



**BERKELEY PUBLIC LIBRARY  
BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING**

Wednesday, February 5, 2025

**AGENDA**

6:30 PM

**LOCATION**

West Branch  
1125 University Avenue

Commission Members:

Beverly Greene, President; Tanir Ami, Vice President; Shoshana O'Keefe; Amy Roth; Priscilla Villanueva

To submit an e-mail comment during the meeting to be read aloud during public comment, email [BOLT@berkeleyca.gov](mailto:BOLT@berkeleyca.gov) 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.

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

**I. PRELIMINARY MATTERS**

**A. Call to Order**

**B. Ceremonial Matters:** *In addition to those items listed on the agenda, the President may add additional ceremonial matters.*

**C. Public Comment**

*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.*

**D. 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

**E. 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. Approve Minutes of the January 8, 2025 Regular Meeting**

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

**Recommendation:** Adopt the resolution approving the January 8, 2025 Regular Meeting Minutes as presented.

**B. Accept and Appropriate Grant Funds in Support of Berkeley Public Library Programs**

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

**Recommendation:** Adopt a resolution authorizing the Director of Library Services to accept grant funds in the amount of \$20,918.00.

**C. Design Draw Build Contract**

**From:** Henry Bankhead, Deputy Director

**Recommendation:** Adopt a Resolution authorizing the Director of Library Services to execute a contract with Design, Draw, Build for construction services for an amount not to exceed \$650,000 from February 2025 through August 2025.

### III. ACTION CALENDAR

**A. 2025 Regular Meeting Schedule for the Board of Library Trustees**

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

**Recommendation:** Adopt a resolution approving revised dates, times and locations for the 2025 regular meeting schedule for the Board of Library Trustees.

### IV. INFORMATION REPORTS

*All items for discussion only and no final action.*

**A. Technology Road Map (Oral Report)**– Henry Bankhead, Deputy Director of Library Services

**B. Update on Procedures for ICE Requests** – Tess Mayer, Director of Library Services

**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@berkeleyca.gov](mailto:tmayer@berkeleyca.gov).*

*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.

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I hereby certify that the agenda for this 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 1/29/2025

//s//

A handwritten signature in black ink, appearing to read 'Tess Mayer', written over a horizontal line.

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

**Communications:**





**MINUTES**  
**Berkeley Public Library - Board of Library Trustees Regular Meeting**  
**Wednesday, January 8, 2025**  
**6:30 PM**  
**West Branch - 1125 University Avenue, Berkeley CA 94702**

Board of Library Trustees:  
Beverly Greene, President    Amy Roth  
Tanir Ami, Vice President    Priscilla Villanueva

**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 Ami, Greene, Roth and Villanueva.
- Absent: None
- Also Present: Tess Mayer, Director of Library Services; Henry Bankhead, Deputy Director; Aimee Reeder, Communications Program Manager; Brian Gavin, Senior Maintenance Supervisor; Jacqui Rodriguez, Administrative Secretary.
- B. Ceremonial Matters:** None.
- C. Public Comments:** 0 speakers
- D. Comments from Library Unions:**
1. SEIU, LOCAL 1021 (Community Services and PTRLA Units) – 0 speakers
  2. SEIU, LOCAL 1021 (Maintenance and Clerical Units) – 0 speakers
  3. Public Employees Union, LOCAL 1 – 0 speakers
- E. Comments from Board of Library Trustees:**
1. None.

**II. CONSENT CALENDAR**

**Action:** M/S/C (Ami/Roth) to adopt Resolution No. 25-001 to approve the consent calendar as presented.

**Vote:** All ayes.

**A. Approve Minutes of the December 4, 2024 Regular Meeting**

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

**Recommendation:** Adopt a resolution to approve the minutes of the December 4, 2024, Regular Meeting of the Board of Library Trustees.

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

**Action:** Adopted Resolution No. 25-002.

**B. Update the 2025 Berkeley Public Library Holiday & Early Closing Schedule**

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

**Recommendation:** Adopt a Resolution approving the revised 2025 Berkeley Public Library Holiday & Early Closing Schedule.

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

**Action:** Adopted Resolution No. 25-003.

**C. Fiscal Year 2025 Purchase Authorization in Excess of Director of Library Services' Granted Authority (Revised Vendor List)**

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

**Recommendation:** Adopt the resolution authorizing the Director of Library Services to enter into fiscal year 2025 purchase agreements and approve payments to specified vendors for services encompassing utility, telephone, and intranet/internet services; library materials; state taxes; professional services; and office supplies that may exceed the director's delegated spending authority of \$50,000 for services and \$100,000 for goods, materials, and equipment.

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

**Action:** Adopted Resolution No. 25-004.

### III. INFORMATION REPORTS

**A. Staff Report (Oral) Facilities and Deferred Maintenance**

**From:** Brian Gavin, Senior Building Maintenance Supervisor and Henry Bankhead, Deputy Director

**Action:** Received.

**B. Monthly Library Director's Report**

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

**Action:** Received.

### IV. AGENDA BUILDING

The next regular meeting will be held on Wednesday, February 5, 2025, at 6:30 PM. Future meeting topics identified include the technological roadmap and review of library policies.

