authorize the Library to issue a Request for Proposals for a consultant in support of the Library's strategic planning work.

In April, 2022, the Board of Library Trustees had the opportunity to review the draft Request for Proposal to contract for a strategic planning consultant.

On May 27, 2022, the City issued a Request for Proposals (RFP) for Strategic Planning consulting services for Berkeley Public Library (Specification No. **22-11530-C**); and received nine (9) vendor responses.

A team of six Library staff evaluated the proposals of a total of nine respondents. The team discussed the evaluation criteria identified in the RFP which included:

- |                                                                                    |     |
|------------------------------------------------------------------------------------|-----|
| 1. Project Approach, including<br>how proposal addresses<br>racial equity concerns | 50% |
| 2. Expertise & References                                                          | 30% |
| 3. Costs*                                                                          | 20% |

Other factors considered included overall quality of response.

The team identified a list of interview questions to use during interviews, paying special attention to communication, racial equity, and staff/community engagement. Five consultants were invited to participate in the interview process on August 23, 2022.

After conducting the interviews, the panel evaluated the responses and identified two finalists. The Director of Library Services checked references for both finalists, and a request for additional examples of community engagement prompts was fulfilled as well.

The Library staff has completed this process and recommends that the Library execute a contract with The Pivotal Group consulting.

#### RATIONALE FOR RECOMMENDATION

Based on this evaluation processes, The Pivotal Group Consulting is recommended by the team as the best overall fit to collaborate with Library staff and the Board on the strategic planning process.

Key factors that affected the selection of The Pivotal Group Consulting include the following:

- The firm's deep experience performing successful strategic planning support for California-based agencies, including a public library foundation
- A proposed project team that includes a community engagement specialist who is bilingual (Spanish/English) and has experience in community organizing
- Recommendations from current customers who spoke to the Lead Consultant's (Dr. Lyn Corbett) ability to skillfully and effectively facilitate critical conversations
- A list of deliverables that will include a capacity assessment/analysis of BPL's readiness to implement the new strategic plan

#### ALTERNATIVE ACTIONS CONSIDERED

Selection of The Pivotal Group Consulting was the product of a standard and thorough RFP process designed to enable the staff team to systematically consider alternatives and identify a recommendation.

#### CONTACT PERSON

Tess Mayer, Director of Library Services, (510) 981-6195

Attachments:

- 1: Resolution
2. BPL RFP Strategic Planning

**BOARD OF LIBRARY TRUSTEES****RESOLUTION NO: R22-\_\_\_\_****CONTRACT: The Pivotal Group Consulting**

WHEREAS, on November 3, 2021, the Board of Library Trustees adopted **RESOLUTION NO: R21- 126** to authorize the Library to issue a Request for Proposals for a consultant in support of the Library's strategic planning work; and

WHEREAS, on May 27, 2022, the City issued a Request for Proposals (RFP) for Strategic Planning consulting services for Berkeley Public Library (Specification No. **22-11530-C**); and received nine (9) vendor responses; and

WHEREAS, based upon the Library staff process and evaluation of candidates, the Library has determined that The Pivotal Group's proposal best meets the Library's interests; and

NOW THEREFORE, BE IT RESOLVED by the Board of Library Trustees that the Director of Library Services is authorized to execute a contract with The Pivotal Group Consulting for Strategic Planning consulting services for an amount not to exceed \$250,000 from December 2022 through July 2023.

ADOPTED by the Board of Library Trustees of the City of Berkeley at a regular meeting held on Wednesday, November 2, 2022:

|              |                                                   |
|--------------|---------------------------------------------------|
| AYES:        | Trustees Davenport, Greene, Hahn, Roth & Selawsky |
| NOES:        | None                                              |
| ABSENT:      | None                                              |
| ABSTENTIONS: | None                                              |

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Amy Roth, President

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Tess Mayer, Director of Library Services  
Serving as Secretary to the Board of Library Trustee





Finance Department  
General Services Division

**REQUEST FOR PROPOSALS (RFP)**  
**Specification No. [REDACTED]**  
**FOR**  
**NAME OF RFP: Berkeley Public Library Strategic Planning**  
**PROPOSALS WILL NOT BE OPENED AND READ PUBLICLY**

Dear Proposer:

The City of Berkeley is soliciting written proposals from qualified firms or individuals is seeking proposals from organizations experienced in work with libraries and with strategic planning to aid in the development and facilitation of a community-focused process resulting in a Strategic Plan and updated Mission, Vision, Values, and Culture statements. The Plan will serve as a tool to guide the organization and to communicate with the community about the Library.

As a Request for Proposal (RFP) this is not an invitation to bid and although price is very important, other factors will be taken into consideration.

The project scope, content of proposal, and vendor selection process are summarized in the RFP (attached).

**Proposals must be received no later than 2:00 pm, on Wednesday, June 1, 2022.** Proposals are to be sent via email with the “**Berkeley Public Library Strategic Planning**” and **Specification No. [REDACTED]** clearly indicated in the subject line of the email. Please submit one (1) PDF of the technical proposal. Corresponding pricing proposal shall be submitted as a separate document.

**Email Proposals to:**  
City of Berkeley  
Finance Department/General Services Division  
[purchasing@cityofberkeley.info](mailto:purchasing@cityofberkeley.info)

Proposals will not be accepted after the date and time stated above. Incomplete proposal or proposals that do not conform to the requirements specified herein will not be considered. Issuance of the RFP does not obligate the City to award a contract, nor is the City liable for any costs incurred by the proposer in the preparation and submittal of proposals for the subject work. The City retains the right to award all or parts of this contract to several bidders, to not select any bidders, and/or to re-solicit proposals. The act of submitting a proposal is a declaration that the proposer has read the RFP and understands all the requirements and conditions.

**For questions** concerning the anticipated work, or scope of the project, please **contact, Tess Mayer, Director of Library Services**, via email at [tmayer@cityofberkeley.info](mailto:tmayer@cityofberkeley.info) no later than **Monday, June 23**. Answers to questions will **not** be provided by telephone or email. Answers to all questions or any addenda will be **posted** on the City of Berkeley’s site at <http://www.cityofberkeley.info/ContentDisplay.aspx?id=7128>. It is the vendor’s responsibility to check this site. For general questions concerning the submittal process, contact purchasing at 510-981-7320.

We look forward to receiving and reviewing your proposal.

Sincerely,

Darryl Sweet  
General Services Manager

## **I. BACKGROUND /SUMMARY/or INTRODUCTION**

### **LIBRARY SYSTEM BACKGROUND**

Berkeley Public Library's current mission statement is: "We believe free, universal access to information is fundamental to a healthy democracy and that reading and learning are key to a well-lived life. The Berkeley Public Library is a trusted hub of reading, learning, and community engagement."

The Berkeley Public Library (BPL) has served the people of Berkeley since 1893 and is one of the most heavily used public libraries in California. The Library is supported by a \$25 million budget and 144 staff members. The Library provides access to collections of physical and electronic books, music, articles, and films; offers cultural and learning experiences for community members; provides access to spaces for studying and meeting with others; and develops opportunities for community engagement and skill sharing. The Library offers five facilities: Central Library in downtown Berkeley and four neighborhood branches: Claremont, North, Tarea Hall Pittman South, and West branches. The Tarea Hall Pittman South facility includes the Tool Lending Library that provides access to a wide range of borrowable household tools. Although hours vary between the Central Library and the branches, Berkeley Public Library generally offers services seven days a week with some temporary scheduling changes in place due to the impacts of the pandemic.

In 1980, Berkeley citizens passed a special tax to exclusively fund the yearly budget of the Berkeley Public Library. This tax includes a cost-of-living adjustment. The tax continues and currently brings in over \$20 million a year.

### **CITY OF BERKELEY**

Famous around the globe as a center for academic achievement, scientific exploration, free speech and the arts, the City of Berkeley is renowned for its green space, mild weather, and world-class cultural life. International shopping districts, outstanding restaurants, cutting-edge environmental organizations, art galleries, theaters, museums, Berkeley City College and the University of California at Berkeley all add to the City's uniquely diverse and culturally rich atmosphere. Residents are highly educated and ethnically, economically, socially and politically diverse.

Berkeley is noted for its activism and community involvement. Berkeley is a thriving creative environment, with more than 100 cultural arts organizations, including the Berkeley Art Museum & Pacific Film Archive, Black Repertory Group Theater, Berkeley Art Center, Berkeley Repertory Theatre, and Aurora Theatre Company. Incomparable weather, over 50 public parks, miles of bike lanes and walking trails, a public marina, Lake Anza in Tilden Park, and the Botanical Garden at UC Berkeley, with 34 acres of plants from all over the world are all resident favorites.

Berkeley Unified School District educates more than 9,400 students in 11 public elementary schools, 3 middle schools, one comprehensive high school, and one alternative high school. The district has 3 preschool facilities and an Adult School serving several thousand students.

The City of Berkeley experiences disparity in socioeconomic levels. While the Bay Area's technology sector and University of California, Berkeley, represent significant economic influences among others, there is a poverty rate of 17.8% and the city (and surrounding area) is characterized by a high cost of living.

Berkeley's [Diversity Index](#), the likelihood that two people chosen at random will be from different ethnic groups, increased from 64% in 2010 to 68% in 2020. Berkeley's population, about 124,000 people, has grown by 10% since 2010. The percentage of Hispanic and Asian residents grew as white and Black/African American populations decreased, according to 2020 U.S. Census Bureau data. Berkeley saw an 11% increase as of 2020 in its density, which is a measure of the city's population divided by its land area.

<https://www.berkeleyside.org/2021/08/13/2020-census-berkeley-is-denser-and-more-diverse-than-it-was-10-years-ago>  
<https://www.census.gov/quickfacts/berkeleycitycalifornia>

BPL libraries are community gathering places for people with many backgrounds, values, interests, and challenges. BPL serves people who are not residents of Berkeley as all California residents are eligible for free cards. Predominant social concerns in the city include access to affordable housing and homelessness, which are also reflected in libraries. Gentrification continues to be a critical issue, as does reimagining public safety and police reform. Berkeley residents and local government are highly focused on climate change and addressing environmental sustainability through local and collective action.

## **ADDITIONAL INFORMATION**

Please find attached to this RFP the following documents:

City of Berkeley 2018-2019 [Strategic Plan](#)  
BPL Preliminary Budget FY 23-24  
BPL Budget Priorities and Work Plan, FY 2023-24  
BPL Mission Clarification Project Final Report (May 2020)  
BPL [Strategic Plan](#) 2015-2018  
BPL Organizational Assessment, [Final Report](#), Moss Adams (Nov 2018)  
BPL Executive Summary of Spring 2019 [Community Survey](#)

More information about the Library System is available through the Library's website at <https://www.berkeleypubliclibrary.org>.

## **II. SCOPE OF SERVICES**

The term of the proposed contract will be July 25, 2022 through February 2023:

July 25, 2022 - January 2023: Work performed  
February 15, 2023: Final deliverables submitted

### **Organizational Assessment**

- Review BPL's current organizational mission, vision, values and strategic plan.
- Review BPL's current organizational structure and capacity.
- Review current collection and associated plans.
- Review current library services and programs, including underlying planning and evaluation processes.
- Identify strengths and weaknesses inside the Library and outside of it, and examine the political, economic, social, and technological trends that are affecting the Library and its operating environment.
- Work with the Strategic Planning Committee, staff, and the Board, the Foundation and others to identify key stakeholders in the community engagement process.
- Explore key environmental trends and data relating to BPL's services and operations.

### **Community Engagement**

- Develop and facilitate a process for community engagement with external stakeholders, both individuals and groups/agencies, to gather input and identify community perspectives, needs, concerns and interests. Prioritize and ensure feedback and engagement with organizations that provide service to BIPOC communities, as well as those serving youth and people with disabilities.
- Develop and facilitate a process for engagement with stakeholders within the City of Berkeley team.
- Develop and facilitate a process for engagement with internal stakeholders, including Board of Library Trustees, administration, management and staff to gather input around the future emphasis of the Library.
- Provide multiple channels for communication to account for differences, needs, and preferences within the communities that Berkeley serves; for example, ensure that multilingual communication strategies are employed as appropriate and engage in person, online, and offsite.



## **Completed by October 31, 2022**

### **Report and Presentation**

- Prepare and present a report to the Strategic Planning Committee and other key internal stakeholders on the first stages of the project, assessment, and preliminary recommendations.

## **Completed by November 30, 2022**

### **Strategic Plan Development**

- Using findings, facilitate a working process with the Strategic Planning Committee and selected key stakeholders (community members, Library Trustees, Foundation, Friends, City of Berkeley, Library staff) to:
  - Develop new or revise Mission, Culture, Values and Vision statements
  - Identify essential library service priorities, goals and objectives for both the short (3-5 years) and long (10-20 years) terms, including those currently offered that continue to be relevant and those that needs to be developed to address gaps between existing library services and identified service priorities
  - Prepare a dynamic and compelling BPL Strategy Plan with Executive Summary that outlines short and long-term priorities, goals, and objectives.

### **Communications**

- Work in partnership with the Strategic Planning Committee, Library Trustees and administration to develop a plan for internal and external communications.

### **Assessment of Organizational Readiness**

- Discuss current capacity for implementing the Plan as described and make recommendations for changes that would better position the organization to accomplish stated goals.

### **Ongoing Evaluation and Planning**

- Provide self-assessment methodology, including appropriate tools, for ongoing strategic planning and evaluation of progress toward goals. Consider any existing racial equity priorities that have been identified by the BPL Racial Justice Advisory Group and embed in assessment methodology.

### **Summary of Deliverables**

- Organizational assessment
- Community engagement feedback analysis
- First stage report
- Revised or new BPL Vision, Mission, Values, and Culture statements and Strategic Plan
- Communication Plan
- Assessment of organizational readiness
- Framework for evaluation that incorporates existing and new racial equity goals for system

## **Completed by January 31, 2023**

## **III. SUBMISSION REQUIREMENTS**

All proposals shall include the following information, organized as separate sections of the proposal. The proposal should be concise and to the point.

### **1. Contractor Identification:**

Provide the name of the firm, the firm's principal place of business (see section VII, F. – Local Vendor Preference), the name and telephone number of the contact person and company tax identification number.

2. Client References: *(3-5 References is usual)*

Provide a minimum of three client references. References should be California cities or other large public sector entities. Provide the designated person's name, title, organization, address, telephone number, and the project(s) that were completed under that client's direction.

3. Price Proposal:

The proposal shall include pricing for all services. Pricing shall be all inclusive unless indicated otherwise. Pricing proposals shall be a separate document. The Proposal shall itemize all services, including hourly rates for all professional, technical and support personnel, and all other charges related to completion of the work shall be itemized. Evaluation of price proposals are subject to the local vendor business preference (see section VII.F.)

4. Summary of deliverables:

Please provide written information that includes an Executive Summary, a proposed approach, the above-mentioned price proposal, a description of the organization's work, examples of past projects, and staff team, as well as its perspective on public libraries, and references.

5. Contract Terminations:

**If your organization has had a contract terminated in the last five (5) years, describe such incident.** Termination for default is defined as notice to stop performance due to the vendor's non-performance or poor performance and the issue of performance was either (a) not litigated due to inaction on the part of the vendor, or (b) litigated and such litigation determined that the vendor was in default.

Submit full details of the terms for default including the other party's name, address, and phone number. Present the vendor's position on the matter. The City will evaluate the facts and may, at its sole discretion, reject the proposal on the grounds of the past experience.

If the firm has not experienced any such termination for default or early termination in the past five (5) years, so indicate.

6. *(Other submission requirements needed to evaluate proposals and determine if contractor is qualified to do project.)*

**IV. SELECTION CRITERIA**

The following criteria will be considered, although not exclusively, in determining which firm is hired.

- |                                                                                    |                               |
|------------------------------------------------------------------------------------|-------------------------------|
| 1. Project Approach, including<br>how proposal addresses<br>racial equity concerns | 50% (xx points or percentage) |
| 2. Expertise & References                                                          | 30% (xx points or percentage) |
| 3. Costs*                                                                          | 20% (xx point or percentage)  |
| 4. <i>Other specific items</i>                                                     | (xx points or percentage)     |

*\* Effective 1/1/2022. Local Vendor Preference. For the purposes of comparing pricing as part of this competitive RFP for goods up to \$100,000 or non-professional services up to \$250,000, 5% shall be deducted from the bid price proposal from any local Berkeley vendor.*

The responses to this RFP will be evaluated by a Selection Committee. The Selection Committee may consider any factors it deems necessary, including but not limited to: quality of response, relevant experience, price, and references. BPL reserves the right to reject all proposals for any reason.

BPL may invite one or more representatives from any organization to meet with Library representatives to clarify the organization's proposal. Upon completion of the evaluation process, one respondent will be selected by the Selection Committee for negotiation of an agreement. Organizations not selected will be notified by letter. BPL reserves the right to accept other than the lowest priced proposal.

**V. PAYMENT**

Invoices: Vendor shall submit invoices no more than once per month. Invoices must be fully itemized and provide sufficient information for approving payment and audit. Invoices must be accompanied by receipt for services in order for payment to be processed. Mail invoices to the **Berkeley Public Library** and reference the contract number.

Berkeley Public Library

2031 Bancroft Way  
Berkeley, CA 94704  
Attn: Finance Manager

Payments: The City will make payment to the vendor within 30- days of receipt of a correct and complete invoice.

## **VI. CITY REQUIREMENTS**

*(Do not modify any part of this section except: Living Wage would not apply if commodities are being purchased and Equal Benefits would not apply if the contract amount will be less than \$25,000. If this is the case, do not delete the section just note next to it “Does Not Apply to this Request for Proposal”)*

### **A. Non-Discrimination Requirements:**

Ordinance No. 5876-N.S. codified in B.M.C. Chapter 13.26 states that, for contracts worth more than \$3,000 bids for supplies or bids or proposals for services shall include a completed Workforce Composition Form. Businesses with fewer than five employees are exempt from submitting this form. (See B.M.C. 13.26.030)

Under B.M.C. section 13.26.060, the City may require any bidder or vendor it believes may have discriminated to submit a Non-Discrimination Program. The Contract Compliance Officer will make this determination. This applies to all contracts and all consultants (contractors). Berkeley Municipal Code section 13.26.070 requires that all contracts with the City contain a non-discrimination clause, in which the contractor agrees not to discriminate and allows the City access to records necessary to monitor compliance. This section also applies to all contracts and all consultants. **Bidders must submit the attached Non-Discrimination Disclosure Form with their proposal.**

### **B. Nuclear Free Berkeley Disclosure Form:**

Berkeley Municipal Code section 12.90.070 prohibits the City from granting contracts to companies that knowingly engage in work for nuclear weapons. This contracting prohibition may be waived if the City Council determines that no reasonable alternative exists to doing business with a company that engages in nuclear weapons work. If your company engages in work for nuclear weapons, explain on the Disclosure Form the nature of such work. **Bidders must submit the attached Nuclear Free Disclosure Form with their proposal.**

### **C. Oppressive States:**

The City of Berkeley prohibits granting of contracts to firms that knowingly provide personal services to specified Countries. This contracting prohibition may be waived if the City Council determines that no reasonable alternative exists to doing business with a company that is covered by City Council Resolution No. 59,853-N.S. If your company or any subsidiary is covered, explain on the Disclosure Form the nature of such work. **Bidders must submit the attached Oppressive States Disclosure Form with their proposal.**

### **D. Sanctuary City Contracting Ordinance:**

Chapter 13.105 of the Berkeley Municipal Code prohibits the City from granting and or retaining contracts with any person or entity that provides Data Broker or Extreme Vetting services to the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security (“ICE”). **Bidders must submit the attached Sanctuary City Compliance Statement with their proposal.**

### **E. Conflict of Interest:**

In the sole judgment of the City, any and all proposals are subject to disqualification on the basis of a conflict of interest. The City may not contract with a vendor if the vendor or an employee, officer or director of the proposer's firm, or any immediate family member of the preceding, has served as an elected official, employee, board or commission member of the City who influences the making of the contract or has a direct or indirect interest in the contract.

Furthermore, the City may not contract with any vendor whose income, investment, or real property interest may be affected by the contract. The City, at its sole option, may disqualify any proposal on the basis of such a conflict of interest. **Please identify any person associated with the firm that has a potential conflict of interest.**

**F. Berkeley Living Wage Ordinance:**

Chapter 13.27 of the Berkeley Municipal Code requires that contractors offer all eligible employees with City mandated minimum compensation during the term of any contract that may be awarded by the City. If the Contractor is not currently subject to the Living Wage Ordinance, cumulative contracts with the City within a one-year period may subject Contractor to the requirements under B.M.C. Chapter 13.27. A certification of compliance with this ordinance will be required upon execution of a contract. The current Living Wage rate can be found here: [https://www.cityofberkeley.info/Finance/Home/Vendors\\_Living\\_Wage\\_Ordinance.aspx](https://www.cityofberkeley.info/Finance/Home/Vendors_Living_Wage_Ordinance.aspx). The Living Wage rate is adjusted automatically effective June 30<sup>th</sup> of each year commensurate with the corresponding increase in the Consumer Price Index published in April of each year. If the Living Wage rate is adjusted during the term of your agreement, you must pay the new adjusted rate to all eligible employees, regardless of what the rate was when the contract was executed.

**G. Berkeley Equal Benefits Ordinance:**

Chapter 13.29 of the Berkeley Municipal Code requires that contractors offer domestic partners the same access to benefits that are available to spouses. A certification of compliance with this ordinance will be required upon execution of a contract.

**H. Statement of Economic Interest:**

The City's Conflict of Interest Code designates "consultants" as a category of persons who must complete Form 700, Statement of Economic Interest, at the beginning of the contract period and again at the termination of the contract. The selected contractor will be required to complete the Form 700 before work may begin.

**VII. OTHER REQUIREMENTS**

**A. Insurance**

The selected contractor will be required to maintain general liability insurance in the minimum amount of \$2,000,000, automobile liability insurance in the minimum amount of \$1,000,000 and a professional liability insurance policy in the amount of \$2,000,000 to cover any claims arising out of the performance of the contract. The general liability and automobile insurance must name the City, its officers, agents, volunteers and employees as additional insured.

**Insurance not Necessary:** *If the services are such that the risk of exposure to liability is very low, insurance may not be required. An example of such a service is an individual using his/her computer at home to lay out a newsletter for the City. This determination must be made by the Risk Manager in writing before the RFP is issued.*

**Insurance Waiver:** *A situation in which insurance is not necessary is different from a case in which insurance may be waived. An insurance waiver is appropriate where insurance would usually be necessary but when, as a policy matter, the City is willing to take the risk of allowing an uninsured or under-insured individual or business to perform the work (usually when the risk of liability is low). An insurance waiver may be granted only by the Risk Manager in writing with the approval of the City Manager. If a potential bidder expresses an inability to meet the insurance requirement, he or she should be encouraged to contact the Project Manager & Risk Manager for assistance in obtaining insurance.)*



**B. Worker's Compensation Insurance:**

A selected contractor who employs any person shall maintain workers' compensation insurance in accordance with state requirements. Sole proprietors with no employees are not required to carry Worker's Compensation Insurance.

**C. Business License**

Virtually every contractor that does business with the City must obtain a City business license as mandated by B.M.C. Ch. 9.04. The business license requirement applies whether or not the contractor has an office within the City limits. However, a "casual" or "isolated" business transaction (B.M.C. section 9.04.010) does not subject the contractor to the license tax. Warehousing businesses and charitable organizations are the only entities specifically exempted in the code from the license requirement (see B.M.C. sections, 9.04.295 and 9.04.300). Non-profit organizations are granted partial exemptions (see B.M.C. section 9.04.305). Persons who, by reason of physical infirmity, unavoidable misfortune, or unavoidable poverty, may be granted an exemption of one annual free license at the discretion of the Director of Finance. (See B.M.C. sections 9.04.290).

Vendor must apply for a City business license and show proof of application to Purchasing Manager within seven days of being selected as intended contractor.

The Customer Service Division of the Finance Department located at 1947 Center Street, Berkeley, CA 94704, issues business licenses. Contractors should contact this division for questions and/or information on obtaining a City business license, in person, or by calling 510-981-7200.

**D. Recycled Paper**

**Any printed reports for the City required during the performance of the work shall be on 100% recycled paper, and shall be *printed on both sides of the page* whenever practical.**

**E. State Prevailing Wage:**

Certain labor categories under this project may be subject to prevailing wages as identified in the State of California Labor Code commencing in Section 1770 et seq. These labor categories, when employed for any "work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work," constitute a "Public Work" within the definition of Section 1720(a)(1) of the California Labor Code requiring payment of prevailing wages.

Wage information is available through the California Division of Industrial Relations web site at:  
[http://www.dir.ca.gov/OPRL/statistics\\_and\\_databases.html](http://www.dir.ca.gov/OPRL/statistics_and_databases.html)

**F. Local Vendor Preference**

***City of Berkeley applies a local vendor preference for comparing pricing submittals in RFP responses (City Council Resolution No. 69,890-N.S.)***

A **local business** is defined as "a business firm with fixed offices or distribution points located within the City of Berkeley boundaries and listed in the Permits and License Tax paid file, with a Berkeley business street address."



**VIII. SCHEDULE (dates are subject to change)**

|                                                                         |                          |
|-------------------------------------------------------------------------|--------------------------|
| <input type="checkbox"/> Issue RFP to Potential Bidders:                | May 13, 2022             |
| <input type="checkbox"/> Questions from Potential Bidders Due           | Monday, May 23, 2022     |
| <input type="checkbox"/> Proposals Due from Potential Bidders           | Wednesday, June 1, 2022  |
| <input type="checkbox"/> Complete Selection Process                     | Wednesday, June 22, 2022 |
| <input type="checkbox"/> Board of Library Trustees Approval of Contract | Wednesday, July 6, 2022  |
| <input type="checkbox"/> Award of Contract                              | Thursday, July 7, 2022   |
| <input type="checkbox"/> Sign and Process Contract                      | Friday, July 20, 2022    |
| <input type="checkbox"/> Notice to Proceed                              | Monday, July 25, 2022    |

Thank you for your interest in working with the City of Berkeley for this service. We look forward to receiving your proposal.

**Attachments:**

|                                                 |              |
|-------------------------------------------------|--------------|
| • Check List of Required items for Submittal    | Attachment A |
| • Non-Discrimination/Workforce Composition Form | Attachment B |
| • Nuclear Free Disclosure Form                  | Attachment C |
| • Oppressive States Form                        | Attachment D |
| • Sanctuary City Compliance Statement           | Attachment E |
| • Living Wage Form                              | Attachment F |
| • Equal Benefits Certification of Compliance    | Attachment G |
| • Right to Audit Form                           | Attachment H |
| • Insurance Endorsement                         | Attachment I |

## ATTACHMENT A

### CHECKLIST

- ☐ Proposal describing service (one (1) PDF of proposal)
- ☐ Contractor Identification and Company Information
- ☐ Client References
- ☐ Costs proposal by task, type of service & personnel (as a separate document from the proposal)
- ☐ *Other items the contractor is being requested to supply*
- ☐ The following forms, completed and **signed in blue ink** (attached):
  - ☐ Non-Discrimination/Workforce Composition Form Attachment B
  - ☐ Nuclear Free Disclosure Form Attachment C
  - ☐ Oppressive States Form Attachment D
  - ☐ Sanctuary City Compliance Statement Attachment E
  - ☐ Living Wage Form (*may be optional*) Attachment F
  - ☐ Equal Benefits Certification (EBO-1) (*may be optional*) Attachment G

### ADDITIONAL SUBMITTALS REQUIRED FROM SELECTED VENDOR AFTER COUNCIL APPROVAL TO AWARD CONTRACT.

- ☐ Provide **original-signed in blue ink** Evidence of Insurance
  - ☐ Auto
  - ☐ Liability
  - ☐ Worker's Compensation
- ☐ Right to Audit Form Attachment H
- ☐ Commercial General & Automobile Liability Endorsement Form Attachment I
- ☐ Berkeley Business License

**For informational purposes only: Sample of Personal Services Contract can be found on the City's website on the current bid and proposal page at the top of the page.**

**NON-DISCRIMINATION/WORKFORCE COMPOSITION FORM FOR NON-CONSTRUCTION CONTRACTS**

To assist the City of Berkeley in implementing its Non-Discrimination policy, it is requested that you furnish information regarding your personnel as requested below and return it to the City Department handling your contract:

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Business Lic. #: \_\_\_\_\_

| Occupational Category:<br>(See reverse side for explanation of terms) | Total Employees |      | White Employees |      | Black Employees |      | Asian Employees |      | Hispanic Employees |      | Other Employees |      |
|-----------------------------------------------------------------------|-----------------|------|-----------------|------|-----------------|------|-----------------|------|--------------------|------|-----------------|------|
|                                                                       | Female          | Male | Female          | Male | Female          | Male | Female          | Male | Female             | Male | Female          | Male |
| Official/Administrators                                               |                 |      |                 |      |                 |      |                 |      |                    |      |                 |      |
| Professionals                                                         |                 |      |                 |      |                 |      |                 |      |                    |      |                 |      |
| Technicians                                                           |                 |      |                 |      |                 |      |                 |      |                    |      |                 |      |
| Protective Service Workers                                            |                 |      |                 |      |                 |      |                 |      |                    |      |                 |      |
| Para-Professionals                                                    |                 |      |                 |      |                 |      |                 |      |                    |      |                 |      |
| Office/Clerical                                                       |                 |      |                 |      |                 |      |                 |      |                    |      |                 |      |
| Skilled Craft Workers                                                 |                 |      |                 |      |                 |      |                 |      |                    |      |                 |      |
| Service/Maintenance                                                   |                 |      |                 |      |                 |      |                 |      |                    |      |                 |      |
| Other (specify)                                                       |                 |      |                 |      |                 |      |                 |      |                    |      |                 |      |
| Totals:                                                               |                 |      |                 |      |                 |      |                 |      |                    |      |                 |      |

Is your business MBE/WBE/DBE certified? Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, by what agency? \_\_\_\_\_

If yes, please specify: Male: \_\_\_\_\_ Female: \_\_\_\_\_ Indicate ethnic identifications: \_\_\_\_\_

Do you have a Non-Discrimination policy? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Verified by: \_\_\_\_\_ Date: \_\_\_\_\_

City of Berkeley Contract Compliance Officer

**Attachment B** (page 1)

## Occupational Categories

**Officials and Administrators** - Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy superintendents, unit supervisors and kindred workers.

**Professionals** - Occupations that require specialized and theoretical knowledge that is usually acquired through college training or through work experience and other training that provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dietitians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, and kindred workers.

**Technicians** - Occupations that require a combination of basic scientific or technical knowledge and manual skill that can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers and operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences) and kindred workers.

**Protective Service Workers** - Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police officers, fire fighters, guards, sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, and kindred workers.

**Para-Professionals** - Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of a staff development and promotion under a "New Transporters" concept. Includes: library assistants, research assistants, medical aides, child support workers, police auxiliary, welfare service aides, recreation assistants, homemaker aides, home health aides, and kindred workers.

**Office and Clerical** - Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, office machine operators, clerk-typists, stenographers, court transcribers, hearings reporters, statistical clerks, dispatchers, license distributors, payroll clerks, and kindred workers.

**Skilled Craft Workers** - Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairpersons, electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, and kindred workers.

**Service/Maintenance** - Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry cleaning operatives, truck drivers, bus drivers, garage laborers, custodial personnel, gardeners and groundskeepers, refuse collectors, and construction laborers.

**Attachment B** (page 2)

**CITY OF BERKELEY**  
**Nuclear Free Zone Disclosure Form**

I (we) certify that:

1. I am (we are) fully cognizant of any and all contracts held, products made or otherwise handled by this business entity, and of any such that are anticipated to be entered into, produced or handled for the duration of its contract(s) with the City of Berkeley. (To this end, more than one individual may sign this disclosure form, if a description of which type of contracts each individual is cognizant is attached.)
2. I (we) understand that Section 12.90.070 of the Nuclear Free Berkeley Act (Berkeley Municipal Code Ch. 12.90; Ordinance No. 5784-N.S.) prohibits the City of Berkeley from contracting with any person or business that knowingly engages in work for nuclear weapons.
3. I (we) understand the meaning of the following terms as set forth in Berkeley Municipal Code Section 12.90.130:

"Work for nuclear weapons" is any work the purpose of which is the development, testing, production, maintenance or storage of nuclear weapons or the components of nuclear weapons; or any secret or classified research or evaluation of nuclear weapons; or any operation, management or administration of such work.

"Nuclear weapon" is any device, the intended explosion of which results from the energy released by reactions involving atomic nuclei, either fission or fusion or both. This definition of nuclear weapons includes the means of transporting, guiding, propelling or triggering the weapon if and only if such means is destroyed or rendered useless in the normal propelling, triggering, or detonation of the weapon.

"Component of a nuclear weapon" is any device, radioactive or non-radioactive, the primary intended function of which is to contribute to the operation of a nuclear weapon (or be a part of a nuclear weapon).

4. Neither this business entity nor its parent nor any of its subsidiaries engages in work for nuclear weapons or anticipates entering into such work for the duration of its contract(s) with the City of Berkeley.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Business Entity: \_\_\_\_\_

Contract Description/Specification No: **Project Name/XX-XXXXX**

**Attachment C**

**CITY OF BERKELEY**  
**Oppressive States Compliance Statement**

The undersigned, an authorized agent of \_\_\_\_\_ (hereafter "Vendor"), has had an opportunity to review the requirements of Berkeley City Council Resolution No. 59,853-N.S. (hereafter "Resolution"). Vendor understands and agrees that the City may choose with whom it will maintain business relations and may refrain from contracting with those Business Entities which maintain business relationships with morally repugnant regimes. Vendor understands the meaning of the following terms used in the Resolution:

"Business Entity" means "any individual, firm, partnership, corporation, association or any other commercial organization, including parent-entities and wholly-owned subsidiaries" (to the extent that their operations are related to the purpose of the contract with the City).

"Oppressive State" means: **Tibet Autonomous Region and the Provinces of Abo, Kham and U-Tsang**

"Personal Services" means "the performance of any work or labor and shall also include acting as an independent contractor or providing any consulting advice or assistance, or otherwise acting as an agent pursuant to a contractual relationship."

Contractor understands that it is not eligible to receive or retain a City contract if at the time the contract is executed, or at any time during the term of the contract it provides Personal Services to:

- a. The governing regime in any Oppressive State.
- b. Any business or corporation organized under the authority of the governing regime of any Oppressive State.
- c. Any person for the express purpose of assisting in business operations or trading with any public or private entity located in any Oppressive State.

Vendor further understands and agrees that Vendor's failure to comply with the Resolution shall constitute a default of the contract and the City Manager may terminate the contract and bar Vendor from bidding on future contracts with the City for five (5) years from the effective date of the contract termination.

The undersigned is familiar with, or has made a reasonable effort to become familiar with, Vendor's business structure and the geographic extent of its operations. By executing the Statement, Vendor certifies that it complies with the requirements of the Resolution and that if any time during the term of the contract it ceases to comply, Vendor will promptly notify the City Manager in writing.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Business Entity: \_\_\_\_\_

Contract Description/Specification No: **Project Name/XX-XXXXX**

I am unable to execute this Statement; however, Vendor is exempt under Section VII of the Resolution. I have attached a separate statement explaining the reason(s) Vendor cannot comply and the basis for any requested exemption.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Attachment D**

**CITY OF BERKELEY**  
**Sanctuary City Compliance Statement**

The undersigned, an authorized agent of \_\_\_\_\_ (hereafter "Contractor"), has had an opportunity to review the requirements of Berkeley Code Chapter 13.105 (hereafter "Sanctuary City Contracting Ordinance" or "SCCO"). Contractor understands and agrees that the City may choose with whom it will maintain business relations and may refrain from contracting with any person or entity that provides Data Broker or Extreme Vetting services to the U.S. Immigration and Customs Enforcement Division of the United States Department of Homeland Security ("ICE"). Contractor understands the meaning of the following terms used in the SCCO:

- a. "Data Broker" means either of the following:
  - i. The collection of information, including personal information about consumers, from a wide variety of sources for the purposes of reselling such information to their customers, which include both private-sector business and government agencies;
  - ii. The aggregation of data that was collected for another purpose from that for which it is ultimately used.
- b. "Extreme Vetting" means data mining, threat modeling, predictive risk analysis, or other similar services." Extreme Vetting does not include:
  - i. The City's computer-network health and performance tools;
  - ii. Cybersecurity capabilities, technologies and systems used by the City of Berkeley Department of Information Technology to predict, monitor for, prevent, and protect technology infrastructure and systems owned and operated by the City of Berkeley from potential cybersecurity events and cyber-forensic based investigations and prosecutions of illegal computer based activity.

Contractor understands that it is not eligible to receive or retain a City contract if at the time the Contract is executed, or at any time during the term of the Contract, it provides Data Broker or Extreme Vetting services to ICE.

Contractor further understands and agrees that Contractor's failure to comply with the SCCO shall constitute a material default of the Contract and the City Manager may terminate the Contract and bar Contractor from bidding on future contracts with the City for five (5) years from the effective date of the contract termination.

By executing this Statement, Contractor certifies that it complies with the requirements of the SCCO and that if any time during the term of the Contract it ceases to comply, Contractor will promptly notify the City Manager in writing. Any person or entity who knowingly or willingly supplies false information in violation of the SCCO shall be guilty of a misdemeanor and up to a \$1,000 fine.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_, California.

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Business Entity: \_\_\_\_\_

Contract Description/Specification No: **Project Name/XX-XXXXX**





**CITY OF BERKELEY**  
**Living Wage Certification for Providers of Services**

**TO BE COMPLETED BY ALL PERSONS OR ENTITIES ENGAGING IN A CONTRACT FOR PERSONAL SERVICES WITH THE CITY OF BERKELEY.**

The Berkeley Municipal Code Chapter 13.27, Berkeley's Living Wage Ordinance (LWO), provides that contractors who engage in a specified amount of business with the City (except where specifically exempted) under contracts which furnish services to or for the City in any twelve (12) month period of time shall comply with all provisions of this Ordinance. The LWO requires a City contractor to provide City mandated minimum compensation to all eligible employees, as defined in the Ordinance. In order to determine whether this contract is subject to the terms of the LWO, please respond to the questions below. Please note that the LWO applies to those contracts where the contractor has achieved a cumulative dollar contracting amount with the City. Therefore, even if the LWO is inapplicable to this contract, subsequent contracts may be subject to compliance with the LWO. Furthermore, the contract may become subject to the LWO if the status of the Contractor's employees change (i.e. additional employees are hired) so that Contractor falls within the scope of the Ordinance.

**Section I.**

**1. IF YOU ARE A FOR-PROFIT BUSINESS, PLEASE ANSWER THE FOLLOWING QUESTIONS**

- a. During the previous twelve (12) months, have you entered into contracts, including the present contract, bid, or proposal, with the City of Berkeley for a cumulative amount of \$25,000.00 or more?

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

If **no**, this contract is NOT subject to the requirements of the LWO, and you may continue to Section II. If **yes**, please continue to question **1(b)**.

- b. Do you have six (6) or more employees, including part-time and stipend workers?

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

**If you have answered, "YES" to questions 1(a) and 1(b) this contract IS subject to the LWO.** If you responded "NO" to 1(b) this contract IS NOT subject to the LWO. **Please continue to Section II.**

**2. IF YOU ARE A NON-PROFIT BUSINESS, AS DEFINED BY SECTION 501(C) OF THE INTERNAL REVENUE CODE OF 1954, PLEASE ANSWER THE FOLLOWING QUESTIONS.**

- a. During the previous twelve (12) months, have you entered into contracts, including the present contract, bid or proposal, with the City of Berkeley for a cumulative amount of \$100,000.00 or more?

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

If **no**, this Contract is NOT subject to the requirements of the LWO, and you may continue to Section II. If **yes**, please continue to question 2(b).

- b. Do you have six (6) or more employees, including part-time and stipend workers?

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

**If you have answered, "YES" to questions 2(a) and 2(b) this contract IS subject to the LWO.** If you responded "NO" to 2(b) this contract IS NOT subject to the LWO. **Please continue to Section II.**

**Section II**

**Please read, complete, and sign the following:**

THIS CONTRACT IS SUBJECT TO THE LIVING WAGE ORDINANCE. ☐

THIS CONTRACT IS NOT SUBJECT TO THE LIVING WAGE ORDINANCE. ☐

**Attachment F (page 1)**

The undersigned, on behalf of himself or herself individually and on behalf of his or her business or organization, hereby certifies that he or she is fully aware of Berkeley's Living Wage Ordinance, and the applicability of the Living Wage Ordinance, and the applicability of the subject contract, as determined herein. The undersigned further agrees to be bound by all of the terms of the Living Wage Ordinance, as mandated in the Berkeley Municipal Code, Chapter 13.27. If, at any time during the term of the contract, the answers to the questions posed herein change so that Contractor would be subject to the LWO, Contractor will promptly notify the City Manager in writing. Contractor further understands and agrees that the failure to comply with the LWO, this certification, or the terms of the Contract as it applies to the LWO, shall constitute a default of the Contract and the City Manager may terminate the contract and bar Contractor from future contracts with the City for five (5) years from the effective date of the Contract termination. If the contractor is a for-profit business and the LWO is applicable to this contract, the contractor must pay a living wage to all employees who spend 25% or more of their compensated time engaged in work directly related to the contract with the City. If the contractor is a non-profit business and the LWO is applicable to this contract, the contractor must pay a living wage to all employees who spend 50% or more of their compensated time engaged in work directly related to the contract with the City.

These statements are made under penalty of perjury under the laws of the state of California.

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Business Entity: \_\_\_\_\_

Contract Description/Specification No: **Project Name/XX-XXXXX**

### Section III

---

- **\*\* FOR ADMINISTRATIVE USE ONLY -- PLEASE PRINT CLEARLY \*\***

I have reviewed this Living Wage Certification form, in addition to verifying Contractor's total dollar amount contract commitments with the City in the past twelve (12) months, and determined that this Contract IS / IS NOT (circle one) subject to Berkeley's Living Wage Ordinance.

\_\_\_\_\_  
Department Name

\_\_\_\_\_  
Department Representative

**Attachment F (page 2)**

To be completed by  
Contractor/Vendor



**Form EBO-1  
CITY OF BERKELEY**

**CERTIFICATION OF COMPLIANCE WITH EQUAL BENEFITS ORDINANCE**

If you are a **contractor**, return this form to the originating department/project manager. If you are a **vendor** (supplier of goods), return this form to the Purchasing Division of the Finance Dept.

**SECTION 1. CONTRACTOR/VENDOR INFORMATION**

|                 |  |       |             |      |
|-----------------|--|-------|-------------|------|
| Name:           |  |       | Vendor No.: |      |
| Address:        |  | City: | State:      | ZIP: |
| Contact Person: |  |       | Telephone:  |      |
| E-mail Address: |  |       | Fax No.:    |      |

**SECTION 2. COMPLIANCE QUESTIONS**

- A. The EBO is inapplicable to this contract because the contractor/vendor has no employees.  
☐ Yes ☐ No (If "Yes," proceed to Section 5; if "No," continue to the next question.)
- B. Does your company provide (or make available at the employees' expense) any employee benefits?  
☐ Yes ☐ No  
If "Yes," continue to Question C.  
If "No," proceed to Section 5. (The EBO is not applicable to you.)
- C. Does your company provide (or make available at the employees' expense) any benefits to the spouse of an employee? ..... ☐ Yes ☐ No
- D. Does your company provide (or make available at the employees' expense) any benefits to the domestic partner of an employee? ..... ☐ Yes ☐ No

**If you answered "No" to both Questions C and D, proceed to Section 5. (The EBO is not applicable to this contract.) If you answered "Yes" to both Questions C and D, please continue to Question E. If you answered "Yes" to Question C and "No" to Question D, please continue to Section 3.**

- E. Are the benefits that are available to the spouse of an employee identical to the benefits that are available to the domestic partner of the employee? ..... ☐ Yes ☐ No

**If you answered "Yes,"** proceed to Section 4. (You are in compliance with the EBO.)  
**If you answered "No,"** continue to Section 3.

**SECTION 3. PROVISIONAL COMPLIANCE**

- A. Contractor/vendor is not in compliance with the EBO now but will comply by the following date:
- ☐ By the first effective date after the first open enrollment process following the contract start date, not to exceed two years, if the Contractor submits evidence of taking reasonable measures to comply with the EBO; or
- ☐ At such time that administrative steps can be taken to incorporate nondiscrimination in benefits in the Contractor's infrastructure, not to exceed three months; or
- ☐ Upon expiration of the contractor's current collective bargaining agreement(s).

**Attachment G (page 1)**

- B. If you have taken all reasonable measures to comply with the EBO but are unable to do so, do you agree to provide employees with a cash equivalent?\* ..... ☐ Yes ☐ No

\* The cash equivalent is the amount of money your company pays for spousal benefits that are unavailable for domestic partners.

## SECTION 4. REQUIRED DOCUMENTATION

At time of issuance of purchase order or contract award, you may be required by the City to provide documentation (copy of employee handbook, eligibility statement from your plans, insurance provider statements, etc.) to verify that you do not discriminate in the provision of benefits.

## SECTION 5. CERTIFICATION

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am authorized to bind this entity contractually. By signing this certification, I further agree to comply with all additional obligations of the Equal Benefits Ordinance that are set forth in the Berkeley Municipal Code and in the terms of the contract or purchase order with the City.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_  
(City) (State)

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Federal ID or Social Security Number

### FOR CITY OF BERKELEY USE ONLY

- ☐ Non-Compliant (The City may not do business with this contractor/vendor)
- ☐ One-Person Contractor/Vendor ☐ Full Compliance ☐ Reasonable Measures
- ☐ Provisional Compliance Category, Full Compliance by Date: \_\_\_\_\_
- Staff Name(*Sign and Print*): \_\_\_\_\_ Date: \_\_\_\_\_

Attachment G (page 2)

**CITY OF BERKELEY**  
**Right to Audit Form**

The contractor agrees that pursuant to Section 61 of the Berkeley City Charter, the City Auditor's office may conduct an audit of Contractor's financial, performance and compliance records maintained in connection with the operations and services performed under this contract.

In the event of such audit, Contractor agrees to provide the Auditor with reasonable access to Contractor's employees and make all such financial, performance and compliance records available to the Auditor's office. City agrees to provide Contractor an opportunity to discuss and respond to/any findings before a final audit report is filed.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name & Title: \_\_\_\_\_

Company: \_\_\_\_\_

Contract Description/Specification No: **Project Name/XX-XXXXX**

Please direct questions regarding this form to the Auditor's Office, at (510) 981-6750.

**Attachment H**

**CITY OF BERKELEY**  
**Commercial General and Automobile Liability Endorsement**

The attached Certificates of Insurance are hereby certified to be a part of the following policies having the following expiration dates:

| Policy No. | Company Providing Policy | Expir. Date |
|------------|--------------------------|-------------|
| _____      | _____                    | _____       |
| _____      | _____                    | _____       |
| _____      | _____                    | _____       |
| _____      | _____                    | _____       |

The scope of the insurance afforded by the policies designated in the attached certificates is not less than that which is afforded by the Insurance Service Organization's or other "Standard Provisions" forms in use by the insurance company in the territory in which coverage is afforded.

Such Policies provide for or are hereby amended to provide for the following:

1. The named insured is \_\_\_\_\_.
2. CITY OF BERKELEY ("City") is hereby included as an additional insured with respect to liability arising out of the hazards or operations under or in connection with the following agreement:  
\_\_\_\_\_.

The insurance provided applies as though separate policies are in effect for both the named insured and City, but does not increase the limits of liability set forth in said policies.

3. The limits of liability under the policies are not less than those shown on the certificate to which this endorsement is attached.
4. Cancellation or material reduction of this coverage will not be effective until thirty (30) days following written notice to \_\_\_\_\_, Department of \_\_\_\_\_, Berkeley, CA.
5. This insurance is primary and insurer is not entitled to any contribution from insurance in effect for City.

The term "City" includes successors and assigns of City and the officers, employees, agents and volunteers.

\_\_\_\_\_  
Insurance Company

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Signature of Underwriter's  
Authorized Representative

Contract Description/Specification No: **Project Name/XX-XXXXX**

**Attachment I**



**CONSENT CALENDAR**

November 2, 2022

To: Board of Library Trustees

From: Alicia Abramson, Manager, Library Information Technology

Subject: Contract Amendment: No. 104330-2 CTC Technology & Energy (CTC)

**RECOMMENDATION**

Adopt a resolution authorizing the Director of Library Services to amend Contract No. 104330-2 with CTC Technology & Energy ("CTC"), to increase the contracted not-to-exceed amount to \$707,865 for the continued provision to the Library of a 10 Gigabits per second connection to the California Research and Education Network ("CalREN") high-speed broadband fiber network until June 30, 2024.