### V. ADJOURNMENT

**Action:** Trustee Greene to adjourn the meeting.

**Vote:** All ayes.

Adjourned at 7:28 PM.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular meeting of Wednesday, January 8, 2025 as approved by the Board of Library Trustees.

//s// \_\_\_\_\_  
secretary to BOLT

Tess Mayer, Director of Library Services, acting as

Attachments:

1. PowerPoint - Staff Report (Oral) Facilities and Deferred Maintenance

# Facilities Projects and Deferred Maintenance

Brian Gavin, Sr. Maintenance Supervisor  
Henry Bankhead, Deputy Director of Library Services



*January 8, 2025*

## BERKELEY PUBLIC LIBRARY

### Capital Improvement Fund

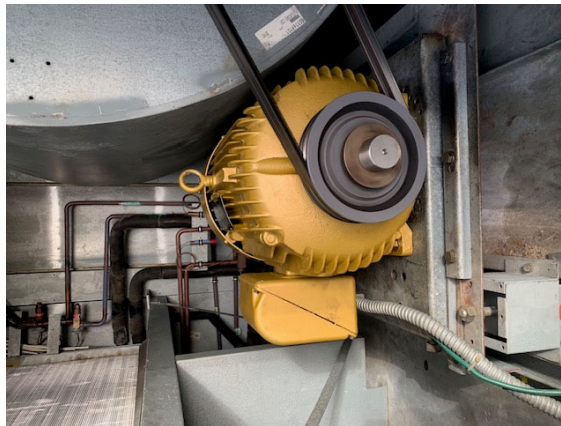
- While we were fortunate to pass the bond measures that provided for renovations of the Central and branch libraries, given the age of three of the facilities, there is still considerable work that needs to be done.
- In order to ensure ongoing care and stewardship of the Library's physical plant, a capital improvements fund was established on May 1, 2024 with the adoption of the 2025-2026 budgets to provide for capital projects. In order to establish the fund, \$5,000,000 was transferred from the Library Tax Fund to the new Capital Fund (102).
- Now that the Library has a new revenue source through Measure X, the Library will be able to build the capital fund on an ongoing basis.

## BERKELEY PUBLIC LIBRARY

### DEDICATED TO SERVING THE PUBLIC

#### Major New and Continuing Projects:

| Description                                      | New/Continuing | Year    | Estimated Budget               |
|--------------------------------------------------|----------------|---------|--------------------------------|
| Central HVAC Motor Replacement                   | Completed      | 2024    | \$15,900 (Library Tax Fund)    |
| Claremont HVAC Replacement – Staff Area          | Completed      | 2024    | \$110,000 (Library Tax Fund)   |
| Compact LED Lighting Retrofit - Central Library  | Continuing     | 2025    | \$60,000 (Library Tax Fund)    |
| Claremont Adult Reading Room                     | Continuing     | 2025    | \$9,000 (Library Tax Fund)     |
| South and West Solar Systems                     | Continuing     | 2025    | \$20,000 (Library Tax Fund)    |
| Claremont HVAC Replacement - Public Area         | New            | TBD     | TBD                            |
| Central Library Fire Alarm Renovation            | New            | 2026    | \$420,000 (Library Tax Fund)   |
| Central BMS, Building Maintenance System Upgrade | New            | 2025    | \$12,000 (Library Tax Fund)    |
| Central Roof Replacement                         | New            | 2026    | \$500,000 (Library Tax Fund)   |
| Central HVAC Replacement                         | New            | 2025-26 | \$1,600,000 (Library Tax Fund) |
| Other Aging Physical Plant and Equipment         | New            |         | \$300,000 (Library Tax Fund)   |
|                                                  |                | total   | <b>\$3,046,900</b>             |



Completed

## Central HVAC Motor Replacement

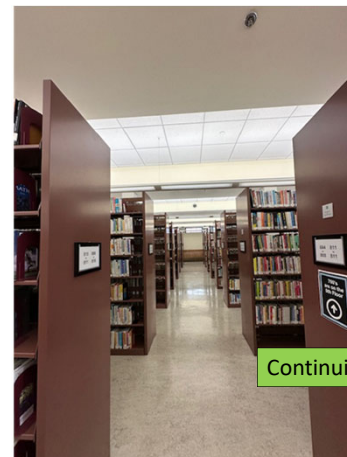
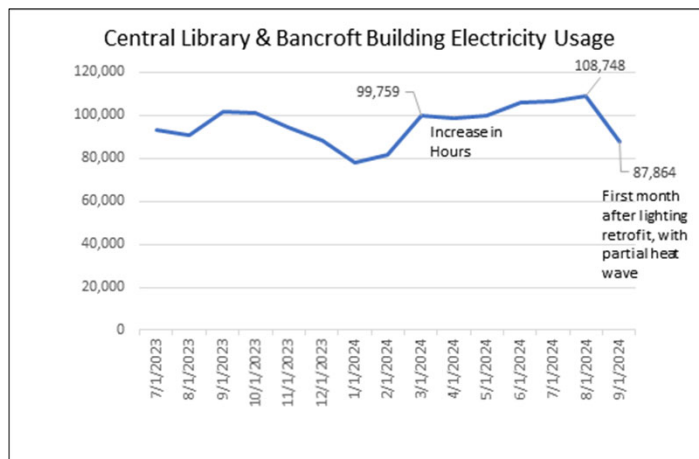