**FISCAL IMPACTS OF RECOMMENDATION**

The contract not-to-exceed amount represents a \$171,189 increase over the previously contracted amount of \$536,676 and will provide adequate funding for the remainder of the contract term ending on June 30, 2024. The required funds are available in Library Tax account 101-22-242-271-0000-000-463-632110 for both FY23 and FY24.

**CURRENT SITUATION AND ITS EFFECTS**

On February 11, 2015 by BOLT resolution 15-084, the Board of Library Trustees authorized the Director of Library Services, to execute Contract No. 9883 with Califa, a California Public Benefits Corporation, for the provision, installation, and maintenance of high-speed broadband data circuits in an amount not to exceed \$200,000 for the projected time period from Spring 2015 through June 30, 2017. At the time, with the support of the California State Library, Califa contracted with the Corporation for Education Network Initiatives in California ("CENIC") for connectivity to the CalREN network and associated administrative and maintenance services to member libraries.

On May 2, 2018, by BOLT resolution R18-021, the Board of Library Trustees authorized the Director of Library Services to execute an amendment to Contract No. 9883 with Califa to increase the contracted not-to-exceed amount to \$400,000 for support and maintenance of the Library's high-speed, 1 Gigabit per second (Gbps) internet connection, and to extend the term of the Contract to June 30, 2020, with automatic renewals subject to cancellation by either party at least 60 days in advance of June 30 of each renewal period.

On June 5, 2019 by BOLT resolution R19-027, the Board of Library Trustees authorized the Director of Library Services to execute an amendment to Contract No. 9883 with Califa to increase the contracted not-to-exceed amount to \$536,676 to upgrade the 1 Gbps connection to a 10 Gbps connection and to continue providing support and maintenance of the Library's high-speed fiber-optic internet connection.

On May 28, 2020, the Acting Director of Library Services notified Califa by letter that the term of contract No. 104330-1 (formerly No. 9883) was extended from June 30, 2020 to June 30, 2024.

As of May 1, 2022, the role Califa played as administrator of the California State Library's High-Speed Broadband in California Libraries program was taken over by CTC. The State Library selected CTC through a competitive process at the end of 2021. As such, the Library has reassigned Califa contract No. 104330-2 to

CTC for continued connectivity to the CalREN network and associated administrative and maintenance services.

At the time of contract reassignment, the balance on the original contract, No. 104330-1, was \$60,233.28 and this amount was set as the contract not-to-exceed value of the reassigned contract. In order to ensure adequate funding for the term of the contract, CTC has provided a cost estimate of \$115,711 in Library fiscal year 2023 and \$115,711 in Library fiscal year 2024. Actual total amount spent may significantly decrease after E-Rate discounts are applied.

#### BACKGROUND

The federally funded E-Rate program provides schools and libraries with discounts on telecommunication costs. CTC applies annually for E-Rate discounts on behalf of libraries and passes awarded discounts on to them via credits applied to future bills. In fiscal year 2017, the Library received \$35,683 in credits from Califa. These credits were applied to bills in the Library's 2018 fiscal year. In fiscal year 2018, the Library received \$78,411 in E-Rate credits which were applied to our bills in fiscal year 2019. For fiscal year 2019, the Library received \$78,401 in discounts which were applied to bills for the Library's 2020 fiscal year. In fiscal year 2021 the Library received \$135,939 in discounts, as a check which was deposited to the Library's Miscellaneous Revenue account.

These credits ultimately reduce the overall cost of the high-speed broadband internet connection. Because E-Rate discounts are typically announced towards the end of the Library's fiscal year, credits are not applied until the next fiscal year, making it difficult to precisely project the actual cost of the service for each fiscal year. However, the additional funds requested must be available, as, after all discounts have all been applied, the Library resumes paying full price for the service until the next round of E-Rate credits are awarded.

#### RATIONALE FOR RECOMMENDATION

CTC is the only vendor authorized by the California State Library to provide discounted access to the CENIC CalREN network for California's public libraries. The Library's high-speed internet connection is an essential Library service that our patrons rely on. The Library's high-speed internet connection is accessible to Library users on the Library's free public-access computers or by other Library-provided or patron-owned devices using the Library's wireless network. Essential to the Library's mission of providing free, unrestricted access to information, the Library's high-speed broadband internet connection allows users to access the vast store of information resources available on the internet, and with fast speeds, substantially enhances user experience for accessing media-rich and bandwidth-intensive multimedia resources including streaming video and music as well as the many digital subscription resources offered by the Library.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Alicia Abramson, Manager, Library Information Technology, 510-981-6130

Attachments:

1: Resolution



**BOARD OF LIBRARY TRUSTEES****RESOLUTION NO: R22-\_\_\_****Contract Amendment: No. 104330-2 With CTC Technology and Energy (CTC)**

WHEREAS, on February 11, 2015 by BOLT resolution 15-084, the Board of Library Trustees authorized the Director of Library Services, to execute Contract No. 9883 with Califa, a California Public Benefits Corporation, for the provision, installation, and maintenance of high-speed data circuits connected to the Corporation for Education Network Initiatives in California's ("CENIC") California Research and Education Network ("CalREN"), in an amount not to exceed \$200,000 for the projected time period from Spring 2015 through June 30, 2017; and

WHEREAS, on May 2, 2018, by BOLT resolution R18-021, the Board of Library Trustees authorized the Director of Library Services to execute an amendment to Contract No. 9883 with Califa to increase the contracted not-to-exceed amount to \$400,000 for support and maintenance of the Library's high-speed, 1 Gigabit per second (Gbps) internet connection, and to extend the term of the Contract to June 30, 2020, with automatic renewals subject to cancellation by either party at least 60 days in advance of June 30 of each renewal period; and

WHEREAS, on June 5, 2019 by BOLT resolution R19-027, the Board of Library Trustees authorized the Director of Library Services to execute an amendment to Contract No. 9883 with Califa to increase the contracted not-to-exceed amount to \$536,676 to upgrade the 1 Gbps connection to a 10 Gbps connection and to continue providing support and maintenance of the Library's high-speed internet connection; and

WHEREAS, On May 28, 2020, the Acting Director of Library Services notified Califa by letter that the term of contract No. 104330-1 (formerly No. 9883) was extended from June 30, 2020 to June 30, 2024; and

WHEREAS, As of May 1, 2022, the role Califa played as administrator of the California State Library's High-Speed Broadband in California Libraries program was taken over by CTC Technology & Energy ("CTC") after the State Library selected CTC through a competitive process at the end of 2021; and

WHEREAS, In order to continue internet service, the Library reassigned Califa contract No. 104330-2 to CTC for connectivity to the CalREN network and associated administrative and maintenance services; and

WHEREAS, CTC is the only vendor authorized by the California State Library to provide discounted access to the CENIC CalREN network for California's public libraries and the Library's high-speed internet connection is an essential Library service on which our patrons rely.

NOW THEREFORE, BE IT RESOLVED by the Board of Library Trustees of the City of Berkeley adopt a resolution authorizing the Director of Library Services to amend Contract No. 104330-2 with CTC, to increase the contracted not-to-exceed amount to \$707,865 for the continued provision to the Library of a 10 Gigabits per second connection to the California Research and Education Network ("CalREN") until June 30, 2024.

ADOPTED by the Board of Library Trustees of the City of Berkeley at a regular meeting held on Wednesday, November 2, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

---

Amy Roth, President

---

Tess Mayer, Director of Library Services  
Serving as Secretary to the Board of Library Trustees





**ACTION CALENDAR**  
November 2, 2022

To: Board of Library Trustees  
From: Tess Mayer, Director of Library Services  
Subject: Election of Board President

**INTRODUCTION**

Each year the Board of Library Trustees elects Officers for a one-year term. Following discussion, the Board will nominate a Trustee to sit as President, for the term commencing November 3, 2022, for a one-year term.

**FISCAL IMPACTS OF RECOMMENDATION**

This report will have no fiscal impacts.

**BACKGROUND**

Each year the Board of Library Trustees appoints a Trustee to sit as President and a second Trustee to sit as Vice-President for the following year. Section 3.04.040 Organization of Board of the City of Berkeley Municipal Code specifies that each year the Board of Library Trustees shall elect one of its members as president and another as vice president for a term of one year, on or about the first meeting of the board in October of each year.

**CURRENT SITUATION AND ITS EFFECTS**

Regular President and Vice-President elections occurred on November 3, 2021. Trustee Roth was elected President and Trustee Hahn Vice-President, to serve through the time of the next election in November 2022 or until a successor is elected.

This year, nominations were not agendized until the October meeting, delaying the election of offices to the November meeting, per the process established in the adopted Bylaws of the Board of Library Trustees as summarized below.

*Process*

Per the amended adopted Bylaws of the Board of Library Trustees, in July of each year, an information report shall be included on the Regular BOLT Meeting Agenda reviewing the rules for elections to the Offices of President and Vice President and calling for nominations to be made at the September BOLT meeting.

At the September BOLT meeting, nominations shall be agendized as an Action item. Trustees may nominate themselves or other Trustees for consideration for either or both Offices. Nominations require a motion, but no second, and may be declined by the nominee. Nominations taken "from the floor" allow all of the Trustees the opportunity to nominate others as well as themselves.

At the October BOLT meeting, the Election of a President and Vice President shall be agendized as two separate Action Items, with the office of President to be voted upon first. All Trustees accepting nomination for each office at the September meeting shall be listed. A duly nominated Trustee may be listed for either or both offices but may only be elected to one. The presiding officer shall call for any additional nominations (which may be declined) or declinations as the election for each office is taken up and, after closing nominations, shall allow each nominee an equal opportunity to speak on behalf of their own candidacy. Nominees may then be discussed by the full BOLT membership, after which the presiding officer shall call for a public roll-call vote for that office. Should a Trustee nominated to both the offices of

President and Vice President be elected as President, their nomination for the office of Vice President shall be nullified. The results of each vote shall be publicly announced and recorded in the minutes.

In the event no President or Vice President is elected on the first round at the October meeting, the presiding officer may call for additional rounds of nominations, speaking, discussion and voting at the same meeting until the office is filled, or may postpone the election for that office to the next regular meeting, at which time the same procedures for nominations, speaking, discussion and voting shall be followed.

The election of officers is a public process, with the vote announced at the conclusion of voting. The one-year term will commence November 3, 2022.

FUTURE ACTION

No future action is needed if the offices are filled at the November meeting.

CONTACT PERSON

Tess Mayer, Director of Library Services, Library, 510-981-6195

Attachments:

1. Resolution

## **BOARD OF LIBRARY TRUSTEES**

**RESOLUTION NO: R22-\_\_\_\_**

### **APPOINTMENT OF A TRUSTEE TO SIT AS PRESIDENT AND A TRUSTEE TO SIT AS VICE-PRESIDENT FOR THE BOARD OF LIBRARY TRUSTEES**

WHEREAS, the Berkeley Municipal Code, Section 3.04.040, Boards, Commissions and Committees - Board of Library Trustees - Organization of Board provides that "The Board of Library Trustees shall organize by electing one of its members president and one of its members vice president, who shall hold office for one year, and until their successors are elected unless their terms as a member of said board expire sooner. The president and vice-president shall be elected at the first meeting of the board in October of each year."

WHEREAS, the Board of Library Trustees has taken up and considered the office of President.

WHEREAS, for each office, the Board of Library Trustees has taken all nominations "from the floor," including Trustee nominations of other Trustees or of themselves, and has conducted a public, roll call vote on each nomination for such office, taken up in the order in which such nominations were made, until a majority vote for each office has been achieved.

WHEREAS, the outcome of each roll call vote has been announced publicly.

NOW, THEREFORE, BE IT RESOLVED by the Board of Library Trustees of the City of Berkeley that \_\_\_\_\_ has been duly elected and shall serve as President commencing on November 3, 2022, until the first meeting of the board in November 2023, and until a successor is elected, unless their term as a member of the Board of Trustees expires sooner.

ADOPTED by the Board of Library Trustees of the City of Berkeley at a regular meeting held on November 2, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

---

Amy Roth, President

---

Tess Mayer, Director of Library Services  
Serving as Secretary to the Board of Library Trustee





**ACTION CALENDAR**  
November 2, 2022

To: Board of Library Trustees  
From: Tess Mayer, Director of Library Services  
Subject: Election of Board Vice President

**INTRODUCTION**

Each year the Board of Library Trustees elects Officers for a one-year term. Following discussion, the Board will nominate a Trustee to sit as Vice President, for the term commencing November 3, 2022, for a one-year term.

**FISCAL IMPACTS OF RECOMMENDATION**

This report will have no fiscal impacts.

**BACKGROUND**

Each year the Board of Library Trustees appoints a Trustee to sit as Vice-President for the following year. Section 3.04.040 Organization of Board of the City of Berkeley Municipal Code specifies that each year the Board of Library Trustees shall elect one of its members as president and another as vice president for a term of one year, on or about the first meeting of the board in October of each year.

**CURRENT SITUATION AND ITS EFFECTS**

Regular President and Vice-President elections occurred on November 3, 2021. Trustee Roth was elected President and Trustee Hahn Vice-President, to serve through the time of the next election in November 2022 or until a successor is elected.

This year, nominations were not agendized until the October meeting, delaying the election of offices to the November meeting, per the process established in the adopted Bylaws of the Board of Library Trustees as summarized below.

*Process*

Per the amended adopted Bylaws of the Board of Library Trustees, in July of each year, an information report shall be included on the Regular BOLT Meeting Agenda reviewing the rules for elections to the Offices of President and Vice President and calling for nominations to be made at the September BOLT meeting.

At the September BOLT meeting, nominations shall be agendized as an Action item. Trustees may nominate themselves or other Trustees for consideration for either or both Offices. Nominations require a motion, but no second, and may be declined by the nominee. Nominations taken "from the floor" allow all of the Trustees the opportunity to nominate others as well as themselves.

At the October BOLT meeting, the Election of a President and Vice President shall be agendized as two separate Action Items, with the office of President to be voted upon first. All Trustees accepting nomination for each office at the September meeting shall be listed. A duly nominated Trustee may be listed for either or both offices but may only be elected to one. The presiding officer shall call for any additional nominations (which may be declined) or declinations as the election for each office is taken up and, after closing nominations, shall allow each nominee an equal opportunity to speak on behalf of their own candidacy. Nominees may then be discussed by the full BOLT membership, after which the presiding officer shall call for a public roll-call vote for that office. Should a Trustee nominated to both the offices of

President and Vice President be elected as President, their nomination for the office of Vice President shall be nullified. The results of each vote shall be publicly announced and recorded in the minutes.

In the event no President or Vice President is elected on the first round at the October meeting, the presiding officer may call for additional rounds of nominations, speaking, discussion and voting at the same meeting until the office is filled, or may postpone the election for that office to the next regular meeting, at which time the same procedures for nominations, speaking, discussion and voting shall be followed.

The election of officers is a public process, with the vote announced at the conclusion of voting. The one-year term will commence November 3, 2022.

**FUTURE ACTION**

No future action is needed if the offices are filled at the November meeting.

**CONTACT PERSON**

Tess Mayer, Director of Library Services, Library, 510-981-6195

**Attachments:**

1. Resolution



## **BOARD OF LIBRARY TRUSTEES**

**RESOLUTION NO: R22-\_\_\_\_**

### **APPOINTMENT OF A TRUSTEE TO SIT AS VICE-PRESIDENT FOR THE BOARD OF LIBRARY TRUSTEES**

WHEREAS, the Berkeley Municipal Code, Section 3.04.040, Boards, Commissions and Committees - Board of Library Trustees - Organization of Board provides that "The Board of Library Trustees shall organize by electing one of its members president and one of its members vice president, who shall hold office for one year, and until their successors are elected unless their terms as a member of said board expire sooner. The president and vice-president shall be elected at the first meeting of the board in October of each year."

WHEREAS, the Board of Library Trustees has taken up and considered the office of Vice President.

WHEREAS, for each office, the Board of Library Trustees has taken all nominations "from the floor," including Trustee nominations of other Trustees or of themselves, and has conducted a public, roll call vote on each nomination for such office, taken up in the order in which such nominations were made, until a majority vote for each office has been achieved.

WHEREAS, the outcome of each roll call vote has been announced publicly.

NOW, THEREFORE, BE IT RESOLVED by the Board of Library Trustees of the City of Berkeley that \_\_\_\_\_ has been duly elected and shall serve as Vice President commencing on November 3, 2022, until the first meeting of the board in November 2023, and until a successor is elected, unless their term as a member of the Board of Trustees expires sooner.

ADOPTED by the Board of Library Trustees of the City of Berkeley at a regular meeting held on November 2, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

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Amy Roth, President

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Tess Mayer, Director of Library Services  
Serving as Secretary to the Board of Library Trustee





**ACTION CALENDAR**

November 2, 2022

To: Board of Library Trustees

From: Tess Mayer, Director of Library Services

Subject: City of Berkeley Land Acknowledgement Memo and Proposed Action

**RECOMMENDATION**

Approve a resolution adopting the proposed resolution that the Land Acknowledgement adopted by the City of Berkeley on October 11, 2022 shall be displayed in writing at all Regular Meetings of the Board of Library Trustees and shall be read out loud during the Ceremonial portion of the first Regular Board of Library Trustees meeting of each month.

**FISCAL IMPACTS OF RECOMMENDATION**

There is no fiscal impact from this report.

**BACKGROUND**

On October 11, 2022, the Berkeley City Council adopted the Land Acknowledgement Statement Resolution (see attached). The Statement acknowledges that the City of Berkeley rests upon the ancestral lands of the Chochenyo speaking Lisjan Ohlone people, brings attention to their centuries of resistance to colonial violence, and reminds our City and community of the need to take concrete restorative actions. The full recommendation of the City Council is as follows:

1. Adopt the Land Acknowledgement Statement Resolution recognizing that Berkeley is the ancestral, unceded home of the Ohlone people.
2. Display the Land Acknowledgement in writing at all in-person or online Regular meetings of the City Council and read the Acknowledgement at the first Regular meeting of each month in which Regular City Council meetings are held.
3. Recommend to all Berkeley Commissions, Committees, Boards, and other elected and appointed City entities to consider inclusion of the Land Acknowledgement in meeting practices and direct the City Manager to convey a copy of this Item and Resolution to all such entities for reference.
4. Direct the City Manager to post the Land Acknowledgement or a prominent link to the Acknowledgement on the home page of the City's website and to create a webpage dedicated to Ohlone history and culture.
5. Now and in the future, consider additional more substantive reparative and restorative actions, including but not limited to those described under the heading "Actions/Alternatives Considered."

**CURRENT SITUATION AND ITS EFFECTS**

The City Manager has provided the attached information as recommended in #3 above, and it has been recommended that Berkeley Commissions, Committees, Boards, and other elected and appointed City entities consider inclusion of the Land Acknowledgement in their meeting practices. The attached

resolution provides for one such approach, which would mirror the City Council's practice. The Board of Library Trustees could also develop a different approach to referencing or incorporating the Land Acknowledgement in regular meetings.

#### FUTURE ACTION

The Berkeley Public Library Racial Justice Advisory Group has developed language that Library staff has used and will continue to use in the introduction of public programming and other contexts. Library staff will continue to explore options for the use of the City Council approved Land Acknowledgement language as well as additional language in programming and other contexts. As the Library is an educational and cultural institution, public programming and services provide opportunities to address the historical legacy outlined in the attached report. Library staff will also consider the important recommendation that more substantive reparative and restorative actions be taken in consult with Lisjan Ohlone leadership.

#### CONTACT PERSON

Tess Mayer, Director of Library Services, Library, (510) 981-6195.

#### Attachments:

1. Resolution
2. Land Acknowledgment Memo and Documents

## **BOARD OF LIBRARY TRUSTEES**

### **RESOLUTION NO: R22-051**

#### **Recognizing That Berkeley is the Ancestral, Unceded Home of the Ohlone People and Adopting Land Acknowledgement Practices for the Board of Library Trustees**

WHEREAS Acknowledging that the City of Berkeley rests upon the ancestral lands of the Chochenyo speaking Lisjan Ohlone people brings attention to their centuries of resistance to colonial violence and reminds our City and community of the need to take concrete restorative actions; and

WHEREAS Land acknowledgment is a traditional custom that dates back centuries in many Native nations and communities, land acknowledgments continue to be used by Native Peoples and non-Natives to recognize Indigenous Peoples who are the original stewards of the lands on which we now live; and

WHEREAS To begin public meetings, localities across the United States including Denver (CO), Portland (OR), and Phoenix (AZ) now share official land acknowledgements as well as many public agencies, including the National Park Service, the National Aeronautics and Space Administration (NASA); and

WHEREAS Many public and public-facing private institutions have also adopted land acknowledgement statements including UC Berkeley, Mills College, Chabot Las Positas Community College District, California College of the Arts, UCSF, Stanford, and recently, Berkeley's Rent Stabilization Board; and

WHEREAS One of the leading advocacy groups for land acknowledgement, the Native Governance Center, asks that land acknowledgements go beyond a mere statement, by providing research on the history of indigenous peoples and offering concrete actions to support them; and

WHEREAS The settlers of California, primarily Europeans seeking religious converts, agricultural land, and economic opportunity during the gold rush committed one of the most egregious genocides in history, murdering 80 percent of Indigenous people in the state from 1846 to 1873 through massacre by state-directed militias, enslavement in mining and agricultural production, displacement causing starvation, and compulsory assimilation; and

WHEREAS The Lisjan people have lived in the territory of Huchiun, the land that is now known as the East Bay in the San Francisco Bay Area, since the beginning of time and for thousands of years and hundreds of generations; and

WHEREAS the Lisjan people did not own the land, they belonged to it, and generation after generation they have cultivated reciprocal relationships with plants and animals and developed beautiful and powerful cultural practices that keep us in balance; and

WHEREAS The Confederated Villages of Lisjan are one of many Ohlone nations, each with its own geography and history, whose tribes, cultures and languages are as diverse as the ecosystems we live within; and

WHEREAS The Lisjan are made up of the six nations that were directly enslaved at Mission San Jose in Fremont, CA and Mission Dolores in San Francisco, CA: Lisjan (Ohlone), Karkin (Ohlone), Bay Miwok, Plains Miwok, Delta Yokut and Napian (Patwin); and

WHEREAS The colonization of the land where Berkeley is located began with the reign of terror inflicted by Spanish soldiers and missionaries who sought to convert all Indigenous people into Catholic subjects of Spain and steal their land; and

WHEREAS The Missions were plantations, built by slave labor and sustained through brutal physical violence and extractive land practices, and the Spanish also brought deadly diseases, invasive species, and Christian ideology based on human dominion of the natural world, causing devastating consequences for the Lisjan people and all living beings they shared the land with; and

WHEREAS After a brief but harrowing Mexican rancho period, Lisjan survivors faced extermination policies by the United States that aimed to eliminate California Indians entirely; and

WHEREAS In a climate of virulent racial discrimination and state-sponsored vigilante killings, most Lisjan families survived by isolating themselves and concealing their identities, and cultural and spiritual traditions were forced into dormancy or secrecy resulting in much knowledge perishing with the passing of generations; and

WHEREAS Despite these concerted efforts to erase Lisjan history and identity, the Lisjan community forms a diverse and vibrant constellation of tribes and families that utilizes a wide array of survival strategies to navigate a profoundly altered 21st century world, and the Lisjan continue to revitalize their cultural practices and uphold their responsibilities to protect and care for their ancestral homeland; and

WHEREAS Having survived over two centuries of genocide and colonization during the Spanish, Mexican and American eras, the Lisjan continue to inhabit their ancestral homeland, fight for their sacred sites, and revitalize their cultural practices; and

WHEREAS The City of Berkeley has a legacy of acknowledging the oppression and genocide of Indigenous people and taking both symbolic and concrete steps to support their struggle against institutions that grew out of settler-colonialist ideology as well as steps to address oppressive actions that persist today; and

WHEREAS In 1992, Berkeley became the first city in the United States to rename as Indigenous Peoples' Day the federal holiday formerly recognized as Columbus Day, which motivated changes to BUSD's history curriculum and undermined a long-standing revisionist history that European colonizer Christopher Columbus was a hero instead of a violent leader whose arrival led to the murder, enslavement, rape, and disease-related deaths of millions of Indigenous People; and

WHEREAS In 2000, the City of Berkeley officially designated the West Berkeley Shellmound, one of 425 ceremonial burial mounds that ringed San Francisco Bay to honor ancestors, as an official Landmark, and the site is also recognized by the State of California and is eligible for listing on the National Register of Historic Places, meaning it meets all of the criteria for such listing; and

WHEREAS In 2020, the National Trust for Historic Preservation designated the Berkeley Shellmound and Village Site one of the 11 Most Endangered Historic Places in the United States; and

WHEREAS In May of 2009, the City Council adopted a resolution recognizing and endorsing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), a statement of values denouncing forced assimilation, land removal, violent exploitation, cultural genocide, and other actions abridging Indigenous People's right to selfdetermination and in 2015 the Council delivered a letter to the UN Secretary General and US Ambassador to the UN urging this declaration to be adopted as a convention, which would be legally binding; and

WHEREAS In January of 2016, the City Council adopted a resolution formally recognizing the Ohlone Peoples as the original inhabitants of Berkeley and affirmed the City's commitment to the "defense of Indigenous rights, culture, and dignity" as an official value, 22 committing that "free, prior, and informed consent of the Ohlone and other Indigenous people should be integral to any alteration planning for the Berkeley Shellmound sacred site..."; and

WHEREAS In January 2018, the City Council adopted a policy changing Berkeley's City Limits signs to read "Welcome to Berkeley - Ohlone Territory" and in October 2018, the City Council took further action and adopted a similar measure replacing all existing Welcome to Berkeley signs to signs including "Ohlone Territory;" and

WHEREAS During deliberations to recognize the Ohlone on City Limit Signs, the City Council decided that in addition to recognizing the Ohlone People through signage, there was a need for more learning opportunities to add historical context, including a special Council session on Ohlone history and culture, a webpage on the City of Berkeley website linking to cultural and historic information, and inviting representatives of the Ohlone to speak at a City Council meeting; and

WHEREAS On June 9, 2020 the City Council passed an item to paint the words "Black Lives Matter" and "Ohlone Territory" on streets adjacent to Berkeley's City Hall; and

WHEREAS At its January 20, 2022 meeting, the Berkeley Rent Board unanimously voted to adopt a land acknowledgement statement to be read out loud at all future board and committee meetings, providing an important example for the City to follow.