Completed

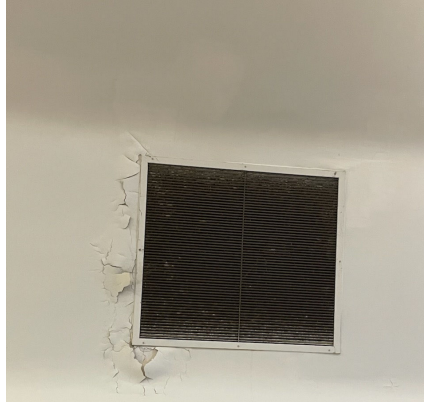
## Claremont HVAC Replacement – Staff Area

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## Compact LED Retrofit

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Continuing

## Claremont Adult Reading Room



Continuing

## South and West Solar Systems



New

## Claremont HVAC Replacement – Public Area

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New

## Central Library Fire Alarm Renovation

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New

## Central BMS, Building Maintenance System Upgrade

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New

## Central Roof Replacement

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## Central HVAC Replacement

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Questions?

Thank you!



Henry Bankhead  
Brian Gavin  
[bgavin@cityofberkeley.info](mailto:bgavin@cityofberkeley.info)  
[www.berkeleypubliclibrary.org](http://www.berkeleypubliclibrary.org)







**CONSENT CALENDAR**

February 5, 2025

To: Board of Library Trustees

From: Nneka Gallaread, Administrative and Fiscal Services Manager

Subject: Accept and Appropriate Grant Funds in Support of Berkeley Public Library

**RECOMMENDATION**

Adopt a resolution authorizing the Director of Library Services to accept and appropriate grant funds in the amount of \$10,000 from the Public Library Association, and \$10,918 from the California State Library, for a total of \$20,918.00.

**INTRODUCTION**

Last Fall, Librarians Kasey B. and Kelsey O. applied for the PLA Digital Literacy Workshop Incentives program and were selected to participate. Each year, the Public Library Association (PLA) offers financial support to public libraries through digital literacy incentive programs. These competitive programs provide the funding and resources necessary for libraries to teach basic digital literacy skills using PLA's [DigitalLearn](#) courses and training materials. Since 2022, PLA has helped nearly 400 public libraries conduct more than 3,800 workshops, training more than 19,000 learners across the country.

Supervising Librarian Elaine T. (Children's Services) applied for grant funds for the Lunch at the Library summer program. The grant allows for participation in the program, which enables the Library to distribute free lunches to children under 18 at the Central Library, as well as provide free educational programs and activities.

**FISCAL IMPACTS**

The acceptance of these gift funds will have no negative impact on the Library budget. Upon board acceptance, the funds will be deposited into Fund 103 (Gifts Fund) in fiscal year 2025.

**BACKGROUND**

The Board of Library Trustees authorizes the acceptance and appropriation of grants, gifts, donations, and monetary awards designated for use by the Library, as part of the regular budget management process, including revenue recognition and budget appropriation. Since 2008, the Library has had a Gift Policy (A.R. Number 10.11) which addresses the acceptance of gifts by the Board of Library Trustees.

In all cases of gifts to the Library up to \$200,000, City Council Resolution No. 65,444-N.S. states, "...the *Council of the City of Berkeley hereby delegates to the Board of Library Trustees the authority to accept: (1) any gifts of funds, goods, or services made to the Library up to \$200,000 that do not include unduly restrictive conditions on their use...and mandates annual reporting to the Council of gifts in excess of \$1,000 in aggregate in an informational report to be presented before the Council on a regular meeting agenda.*"

**RATIONALE FOR RECOMMENDATION**

Library staff identifies opportunities to supplement the Library's operating budget with grant opportunities that support programs and initiatives consistent with the Library's strategic plan. In this particular case, these grant funds will not only extend the reach of overall funding available for programming, but they will allow

**BERKELEY PUBLIC LIBRARY**  
**CONSENT CALENDAR REPORT**

Accept and Appropriate Gift Funds in Support of Berkeley Public Library Programs and Materials

**Page 2**

these staff to provide for enhancements that they would normally not being able to fund with tax fund dollars such as childcare for program participants, providing food, or targeted publicity.

The Library regularly receives gift funding and support from the Berkeley Public Library Foundation, the Friends of the Berkeley Public Library, as well as many individuals and organizations. Donations and gifts are greatly appreciated by the Library as they allow the Library to augment and enhance the delivery of public services in a tangible and visible manner that benefits the quality of life standards enjoyed by all members of the Berkeley community.