WHEREAS In the spirit of continuing to demonstrate and deepen the City of Berkeley's recognition, inclusion, restitution, and repair towards the Lisjan Ohlone, whose ancestral home lies where the City of Berkeley is located, and who have survived centuries of cultural, physical, and environment genocide at the hands of Spanish, Mexican, and American colonists, the Council of the City of Berkeley adopted the following Land Acknowledgement on October 11, 2022:

*The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and uncaded 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 23 this uncaded 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.*

NOW THEREFORE, BE IT RESOLVED That the Land Acknowledgement shall be displayed in writing at all Regular Meetings of the Board of Library Trustees and shall be read out loud during the Ceremonial portion of the first Regular Board of Library Trustees meeting of each month.

ADOPTED by the Board of Library Trustees of the City of Berkeley at a regular meeting held on November 2, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

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Amy Roth, President

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Tess Mayer, Director of Library Services  
Serving as Secretary to the Board of Library Trustees





City Clerk Department

October 21, 2022

To: Berkeley Unified School District  
Berkeley Rent Stabilization Board  
Board of Library Trustees  
Berkeley Housing Authority  
All Berkeley Boards & Commissions

From: Mark Numainville, City Clerk

Subject: Land Acknowledgement Recognizing Berkeley as the Ancestral, Unceded Home of the Ohlone People

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On October 11, 2022, the Berkeley City Council unanimously adopted the Land Acknowledgement Statement Resolution. The Statement acknowledges that the City of Berkeley rests upon the ancestral lands of the Chochenyo speaking Lisjan Ohlone people, brings attention to their centuries of resistance to colonial violence, and reminds our City and community of the need to take concrete restorative actions.

The full recommendation of the City Council is as follows:

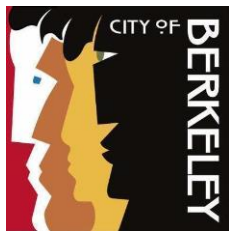
1. Adopt the Land Acknowledgement Statement Resolution recognizing that Berkeley is the ancestral, unceded home of the Ohlone people.
2. Display the Land Acknowledgement in writing at all in-person or online Regular meetings of the City Council and read the Acknowledgement at the first Regular meeting of each month in which Regular City Council meetings are held.
3. Recommend to all Berkeley Commissions, Committees, Boards, and other elected and appointed City entities to consider inclusion of the Land Acknowledgement in meeting practices and direct the City Manager to convey a copy of this Item and Resolution to all such entities for reference.
4. Direct the City Manager to post the Land Acknowledgement or a prominent link to the Acknowledgement on the home page of the City's website and to create a webpage dedicated to Ohlone history and culture.
5. Now and in the future, consider additional more substantive reparative and restorative actions, including but not limited to those described under the heading "Actions/Alternatives Considered."

This memo transmits the agenda item and resolution to you as directed by the City Council in recommendation number three. Recommendation number three also states that the City Council recommends to all Berkeley Commissions, Committees, Boards, and other elected and appointed City entities to consider inclusion of the Land Acknowledgement in their meeting practices.

Thank you for your review and consideration of this important item.

cc: Mayor and City Council  
Dee Williams-Ridley, City Manager

Enc.



Councilmember Sophie Hahn  
City of Berkeley, District 5

## **CONSENT CALENDAR**

October 11, 2022

**To:** Honorable Mayor and Members of the City Council  
**From:** Councilmember Hahn (Author)  
Mayor Jesse Arreguín (Co-Sponsor)  
Councilmember Taplin (Co-Sponsor)  
Councilmember Robinson (Co-Sponsor)  
**Subject:** Land Acknowledgement Recognizing Berkeley as the Ancestral,  
Unceded Home of the Ohlone people.

## **RECOMMENDATION**

1. Adopt the Land Acknowledgement Statement Resolution recognizing that Berkeley is the ancestral, unceded home of the Ohlone people.
2. Display the Land Acknowledgement in writing at all in-person or online Regular meetings of the City Council and read the Acknowledgement at the first Regular meeting of each month in which Regular City Council meetings are held.
3. Recommend to all Berkeley Commissions, Committees, Boards, and other elected and appointed City entities to consider inclusion of the Land Acknowledgement in meeting practices and direct the City Manager to convey a copy of this Item and Resolution to all such entities for reference.
4. Direct the City Manager to post the Land Acknowledgement or a prominent link to the Acknowledgement on the home page of the City's website and to create a webpage dedicated to Ohlone history and culture.
5. Now and in the future, consider additional more substantive reparative and restorative actions, including but not limited to those described under the heading "Actions/Alternatives Considered."

## **SUMMARY**

Acknowledging that the City of Berkeley rests upon the ancestral lands of the Chochenyo speaking Lisjan Ohlone people brings attention to their centuries of resistance to colonial violence and reminds our City and community of the need to take concrete restorative actions.

The settlers of California, primarily Europeans seeking religious converts, agricultural land and economic opportunity during the gold rush, committed one of the most egregious genocides in history. Settlers murdered 80 percent of Indigenous people in the state from

1846 to 1873 through massacre by state-directed militias, enslavement in mining and agricultural production, displacement causing starvation, and compulsory assimilation.<sup>1</sup>

Land acknowledgment is a traditional custom that dates back centuries in many Native nations and communities. Today, land acknowledgments are used by Native Peoples and non-Natives to recognize Indigenous Peoples who are the original stewards of the lands on which we now live.<sup>2</sup> To begin public meetings, dozens of localities across the United States including Denver (CO), Portland (OR), and Phoenix (AZ) now share official land acknowledgements. Many public agencies, including the National Park Service, the National Aeronautics and Space Administration (NASA), read these acknowledgements as well. The practice has been common for nearly a decade in Canada, New Zealand, and Australia.<sup>3</sup>

Locally, many public and public-facing private institutions have also adopted land acknowledgement statements including UC Berkeley, Mills College, Chabot Las Positas Community College District, California College of the Arts, UCSF, Stanford, and recently, Berkeley's Rent Stabilization Board.

However impactful these statements may be, it's important to consider that land acknowledgements have been criticized as appropriating the Indigenous practice of acknowledging the ancestral roots of land without taking concrete action against ongoing oppression.<sup>4</sup> According to University of Oklahoma Professor of Native American Cultural Studies Dustin Tahmahkera, "To acknowledge Indigenous homelands and to return those lands are related, but the former alone allows for rhetoric without further action."<sup>5</sup>

Dr. Duke Redbird, an Elder of the Saugeen First Nation in Ontario recently noted that Canada has invited non-Indigenous territories such as Prince Edward Island into the government's confederation, giving them lawmaker representation in parliament, while excluding millions of Indigenous people from the same opportunity:<sup>6</sup>

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<sup>1</sup> Madley, B. (2016). *An American Genocide. The United States and the California Indian Catastrophe*. Yale University Press. Print. p. 10, 12. Note: approximately, one in ten of these 125,000 deaths were the result of direct violence, often perpetuated by volunteer militias. Others resulted indirectly through displacement and disease.

<sup>2</sup> Smithsonian National Museum of the American Indian, Honoring Original Indigenous Inhabitants: Land Acknowledgment. [Web](#).

<sup>3</sup> Dewey, C. (2021). Growing Number of Cities Weigh Tribal 'Land Acknowledgements.' Pew Research Trust. [Web](#).

<sup>4</sup> Kaur, H. (2021). Land acknowledgments are often an empty gesture, some Indigenous people say. CNN. [Web](#).

<sup>5</sup> Wood, G. (2021). 'Land Acknowledgments' Are Just Moral Exhibitionism. The Atlantic. [Web](#).

<sup>6</sup> Museum of Toronto (2020). Ask an Elder: What do Land Acknowledgements represent? [Web](#).

*To get up in government and give a land acknowledgement without even inviting us into confederation, we were left out. What is the land acknowledgement supposed to represent? Give us a feeling that we should be grateful? Grateful for what?*

Naomi Bob, an Indigenous Youth Wellness Project Coordinator with the Snaw'naw'as and Nanoose First Nation, shared his perspective:<sup>7</sup>

*I'm seeing land acknowledgements done in a way that is tokenizing and minimizes responsibility and our history... It's really easy to list off your host nations you found off of a google search but I want to hear how you as an individual have ended up on their land and I want to hear about the work you're doing to reconcile responsibilities you have inherited . . .*

One of the leading advocacy groups for land acknowledgement, the Native Governance Center, acknowledges this issue of “optical allyship,” asking that local governments and community groups craft land acknowledgements that go beyond a mere statement, by providing research on the history of Indigenous peoples and offering concrete actions to support them. The organization’s Guide to Indigenous Land Acknowledgement states “every moment spent agonizing over land acknowledgement wording is time that could be used to actually support indigenous people... an apology or an acknowledgement is one thing, but what are you going to do next?”<sup>8</sup>

At an April 2022 Berkeley Rent Stabilization Board meeting Lisjan Ohlone Chairperson Corrina Gould spoke in support of their land acknowledgment and emphasized that we must acknowledge not only the past but also the future. She stressed that land acknowledgements are “a way to create goals together so there is an ongoing partnership taking care of the lands, and waters, and places that we live.”<sup>9</sup> The City of Berkeley should honor this intention and use this resolution and the Land Acknowledgement practice as a first step to bring attention to these histories and as a foundation for further concrete actions.

This item asks for the Land Acknowledgement to be formally adopted, displayed, and spoken by the City Council at the start of proceedings, and asks other appointed and elected governmental bodies in Berkeley to consider adopting similar Land

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<sup>7</sup> CFSC Video (2020). Why are land acknowledgments important? Naomi Bob - Indigenous Voices on Reconciliation. [Web](#).

<sup>8</sup> Native Governance Center (2019), quoting Dr. Kate Beane of the Falandreau Santee Dakota and Muskogee Creek as well as Robert Larson of the Sioux Indian Community. A Guide to Indigenous Land Acknowledgement. [Web](#).

<sup>9</sup> City of Berkeley (2022). Berkeley Rent Board Adopts Land Acknowledgement Statement. [Web](#).

Acknowledgement practices. More importantly, *it is intended to serve as a starting point for further restorative and reparative work our City and community must engage in*, not as an end in and of itself.

## **BACKGROUND**

The United States, the State of California, and the City of Berkeley came into being through the deliberate and sustained genocide of Indigenous people, and modern forms of this colonial violence continue to this day both here in Berkeley and across the country and globe. This history is often obscured or erased. Schools for decades have failed to teach the truth about this legacy, replacing hard and ugly facts with a variety of convenient myths and misrepresentations. Surviving Native Americans endured forced reeducation at boarding schools that suppressed oral history transmission, and fear of violence and murder drove many to hide their Indigenous ancestry, further eroding culture and memory.<sup>10</sup> But Lisjan Ohlone and other Native American people found ways to survive this murderous and cultural genocide, and many are with us today.

To contextualize this painful history, honor the Indigenous people who have survived and resisted this violence, and chart a new path forward for our community, this item briefly recounts elements of this history to understand the present.

The Ohlone are a group of around 50 separate tribes, who for 10,000 years lived on ancestral lands that spanned the coast of what is now known as San Francisco through Monterey Bay to the lower Salinas Valley.<sup>11</sup> There were eight different nations in the Bay Area alone, including the Lisjan; many came to adopt the term Ohlone in solidarity with other nations to push back against the Spanish colonizers' blanket name of "Costanoan."<sup>12</sup>

The territory xučyun (Huchiun), extending from what is now known as the Berkeley Hills to the Bay Shore from West Oakland to El Cerrito, is the home territory of the Chochenyo speaking Ohlone people. The cities of Alameda, Berkeley, Emeryville, El Cerrito, and most of Oakland were created on this ancestral territory. Nearly 310,000 Indigenous people across the region lived in what is now called California, speaking as many as 100 languages.<sup>13</sup>

Spain began colonizing these lands in 1769, establishing military forts and religious "mission" outposts across the region, including Mission San Jose in Fremont and

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<sup>10</sup> Madley, B. (2016). Ibid. p. 10.

<sup>11</sup> UC Berkeley, n.d. Berkeley sits in the territory of xučyun. [Web](#).

<sup>12</sup> Gould, Corrina. (2021). Berkeley's Ohlone History. Peralta Community Garden. [Web](#).

<sup>13</sup> Madley, B. (2016). Ibid. p. 23.

Mission Dolores in San Francisco, that enslaved the ancestors of some modern-day Berkeley and East Bay Ohlone people.<sup>14</sup> <sup>15</sup>Spain used slavery, rape, and torture of Indigenous people to secure silver mines to compete against colonial powers like Russia and Britain and “spiritually conquer” the region in the name of Catholicism.<sup>16</sup> In this period, Spain claimed ownership of the land and granted use rights to some ranchers and farmers.<sup>17</sup>

In 1818, the Spanish soldier Luis Peralta petitioned the Spanish authorities to be granted 48,000 acres extending from modern day San Leandro Creek to El Cerrito. This area, encapsulating modern day Berkeley, was known as “Rancho San Antonio.” Two of Peralta’s four sons, Domingo and Vicente (for which streets are named today), administered the territory for nearly two decades, through the transfer of the region to Mexico from Spain. Ranching appropriated and destroyed native landscapes and diverted streams for irrigation at great cost to native peoples, some of whom found ways to survive amid ongoing Spanish oppression.<sup>18</sup>

Following Mexican independence in 1821, the new Mexican government granted private land rights to individual “ranchos” through the Missions: these land grant settlers began occupying prime agricultural lands across the state, but remained less than 20 percent of California’s population – the remainder being Native American.<sup>19</sup> The Peralta family soon had company in the form of other landed “aristocratic” families, which replaced the missionary friars as the most powerful people across the region.<sup>20</sup>

Amid the 1850’s Gold Rush, U.S. soldiers victorious over Mexico and other squatters began to make legal claims to the Peralta lands. Federal judges of the California Land Commission in 1851, not well prepared for their tasks, attempted to resolve these numerous land disputes, but the Peraltas were overwhelmed by lawyers’ bills and property taxes, eventually selling off much of their lands to pay their debts.<sup>21</sup> Meanwhile the violent occupation of settlers as well as the spread of European diseases like smallpox reduced the Indigenous population to only 150,000 people by the time the United States had taken legal control of what is now California in 1846, during the Mexican-American war.<sup>22</sup>

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<sup>14</sup> Novan, K. (2021). California Agriculture: Dimensions and Issues, 2nd Edition: Chapter 3, California’s Evolving Landscape. University of California: Giannini Foundation of Agricultural Economics. [Web](#). p. 59.

<sup>15</sup> Gould, Corrina. (2021). Ibid.

<sup>16</sup> Novan, K. (2021). Ibid. p. 59.

<sup>17</sup> Madley, B. (2016). Ibid. p. 27 - 38.

<sup>18</sup> Wollenberg, C. (2008). Berkeley: A City in History. Chapter One: First Settlers. UC Press. p. 8. [Web](#).

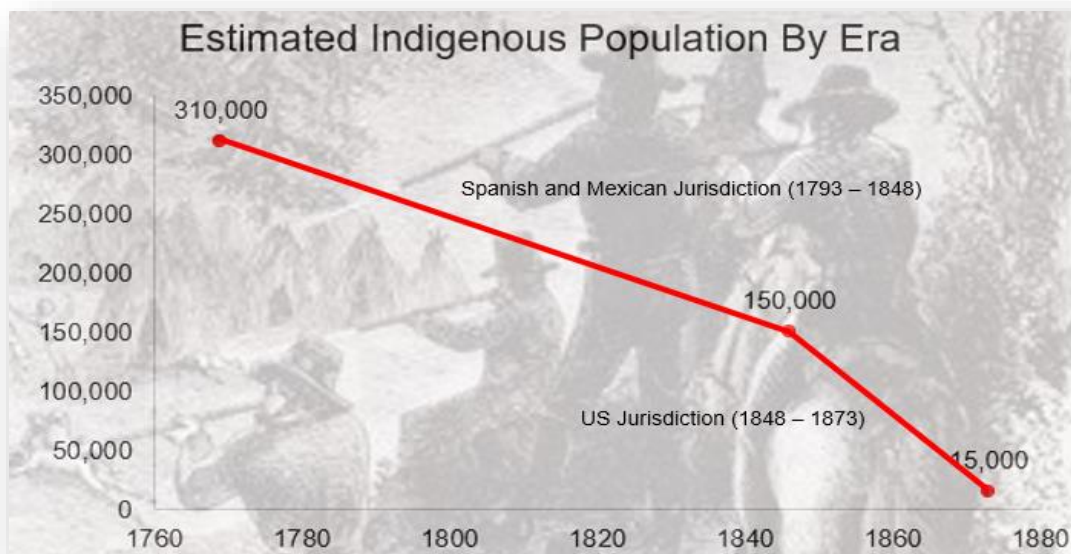
<sup>19</sup> Novan, K. (2021). Ibid. p. 60. / Lindsay, B.C. (2012), p. 131

<sup>20</sup> Wollenberg, C. (2008). Ibid. P. 8

<sup>21</sup> Wollenberg, C. (2008). Ibid. P. 14

<sup>22</sup> Madley, B. (2016). Ibid. p. 3, 12





So began the era of more affirmative, state-sponsored genocide that led US Indian Affairs Commissioner John Collier to declare in 1935 that “The world’s annals contain few comparable instances of swift depopulation— practically, of racial massacre—at the hands of a conquering race.”<sup>23</sup> Brenden C. Lindsay, Associate Professor of History at Sacramento State and author of *Murder State: California’s Native American Genocide*, concludes that “northern California’s Native population faced a genocidal assault perhaps unrivaled in North America in terms of its ferocity, bloodiness, and loss of human life,” this violence was executed through state-sponsored and state-tolerated violence, enslavement, and displacement.<sup>24</sup>

It was just not just a select few who engaged in this violence. European settlers flooding into Northern California in search of gold came with a manufactured fear of Indigenous people, due to repetitive, sensationalized, and false storytelling in newspapers and other reports. Deaths from disease, natural causes, and even suicide were attributed to Indigenous people while actual violence by Indigenous people against settlers was quite rare. For example, contrary to popular myths, only 115 of nearly 90,000 new settlers were killed in conflicts with Indigenous people during the 1840s.<sup>25</sup> This manufactured fear, which translated into hatred, provided pretext for California Governors John

<sup>23</sup> Madley, B.

<sup>24</sup> Lindsay, B.C. (2012) *Murder State: California’s Native American Genocide, 1846-1873*. University of Nebraska Press. Print. p. 177

<sup>25</sup> Lindsay, B.C. (2012). *Ibid.* p. 9, 23, 31, 39, 120.



McDougal and Peter Burnett to legally sanction volunteer militias tasked with pushing Indigenous people off farming and ranching lands in the most economically efficient way possible: massacre.<sup>26</sup> Justifying this genocide with slurs like “digger,” Indigenous people were equated with animals for the purpose of literally hunting them with guns.<sup>27</sup>

Many Indigenous people were enslaved for labor as well. Prominent State Senators and ranchers during California’s early years pushed the Governor to create reservations where Indigenous people could be used for hard labor but kept separate from whites. Legislation was also passed echoing legislation in southern States to reduce Indigenous people to non-legal entities who could be legally enslaved.<sup>28</sup> If Indigenous people were found drunk on Sundays, they were arrested and enslaved: the Los Angeles Star reported one instance where a jail door fell down because the cell was so crowded with imprisoned native people.<sup>29</sup> These and similar atrocities precipitated the unsuccessful pan-Indigenous “Garra Revolt” during the 1850s.

This enslavement also went hand in hand with displacement from ranching, which led to extreme poverty and starvation, with many Indigenous people desperate for work to survive. Ranching throughout California depended on the labor of enslaved Indigenous people as quests for gold by settlers drained the labor force.<sup>30</sup> Ranchers hunted deer and elk that competed for food with their cows and horses, devastating wild herds. Domesticated animals like cows, pigs, and sheep ate thousands of acres of plants Indigenous people depended on for food.<sup>31</sup> This environmental devastation drove some Indigenous people such as the Paiutes to attack cows and horses (though even this tactic of survival was exaggerated by settlers, who often attributed the natural deaths of domesticated animals to Indigenous people).<sup>32</sup> In an ironic twist, Indigenous peoples who killed domesticated animals tended to receive more in reservation funding, as this act of resistance created heavy costs for the ranchos.

The legal system, disguised with the veneer of “democratic will,” barred Indigenous people from testifying in court against settlers: in practice, legalizing their murder.<sup>33</sup> The Treaty of Guadalupe-Hidalgo, which ended the Mexican-American War, was violated as California took Indigenous affairs, a federal responsibility, into local hands following

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<sup>26</sup> Lindsay, B.C. (2012). Ibid. p. 151, 170.

<sup>27</sup> Lindsay, B.C. (2012). Ibid. p. 133, 185

<sup>28</sup> Lindsay, B.C. (2012). Ibid. p. 146-148

<sup>29</sup> Lindsay, B.C. (2012). Ibid. p. 23, 153

<sup>30</sup> Lindsay, B.C. (2012). Ibid. p. 31, 136, 153

<sup>31</sup> Lindsay, B.C. (2012). Ibid. p. 176, 181, 183, 186

<sup>32</sup> Lindsay, B.C. (2012). Ibid. p. 17, 136, 186

<sup>33</sup> Lindsay, B.C. (2012). Ibid. p. 27, 28, 132, 168,

statehood.<sup>34</sup> For its part, however, the federal government reimbursed the cost of volunteer militias with millions in funding, effectively bankrolling massacre. It also issued a decree allowing soldiers from the Mexican-American war to claim up to 160 acres of land in California as a bounty, another factor in the demise of Ranchos and the establishment of “land rights” - to land that was stolen once from Indigenous peoples and a second time from the “owners” of formerly Spanish and later Mexican Ranchos.

The Sogorea Te’ Land Trust is an urban Indigenous women-led land trust based in the Bay Area that facilitates the return of Indigenous land to Indigenous people. The Trust’s website includes a short history of the Lisjan Ohlone, which parallels the history recounted in other sources.

“The Lisjan people have lived in the territory of Huchiun since the beginning of time. For thousands of years, hundreds of generations, the Lisjan Ohlone people have lived on the land that is now known as the East Bay in the San Francisco Bay Area. We did not own the land, we belonged to it. Generation after generation, we have cultivated reciprocal relationships with the plants and animals we share this place with, and developed beautiful and powerful cultural practices that keep us in balance.

The Confederated Villages of Lisjan are one of many Ohlone nations, each with its own geography and history. Our tribes, cultures and languages are as diverse as the ecosystems we live within. When the Spanish invaded in the late 1700s, in their ignorance they called us Costanoan, people of the coast. In the 1960s and 70s, inspired by the Black Power and American Indian Movements, we organized and renamed ourselves Ohlone. The different nations of Ohlone people are connected but have different territories and languages. The Confederated Villages of Lisjan speak the language Chochenyo.

The Lisjan are made up of the six nations that were directly enslaved at Mission San Jose in Fremont, CA and Mission Dolores in San Francisco, CA: Lisjan (Ohlone), Karkin (Ohlone), Bay Miwok, Plains Miwok, Delta Yokut and Napien (Patwin). Our territory includes 5 Bay Area counties; Alameda, Contra Costa, Solano, Napa and San Joaquin, and we are directly tied to the “Indian Town” census of the 1920s and the Verona Band.

The colonization of this land began with the reign of terror inflicted by Spanish soldiers and missionaries who sought to convert all Indigenous people into Catholic subjects of Spain and steal their land. The Missions were plantations, built by slave

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<sup>34</sup> Lindsay, B.C. (2012). Ibid. p. 28, 140-143

labor and sustained through brutal physical violence and extractive land practices. The Spanish brought deadly diseases, invasive species, and Christian ideology, based on human dominion of the natural world, causing devastating consequences for the Lisjan people and all living beings we have shared the land with.

After a brief but harrowing Mexican rancho period, Lisjan survivors faced extermination policies by the United States that aimed to eliminate California Indians entirely. In a climate of virulent racial discrimination and state-sponsored vigilante killings, most Lisjan families survived by isolating themselves and concealing their identities. Cultural and spiritual traditions were forced into dormancy or secrecy, and much knowledge perished with the passing of generations.

Despite these concerted efforts to erase our history and identity, the Lisjan community forms a diverse and vibrant constellation of tribes and families. Utilizing a wide array of survival strategies to navigate a profoundly altered 21st century world, we continue to revitalize our cultural practices and uphold our responsibilities to protect and care for our ancestral homeland.

We have survived over two centuries of genocide and colonization during the Spanish, Mexican and American eras. Today, we continue to inhabit our ancestral homeland, fight for our sacred sites and revitalize our cultural practices.”<sup>35</sup>

Despite the incredible strength it has taken to survive the repeated onslaughts of slavery, disease, environmental destruction, land appropriation, and state-sponsored physical and cultural genocide, centuries of trauma from colonization manifest themselves in ongoing struggles for Indigenous People in California and beyond. The nearly two million Indigenous people living under U.S. jurisdiction suffer the highest rate of poverty of any racial group—almost twice the national average. Rates of suicide, alcoholism, gang membership, and sexual abuse are also far higher than that of the non-Indigenous population, with challenges particularly acute on reservations.<sup>36</sup>

By restoring sovereignty and land to Indigenous people, with negotiated environmental protections and meaningful economic opportunity, is one way to help repair deeply scarred communities.

As Standing Rock and other pipeline opposition campaigns have shown, Indigenous peoples living under U.S. jurisdiction continue to stand up against pipelines, oil extraction,

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<sup>35</sup> Sogorea Te' Land Trust, Lisjan (Ohlone) History & Territory. [Web](#).

<sup>36</sup> Riley, N.S. (2016). One Way to Help Native Americans: Property Rights. The Atlantic. [Web](#).

and other desecrations that destroy their limited lands and poison communities with cancer and polluted water. The petroleum industry has demolished sacred sites and confronts individuals who resist with rubber bullets, attack dogs, and other war-like practices.<sup>37</sup> While Indigenous People are anything but a monolith, this common cause against extraction, pollution and desecration unites many. As Dallas Goldtooth of the Dakota Nation and Indigenous Environmental Network has described:

*[Resistance] resonates across the diaspora of Indigenous Peoples. This is a critical moment we find ourselves in on this planet, not just in the sense for addressing climate change, but also a sense for social justice, a sense of just overall justice for all species. Indigenous Peoples tend to be, and rightfully are, on the frontline of those fights and those struggles. That's encapsulated by this idea of us rising together.*

This connection even extends internationally, as the state of California plays an outsized role in the extraction and destruction of Indigenous homelands in the Amazon as well. In turn, the deforestation of the Amazon destroys moisture distribution that contains wildfires across North America, and California in particular.<sup>38</sup> A recent investigation demonstrated that California consumes more oil extracted from the Western Amazon than any other region on earth, refining it for airports, Amazon, PepsiCo and COSTCO.<sup>39</sup>

In another example of the enduring nexus between our State and community and forces of destruction to Indigenous lands, a federal investigation found the largest animal production company in the world, JBS, has been implicated in the continued deforestation of the Amazon as well as the torture and murder of Indigenous people of the Amazon.<sup>40 41</sup> Several of Europe's largest supermarket chains have responded by banning JBS beef products, acknowledging that animal feed crops and animal grazing drives 80 percent of Amazon deforestation.<sup>42 43</sup> Through our consumption here in Berkeley, we literally fuel practices that continue to destroy Indigenous People and the lands on which they survive.

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<sup>37</sup> Bunten, A.C. (2017). Indigenous Resistance: The Big Picture behind Pipeline Protests. Cultural Survival. [Web](#).

<sup>38</sup> Lazard, O. (2020). One Answer to California's Fires Lies in the Amazon. Carnegie Europe. [Web](#).

<sup>39</sup> Amazon Watch. Linked Fates: How California's Oil Imports Affect the Future of the Amazon Rainforest. [Web](#).

<sup>40</sup> Mano, A. (2021). Brazil's JBS bought 301,000 cattle from 'irregular' farms in the Amazon, audit finds. Reuters. [Web](#).

<sup>41</sup> Phillips, D. (2020). Brazilian meat companies linked to farmer charged with 'massacre' in Amazon. The Guardian. [Web](#).

<sup>42</sup> Spring, J. and Deutsch, A. (2021). European supermarkets stop selling Brazil beef over deforestation links. Reuters. [Web](#).

<sup>43</sup> Butler, R. (2009). Controlling the Ranching Boom that Threatens the Amazon. Yale School of the Environment. [Web](#).

With knowledge of these connections between the meat we eat and petroleum we consume to continued oppression of Indigenous People and desecration of their lands, we should consider actions like the boycotts undertaken in European countries.

Thoughtfully acknowledging our own history and current aspirations for local and other Indigenous Peoples prior to public deliberation offers hope for more permanent and meaningful restorative action in Berkeley as well as statewide, nationally, and across the globe.

### **REVIEW OF EXISTING PLANS PROGRAMS, POLICIES, AND LAWS**

The City of Berkeley has a legacy of acknowledging the oppression and genocide of Indigenous people and taking concrete steps to support their struggle against institutions that grew out of settler-colonialist ideology as well as oppressive actions that persist today.

In 1992, Berkeley became the first city in the United States to rename as Indigenous Peoples' Day the federal holiday formerly recognized as Columbus Day. This action motivated changes to BUSD's history curriculum and undermined a long-standing revisionist history that European colonizer Christopher Columbus was a hero instead of a violent leader whose arrival led to the murder, enslavement, rape, and disease-related deaths of millions of Indigenous People.<sup>44</sup> Since then, nearly 130 cities nationwide and 20 states have acknowledged this day of recognition as well.

In 2000, the City of Berkeley officially designated the West Berkeley Shellmound, one of 425 ceremonial burial mounds that ringed San Francisco Bay to honor ancestors, as a landmark. The site is also recognized by the State of California and is eligible for listing on the National Register of Historic Places, meaning it meets all of the criteria for such listing. In 2020, the National Trust for Historic Preservation designated the Berkeley Shellmound and Village Site one of the 11 Most Endangered Historic Places in the United States.<sup>45</sup>

Regarding the significance of the Shellmound and Village historic district, the "Shellmound - Ohlone Heritage Site and Sacred Ground" website documents that:

"For thousands of years, the people of this original village on the East Bay shore thrived on the abundant resources of land and sea, developing a sophisticated maritime culture. Towering over the village was a great mound, estimated to have been at least 20 feet high and hundreds of feet long, one of the largest of the 425

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<sup>44</sup> Associated Press (1992). In Berkeley, Day for Columbus Is Renamed. New York Times. [Web](#).

<sup>45</sup> Dinkelspiel, F. (2020). West Berkeley Shellmound is now considered one of the U.S.'s 11 most endangered historic places. Berkeleyside. [Web](#).

shellmound funerary monuments that once lined the shores of San Francisco Bay. These mounds are older than the pyramids in Egypt and most of the major cities in the world.

Archaeologists have long recognized the importance of the West Berkeley Shellmound site, also known as the “West Berkeley Site,” or CA-ALA-307. The site has been determined eligible for listing on the National Register of Historic Places under all four criteria, and is listed on the California Register of Historical Resources. Archaeological evidence from the West Berkeley Site has fundamentally shaped understandings of the early human history of the San Francisco Bay Area, and ongoing research continues to enrich and reinterpret an amazing historical narrative.

Eminent UC Berkeley archaeologist Kent Lightfoot describes the West Berkeley Site as a fishing village where “an active port was maintained over hundreds of years,” with dozens of tule balsa canoes going out on fishing and hunting expeditions, or ferrying people and goods across the Bay. Large nets were used to catch fish such as sturgeon, salmon, thresher sharks, jacksmelt and surfperch. Hunters pursued antelope, deer, tule elk, dolphins, porpoises, otters, sea birds and other quarry, cooking their catch in underground ovens and hearths.

A unique 40-foot long oval-shaped building at the site is thought to have functioned as a center for ceremonies, dances and special meetings. Charmstones, abalone pendants and other ritual items have been recovered from the site. Hundreds of human burials have been recorded, as well as ritual burials of coyotes and a California condor.”<sup>46</sup>

In May of 2009, the City Council adopted a resolution recognizing and endorsing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), a statement of values denouncing forced assimilation, land removal, violent exploitation, cultural genocide, and other actions abridging Indigenous People’s right to self-determination.<sup>47</sup> In 2015, the Council later delivered a letter to the UN Secretary General and US Ambassador to the UN urging this declaration to be adopted as a convention, which would be legally binding.

In January of 2016, the City Council adopted a resolution formally recognizing the Ohlone Peoples as the original inhabitants of Berkeley and referred to the Berkeley Shellmound landmark.<sup>48</sup> The latter affirmed the City’s commitment to the “defense of Indigenous rights,

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<sup>46</sup> Shellmound – Ohlone Heritage Site and Sacred Grounds. [Web](#).

<sup>47</sup> United Nations General Assembly (2007). United Nations Declaration on the Rights of Indigenous Peoples. [Web](#).

<sup>48</sup> Berkeley Resolution No. 67,352-N.S. Recognizing the Ohlone Peoples. [Web](#).

culture, and dignity” as an official value, committing that “free, prior, and informed consent of the Ohlone and other Indigenous people should be integral to any alteration planning for the Berkeley Shellmound sacred site...”<sup>49</sup> The success of this measure underscores how Indigenous groups including Ohlone members and conservation activists have organized in spreading awareness throughout the community about their homeland and sacred sites in Berkeley and the Bay Area.

In January 2018, Council adopted a policy changing Berkeley's City Limits signs to read "Welcome to Berkeley - Ohlone Territory." In October 2018, the City Council took further action and adopted a similar measure replacing all existing Welcome to Berkeley signs to signs including "Ohlone Territory." As part of their deliberations, the City Council decided that in addition to recognizing the Ohlone People through signage, there was a need for more learning opportunities to add historical context, including a special Council session on Ohlone history and culture, a webpage on the City of Berkeley website linking to cultural and historic information, and inviting representatives of the Ohlone to speak at a City Council meeting.

On June 9, 2020 the City Council passed an item to paint the words “Black Lives Matter” and “Ohlone Territory” on streets adjacent to Berkeley’s City Hall.

At its January 20, 2022 meeting, the Berkeley Rent Board unanimously voted to adopt a land acknowledgement statement to be read out loud at all future board and committee meetings.<sup>50</sup>

In the spirit of continuing to demonstrate and deepen the City of Berkeley’s commitment to recognition and inclusion of the Ohlone People we bring the proposal for an official land acknowledgment forward, including consideration of concrete actions that may follow from public deliberation.

### **ACTIONS/ALTERNATIVES CONSIDERED:**

The City of Berkeley should consult with Lisjan Ohlone leadership regarding any decisions related to restorative, reparative, or other supportive actions. Some actions the City may wish to consult on include:

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<sup>49</sup> Berkeley Resolution No. 67,353-N.S. Honor Berkeley Shellmound Indigenous Sacred Site, UC Berkeley Return Ancestral Remains to Ohlone Peoples. [Web](#).

<sup>50</sup>City of Berkeley (2022). Berkeley Rent Board Adopts Land Acknowledgement Statement. [Web](#).

**Create Easements and/or Return City land:** The Sogorea Te' Land Trust and the City of Oakland on September 8, 2022 announced a visionary, historic plan to return approximately five acres of land owned by the City to Indigenous stewardship.

The Oakland City Council will hold hearings to consider conveying the site, known as Sequoia Point, to the Sogorea Te' Land Trust, and the East Bay Ohlone tribe, Confederated Villages of Lisjan Nation. The City would grant a cultural conservation easement in perpetuity to the Land Trust, allowing the Land Trust to immediately use the land for natural resource restoration, cultural practices, public education, and to plan for additional future uses.

What started out with a casual conversation between Oakland Mayor Libby Schaaf and tribal Chairperson Corrina Gould in 2018, grew into a partnership between the City and the Land Trust to begin to address the historic harms of Oakland's founding.

In the short term, the easement would allow the Land Trust to immediately begin tending to the land, gather Native plants and foods, clean up the area, and perform environmental and natural habitat restoration. The long-term vision of this project is to create a thriving, beautiful, ceremonial gathering place and structure where Indigenous people and their guests can come together and share cultural information and celebrations.

"I am committed to returning land to Indigenous stewardship, to offer some redress for past injustices to Native people," said Mayor Schaaf. "I hope the work we are doing in Oakland with the Sogorea Te' Land Trust can serve as a model for other cities working to return Indigenous land to the Indigenous community we stole it from."

In recognition of this historic moment, tribal Chairperson Corrina Gould said, "This agreement will restore our access to this important area, allowing a return of our sacred relationship with our ancestral lands in the hills. The easement allows us to begin to heal the land and heal the scars that have been created by colonization for the next generations."<sup>51</sup>

Berkeley should consider this or similar actions to return land to Ohlone ownership and/or stewardship.

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<sup>51</sup> Sogorea Te' Land Trust and City of Oakland Announce Plan to Return Land to Indigenous Stewardship. [Web](#).



**Local Support for Land Transfers:** As part of the land acknowledgement process, the City of Berkeley might consider encouraging residents to donate land to indigenous stakeholders such as the Sogorea Te' Land Trust that partners with dozens of local food justice and environmental groups to protect our shared environment.<sup>52</sup> The Council could recognize donations of land or actions taken by community members to donate land through wills. The City could also partner to distribute information on the Sogorea Te' Land Trust and include information about the Trust on its website, including a guide to these types of donations produced by the Sustainable Economies Law Center, a copy of which is attached.<sup>53 54</sup>

**Local support for Voluntary Land Taxes:** The City of Berkeley may consider further means to encourage residents to donate Indigenous causes through payment of voluntary land taxes, "Shuumi," that support the return of Indigenous land to Indigenous people.<sup>55</sup> The Sogorea Te' Land Trust, located in the East Bay, has such a program, and a similar program allows residents of the Humboldt Bay region to pay a voluntary tax to the Wiyot people. In Seattle, nearly 4,300 residents have signed up to pay the Duwamish Tribe symbolic rent.<sup>56</sup>

**Support for Statewide Indigenous Land Sovereignty:** The City of Berkeley may continue its consideration of support letters, resolutions, and education campaigns that highlight exploitation of ancestral Indigenous people and lands.

Future efforts could support action to return land or pay restitution to Indigenous people. Returning land to Indigenous sovereignty or using restitution funds for Indigenous-led sustainability initiatives acknowledges the leading role that the securing of land had in the genocide of Indigenous people across the region.<sup>57</sup>

Berkeley further may consider statements of support for giving Indigenous people sovereignty over national and local parks, acknowledging the acts of violence and genocide that drove them from these locations. Precedent exists in New Zealand and Australia.

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<sup>52</sup> Sogorea Te' Land Trust. Return the Land / Land Return. [Web](#).

<sup>53</sup> Sustainable Economies Law Center. Options for Transferring Land. [Web](#).

<sup>54</sup> Note: for lands outside this region, individuals can often find information on donations by searching "Tribal Historic Preservation Officer" along with the name of the nation they wish to give to.

<sup>55</sup> Sogorea Te' Land Trust. Shuumi Land Tax. [Web](#).

<sup>56</sup> Singh, M. (2019). Native American 'land taxes': a step on the roadmap for reparations. The Guardian. [Web](#).

<sup>57</sup> Lindsay, B.C. (2012) Murder State: California's Native American Genocide, 1846-1873. University of Nebraska Press. Print. P. 147- 186.

Indigenous communities are already stakeholders in park management, with a century of experience managing the layers of bureaucracy involved in managing these lands.<sup>58</sup>

### **CONSULTATION/OUTREACH OVERVIEW AND RESULTS**

Much like the process the Rent Stabilization Board pursued, the wording and intentions behind this land acknowledgement were developed in close consultation with Ohlone representatives. Academic and Native American sources underly the brief historical overview.

### **RATIONALE FOR RECOMMENDATION**

The City of Berkeley has a moral obligation to acknowledge local and broader atrocities against Indigenous people, and continued injustices. The regular repetition of the Land Acknowledgement, coupled with opportunities for deeper learning, will serve as a constant reminder of our responsibilities, and open the door to further restorative actions by the City and members of the community.

### **IMPLEMENTATION, ADMINISTRATION & ENFORCEMENT**

Very little staff time or expense is needed to carry out the requirements of this referral. For Zoom meetings, a written version of the Acknowledgement will need to be prepared for screening prior to Council meetings, and the Agenda Committee will need to add the reading of the Acknowledgement to the Ceremonial Agenda of the first Regular City Council meeting of each month. For in-person meetings, a poster-sized version of the Land Acknowledgement should be produced for display in a prominent location in the Council chambers. This likely can be accomplished for under \$100.

Staff will further need to convey a copy of this item and resolution to the secretaries and chairs of each appointed or elected body in Berkeley, with a note that the City Council has requested such bodies to consider incorporating the acknowledgement into their meeting practices.

Posting the Land Acknowledgement on the City's website homepage and completing the new Ohlone history webpage is a limited expense and should be completed as quickly as possible. Other jurisdictions and organizations that practice the reading of Land Acknowledgements often also include pages about the history of local Indigenous People on their websites. These can serve as examples. Consultation with Lisjan Ohlone representatives is central to ensuring what is posted is complete and accurate.

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<sup>58</sup> Treuer, D. (2021). Return the National Parks to the Tribes. The Atlantic. [Web](#).

**ENVIRONMENTAL SUSTAINABILITY**

This resolution raises awareness of how genocide and exploitation of land and other natural resources intersects with climate change, wildfire, food insecurity, and other major challenges our community – and planet - face. It will also raise awareness of the local conservation and environmental work of the Ohlone people.

**FISCAL IMPACT**

See Section in Implementation, Administration, and Enforcement for a description of de minimus associated costs.

**OUTCOMES & EVALUATION**

The City Council should partner with the Ohlone to develop and carry out more substantive acts of education, partnership, and restitution. This will prevent the land acknowledgement statement from becoming a mere “check-box of optical allyship.”

**CONTACT PERSON**

Councilmember Sophie Hahn, [shahn@cityofberkeley.info](mailto:shahn@cityofberkeley.info); 510-682-5905

**Attachments**

1. Land Acknowledgement Statement
2. Land Acknowledgement Resolution
3. Sustainable Economies Law Center Options for Transferring Land – A Brief Guide

## ATTACHMENT 1

### **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.*

**ATTACHMENT 2 - RESOLUTION****RESOLUTION #####-N.S.****RECOGNIZING THAT BERKELEY IS THE ANCESTRAL, UNCEDED HOME OF THE  
OHLONE PEOPLE AND ADOPTING AN OFFICIAL CITY OF BERKELEY LAND  
ACKNOWLEDGEMENT AND PRACTICES**

WHEREAS Acknowledging that the City of Berkeley rests upon the ancestral lands of the Chochenyo speaking Lisjan Ohlone people brings attention to their centuries of resistance to colonial violence and reminds our City and community of the need to take concrete restorative actions; and

WHEREAS Land acknowledgment is a traditional custom that dates back centuries in many Native nations and communities, land acknowledgments continue to be used by Native Peoples and non-Natives to recognize Indigenous Peoples who are the original stewards of the lands on which we now live; and

WHEREAS To begin public meetings, localities across the United States including Denver (CO), Portland (OR), and Phoenix (AZ) now share official land acknowledgements as well as many public agencies, including the National Park Service, the National Aeronautics and Space Administration (NASA); and

WHEREAS Many public and public-facing private institutions have also adopted land acknowledgement statements including UC Berkeley, Mills College, Chabot Las Positas Community College District, California College of the Arts, UCSF, Stanford, and recently, Berkeley's Rent Stabilization Board; and

WHEREAS One of the leading advocacy groups for land acknowledgement, the Native Governance Center, asks that land acknowledgements go beyond a mere statement, by providing research on the history of indigenous peoples and offering concrete actions to support them; and

WHEREAS The settlers of California, primarily Europeans seeking religious converts, agricultural land, and economic opportunity during the gold rush committed one of the most egregious genocides in history, murdering 80 percent of Indigenous people in the state from 1846 to 1873 through massacre by state-directed militias, enslavement in mining and agricultural production, displacement causing starvation, and compulsory assimilation; and

WHEREAS The Lisjan people have lived in the territory of Huchiun, the land that is now known as the East Bay in the San Francisco Bay Area, since the beginning of time and for thousands of years and hundreds of generations; and

WHEREAS the Lisjan people did not own the land, *they belonged to it*, and generation after generation they have cultivated reciprocal relationships with plants and animals and developed beautiful and powerful cultural practices that keep us in balance; and

WHEREAS The Confederated Villages of Lisjan are one of many Ohlone nations, each with its own geography and history, whose tribes, cultures and languages are as diverse as the ecosystems we live within; and

WHEREAS The Lisjan are made up of the six nations that were directly enslaved at Mission San Jose in Fremont, CA and Mission Dolores in San Francisco, CA: Lisjan (Ohlone), Karkin (Ohlone), Bay Miwok, Plains Miwok, Delta Yokut and Napian (Patwin); and

WHEREAS The colonization of the land where Berkeley is located began with the reign of terror inflicted by Spanish soldiers and missionaries who sought to convert all Indigenous people into Catholic subjects of Spain and steal their land; and

WHEREAS The Missions were plantations, built by slave labor and sustained through brutal physical violence and extractive land practices, and the Spanish also brought deadly diseases, invasive species, and Christian ideology based on human dominion of the natural world, causing devastating consequences for the Lisjan people and all living beings they shared the land with; and

WHEREAS After a brief but harrowing Mexican rancho period, Lisjan survivors faced extermination policies by the United States that aimed to eliminate California Indians entirely; and

WHEREAS In a climate of virulent racial discrimination and state-sponsored vigilante killings, most Lisjan families survived by isolating themselves and concealing their identities, and cultural and spiritual traditions were forced into dormancy or secrecy resulting in much knowledge perishing with the passing of generations; and

WHEREAS Despite these concerted efforts to erase Lisjan history and identity, the Lisjan community forms a diverse and vibrant constellation of tribes and families that utilizes a wide array of survival strategies to navigate a profoundly altered 21st century

world, and the Lisjan continue to revitalize their cultural practices and uphold their responsibilities to protect and care for their ancestral homeland; and

WHEREAS Having survived over two centuries of genocide and colonization during the Spanish, Mexican and American eras, the Lisjan continue to inhabit their ancestral homeland, fight for their sacred sites, and revitalize their cultural practices; and

WHEREAS The City of Berkeley has a legacy of acknowledging the oppression and genocide of Indigenous people and taking both symbolic and concrete steps to support their struggle against institutions that grew out of settler-colonialist ideology as well as steps to address oppressive actions that persist today; and

WHEREAS In 1992, Berkeley became the first city in the United States to rename as Indigenous Peoples' Day the federal holiday formerly recognized as Columbus Day, which motivated changes to BUSD's history curriculum and undermined a long-standing revisionist history that European colonizer Christopher Columbus was a hero instead of a violent leader whose arrival led to the murder, enslavement, rape, and disease-related deaths of millions of Indigenous People; and

WHEREAS In 2000, the City of Berkeley officially designated the West Berkeley Shellmound, one of 425 ceremonial burial mounds that ringed San Francisco Bay to honor ancestors, as an official Landmark, and the site is also recognized by the State of California and is eligible for listing on the National Register of Historic Places, meaning it meets all of the criteria for such listing; and

WHEREAS In 2020, the National Trust for Historic Preservation designated the Berkeley Shellmound and Village Site one of the 11 Most Endangered Historic Places in the United States; and

WHEREAS In May of 2009, the City Council adopted a resolution recognizing and endorsing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), a statement of values denouncing forced assimilation, land removal, violent exploitation, cultural genocide, and other actions abridging Indigenous People's right to self-determination and in 2015 the Council delivered a letter to the UN Secretary General and US Ambassador to the UN urging this declaration to be adopted as a convention, which would be legally binding; and

WHEREAS In January of 2016, the City Council adopted a resolution formally recognizing the Ohlone Peoples as the original inhabitants of Berkeley and affirmed the City's commitment to the "defense of Indigenous rights, culture, and dignity" as an official value,

committing that “free, prior, and informed consent of the Ohlone and other Indigenous people should be integral to any alteration planning for the Berkeley Shellmound sacred site...”; and

WHEREAS In January 2018, the City Council adopted a policy changing Berkeley's City Limits signs to read "Welcome to Berkeley - Ohlone Territory" and in October 2018, the City Council took further action and adopted a similar measure replacing all existing Welcome to Berkeley signs to signs including "Ohlone Territory;" and

WHEREAS During deliberations to recognize the Ohlone on City Limit Signs, the City Council decided that in addition to recognizing the Ohlone People through signage, there was a need for more learning opportunities to add historical context, including a special Council session on Ohlone history and culture, a webpage on the City of Berkeley website linking to cultural and historic information, and inviting representatives of the Ohlone to speak at a City Council meeting; and

WHEREAS On June 9, 2020 the City Council passed an item to paint the words “Black Lives Matter” and “Ohlone Territory” on streets adjacent to Berkeley’s City Hall; and

WHEREAS At its January 20, 2022 meeting, the Berkeley Rent Board unanimously voted to adopt a land acknowledgement statement to be read out loud at all future board and committee meetings, providing an important example for the City to follow.