**Attachments**

1. Resolution
2. Gift Donation Policy



## BOARD OF LIBRARY TRUSTEES

### RESOLUTION NO: 25-###

#### TO ACCEPT AND APPROPRIATE GRANT FUNDS

WHEREAS, the Berkeley Public Library regularly receives gifts from the Berkeley Public Library Foundation and the Friends of the Berkeley Public Library, as well as many individuals and groups; and

WHEREAS, Library staff may be approved to apply for grant opportunities that supplement the tax fund budget when those opportunities are consistent with the Library's strategic goals and mission; and

WHEREAS, following passage of the Open Government Ordinance by the City Council, the City Council by passage of Resolution No. 65,444-N.S. delegated to the Library Board of Trustees the authority to accept any gifts of funds, goods, or services made to the Library up to \$200,000 that do not include unduly restrictive conditions on their use; and

WHEREAS, the Library has a Gift Policy (A.R. Number 10.11), which addresses the acceptance of gifts by the Board of Library Trustees and includes a requirement for annual reporting to the City Council for any gift received over \$1,000 in aggregate; and

WHEREAS, the Public Library Association has committed to grant funds in the amount \$10,000 to fund Library digital literacy programs; and

WHEREAS, the California State Library has awarded \$10,918 to support the Lunch at the Library program; and

WHEREAS, the Library wishes to accept these funds in FY 2025.

NOW, THEREFORE BE IT RESOLVED that the Board of Library Trustees of the City of Berkeley hereby authorizes the Director of Library Services to accept FY 2025 grant funds in the sum of \$20,918 and to appropriate these funds to the expenditure budget in fiscal year 2025 for Library programs and materials.

ADOPTED by the Board of Library Trustees of the City of Berkeley during a regular meeting held on February 5, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

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Beverly Greene, President

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



**BERKELEY PUBLIC LIBRARY  
ADMINISTRATIVE REGULATIONS**

|                    |          |
|--------------------|----------|
| A.R. Number:       | 10.11    |
| ORIGINAL DATE:     | 2/13/08  |
| BOLT Resolution #: | R11-051  |
| REVISED DATE:      | 10/19/22 |
| BOLT Resolution #: | R22-051  |
| PAGE:              | 1 of 2   |

**SUBJECT: Gift / Donation Policy**

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**I. PURPOSE**

The Berkeley Public Library welcomes gifts of money to enhance library services through the provision of additional materials, equipment and services, as well as other types of gifts such as books. The Library encourages gifts of cash, not earmarked for specific items (unrestricted) in order to permit the most flexible use of the donation for the enrichment of the library program.

**II. POLICY**

Donations may be given in the form of cash (monetary) gifts, or as a bequest, trust, real property or donation of an asset. We recognize that the gift may be a remembrance, a way to honor an individual or group, a memorial or a tribute. The Library will establish the methods by which gifts are publicly acknowledged.

The Board of Library Trustees must approve for acceptance any gift to the Library of funds, goods; or services worth more than \$1,000 in aggregate.

The Library will disclose annually in an informational report to the City Council any gift received over \$1,000 in aggregate.

The Library will not affix a value for income tax purposes to any gift accepted; this is the responsibility of the donor. The Library will, however, on request, acknowledge the gift by letter and specify the type, and quantity, condition, etc. of the gift for the donor's records. All gifts of money will be acknowledged. Gifts are the management responsibility of the Director of Library Services. The Director, in coordination with Library staff members has responsibility for decisions regarding criteria for gift acceptance and final disposition. The Board of Library Trustees will receive quarterly reports regarding all donations.

Personal property, art objects, memorial or commemorative objects, displays or plaques, portraits, artifacts, antiques, museum objects and similar items are not accepted as gifts. Under certain circumstances and with Board approval when such a gift meets the mission and needs of the library, these types of gifts may be considered. Any restrictions on gifts, whether donations of monies, books, periodicals, media or art work must be submitted in writing and approved by the Board. Monetary gifts offered with special restrictions or conditions, including endowment funds, require Board approval of such restrictions before such monetary gifts are accepted. Gifts of art objects will be referred to the Civic Arts Commission under section 3.12.060 of the Berkeley Municipal Code, which includes under "Duties and Functions" of the Commission: "F. Review and make recommendations upon all works of art to be acquired by the City, either by purchase, gift, or otherwise, and exterior works of art installed in the civic center district which are visible

to the public.” Potential donors of artwork shall submit information to the Public Art program staff (I. Gifts and Loans, 1. Conditions governing the donation of artwork to the City of Berkeley, *Guidelines for Public Art: City of Berkeley Public Art Program*).

Library staff will develop procedures regarding the disposition of books and other materials to include guidelines in considering material for inclusion in the Library’s collection and disposition of material not included in the collection. The Library will develop a gift record form that includes options available to givers, including branch, collection or program designation. A record of all monetary donations above \$100 will be retained for seven years.