NOW THEREFORE, BE IT RESOLVED In the spirit of continuing to demonstrate and deepen the City of Berkeley’s recognition, inclusion, restitution, and repair towards the Lisjan Ohlone, whose ancestral home lies where the City of Berkeley is located, and who have survived centuries of cultural, physical, and environment genocide at the hands of Spanish, Mexican, and American colonists, the Council of the City of Berkeley hereby adopts the following Land Acknowledgement:

*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.*

BE IT FURTHER RESOLVED That the Land Acknowledgement shall be displayed in writing at all Regular Meetings of the Berkeley City Council and shall be read out loud during the Ceremonial portion of the first Regular City Council Meeting of each month.



## OPTIONS FOR TRANSFERRING LAND

### A BRIEF GUIDE

This short guide summarizes various options for landowners interested in transferring land to another person, group, or community. Landowners who are particularly interested in transferring ownership to nonprofit land trusts, indigenous tribes, and community-based organizations will find this guide most useful.

Because we have written this guide with landowners in mind, we also provide a brief consideration of the advantages and disadvantages of each option from that perspective. Having said that, we think it is essential that landowners consider their own goals as well as the goals and needs of the party or community to whom they would like to transfer land.

Four key questions to consider as you read through this guide focus on the *financial* and *use* needs of the parties.

1. What are the **financial needs** of the transferring party?
2. What are the **financial needs** of the receiving party?
3. What are the **use needs** of the transferring party after the transfer?
4. What are the **use needs** of the receiving party after the transfer?

The land transfer mechanisms covered in this guide include:

- Full Value Sale
- Charitable (Bargain) Sale
- Full Donation
- Donation of a Remainder Interest
- Revocable Transfer on Death (Lady Bird Deed)
- Donation by Bequest
- Sale or Donation of an Easement

**In any situation, we strongly recommend that you seek individualized tax, legal, and estate planning advice to determine which of these options is best suited to your circumstances. Laws vary from state to state, so having appropriate counsel where the land is located is critical.**



### **Full Value Sale**

This is likely the kind of transfer of ownership that most people are familiar with. In this scenario, the landowner sells to the buyer at a price determined by a third-party appraisal. The buyer pays the full value and receives title to the property. For many people, including nonprofits and other community-based organizations, a full value sale is not an affordable option. However, there are ways to make this option more affordable by delaying payment in two ways.

1. **Installment Sale:** An installment sale allows the buyer to make payments over several years at intervals and amounts that are agreeable to both parties. The landowner would retain title to the property until the final payment. The parties could agree to provide the buyer with use of the land at any point during the payment period, including at the first payment or after payment has been made in full.
2. **Seller Financing:** Alternatively, the landowner could provide seller financing, meaning that title immediately transfers to buyer, and in exchange, the landowner gets a promissory note in which the buyer promises to pay the landowner over time, with or without interest. A deed of trust is recorded on the property to secure payment of the promissory note.

### **Advantages of this option:**

- Fee simple ownership of land gives the buyer the greatest ability to fulfill their mission and ensure secure tenure over the long term.

### **Disadvantages of this option:**

- The landowner will have to pay income tax on the capital gain if the land has appreciated in value since it was originally purchased.
- This is the least financially feasible option for buyers, particularly nonprofit organizations with a limited budget and limited capacity to raise capital.
- An installment sale may limit the buyer's uses of the land until the transfer is complete.



### **Charitable (Bargain) Sale**

A charitable, or bargain, sale occurs when the landowner sells land to a *tax-exempt nonprofit* organization for less than market value. This kind of sale makes the land more affordable to the buying nonprofit, and can offer tax deduction benefits to the selling landowner. The parties can also use the **Installment Sale** or **Seller Financing** options discussed above in this situation as well, if affordability is still a concern for the nonprofit buying the land.

#### **Advantages of this option:**

- The difference between full market value and the sale price can qualify the landowner for an income tax deduction and capital gains tax reduction for that portion of the value. This can offset the income taxes and capital gains taxes the landowner will incur from the sale of the property, after reducing ordinary income.
- If the land has significantly increased in value since the seller purchased it, this option can offset a large amount of the resulting capital gains liability for the increased value.
- The nonprofit buyer will be more likely to afford the purchase price of the land.

#### **Disadvantages of this option:**

- The landowner does not realize the full income from the market value of the property.
- This may not be the best strategy if the landowner would otherwise qualify for public benefits in the next several years. Recently transferred assets like land can negatively impact eligibility for benefits.

**Full Donation**

This is the simplest way to transfer land to another party and is the most affordable option for receiving nonprofits or community-based organizations to advance their mission to protect, preserve, and steward land in the long term.

**Advantages of this option:**

- Fee simple donation to an eligible tax-exempt organization would give the landowner the greatest immediate income tax benefits, sometimes for the full appraised value of the land, in addition to relief from property taxes, and potential estate tax benefits.
- The receiving party would not require financing in order to receive the land.
- The land would be immediately available to the receiving party.

**Disadvantages of this option:**

- The landowner does not realize the full income from the market value of the property.
- This may not be the best strategy if the landowner would otherwise qualify for public benefits in the next several years. Recently transferred assets like land can negatively impact eligibility for benefits.

**Donation of a Remainder Interest**

If the landowner would like to donate the land to an eligible tax-exempt nonprofit organization but retain the ability to live on the land during their, or their family members', lifetime, they can donate what is called a "remainder interest" in the land while retaining what is called a "life estate."

**Advantages of this option:**

- Full transfer to the receiving party will occur immediately upon the landowner's death. Upon the landowner's, or their designated family members', death, this kind of transfer avoids the expense and delay of probate.
- The landowner may be able to receive an immediate income tax deduction for the value of the property that was donated (determined by an appraisal).
- This may be a good option for landowners who receive public benefits. The state can make a claim for repayment of these benefits against an estate and place a lien on property after death. However, because donating a remainder interest is irrevocable, the property will not be part of the estate at death.
- The land will not be subject to capital gains tax on appreciated value.
- The property will not be part of the donor's taxable estate, where the donor (and/or the donor's spouse) are the only life tenants.

**Disadvantages of this option:**

- The landowner will need to pay the property taxes on the land while retaining use of the property.
- The landowner does not realize the full income from the market value of the property.
- The receiving party would not require financing in order to receive the land.
- Without another agreement, the land will not be immediately available for use by the receiving party.

**Revocable Transfer on Death Deed (Lady Bird Deed)**

Lady Bird Deeds, which are only available in some states, are similar to deeds described above that create a life estate and donate a remainder interest, except that Lady Bird Deeds are revocable, meaning that the landowner can, during their lifetime, revoke the transfer. This gives more control to the landowner, but can put the receiving party in an uncertain position. Lady Bird Deeds are available in California until 2021, unless legislation is introduced to extend the law.

**Advantages of this option:**

- Transfer of title will occur immediately upon the landowner's death, so the donation will not be subject to the expense and delay of probate.
- The land donation will not be subject to capital gains tax on appreciated value.
- The landowner can revoke the deed at any time during their lifetime.

**Disadvantages of this option:**

- Because the deed is revocable, the landowner does not receive an income tax deduction available with other land donations.
- Without another agreement, the land will not be immediately available to the receiving party.
- The receiving party would not require financing in order to receive the land.
- This kind of transfer does not provide reliable certainty to the receiving party since the transfer can be revoked during the landowner's lifetime.

**Donation by Will or Living Trust (Bequest)**

A landowner can donate land in a will or through a revocable living trust. Both strategies allow the landowner to retain full use of the land during their lifetime.

**Advantages of this option:**

- Reduces estate or inheritance taxes.
- Can be changed or revoked at any time during landowner's lifetime.
- The receiving party would not require financing in order to receive the land.

**Disadvantages of this option:**

- The landowner will still be responsible for paying property taxes for the entire property during their lifetime.
- Without another agreement, the land will not be immediately available to the receiving party.





### **Agricultural, Conservation, or Cultural Easement Donation**

An *easement* is an agreement between the landowner and a third party that affects the landowner's rights on the land covered by the easement. Easements are generally recorded on the deed of the property and are therefore permanent. Conservation, agricultural, and cultural easements are specific kinds of agreements that can be entered into with eligible organizations or tribes that can also qualify as a charitable contribution if donated by the landowner.

- A *conservation easement* permanently restricts uses on the land that interfere with the ecological conservation of that land.
- An *agricultural easement* permanently protects farmland by setting limitations on the use of the land.
- A *cultural easement*, available in some states, grants indigenous communities certain access rights to lands for continuing and preserving cultural heritage.

Easements can be sold or donated. The party holding the easement cannot also be the party that holds title to the land.

#### **Advantages of this option:**

- The landowner can retain ownership of the land and convey the land to their heirs.
- If the easement meets IRS criteria, the landowner may be able to deduct the value of any donated portion of the easement up to 50% of their adjusted gross income, or 100% if they are a farmer, for up to 15 years.
- Affirmative easements (those requiring certain uses) can increase the value of the easement and reduce the overall value of the land, making it more affordable if the easement is sold instead of donated
- In addition to an income tax deduction, the easement may reduce property taxes and estate taxes.

#### **Disadvantages of this option:**

- Easements do not convey an ownership interest in the land to the party holding the easement. This may not align with the intent of either or both parties.
- Easements can be expensive to enforce, thus creating a financial liability for the easement-holding party.
- Easements, alone, do not preserve long-term affordability of land, because an easement only reduces the relative market value of the land, but does not immunize the land value from increasing through speculation and other market forces.

## RESOLUTION 70,564-N.S.

## RECOGNIZING THAT BERKELEY IS THE ANCESTRAL, UNCEDED HOME OF THE OHLONE PEOPLE AND ADOPTING AN OFFICIAL CITY OF BERKELEY LAND ACKNOWLEDGEMENT AND PRACTICES

WHEREAS Acknowledging that the City of Berkeley rests upon the ancestral lands of the Chochenyo speaking Lisjan Ohlone people brings attention to their centuries of resistance to colonial violence and reminds our City and community of the need to take concrete restorative actions; and

WHEREAS Land acknowledgment is a traditional custom that dates back centuries in many Native nations and communities, land acknowledgments continue to be used by Native Peoples and non-Natives to recognize Indigenous Peoples who are the original stewards of the lands on which we now live; and

WHEREAS To begin public meetings, localities across the United States including Denver (CO), Portland (OR), and Phoenix (AZ) now share official land acknowledgements as well as many public agencies, including the National Park Service, the National Aeronautics and Space Administration (NASA); and

WHEREAS Many public and public-facing private institutions have also adopted land acknowledgement statements including UC Berkeley, Mills College, Chabot Las Positas Community College District, California College of the Arts, UCSF, Stanford, and recently, Berkeley's Rent Stabilization Board; and

WHEREAS One of the leading advocacy groups for land acknowledgement, the Native Governance Center, asks that land acknowledgements go beyond a mere statement, by providing research on the history of indigenous peoples and offering concrete actions to support them; and

WHEREAS The settlers of California, primarily Europeans seeking religious converts, agricultural land, and economic opportunity during the gold rush committed one of the most egregious genocides in history, murdering 80 percent of Indigenous people in the state from 1846 to 1873 through massacre by state-directed militias, enslavement in mining and agricultural production, displacement causing starvation, and compulsory assimilation; and

WHEREAS The Lisjan people have lived in the territory of Huchiun, the land that is now known as the East Bay in the San Francisco Bay Area, since the beginning of time and for thousands of years and hundreds of generations; and

WHEREAS the Lisjan people did not own the land, *they belonged to it*, and generation after generation they have cultivated reciprocal relationships with plants and animals and developed beautiful and powerful cultural practices that keep us in balance; and

WHEREAS The Confederated Villages of Lisjan are one of many Ohlone nations, each with its own geography and history, whose tribes, cultures and languages are as diverse as the ecosystems we live within; and

WHEREAS The Lisjan are made up of the six nations that were directly enslaved at Mission San Jose in Fremont, CA and Mission Dolores in San Francisco, CA: Lisjan (Ohlone), Karkin (Ohlone), Bay Miwok, Plains Miwok, Delta Yokut and Napien (Patwin); and

WHEREAS The colonization of the land where Berkeley is located began with the reign of terror inflicted by Spanish soldiers and missionaries who sought to convert all Indigenous people into Catholic subjects of Spain and steal their land; and

WHEREAS The Missions were plantations, built by slave labor and sustained through brutal physical violence and extractive land practices, and the Spanish also brought deadly diseases, invasive species, and Christian ideology based on human dominion of the natural world, causing devastating consequences for the Lisjan people and all living beings they shared the land with; and

WHEREAS After a brief but harrowing Mexican rancho period, Lisjan survivors faced extermination policies by the United States that aimed to eliminate California Indians entirely; and

WHEREAS In a climate of virulent racial discrimination and state-sponsored vigilante killings, most Lisjan families survived by isolating themselves and concealing their identities, and cultural and spiritual traditions were forced into dormancy or secrecy resulting in much knowledge perishing with the passing of generations; and

WHEREAS Despite these concerted efforts to erase Lisjan history and identity, the Lisjan community forms a diverse and vibrant constellation of tribes and families that utilizes a wide array of survival strategies to navigate a profoundly altered 21st century world, and the Lisjan continue to revitalize their cultural practices and uphold their responsibilities to protect and care for their ancestral homeland; and

WHEREAS Having survived over two centuries of genocide and colonization during the Spanish, Mexican and American eras, the Lisjan continue to inhabit their ancestral homeland, fight for their sacred sites, and revitalize their cultural practices; and

WHEREAS The City of Berkeley has a legacy of acknowledging the oppression and genocide of Indigenous people and taking both symbolic and concrete steps to support their struggle against institutions that grew out of settler-colonialist ideology as well as steps to address oppressive actions that persist today; and

WHEREAS In 1992, Berkeley became the first city in the United States to rename as Indigenous Peoples' Day the federal holiday formerly recognized as Columbus Day, which motivated changes to BUSD's history curriculum and undermined a long-standing

revisionist history that European colonizer Christopher Columbus was a hero instead of a violent leader whose arrival led to the murder, enslavement, rape, and disease-related deaths of millions of Indigenous People; and

WHEREAS In 2000, the City of Berkeley officially designated the West Berkeley Shellmound, one of 425 ceremonial burial mounds that ringed San Francisco Bay to honor ancestors, as an official Landmark, and the site is also recognized by the State of California and is eligible for listing on the National Register of Historic Places, meaning it meets all of the criteria for such listing; and

WHEREAS In 2020, the National Trust for Historic Preservation designated the Berkeley Shellmound and Village Site one of the 11 Most Endangered Historic Places in the United States; and

WHEREAS In May of 2009, the City Council adopted a resolution recognizing and endorsing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), a statement of values denouncing forced assimilation, land removal, violent exploitation, cultural genocide, and other actions abridging Indigenous People's right to self-determination and in 2015 the Council delivered a letter to the UN Secretary General and US Ambassador to the UN urging this declaration to be adopted as a convention, which would be legally binding; and

WHEREAS In January of 2016, the City Council adopted a resolution formally recognizing the Ohlone Peoples as the original inhabitants of Berkeley and affirmed the City's commitment to the "defense of Indigenous rights, culture, and dignity" as an official value, committing that "free, prior, and informed consent of the Ohlone and other Indigenous people should be integral to any alteration planning for the Berkeley Shellmound sacred site..."; and

WHEREAS In January 2018, the City Council adopted a policy changing Berkeley's City Limits signs to read "Welcome to Berkeley - Ohlone Territory" and in October 2018, the City Council took further action and adopted a similar measure replacing all existing Welcome to Berkeley signs to signs including "Ohlone Territory;" and

WHEREAS During deliberations to recognize the Ohlone on City Limit Signs, the City Council decided that in addition to recognizing the Ohlone People through signage, there was a need for more learning opportunities to add historical context, including a special Council session on Ohlone history and culture, a webpage on the City of Berkeley website linking to cultural and historic information, and inviting representatives of the Ohlone to speak at a City Council meeting; and

WHEREAS On June 9, 2020 the City Council passed an item to paint the words "Black Lives Matter" and "Ohlone Territory" on streets adjacent to Berkeley's City Hall; and

WHEREAS At its January 20, 2022 meeting, the Berkeley Rent Board unanimously voted to adopt a land acknowledgement statement to be read out loud at all future board and committee meetings, providing an important example for the City to follow.

NOW THEREFORE, BE IT RESOLVED In the spirit of continuing to demonstrate and deepen the City of Berkeley's recognition, inclusion, restitution, and repair towards the Lisjan Ohlone, whose ancestral home lies where the City of Berkeley is located, and who have survived centuries of cultural, physical, and environment genocide at the hands of Spanish, Mexican, and American colonists, the Council of the City of Berkeley hereby adopts the following Land Acknowledgement:

*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.*


BE IT FURTHER RESOLVED That the Land Acknowledgement shall be displayed in writing at all Regular Meetings of the Berkeley City Council and shall be read out loud during the Ceremonial portion of the first Regular City Council Meeting of each month.

The foregoing Resolution was adopted by the Berkeley City Council on October 11, 2022 by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.

  
Jesse Arreguin, Mayor

Attest:

  
Mark Numainville, City Clerk





**ACTION CALENDAR**

November 2, 2022

**TO:** Board of Library Trustees

**FROM:** Nneka Gallaread, Administrative and Fiscal Services Manager

**SUBJECT:** FY 2023 Budget Amendment (AAO)

**RECOMMENDATION**

Adopt the resolution amending the FY 2023 approved Expenditures Budget for all Fund entities to \$24,954,247 based on appropriation of committed prior year funding and other adjustments totaling \$573,875

**FISCAL IMPACTS**

Acceptance of the encumbered carry-over and other adjustments to the FY 2023 expenditures budgets would be effected as part of an amendment to the FY 2023 Annual Appropriations Ordinance to be brought before the City Council in late 2022.

Revisions to the FY 2023 expenditure budget by Fund entities are:

| <b>Fund</b>           | <b>R22-027<br/>FY23 Budget<br/>(5/23/22)</b> | <b>Encumbered<br/>C/O +<br/>Adjustments</b> | <b>Proposed<br/>FY22 Budget<br/>(Projected)</b> | <b>Prjctd FY-End<br/>Fund Balance</b> |
|-----------------------|----------------------------------------------|---------------------------------------------|-------------------------------------------------|---------------------------------------|
| Library Tax (101)     | \$ 24,538,247                                | \$ 568,733                                  | \$ 25,106,980                                   | \$ 15,538,029*                        |
| Grants (103)          | 66,330                                       | 525                                         | 66,854                                          | 32,274                                |
| Friends & Gifts (104) | 150,000                                      | 208                                         | 150,208                                         | 440,882                               |
| Foundation (105)      | 200,000                                      | -                                           | 200,000                                         | 30,115**                              |
| <b>Total</b>          | <b>\$ 24,954,576</b>                         | <b>\$ 573,875</b>                           | <b>\$ 25,524,042</b>                            |                                       |

\*Net of \$1.25M in reserve funds.

\*\*Nello and Mary Jo Pace Trust balance at FY21 year-end is \$458,510.

***Prjctd FY-End Fund Balance:*** A projection only; subject to change.

**CURRENT SITUATION AND ITS EFFECTS**

Throughout the year, the Board of Library Trustees takes actions that amend the fiscal year's revised budget through the Annual Appropriations Ordinance. These may include, but are not limited to, the acceptance of new grants, revisions to existing grants, and adjustments to the adopted expenditure authority due to unanticipated needs and circumstances. The revised budget is also amended annually to reflect re-appropriation of prior-year funds for contractual commitments (i.e. encumbrances) as well as carryover of unexpended funds previously authorized for one-time, non-recurring purposes.

The amended FY 2023 Budget, as presented for adoption herein (see table in *Fiscal Impacts* section), will be sent to the City's budget office for inclusion to the City's consolidated amendment of the Annual Appropriations Ordinance.

1. Library Tax Fund

The Library Tax Fund budget is requested to be increased by the carryover amount of \$568,733 yielding a revised budgeted amount of \$25,106,980. Incorporating this action results in a projected ending uncommitted Fund Balance of \$15,538,029, net of reserves of \$1.25M.

|           |           |
|-----------|-----------|
| Carryover | \$568,733 |
|-----------|-----------|

2. Grants

The Grants Fund budget is requested to be increased by the carryover amount of \$525 yielding a revised budgeted amount of \$66,854. Incorporating this action results in a projected ending Fund Balance of \$32,274.

|           |       |
|-----------|-------|
| Carryover | \$525 |
|-----------|-------|

3. Friends and Gifts Fund

The Friends and Gifts Fund budget is requested to be increased by the carryover amount of \$208 yielding a revised budgeted amount of \$150,208. Incorporating this action results in a projected ending Fund Balance of \$440,882.

|           |       |
|-----------|-------|
| Carryover | \$208 |
|-----------|-------|

Attachments:

1. Resolution



**BOARD OF LIBRARY TRUSTEES**

**RESOLUTION NO: R22-\_\_\_**

**AMEND THE FY 2023 EXPENDITURE BUDGETS TO \$25,524,042**

WHEREAS, on May 23, 2022, the Board of Library Trustees by Resolution No.: R22-027 approved the fiscal years 2023 budget; and

WHEREAS, the Board of Library Trustees is vested with the authority to amend the fiscal year budgets for encumbrances and adjustments throughout the fiscal year as it deems prudent and necessary as pertains to the operations of the Library; and,

WHEREAS, the FY 2023 expenditures budgets are requested to be amended to include fiscal year 2022 encumbered carry-over and adjustments of \$573,875; and

WHEREAS, the Board is committed to achieving a balanced budget that correlates expenditures with available funds.

NOW THEREFORE, BE IT RESOLVED by the Board of Library Trustees of the City of Berkeley that the FY 2023 Expenditure Budgets are amended based upon a recommended value of \$25,524,042 in appropriated expenditures.

ADOPTED by the Board of Library Trustees of the City of Berkeley at a regular meeting held on November 2, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

---

Amy Roth, President

---

Tess Mayer, Director of Library Services  
Serving as Secretary to the Board of Library Trustees



## 4Q-FYTD 2022 REVENUES BY FUND

|                                             |                        |              |            |            |        |           |         |            |        |
|---------------------------------------------|------------------------|--------------|------------|------------|--------|-----------|---------|------------|--------|
| BERKELEY PUBLIC LIBRARY : REVENUES JUN FY22 |                        |              |            |            |        |           |         | 12         | 100.0% |
| Berkeley Public Library + CoB               |                        |              |            | Actuals    |        |           |         | YTD FY22   |        |
| Elmnt-                                      |                        | Bdgt ORG     | Bdgt RVSD  | Lib Dscr   | Grants | Frnd/Gift | Fndtn   | Actual     | % RVSD |
| Object                                      | Description            | FY22         | FY22       | 101        | 103    | 104       | 105     | FY22       | Rcvd   |
| 412110                                      | Special Assessment T   | (21,704,603) | 21,704,603 | 22,429,364 | 0      | 0         | 0       | 22,429,364 | 103.3% |
| 432110                                      | Operating Grants - S   | (60,000)     | 60,000     | 0          | 62,927 | 0         | 0       | 62,927     | 104.9% |
| 443220                                      | Refuse - Residential   | 0            | 0          | 0          | 0      | 0         | 0       | 0          | 0.0%   |
| 451310                                      | Library Fines          | (40,000)     | 40,000     | 16,147     | 0      | 0         | 0       | 16,147     | 40.4%  |
| 461230                                      | Rentals - Oth Short    | 0            | 0          | 0          | 0      | 0         | 0       | 0          | 0.0%   |
| 471110                                      | Interest - Investments | 0            | 0          | 0          | 0      | 783       | 0       | 783        | 0.0%   |
| 481110                                      | Misc Rev - Donations   | (205,000)    | 205,000    | 0          | 0      | 90,535    | 190,392 | 280,927    | 137.0% |
| 483110                                      | Misc Rev - Over/Short  | 0            | 0          | 0          | 0      | 0         | 0       | 0          | 0.0%   |
| 483990                                      | Misc Rev - Other       | (32,000)     | 32,000     | 136,791    | 0      | 1,000     | 0       | 137,791    | 430.6% |
| 493110                                      | Gain/Loss on Sale      | 0            | 0          | 0          | 0      | 0         | 0       | 0          | 0.0%   |
| 499100                                      | AAO Carryover          | 0            | 0          | 0          | 0      | 0         | 0       | 0          | 0.0%   |
| Berkeley Public Library + CoB               |                        | (22,041,603) | 22,041,603 | 22,582,301 | 62,927 | 92,318    | 190,392 | 22,927,938 | 104.0% |



# 4Q-FYTD 2022 EXPENDITURES BY FUND

Attachment 2

|                                                 |                                |            |                      |        |           |       |            |        |
|-------------------------------------------------|--------------------------------|------------|----------------------|--------|-----------|-------|------------|--------|
| BERKELEY PUBLIC LIBRARY : EXPENDITURES JUN FY22 |                                |            |                      |        |           |       | 12         | 100.0% |
| Berkeley Public Library + CoB                   |                                |            | Actuals+Encumbrances |        |           |       | YTD JUN    |        |
| Elmnt-                                          |                                | Bdgt RVSD  | Lib Dscr             | Grants | Frnd/Gift | Fndtn | Actual     | % RVSD |
| Object                                          | Description                    | FY22       | 101                  | 103    | 104       | 105   | FY22       | Spent  |
| 511110                                          | Wages - Reg - Monthly Misc     | 9,656,230  | 7,595,252            | 0      | 0         | 0     | 7,595,252  | 78.7%  |
| 511140                                          | Wages - Reg - Other Work Com   | 0          | 0                    | 0      | 0         | 0     | 0          | 0.0%   |
| 512110                                          | Wages - Hourly                 | 272,931    | 130,150              | 54,237 | 0         | 0     | 184,386    | 67.6%  |
| 513110                                          | Wages - OT - Miscellaneous     | 12,442     | 1,866                | 0      | 0         | 0     | 1,866      | 15.0%  |
| Prsnl Svcs-Salaries and Wages                   |                                | 9,941,603  | 7,727,268            | 54,237 | 0         | 0     | 7,781,505  | 78.3%  |
| 520110                                          | Emp FB - Medical               | 1,900,295  | 1,273,148            | 0      | 0         | 0     | 1,273,148  | 67.0%  |
| 520120                                          | Emp FB - Dental                | 214,113    | 128,799              | 0      | 0         | 0     | 128,799    | 60.2%  |
| 520130                                          | Emp FB - Cash-In-Lieu          | 108,695    | 115,621              | 0      | 0         | 0     | 115,621    | 106.4% |
| 520140                                          | Emp FB - Life Insurance        | 6,670      | 5,391                | 0      | 0         | 0     | 5,391      | 80.8%  |
| 520210                                          | Emp FB - Medicare              | 111,232    | 100,166              | 757    | 0         | 0     | 100,922    | 90.7%  |
| 520220                                          | Emp FB - SRIP                  | 310,479    | 235,788              | 0      | 0         | 0     | 235,788    | 75.9%  |
| 520310                                          | Emp FB - Pers - Misc           | 3,420,466  | 2,595,315            | 0      | 0         | 0     | 2,595,315  | 75.9%  |
| 520350                                          | Emp FB - Pars                  | 10,234     | 3,876                | 2,034  | 0         | 0     | 5,910      | 57.7%  |
| 520410                                          | Emp FB - Opeb - Retiree Medica | 211,367    | 152,497              | 0      | 0         | 0     | 152,497    | 72.1%  |
| 520510                                          | Emp FB - Workers Compensation  | 160,665    | 121,334              | 673    | 0         | 0     | 122,007    | 75.9%  |
| 520520                                          | Emp FB - Terminal Payout       | 182,257    | 135,102              | 0      | 0         | 0     | 135,102    | 74.1%  |
| 520530                                          | Emp FB - Allowances            | 812        | 2,700                | 0      | 0         | 0     | 2,700      | 332.5% |
| 520540                                          | Emp FB - Commuter Check        | 17,324     | 42,063               | 0      | 0         | 0     | 42,063     | 242.8% |
| 520550                                          | Emp FB - Other Fringe Benefits | 197,753    | 151,742              | 0      | 0         | 0     | 151,742    | 76.7%  |
| Prsnl Svcs-Fringe Benefits                      |                                | 6,852,362  | 5,063,541            | 3,463  | 0         | 0     | 5,067,004  | 73.9%  |
| 511160                                          | Wages - Reg - Salary Savings   | (800,000)  | 0                    | 0      | 0         | 0     | 0          | 0.0%   |
| Personal Services-Employee                      |                                | 15,993,965 | 12,790,809           | 57,700 | 0         | 0     | 12,848,509 | 80.3%  |

# 4Q-FYTD 2022 EXPENDITURES BY FUND

Attachment 2

|                                                 |                                 |           |                      |        |           |        |           |         |
|-------------------------------------------------|---------------------------------|-----------|----------------------|--------|-----------|--------|-----------|---------|
| BERKELEY PUBLIC LIBRARY : EXPENDITURES JUN FY22 |                                 |           |                      |        |           |        | 12        | 100.0%  |
| Berkeley Public Library + CoB                   |                                 |           | Actuals+Encumbrances |        |           |        | YTD JUN   |         |
| Elmnt-                                          |                                 | Bdgt RVSD | Lib Dscr             | Grants | Frnd/Gift | Fndtn  | Actual    | % RVSD  |
| Object                                          | Description                     | FY22      | 101                  | 103    | 104       | 105    | FY22      | Spent   |
| 612110                                          | Prof Svcs - Lgl - Outsided Coun | 180,000   | 170,661              | 0      | 0         | 0      | 170,661   | 94.8%   |
| 612310                                          | Prof Svcs - Engineering Svcs    | 8,011     | 97,886               | 0      | 0         | 0      | 97,886    | 1221.9% |
| 612990                                          | Prof Svcs - Miscellaneous       | 661,774   | 464,678              | 0      | 39,156    | 0      | 503,835   | 76.1%   |
| 613120                                          | Tech Svcs - Equipment Maint     | 27,450    | 112,829              | 0      | 0         | 0      | 112,829   | 411.0%  |
| 613130                                          | Tech Svcs - Software Maint      | 316,000   | 240,061              | 0      | 0         | 0      | 240,061   | 76.0%   |
| 613910                                          | Tech Svcs - Hazmat Handling     | 2,500     | 0                    | 0      | 0         | 0      | 0         | 0.0%    |
| Purchased Prof & Tech Svcs                      |                                 | 1,195,735 | 1,149,866            | 0      | 39,156    | 0      | 1,189,022 | 99.4%   |
| 621110                                          | Utilities - Gas/Electric        | 348,600   | 337,605              | 0      | 0         | 0      | 337,605   | 96.8%   |
| 621120                                          | Utilities - Water/Sewer         | 43,500    | 47,494               | 0      | 0         | 0      | 47,494    | 109.2%  |
| 621130                                          | Utilities - Refuse              | 34,252    | 22,257               | 0      | 0         | 0      | 22,257    | 65.0%   |
| 622110                                          | Custodial - Janitorial Svcs     | 470,116   | 379,273              | 0      | 0         | 0      | 379,273   | 80.7%   |
| 624110                                          | Property Repairs & Maint        | 448,000   | 191,765              | 0      | 0         | 0      | 191,765   | 42.8%   |
| 625110                                          | Rental of Real Property         | 1,500     | 373                  | 0      | 0         | 0      | 373       | 24.9%   |
| 625120                                          | Rental of Equipment             | 57,304    | 7,005                | 0      | 0         | 0      | 7,005     | 12.2%   |
| 632110                                          | Comm Svcs - Tele - Landline     | 128,300   | 224,229              | 0      | 0         | 16,087 | 240,317   | 187.3%  |
| 632120                                          | Comm Svcs - Tele - Cellular     | 14,550    | 4,250                | 0      | 0         | 0      | 4,250     | 29.2%   |
| 633110                                          | Advertising                     | 15,000    | 7,116                | 0      | 0         | 0      | 7,116     | 47.4%   |
| 634110                                          | Train and Conf - Train Costs    | 0         | 873                  | 0      | 0         | 0      | 873       | 0.0%    |
| 634120                                          | Train and Conf - Registration   | 40,000    | 15,940               | 0      | 0         | 0      | 15,940    | 39.9%   |
| 634210                                          | Travel - Airfare                | 10,000    | 2,374                | 0      | 0         | 0      | 2,374     | 23.7%   |
| 634220                                          | Travel - Lodging                | 10,000    | 2,881                | 0      | 0         | 0      | 2,881     | 28.8%   |
| 634230                                          | Travel - Other Transportation   | 0         | 411                  | 0      | 0         | 0      | 411       | 0.0%    |
| 635110                                          | Printing and Binding            | 11,511    | 1,000                | 0      | 5,200     | 0      | 6,200     | 53.9%   |
| 637990                                          | Gov Pmts - Misc Fee and Taxes   | 5,090     | 4,042                | 0      | 90        | 0      | 4,132     | 81.2%   |
| 639110                                          | Fees - Bank Fees                | 4,500     | 769                  | 0      | 0         | 0      | 769       | 17.1%   |
| 639120                                          | Fees - Prof Dues and Fees       | 47,250    | 40,819               | 0      | 0         | 0      | 40,819    | 86.4%   |
| 639130                                          | Courier and Delivery Services   | 27,000    | 3,332                | 0      | 0         | 0      | 3,332     | 12.3%   |
| 639990                                          | Other Services                  | 347,850   | 0                    | 0      | 0         | 0      | 0         | 0.0%    |
| Other Purchased Services                        |                                 | 2,064,323 | 1,294,822            | 0      | 5,290     | 16,087 | 1,316,199 | 63.8%   |

# 4Q-FYTD 2022 EXPENDITURES BY FUND

Attachment 2

|                                                 |                                 |                   |                      |               |               |               |                   |               |
|-------------------------------------------------|---------------------------------|-------------------|----------------------|---------------|---------------|---------------|-------------------|---------------|
| BERKELEY PUBLIC LIBRARY : EXPENDITURES JUN FY22 |                                 |                   |                      |               |               |               | 12                | 100.0%        |
| <b>Berkeley Public Library + CoB</b>            |                                 |                   | Actuals+Encumbrances |               |               |               | YTD JUN           |               |
| Elmnt-                                          |                                 | Bdgt RVSD         | Lib Dscr             | Grants        | Frnd/Gift     | Fndtn         | Actual            | % RVSD        |
| Object                                          | Description                     | FY22              | 101                  | 103           | 104           | 105           | FY22              | Spent         |
| 641110                                          | Supplies - Office               | 41,815            | 22,743               | 0             | 0             | 0             | 22,743            | 54.4%         |
| 641120                                          | Supplies - Postage              | 36,000            | 11,466               | 0             | 0             | 0             | 11,466            | 31.8%         |
| 642120                                          | Suppl - Field - Tools and Part  | 6,000             | 4,762                | 0             | 0             | 0             | 4,762             | 79.4%         |
| 642990                                          | Suppl - Field - Other           | 255,322           | 163,385              | 24,294        | 35,591        | 1,364         | 224,634           | 88.0%         |
| 643110                                          | Supplies - Books and Subscrip   | 2,064,857         | 2,195,905            | 0             | 0             | 1,090         | 2,196,995         | 106.4%        |
| 644110                                          | Supplies - Food - Non-Employee  | 10,400            | 0                    | 500           | 4,828         | 0             | 5,328             | 51.2%         |
| <b>Supplies</b>                                 |                                 | <b>2,414,394</b>  | <b>2,398,260</b>     | <b>24,794</b> | <b>40,419</b> | <b>2,454</b>  | <b>2,465,927</b>  | <b>102.1%</b> |
| 651110                                          | Non-Cap - Comp, Software, & OfE | 239,000           | 276,026              | 0             | 2,235         | 17,092        | 295,352           | 123.6%        |
| 651120                                          | Non-Cap - Furniture & Fixture   | 6,052             | 354                  | 0             | 0             | 91            | 445               | 7.4%          |
| <b>Property Under Cap Limit</b>                 |                                 | <b>245,052</b>    | <b>276,380</b>       | <b>0</b>      | <b>2,235</b>  | <b>17,182</b> | <b>295,797</b>    | <b>120.7%</b> |
| 662110                                          | Cap - FA - Buildings            | 1,505,870         | 692,327              | 0             | 0             | 0             | 692,327           | 46.0%         |
| 663110                                          | Cap - FA - Impr Othr Than Bldg  | 1,750,000         | 0                    | 0             | 0             | 0             | 0                 | 0.0%          |
| 664110                                          | Cap - FA - Machinery & Equip    | 50,000            | 7,274                | 0             | 0             | 26,540        | 33,814            | 67.6%         |
| 664130                                          | Cap - FA - Furniture & Fixture  | 100,046           | 0                    | 0             | 0             | 0             | 0                 | 0.0%          |
| 664140                                          | Cap - FA - Computer Equipment   | 186,000           | 55,000               | 0             | 0             | 0             | 55,000            | 29.6%         |
| 666110                                          | Cap - FA - Intangibles          | 15,000            | 0                    | 0             | 0             | 0             | 0                 | 0.0%          |
| <b>Property</b>                                 |                                 | <b>3,606,916</b>  | <b>754,601</b>       | <b>0</b>      | <b>0</b>      | <b>26,540</b> | <b>781,141</b>    | <b>21.7%</b>  |
| 670140                                          | Int Svc - Tech Cost Alloc Fund  | 179,624           | 179,624              | 0             | 0             | 0             | 179,624           | 100.0%        |
| 670150                                          | Int Svc - Mail Services         | 1,764             | 1,764                | 0             | 0             | 0             | 1,764             | 100.0%        |
| 670180                                          | Int Svc - City Vehicle Fuel/Ma  | 15,000            | 8,908                | 0             | 0             | 0             | 8,908             | 59.4%         |
| 670190                                          | Int Svc - City Pkg Permits      | 500               | 0                    | 0             | 0             | 0             | 0                 | 0.0%          |
| <b>Internal Services</b>                        |                                 | <b>196,888</b>    | <b>190,296</b>       | <b>0</b>      | <b>0</b>      | <b>0</b>      | <b>190,296</b>    | <b>96.7%</b>  |
| <b>Other Expenses</b>                           |                                 | <b>9,723,307</b>  | <b>6,064,224</b>     | <b>24,794</b> | <b>87,100</b> | <b>62,264</b> | <b>6,238,382</b>  | <b>64.2%</b>  |
| <b>Berkeley Public Library + CoB</b>            |                                 | <b>25,717,272</b> | <b>18,855,033</b>    | <b>82,494</b> | <b>87,100</b> | <b>62,264</b> | <b>19,086,891</b> | <b>74.2%</b>  |





# LIBRARY TAX FUND (101): 5-YEAR FUND ANALYSIS

Attachment 3

|                                                      | FY 2020<br>Actual    | FY 2021<br>Actual    | FY 2022<br>ADOPTED    | FY 2022<br>Actual (2nd Cls) | FY 2023<br>PROJECTED | FY 2024<br>PROJECTED | FY 2025<br>PROJECTED | FY 2026<br>PROJECTED |
|------------------------------------------------------|----------------------|----------------------|-----------------------|-----------------------------|----------------------|----------------------|----------------------|----------------------|
| <b>Beginning Fund Balance</b>                        | <b>\$ 10,266,639</b> | <b>\$ 12,027,796</b> | <b>\$ 13,187,635</b>  | <b>\$ 13,187,635</b>        | <b>\$ 17,492,296</b> | <b>\$ 16,968,295</b> | <b>\$ 16,659,033</b> | <b>\$ 15,847,614</b> |
| <b>Revenues</b>                                      |                      |                      |                       |                             |                      |                      |                      |                      |
| Library Services Tax                                 | \$ 20,431,021        | \$ 20,596,293        | \$ 21,704,603         | \$ 22,429,364               | \$ 23,837,768        | \$ 24,314,523        | \$ 24,800,813        | \$ 25,296,830        |
| Fines/Fees                                           | 26,477               | 17,688               | 40,000                | 16,147                      | 40,000               | 40,000               | 40,000               | 40,000               |
| Donations/Private Contributions                      |                      |                      |                       |                             |                      |                      |                      |                      |
| Misc. Revenue / Interest / Refunds                   | 29,617               | 101,396              | 101,396               | 136,791                     | 32,000               | 32,000               | 32,000               | 32,000               |
| <b>TOTAL REVENUE</b>                                 | <b>\$ 20,487,115</b> | <b>\$ 20,715,377</b> | <b>\$ 21,845,999</b>  | <b>\$ 22,582,302</b>        | <b>\$ 23,909,768</b> | <b>\$ 24,386,523</b> | <b>\$ 24,872,813</b> | <b>\$ 25,368,830</b> |
| <b>Expenditures</b>                                  |                      |                      |                       |                             |                      |                      |                      |                      |
| <b>Operations</b>                                    |                      |                      |                       |                             |                      |                      |                      |                      |
| Salaries, Wages, Benefits                            | \$ 13,377,244        | \$ 12,972,590        | \$ 16,731,595         | \$ 12,770,581               | \$ 18,291,479        | \$ 18,253,498        | \$ 18,618,568        | \$ 18,990,939        |
| <b>Salaries, Wages, Benefits</b>                     |                      |                      |                       |                             |                      |                      |                      |                      |
| less: Labor Vacancy Savings                          |                      |                      | 800,000               |                             | 800,000              | 800,000              | 800,000              | 800,000              |
| Personnel                                            | \$ 13,377,244        | \$ 12,972,590        | \$ 15,931,595         | \$ 12,770,581               | \$ 17,491,479        | \$ 17,453,498        | \$ 17,818,568        | \$ 18,190,939        |
| Non-Personnel                                        | 1,247,772            | 823,605              | 1,496,905             | 907,785                     | 1,515,766            | 1,513,770            | 1,700,000            | 1,700,000            |
| Library Materials (incl Tool Lndng)                  | 1,690,248            | 1,826,324            | 2,055,000             | 1,985,551                   | 2,230,000            | 2,230,000            | 2,230,000            | 2,230,000            |
| Misc. Professional Services                          | 765,382              | 497,462              | 872,450               | 772,555                     | 1,184,150            | 1,184,150            | 973,700              | 973,700              |
| Utilities+Telephone                                  | 367,116              | 459,787              | 554,502               | 516,401                     | 529,402              | 529,402              | 500,000              | 500,000              |
| Janitorial                                           | 362,798              | 360,565              | 425,000               | 379,273                     | 425,000              | 425,000              | 400,000              | 400,000              |
| Software Maintenance                                 | 114,873              | 147,178              | 346,000               | 238,664                     | 177,000              | 177,000              | 275,000              | 275,000              |
| RFID Loan Repayment                                  |                      |                      |                       |                             |                      |                      |                      |                      |
| Computer & Software Purchase (CAP)                   | 120,933              | 121,859              | 70,000                |                             | 245,000              | 245,000              | 249,000              | 249,000              |
| Building/Infrastructure                              | 652,098              | 2,315,233            | 3,250,000             | 686,457                     | 600,000              | 900,000              | 1,500,000            | 1,500,000            |
| <b>Subtotal:</b>                                     | <b>\$ 18,698,464</b> | <b>\$ 19,524,603</b> | <b>\$ 25,001,452</b>  | <b>\$ 18,257,267</b>        | <b>\$ 24,397,797</b> | <b>\$ 24,657,820</b> | <b>\$ 25,646,268</b> | <b>\$ 26,018,639</b> |
| <b>Charges From Other Depts</b>                      |                      |                      |                       |                             |                      |                      |                      |                      |
| Finance - Billing (341)                              | \$ 18,977            | \$ 19,503            | 19,842                | 20,240                      | \$ 20,783            | \$ 21,443            | \$ 21,443            | \$ 21,443            |
| Facilities - Enviro Compliance (693)                 | 8,517                | 11,432               | 16,564                | 134                         | 15,189               | 16,522               | 16,522               | 16,522               |
| Interfund Transfers                                  |                      |                      |                       |                             |                      |                      |                      |                      |
| <b>Subtotal:</b>                                     | <b>\$ 27,494</b>     | <b>\$ 30,935</b>     | <b>\$ 36,406</b>      | <b>\$ 20,374</b>            | <b>\$ 35,972</b>     | <b>\$ 37,965</b>     | <b>\$ 37,965</b>     | <b>\$ 37,965</b>     |
| <b>TOTAL EXPENDITURES</b>                            | <b>\$ 18,725,958</b> | <b>\$ 19,555,538</b> | <b>\$ 25,037,858</b>  | <b>\$ 18,277,641</b>        | <b>\$ 24,433,769</b> | <b>\$ 24,695,785</b> | <b>\$ 25,684,233</b> | <b>\$ 26,056,604</b> |
| <b>Projected Surplus/(Shortfall)<br/>{Rev - Exp}</b> | <b>\$ 1,761,157</b>  | <b>\$ 1,159,839</b>  | <b>\$ (3,191,859)</b> | <b>\$ 4,304,661</b>         | <b>\$ (524,001)</b>  | <b>\$ (309,262)</b>  | <b>\$ (811,420)</b>  | <b>\$ (687,775)</b>  |
| <b>GROSS FUND BALANCE<br/>{Bal + Rev - Exp}</b>      | <b>\$ 12,027,796</b> | <b>\$ 13,187,635</b> | <b>\$ 9,995,776</b>   | <b>\$ 17,492,296</b>        | <b>\$ 16,968,295</b> | <b>\$ 16,659,033</b> | <b>\$ 15,847,614</b> | <b>\$ 15,159,839</b> |
| Annual Committed Reserve                             | 1,500,000            | 1,500,000            | 1,250,000             | 1,250,000                   | 1,430,266            | 1,458,871            | 1,488,049            | 1,517,810            |
| <b>Uncommitted Fund Balance</b>                      | <b>\$ 10,527,796</b> | <b>\$ 11,687,635</b> | <b>\$ 8,745,776</b>   | <b>\$ 16,242,296</b>        | <b>\$ 15,538,029</b> | <b>\$ 15,200,162</b> | <b>\$ 14,359,565</b> | <b>\$ 13,642,029</b> |