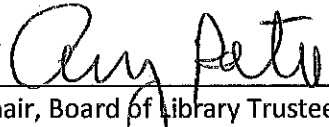
#### *Donor Recognition*

The purpose of recognition is to commemorate the gifts of all donors. A gift to the Berkeley Public Library may on occasion be commemorated with a book plate, signage, plaque or by other means. In the case of a tribute donation, the Library will send the honoree(s) a formal announcement of the donation.

It is not the policy of the Library to provide separate shelf space for books or other materials donated to it.

The Berkeley Public Library Foundation and the Friends of the Berkeley Public Library are not part of the Berkeley Public Library and as such have their own set of policies and practices.

Under certain circumstances and with the approval of the Director of Library Services, the Library may collaborate with the Berkeley Public Library Friends or Foundation to initiate a “Library Campaign” to improve the physical space or service program of the Library. Such a campaign may have a donor recognition component that includes memorializing the gift or donation in Library facilities only if approved by the Board.

|              |                                                                                     |             |
|--------------|-------------------------------------------------------------------------------------|-------------|
| Reviewed by: |  | 10/25/22    |
|              | Director of Library Services                                                        | Date        |
| Approved by: |  | Oct 20, 202 |
|              | Chair, Board of Library Trustees                                                    | Date        |



**CONSENT CALENDAR**

February 5, 2025

To: Board of Library Trustees  
From: Henry Bankhead, Deputy Director  
Subject: Contract: Design Draw Build

**RECOMMENDATION**

Adopt a Resolution authorizing the Director of Library Services to execute a contract with Design, Draw, Build for construction services for an amount not to exceed \$650,000 from February 2025 through August 2025.

**FISCAL IMPACTS OF RECOMMENDATION**

The FY 2025 Library Tax Fund (101) budget includes funding to support this request on account line 102-22-241-261-0000-000-463-663110.

A budgetary adjustment is not needed to accommodate this contract given the creation of the capital improvement fund last year.

Many thanks to the Berkeley Public Library Foundation which supported the design stage of this project and has committed to contribute an additional \$168,195 to the remodel phase.

**BACKGROUND**

The Library concluded the first phase of the Central Library Improvement Project in the Winter of 2021, which involved the remodeling of the 1<sup>st</sup> and 2<sup>nd</sup> Floors. The second phase of the project was identified to be the Central Story Room on the 4<sup>th</sup> Floor, which commenced in 2021 and continues. A third phase including enhancements to the 3<sup>rd</sup> and 5<sup>th</sup> Floors is anticipated.

In June 2021, the Berkeley Public Library Foundation Director, Kathy Huff, met with Central Children's Services staff to share ideas and images from other libraries and children's spaces to explore shared visions. Staff expressed an interest in support with organizing and cleaning various aspects of the space. The goal was to better discern what storage space would be needed and provided for in the final design. The team agreed that the current and future use of the media room, which is adjacent to the Story Room, would be included in design considerations. Staff considered possibilities around additional storage space, signage, and art. The Foundation provided options for professional organizers, and staff selected DMA Organizing and Moves. In preparation for the start of the project, staff worked with this vendor to sort, organize, and remove items no longer used by staff, such as damaged or otherwise unusable programming supplies.

The Foundation began vetting architects and received two proposals from the Sibbett Group, which focuses on children's museum spaces, and Anderson Brulé Architects (ABA), a recognized expert in library design. A third vendor was eliminated from consideration as not being well-aligned with the vision of the children's team. Library and Foundation staff participated in multiple conversations with ABA to learn more about their approach and ideas after reviewing content from both firms.

ABA was asked to submit a formal proposal that would allow for a Story Room refresh, as well as allow for the flexibility to address other interests that the staff identify in relation to the Story Room project. For example, staff noted that the public restrooms could be updated to better meet the needs of children and caregivers, and that it would make sense for this to be done in line with the design schema of the Story Room and media room.

The Library contracted with Anderson Brulé Architects (ABA) in the redesign of the Level 4 Children's Story Room, and this work was completed in February 2023. This phase of the project was supported in full by the Berkeley Public Library Foundation.

#### CURRENT SITUATION AND ITS EFFECTS

In order to initiate the construction phase of this project, the City issued a Request for Proposals (RFP) for construction services for Berkeley Public Library on 3/1/24 (Specification No. 24-11369-C) and received no vendor responses. As part of the City's RFP process, a list of construction firms that included firms that reflect the diversity of Berkeley community was included in the list of vendors that the City of Berkeley notified about the RFP opportunity. The RFP was then posted on two subsequent dates (4/16/24, 6/14/24) per the City's purchasing requirements. Upon receiving no response to these postings, Library staff contacted four firms for recommendations, Anderson Brulé Architects (who executed the design phase), Group 4, Jayson Architects, and Noll and Tam Architects.

After conducting multiple interviews and hosting three responding firms for onsite visits, staff evaluated the two responses received and identified one finalist. The Deputy Director of Library Services checked references for consultants.

The Library staff has completed this process and recommends that the Library execute a contract with Design, Draw, Build.

#### ENVIRONMENTAL SUSTAINABILITY

In order to advance with construction, Library staff will ensure that the appropriate asbestos and lead testing procedures occur. While not anticipated to be a concern, this needs to be concluded in order to be able to confirm the full scope of work.