# GRANTS FUND (103): 5-YEAR FUND ANALYSIS

Attachment 4

|                                                    | FY 2020<br>Actual | FY 2021<br>Actual  | FY 2022<br>ADOPTED | FY 2022<br>Actual (2nd CIs) | FY 2023<br>PROJECTED | FY 2024<br>PROJECTED | FY 2025<br>PROJECTED | FY 2026<br>PROJECTED |
|----------------------------------------------------|-------------------|--------------------|--------------------|-----------------------------|----------------------|----------------------|----------------------|----------------------|
| <b>Beginning Fund Balance</b>                      | \$ 30,819         | \$ 82,280          | \$ 51,004          | \$ 51,004                   | \$ 32,274            | \$ 32,274            | \$ 32,274            | \$ 32,274            |
| <b>Revenues</b>                                    |                   |                    |                    |                             |                      |                      |                      |                      |
| Direct Loan Fund                                   |                   |                    |                    |                             |                      |                      |                      |                      |
| Literacy Services & LSTA                           | 92,252            | 56,568             | 60,000             | 62,927                      | 68,420               | 68,420               | 68,420               | 68,420               |
| Miscellaneous Grant Revenue                        |                   |                    |                    |                             |                      |                      |                      |                      |
| Public Library Fund (SB 358)                       |                   |                    |                    |                             |                      |                      |                      |                      |
| Other                                              |                   |                    |                    |                             |                      |                      |                      |                      |
| <b>TOTAL REVENUE</b>                               | <b>\$ 92,252</b>  | <b>\$ 56,568</b>   | <b>\$ 60,000</b>   | <b>\$ 62,927</b>            | <b>\$ 68,420</b>     | <b>\$ 68,420</b>     | <b>\$ 68,420</b>     | <b>\$ 68,420</b>     |
| <b>Expenditures</b>                                |                   |                    |                    |                             |                      |                      |                      |                      |
| <b>Operations</b>                                  |                   |                    |                    |                             |                      |                      |                      |                      |
| Personnel                                          | \$ 36,364         | \$ 46,778          | \$ 33,528          | \$ 57,700                   | \$ 45,000            | \$ 45,000            | \$ 45,000            | \$ 45,000            |
| Non-Personnel                                      | 2,477             | 41,066             | 31,361             | 23,957                      | 23,420               | 23,420               | 23,420               | 23,420               |
| Library Materials                                  |                   |                    |                    |                             |                      |                      |                      |                      |
| Transfer Out (PLF 305)                             |                   |                    |                    |                             |                      |                      |                      |                      |
| <b>Subtotal:</b>                                   | <b>\$ 38,841</b>  | <b>\$ 87,844</b>   | <b>\$ 64,889</b>   | <b>\$ 81,657</b>            | <b>\$ 68,420</b>     | <b>\$ 68,420</b>     | <b>\$ 68,420</b>     | <b>\$ 68,420</b>     |
| <b>Carryover</b>                                   |                   |                    |                    |                             |                      |                      |                      |                      |
| Encumbered                                         |                   |                    |                    |                             |                      |                      |                      |                      |
| Unencumbered                                       |                   |                    |                    |                             |                      |                      |                      |                      |
| <b>Subtotal:</b>                                   | <b>\$ -</b>       | <b>\$ -</b>        | <b>\$ -</b>        | <b>\$ -</b>                 | <b>\$ -</b>          | <b>\$ -</b>          | <b>\$ -</b>          | <b>\$ -</b>          |
| <b>TOTAL EXPENDITURES</b>                          | <b>\$ 38,841</b>  | <b>\$ 87,844</b>   | <b>\$ 64,889</b>   | <b>\$ 81,657</b>            | <b>\$ 68,420</b>     | <b>\$ 68,420</b>     | <b>\$ 68,420</b>     | <b>\$ 68,420</b>     |
| <b>Projected Surplus/Shortfall<br/>(Rev - Exp)</b> | <b>\$ 53,411</b>  | <b>\$ (31,276)</b> | <b>\$ (4,889)</b>  | <b>\$ (18,730)</b>          | <b>\$ -</b>          | <b>\$ -</b>          | <b>\$ -</b>          | <b>\$ -</b>          |
| <b>GROSS FUND BALANCE<br/>(Bal + Rev - Exp)</b>    | <b>\$ 84,230</b>  | <b>\$ 51,004</b>   | <b>\$ 46,115</b>   | <b>\$ 32,274</b>            | <b>\$ 32,274</b>     | <b>\$ 32,274</b>     | <b>\$ 32,274</b>     | <b>\$ 32,274</b>     |



# FRIENDS & GIFTS FUND (104): 5-YEAR FUND ANALYSIS

Attachment 5

| A                                                    | AX                | BB                | BC                 | BD                          | BE                   | BF                   | BG                   | BH                   |
|------------------------------------------------------|-------------------|-------------------|--------------------|-----------------------------|----------------------|----------------------|----------------------|----------------------|
|                                                      | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>ADOPTED | FY 2022<br>Actual (2nd Cls) | FY 2023<br>PROJECTED | FY 2024<br>PROJECTED | FY 2025<br>PROJECTED | FY 2026<br>PROJECTED |
| <b>Beginning Fund Balance</b>                        | \$ 373,536        | \$ 445,378        | \$471,886          | \$ 471,886                  | \$ 485,882           | \$ 440,882           | \$ 395,882           | \$ 350,882           |
| <b>Revenues</b>                                      |                   |                   |                    |                             |                      |                      |                      |                      |
| Friends of BPL                                       | \$ 120,000        | \$ 91,824         | \$ 105,000         | \$ 92,318                   | \$ 105,000           | \$ 105,000           | \$ 105,000           | \$ 105,000           |
| BPL Foundation                                       |                   |                   |                    |                             |                      |                      |                      |                      |
| Donations/Private                                    | 10,778            | 113               |                    |                             |                      |                      |                      |                      |
| Interest/Misc. Revenues                              | 5,181             |                   |                    |                             |                      |                      |                      |                      |
| <b>TOTAL REVENUE</b>                                 | \$ 135,959        | \$ 91,937         | \$ 105,000         | \$ 92,318                   | \$ 105,000           | \$ 105,000           | \$ 105,000           | \$ 105,000           |
| <b>Expenditures</b>                                  |                   |                   |                    |                             |                      |                      |                      |                      |
| <b>Operations</b>                                    |                   |                   |                    |                             |                      |                      |                      |                      |
| Personnel                                            |                   |                   |                    |                             |                      |                      |                      |                      |
| Non-Personnel                                        | 24,231            | 28,850            | 150,000            | 78,322                      | 150,000              | 150,000              | 150,000              | 150,000              |
| Professional Services                                | 39,886            | 36,578            |                    |                             |                      |                      |                      |                      |
| Library Materials                                    |                   |                   |                    |                             |                      |                      |                      |                      |
| <b>Subtotal:</b>                                     | \$ 64,117         | \$ 65,428         | \$ 150,000         | \$ 78,322                   | \$ 150,000           | \$ 150,000           | \$ 150,000           | \$ 150,000           |
| <b>TOTAL EXPENDITURES</b>                            | \$ 64,117         | \$ 65,428         | \$ 150,000         | \$ 78,322                   | \$ 150,000           | \$ 150,000           | \$ 150,000           | \$ 150,000           |
| <b>Projected Surplus / (Deficit)<br/>(Rev - Exp)</b> | \$ 71,842         | \$ 26,509         | \$ (45,000)        | \$ 13,996                   | \$ (45,000)          | \$ (45,000)          | \$ (45,000)          | \$ (45,000)          |
| <b>GROSS FUND BALANCE<br/>(Bal + Rev - Exp)</b>      | \$ 445,378        | \$ 471,886        | \$ 426,886         | \$ 485,882                  | \$ 440,882           | \$ 395,882           | \$ 350,882           | \$ 305,882           |



# FOUNDATION FUND (105): 5-YEAR FUND ANALYSIS

Attachment 6

|                                                                                                         | FY 2020<br>Actual | FY 2021<br>Actual | FY 2022<br>ADOPTED | FY 2022<br>Actual (2nd CIs) | FY 2023<br>PROJECTED | FY 2024<br>PROJECTED | FY 2025<br>PROJECTED | FY 2026<br>PROJECTED |
|---------------------------------------------------------------------------------------------------------|-------------------|-------------------|--------------------|-----------------------------|----------------------|----------------------|----------------------|----------------------|
| <b>Beginning Fund Balance</b>                                                                           | \$ 930,840        | \$ 885,878        | \$ 458,510         | \$ 458,510                  | \$ 588,625           | \$ 488,625           | \$ 388,625           | \$ 488,625           |
| <b>Revenues</b>                                                                                         |                   |                   |                    |                             |                      |                      |                      |                      |
| Foundation                                                                                              | \$ 19,079         | \$ 150,000        | \$ 100,000         | \$ 190,392                  | \$ 100,000           | \$ 100,000           | \$ 100,000           | \$ 100,000           |
| Misc./ Interest                                                                                         |                   |                   |                    |                             |                      |                      |                      |                      |
| <b>TOTAL REVENUE</b>                                                                                    | \$ 19,079         | \$ 150,000        | \$ 100,000         | \$ 190,392                  | \$ 100,000           | \$ 100,000           | \$ 100,000           | \$ 100,000           |
| <b>Expenditures</b>                                                                                     |                   |                   |                    |                             |                      |                      |                      |                      |
| Personnel                                                                                               |                   |                   |                    |                             |                      |                      |                      |                      |
| Consultants                                                                                             |                   |                   |                    |                             |                      |                      |                      |                      |
| Furniture and Fixtures                                                                                  | 3,099             | 501,386           | 350,000            |                             | 200,000              | 200,000              |                      |                      |
| Equipment                                                                                               | 37,867            | 38,931            |                    | 26,540                      |                      |                      |                      |                      |
| Building                                                                                                |                   |                   |                    |                             |                      |                      |                      |                      |
| Miscellaneous/Other                                                                                     | 23,075            | 37,051            |                    | 33,737                      |                      |                      |                      |                      |
| <b>Subtotal:</b>                                                                                        | \$ 64,041         | \$ 577,368        | \$ 350,000         | \$ 60,277                   | \$ 200,000           | \$ 200,000           | \$ -                 | \$ -                 |
| <b>TOTAL EXPENDITURES</b>                                                                               | \$ 64,041         | \$ 577,368        | \$ 350,000         | \$ 60,277                   | \$ 200,000           | \$ 200,000           | \$ -                 | \$ -                 |
| <b>Projected Surplus/Shortfall<br/>(Rev - Exp)</b>                                                      | \$ (44,962)       | \$ (427,368)      | \$ (250,000)       | \$ 130,115                  | \$ (100,000)         | \$ (100,000)         | \$ 100,000           | \$ 100,000           |
| <b>GROSS FUND BALANCE<br/>(Bal + Rev - Exp)</b>                                                         | \$ 885,878        | \$ 458,510        | \$ 208,510         | \$ 588,625                  | \$ 488,625           | \$ 388,625           | \$ 488,625           | \$ 588,625           |
| <b>Other</b>                                                                                            | \$ (570,893)      | \$ (458,510)      | \$ (458,510)       | \$ (458,510)                | \$ (458,510)         | \$ (458,510)         | \$ (458,510)         | \$ (458,510)         |
| <b>Revised Gross Fund Balance {Gross<br/>Fund Balance - Budget<br/>Recommendations and Adjustments}</b> | \$ 314,985        | \$ (0)            | \$ (250,000)       | \$ 130,115                  | \$ 30,115            | \$ (69,885)          | \$ 30,115            | \$ 130,115           |







## **INFORMATION REPORTS**

November 2, 2022

To: Board of Library Trustees

From: Nneka Gallaread, Administrative and Fiscal Services Manager

Subject: FYTD 2022 – 4<sup>th</sup> Quarter YTD Budget Report

### **INTRODUCTION**

Library fiscal year 2022 results at end of 4Q by Fund are as follows:

| Fund                  | Revenue      |       | Expenditures (xcl Encmb) |        |
|-----------------------|--------------|-------|--------------------------|--------|
|                       | Actual 4Q    | YoY   | Actual 4Q                | YoY    |
| Library Tax (101)     | \$22,582,301 | 9.0%  | \$18,277,640             | -6.5%  |
| Grants (103)          | \$62,927     | 11.2% | \$81,657                 | -7.0%  |
| Friends & Gifts (104) | \$92,318     | 0.4%  | \$78,322                 | 19.7%  |
| Foundation (105)      | \$190,392    | 26.9% | \$60,277                 | -89.6% |

### **BACKGROUND**

FY 2022 is an annual budget that was adopted by the Board of Library Trustees on May 26, 2021 via approval of Resolution No.: 21-095. On November 4, 2021, by approval of Resolution No.: 21-124, the board accepted into the expenditure budgets an adjustment of \$114,525 in fiscal year 2021 carry-over encumbered values, into the FY 2022 budget via the City's amendment to the FY 2022 Annual Appropriations Ordinance.

### **CURRENT SITUATION AND ITS EFFECTS**

#### ***LIBRARY TAX FUND (101)***

The Library Tax Fund includes revenue derived from the dedicated library tax, fines and fees, and miscellaneous revenue. At the end of the fourth and final quarter, revenues at \$22,582,301 increased by 9.0%. Fourth quarter year-to-date revenue from library tax receipts ended up year-over at \$1,833,070 and was 8.9% above the FY22 Q4 received amount. Other revenue amounting to \$152,937 was fully attributable to library fines and a one-time lump reimbursement of erroneous broadband costs via Califa (a consortium of California Libraries).

Library Tax Fund expenditures excluding encumbrances at \$18,277,640 fell 6.5% from the prior year period, a decrease of \$1,317,470. In comparison to the prior fiscal year period, salary and wage costs were down slightly by 1.6%. Excluding encumbrances, non-labor year-over costs fell \$1,104,948 to \$5,447,259. Other larger non-staffing year-to-date actual expenditures include \$1,985,551 in library materials, \$170,661 in outside Legal counsel, \$686,457 in infrastructure maintenance costs, \$238,664 for software maintenance and licensing, and \$429,203 for miscellaneous professional services spanning items such as cost reimbursement to other City departments for services rendered, and vendor landscaping, security guard, and alarm services, etc.

Comparing actual expenditures (net of encumbrances) against the revised budget at the end of 4<sup>th</sup> quarter or fiscal year end benchmark, period spending at 72.67%, reflecting contributed underspending of \$3.1M encompassing lower than budgeted costs for salary and wages, medical insurance, and CalPERS retirement expense. Non-labor expenditures were below the benchmark in miscellaneous professional services due largely to supply chain issues and delayed projects due to continued Covid-19 impacts.

### *GRANTS FUND (103)*

The Grants Fund is typically composed of funding from California State Library administered programs for the California Library Literacy Services (CLLS) program, the Library Services and Technology Act, as well as any other governmental or private grant awarded to the Library. Currently, the only grant program in the Fund is the California Library Literacy Services that targets its support to the BerkeleyREADS adult literacy program.

By the end of the 4<sup>th</sup> quarter the Fund received payment of \$62,927, constituting all of the installments for the FY 2021-2022 CLLS award of \$62,927. Fund expenditures to date are running 172% for wages attributable to literacy tutoring and 79.1% for program supplies and software licensing.

### *FRIENDS & GIFTS FUND (104)*

The Gifts Fund includes monies received through donations from the Friends of the Berkeley Public Library, the generosity of many individuals and organizations, and trusts.

The Fund's receipts were comprised of private gifts totaling \$1,000 and \$90,535 from Friends. Expenditures at \$78,322 increased on a year-over basis by 19.7%

In-person programming increased, but not at a rate as originally anticipated due to the emergence of Delta and Omicron variants, and the reduction in Librarian staffing levels. Although operating in an evolving landscape with respect to the pandemic, Library staff continued to evolve programming throughout fiscal year 2022. They developed a rich array of online programming, provided a significant amount of outdoor programming, and eventually began to offer in-person, indoor programming. The relative amounts of each kind of programming shifted over the course of the year—gradually, outdoor programming increased, virtual programming decreased somewhat, and in-person, indoor programming increased.

### *FOUNDATION FUND (105)*

This Fund captures all funding support received either directly from the Berkeley Public Library Foundation or passed through the Foundation.

During the fiscal year, receipts from the Foundation totaling \$190,392 targeted support for the Library's continued effort to reopen limited in-person services to the public; and the expansion of the Chromebook and Hotspot Lending Pilot Project, a program designed to support the Library's work to bridge technology service gaps affecting those most vulnerable and underserved in the City of Berkeley. To date expenditures of \$60,277 supported Library programs as follows: Central Library laptop kiosk(s) at \$26,540, Chromebook and Hotspot Lending Pilot Project equipment at \$17,180, and supplies at \$2,454. The Foundation supported the Library's Conscious Kits pilot, which has been very well-received by the public.

### SUMMARY OF OPERATIONS EXPENSES

Library expenditures continue to be trending below budget due to vacancies as well as changing capital project timelines due to supply chain and other issues. The Library has made significant progress in the reduction in vacancies; however, the most recent recruitment resulted in a number of internal promotions that has created more vacancies. This will be addressed later during the current fiscal year when the Library Aide recruitment is completed. At end of the fourth quarter, actual expenses excluding encumbrances across all Library Funds were 28.1% below the revised budget. The Library projected in the Mid-year Budget Projection to end the fiscal year at 70.6% of the revised budget across all Fund groups and we ended at 71.9%.

CONTACT PERSON

Nneka Gallaread, Administrative and Fiscal Services Manager (email: [ngallaread@cityofberkeley.info](mailto:ngallaread@cityofberkeley.info) )

Attachments:

- 1: 4Q-FYTD 2022 Revenues by Fund
- 2: 4Q-FYTD 2022 Expenditures by Fund
- 3: Library Tax Fund (101): 5-Year Fund Analysis
- 4: Grant Fund (103): 5-Year Fund Analysis
- 5: Friends & Gifts Fund (104): 5-Year Fund Analysis
- 6: Foundation Fund (105): 5-Year Fund Analysis





**INFORMATION REPORTS**

November 2, 2022

To: Board of Library Trustees  
From: Tess Mayer, Director of Library Services  
Subject: Director's Report

**Loss of a staff member**

On October 6, Library staff lost a beloved colleague and friend: Amy Tavistock, who worked in the Library's Central Circulation team and had worked at Berkeley Public Library for almost 19 years. Library staff acknowledged Amy's passing through physical memorials and a memorial gathering on October 25. Social Services Specialist Chenice Jackson has been available to speak with impacted staff. Staff has been invited to participate in individual or group grief counseling sessions offered through the Employee Assistance Program (EAP) at Central, Tarea Hall Pittman South Branch, and online. Consistent with the family's wishes, Library staff will share additional information about memorials or celebrations of life. Everyone in the Library community is affected by this differently, and staff has extended great understanding of one another as they continue to collectively process this tragic event.

**Reopening planning and restoration of hours**

The Library staff continue to expand services and plan for the eventual restoration of regular operating hours. The first adjustment will be the addition of evening hours, followed by the addition of Sunday hours at Central. Library staff been working closely with our Joint Labor Management team to determine when to reinstate pre-pandemic hours. This is closely connected with staffing levels and the onboarding of new staff, which will be occurring over the next several months.

Meeting room access on the part of the public for Central and branches will begin on November 7, and the 5th Floor of the Central Library is currently scheduled to reopen on November 7.

**Race-Work with Dr. Watson: Phase 3, Deeper Dive**

Racial equity training for Berkeley Public Library staff continues with Dr. Watson of Race-Work. Phase III is the upcoming optional all staff sessions with Dr. Watson, called Deeper Dive:

*This phase involves reflecting on the Phase II experience and then taking a Deeper Dive. This will open space to reflect upon and share experiences and discuss how things may have shifted since the initial seminar participation. Participants will move beyond Knowledge to Know-how as they participate in purposeful professional learning focused on deepening an understanding of race and systemic racism by examining the Library's policies, practices, programs, structures, climate and culture through an ongoing cycle of inquiry in order to identify barriers to equitable outcomes and lead change efforts toward organizational transformation.*

The initial phase of training including the Library's Council of Supervisors and Managers, the Racial Justice Advisory Group, and the Board of Library Trustees. This was followed by Phase II, the mandatory all-day staff training, Elevation 2 Transformation session (E2T) that occurred on Friday Sept 23rd or 30th.

**Lunchtime "Brown Bag" Affinity Group Sessions**

The Library's Racial Justice Advisory Group (RJAG) is pleased to invite all staff that self-identify as part of the Black, Indigenous, People of Color (BIPOC) community to a series of three upcoming lunchtime "brown bag"

affinity group sessions facilitated by Dr. Watson of [www.race-work.com](http://www.race-work.com) (who led the recent all staff trainings in September). Affinity groups can be healing spaces where staff can come together in community and share experiences with one another, building deeper circles of support and connection.

### **Harvest Festival Outreach**



Central Support Services Supervising Librarian Heather Cummins reported that the BPL staff team who went to this year's Harvest Festival—the first ever for the Library—had a great time and did amazing community engagement. The Harvest Festival is a City of Berkeley event at Cedar Rose Park celebrating sustainability through a range of activities, including live music, a seed swap, and food contests. The Library team engaged with 500 people and signed up 25 people for library cards.

The Library brought along the popular Big Blue Blocks for children to play with and offered a display of Tool Lending Library culinary items such as the bread maker and induction stove. Staff also led a leaf rubbing craft that was also a tremendous hit and balanced out the Library's offerings with something that was creative and exploratory.

### **Self-Care Kits program in Teen Room at Central Library**

The Central Support Services team hosted a successful Self-Care Kits program in the Central Library Teen Room. A variety of agencies and providers collaborated to create different "stations," where teens could circulate and learn about mental health and other resources. This was a drop-in program, meaning that teens and transitional age youth (TAY) were welcome to visit and chat with [SafeSpace](http://SafeSpace.org), participate in the stations, and make a self-care kit throughout the afternoon. The Teen Room was excited to announce a "How Are You – Mental Health Check-in" survey for teens, which was debuted at this program.

### **Successful Class Visits**

Library staff were very busy hosting a very successful week of 6<sup>th</sup> grade class field trips! Staff at North Branch had 10 classes come and visit for a total of 269 students. The students learned about the library, including library expectations, how to check out books, put books on hold, and events. They also got to interact with the space. Students loved the teen room and had a lot of fun drawing on the white board, playing games on the computer, looking at manga, and making themselves at home in the comfy chairs. They were also able to explore the children's and adult areas and found lots of good books and movies to check out. They asked for lots of recommendations, including LGBTQ+ stories (very popular), sad

love stories, historical fiction, cookbooks, origami books, and more. Librarian Robyn Brown thanked Tom Holmes, the King librarian, for coordinating details with the teachers and leading the kids over twice a day. Mr. Holmes set the expectations for behavior from the very beginning and the students were respectful, curious, and enthusiastic.

Hundreds of Berkeley High School students also visited the Central and other locations this fall, with 9<sup>th</sup> graders encouraged to sign up for library cards.

### **Recruitment**

Library staff has almost completed a recruitment for 9 Library Specialist II positions and 8 Library Assistant positions throughout the system (17). These positions are critical to the Library being able to expand service hours. By the end of October, 15 of those people will have started in their new positions.

A high number of these placements were internal promotions. A total of 10 of the vacant positions were filled by people who had been Library Aides, with another promotion taken by someone who had been an Assistant.

This means that the Library now has 15 Aide vacancies to fill due to internal promotion (10). The Aide recruitment has started and is anticipated to be completed in several weeks, with positions being filled by mid-November.

The first round of Deputy Director interviews was concluded and a second phase is being coordinated.

Current recruitments include: Supervising Librarian for West and Tarea Hall Pittman South Branches, Assistant HR Analyst, and Library Aide. The temporary Librarian II recruitment has been initiated, as well as the permanent Building Maintenance Mechanic, Mail Services Aide (Delivery Driver position), and Information Services Specialist recruitments.

### **CONTACT PERSON**

Tess Mayer, Director of Library Services, Library, 510-981-6195