#### RATIONALE FOR RECOMMENDATION

Based on this evaluation process, Design Draw Build is recommended by the team as the best overall fit to collaborate with Library staff on bringing the original design vision to life.

Key factors that affected the selection of Design Draw Build include the following:

- An intentional approach to gathering regular input from key stakeholders throughout the process, where firm representatives will communicate decision points clearly to Library staff
- Enthusiasm for this particular site, project, and working on a library project
- High quality of work and responsiveness
- Willingness to identify potential value engineering within original proposal to reduce costs
- The most local firm (Oakland, SF)

#### ALTERNATIVE ACTIONS CONSIDERED

Selection of Design Draw Build 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

Henry Bankhead, Deputy Director of Library Services, (510) 981-6195

Attachments:

1. Resolution
2. RFP 24-11369-C – Children’s Storytime Room Remodel





## **BOARD OF LIBRARY TRUSTEES**

**RESOLUTION NO: 25-###**

### **CONTRACT: Design Draw Build**

WHEREAS, On March 1, 2024, the City issued a Request for Proposals (RFP) for library remodel construction services for Berkeley Public Library (Specification No. 22-11632-C); and received no vendor responses; and

WHEREAS, On April 16, 2024 and June 14, 2024, the City reissued the Request for Proposals (RFP), received no responses, and staff then solicited the interest of three qualifying vendors, two of which submitted proposals; and

WHEREAS, based upon the Library staff process and evaluation of candidates, the Library has determined that the Design Draw Build 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 Design Draw Build for remodel construction services for an amount not to exceed \$650,000 from February 2025 through August 2025.

ADOPTED by the Board of Library Trustees of the City of Berkeley at a regular meeting held on Wednesday, February 5, 2025:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

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Beverly Greene, President

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





Finance Department  
General Services Division

**REQUEST FOR PROPOSALS (RFP)**  
**Specification No. 24-11369-C**  
**FOR**  
**Central Children's Storytime Room Remodel**  
**PROPOSALS WILL NOT BE OPENED AND READ PUBLICLY**

Dear Proposer:

The Berkeley Public Library is soliciting written proposals from qualified firms or individuals experienced in work with library remodeling and construction to aid in the execution of a set of construction design documents to effect a remodel of the Central Children's Storytime Room located on the 4<sup>th</sup> floor of the Berkeley Public Library's Central Library at 2090 Kittredge Street, Berkeley, CA 94704.

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 Thursday, March 28, 2023.** Proposals are to be sent via email with the "Central Children's Storytime Room Remodel" and **Specification No 24-11369-C** clearly indicated in the subject line of the email. Please submit one (1) PDF of the proposal. Corresponding pricing proposal shall be submitted as a separate document.

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

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, **Henry Bankhead, Deputy Director of Library Services**, via email at [hbankhead@berkeleyca.gov](mailto:hbankhead@berkeleyca.gov) no later than **Friday, March 15**. 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 [Bid & Proposal Opportunities | City of Berkeley \(berkeleyca.gov\)](https://www.berkeleyca.gov/bid-proposal-opportunities). 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

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7320 TDD: 510.981.6903

E-mail: [purchasing@berkeleyca.gov](mailto:purchasing@berkeleyca.gov) Website: [cityofberkeley.info/finance/](https://cityofberkeley.info/finance/)

## **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 \$25,060,391 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, meeting with others and develops opportunities for community engagement and skill sharing. The Library has five (5) facilities, the 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 pandemic impacts.

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 revenue continues generates over \$20 million a year.

### **CITY OF BERKELEY**

Known 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, 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.

While the Bay Area is home to the world's leading technology companies and the University of California, Berkeley represent significant economic influences in our community and the city (and surrounding area) is characterized by a high cost of living, the City of Berkeley experiences disparity in socioeconomic levels that include a poverty rate of 17.8%.

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, approximately 124,000 people, has grown by 10% since 2010. According to 2020 U.S. Census Bureau data, the percentage of Hispanic and Asian residents increased as white and Black/African American populations decreased. Berkeley has seen its density increase by 11% increase as of 2020, which is a measure of the city's population divided by its land area. Here are two links that provide more information about the demographics of the City of Berkeley.

<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 not only serves the residents of Berkeley but also any resident of California because Californians are eligible for free library 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. The intended outcome for the new Storytime Room is to provide a welcoming environment for all in the community.

### **BOARD OF LIBRARY TRUSTEES**

The Berkeley Public Library is administered by a Board of Library Trustees [BOLT], the only appointed administrative Board in the City. The Board consists of five Berkeley residents; one member of the Board must also be a member of the City Council.

The Berkeley Public Library is nearing the end of its strategic planning initiative to better serve community needs as we look to the future and is working with the Pivotal Group to complete the strategic planning process.

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

### **ADDITIONAL INFORMATION**

Please find attached to this RFP the following documents:

Berkeley Public Library Children's Storytime Room Construction Document Set  
Anderson Brulé Architects, Inc.  
325 South First Street, 4th Floor, San Jose, CA 95113 (March 2023)

## **II. SCOPE OF SERVICES**

### **The term of the proposed contract:**

June 1, 2024 – June 1, 2025  
June 30, 2025

Work Performed  
Final deliverables submitted

### **Summary of Deliverables**

#### **Project description:**

A non-structural interior renovation and tenant improvement project in the children's collection room and story time room on the fourth floor of the Berkeley Public Library's Central Library as specified in the Berkeley Public Library Children's Storytime Room Construction Document Set created by Anderson Brulé Architects, Inc. 325 South First Street, 4th Floor, San Jose, CA 95113 (March 2023).

1. Selective demolition and replacement of existing interior floor and wall finishes.
2. New casework to accommodate storage needs of story time room.
3. Sealing of decommissioned (e) fireplace and converting to seating in compliance with applicable CA Building codes and as defined in the attached

#### **Berkeley Public Library Children's Storytime Room Construction Document Set**

- Occupancy Type: a-3
- Construction Type: Type ii-a

**Applicable Codes**

- 2019 California residential code (crc),
- 2019 California mechanical code (cmc),
- 2019 California plumbing code (cpc),
- 2019 California electrical code (cec)

**Fire sprinkler system:**

Provide an approved fire sprinkler system design and modify existing sprinkler system to conform to national fire protection association (NFPA) standard #13d and local ordinances throughout all modified portions of the building.

**General Requirements:**

1. Contractor shall at all times observe and comply with and shall cause all agents and employees to observe and comply with all such laws, ordinances, regulations, orders and decrees, including all provisions of the Occupational Safety and Health Act of 1979 and all amendment thereto, an all applicable federal, state, municipal and local safety regulations.
2. All work which is defective in its implementation or deficient in any of the requirements of these specifications, shall be remedied, or removed and replaced by the Contractor in an acceptable manner, and no compensation will be allowed for such correction.
3. Remove all waste and debris from the area of work.
4. Coordinated inspection will be scheduled between the contractor (s) and the City's Project Manager to discuss project site goals and to determine project completion. Inspections will be scheduled at:
  - a. Prior to the start of the project.
  - b. Monthly during the duration of the project
  - c. At the completion of the project.

**Facilities the City will provide to proposer:**

Access to Berkeley Public Library (BPL) staff, locations, virtual meeting space and physical meeting space.

**Performance of Services:**

Services will be performed in-person, at Berkeley Public Library at 2090 Kittredge St Berkeley, CA 94704.

**Payment:**

The contractor will complete all services listed as specified in the Berkeley Public Library Children's Storytime Room Construction Document Set created by Anderson Brulé Architects, Inc. 325 South First Street, 4th Floor, San Jose, CA 95113 (March, 2023) for an agreed upon amount of payment, with any amendments or additional work mutually agreed upon in writing between the contractor and the BPL's Director of Library Services.

**Work should be completed by April 1, 2025**

**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 customary)*

Provide a minimum of 3 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. Please include examples of projects/deliverables completed under 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. 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.

5. *(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 | 50% |
| 2. Expertise        | 20% |
| 3. References       | 20% |
| 4. Costs*           | 10% |

*\* 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.*

A selection panel will be convened of staff to evaluate and score submittals.

#### **V. PAYMENT**

**Invoices:** 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. **Email invoices to Accounts Payable and cc' [hbankhead@berkeleyca.gov](mailto:hbankhead@berkeleyca.gov)**; (List on invoice, Attn: Henry Bankhead/Library Administration) and reference the contract number.

Berkeley Public Library  
Accounts Payable  
2031 Bancroft Way  
Berkeley, CA 94704  
Email: [LibraryAccountsPayable@berkeleyca.gov](mailto:LibraryAccountsPayable@berkeleyca.gov)  
Phone: 510-981-6118

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



## VI. CITY REQUIREMENTS

### 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 Nos. 59,853-N.S., 60,382-N.S., and 70,606-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: [Information for Vendors | City of Berkeley \(berkeleyca.gov\)](https://www.berkeleyca.gov/Information-for-Vendors). 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:         | March 01, 2024 |
| <input type="checkbox"/> Questions Due                           | March 15, 2024 |
| <input type="checkbox"/> Proposals Due from Potential Bidders    | March 28, 2024 |
| <input type="checkbox"/> Complete Selection Process              | April 01, 2024 |
| <input type="checkbox"/> Board Approval of Contract (over \$50k) | May 01, 2024   |
| <input type="checkbox"/> Award of Contract                       | May 02, 2024   |
| <input type="checkbox"/> Sign and Process Contract               | May 22 ,2024   |
| <input type="checkbox"/> Notice to Proceed                       | May 23, 2024   |

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)
- ☐ 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 (Current Year Certificate)

**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

Contract Description/Specification No: Central Children's Storytime Room Remodel / 24-11369-C

**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.

Contract Description/Specification No: Central Children's Storytime Room Remodel / 24-11369-C

**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: Central Children's Storytime Room Remodel / 24-11369-C

**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 Nos. 59,853-N.S., 60,382-N.S., and 70,606-N.S., (hereafter "Resolutions"). 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; and Burma (Myanmar)**

"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: Central Children's Storytime Room Remodel / 24-11369-C

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: Central Children's Storytime Room Remodel / 24-11369-C

**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' changes (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. ☐

Contract Description/Specification No: Central Children's Storytime Room Remodel / 24-11369-C

**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: \_\_\_\_\_

### 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

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).

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: \_\_\_\_\_

Contract Description/Specification No: Central Children's Storytime Room Remodel / 24-11369-C

**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: Central Children's Storytime Room Remodel / 24-11369-C

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





**CONSENT CALENDAR**

February 5, 2025

To: Board of Library Trustees  
From: Tess Mayer, Director of Library Services  
Subject: Updated 2025 Regular Meeting Schedule for the Board of Library Trustees

**RECOMMENDATION**

Adopt a resolution approving updated dates, times and locations for the 2025 regular meeting schedule for the Board of Library Trustees.

**FISCAL IMPACTS OF RECOMMENDATION**

This report will have no fiscal impacts.

**BACKGROUND**

The Board of Library Trustees approves the following year's regular meeting schedule during one of its meetings toward the end of each year.

**CURRENT SITUATION AND ITS EFFECTS**

The regular meetings of the Board of Library Trustees have generally been held on the first Wednesday of each month at 6:30 p.m. at the West Branch Library, 1125 University Ave. The meetings may be held at other locations, for example when that month's staff report features a branch.

The Board may choose to change any part of their regular meeting schedule, including the date, time or location and to schedule special meetings as needed in accordance with the Brown Act and the City of Berkeley Commissioners' Manual. During August, the Board has chosen to follow the City Council and other City commissions and take a meeting recess.

City Council:

Winter Recess: (December 11, 2024 – January 20, 2025)

January 21, 2025

February 11 & February 25

March 11, March 18 & March 25

Spring Recess: (March 26 – April 14, 2025)

April 15 & April 29

May 6 & May 20

June 3, June 17 and June 24

July 8, July 22 and July 29

Summer Recess: July 30 – September 8

September 9, September 16 and September 30

October 14 and October 28

November 4 and November 18

December 2

Winter Recess: (December 3, 2025 – January 26, 2026)

The proposed *2025 Board of Library Trustees Meeting Schedule* is attached as Attachment 4.

The proposed schedule has been updated to change the date of the May 7 meeting to May 21 in order to be able to establish the annual tax rate during the same meeting and thus have only one meeting in May.

The question of whether the date of July 2 works for the team is pending further discussion.

FUTURE ACTION:

No further action is required.

CONTACT PERSON

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

Attachments:

1. Resolution
2. City Policy Regarding the Scheduling of City Meetings on All Significant Religious Holidays
3. 2025 Board of Library Trustee Meeting Schedule (approved 10/10/24; Res. No. 24-099)
4. Proposed 2025 Board of Library Trustee Meeting Schedule (Updated)

**BOARD OF LIBRARY TRUSTEES**  
**RESOLUTION NO: 25-####**

**APPROVAL OF THE UPDATED 2025 REGULAR MEETING SCHEDULE FOR THE BOARD OF LIBRARY TRUSTEES**

WHEREAS, the Board of Library Trustees approves the next year's regular meeting schedule for the Board of Library Trustees during one of its last meetings each year; and

WHEREAS, the regular meetings of the Board of Library Trustees have been held on the first Wednesday of each month at 6:30 p.m. at the West Branch Library, 1125 University Avenue; and

WHEREAS, the Board has chosen to follow the City Council and other City commissions and take a meeting recess during the month of August;

NOW, THEREFORE, BE IT RESOLVED by the Board of Library Trustees of the City of Berkeley to approve the 2025 regular meeting schedule for the Board of Library Trustees as once per month (Generally on the first Wednesday of the month) at 6:30 P.M. except for January 8, scheduled after the first Wednesday of the month in observance of New Year's Day, except for August when there is a meeting recess, and except for October 8, scheduled after the first Wednesday of the month in observance of *Yom Kippur*. The May meeting date was changed to May 21 in order to address the tax rate in the same meeting.

ADOPTED by the Board of Library Trustees of the City of Berkeley at a regular meeting held on February 5, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

---

Beverly Greene, President

---

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

## City Policy Regarding the Scheduling of City Meetings on All Significant Religious Holidays

Pursuant to Resolution No. 70,066-N.S., it is the policy of the City to avoid scheduling meetings of City Legislative Bodies (City Council, Policy Committees, Commissions, Task Forces) on religious holidays that incorporate significant work restrictions for common observance in the United States. City legislative bodies must avoid scheduling meetings on the religious holidays listed below.

| Religion     | Holiday                                       | 2025 Dates                              |
|--------------|-----------------------------------------------|-----------------------------------------|
| Shinto       | New Year                                      | 1/1/2025 thru 1/3/2025                  |
| Hindu        | Makar Sankranti                               | 1/14/2025                               |
| Cultural     | Chinese New Year (Eve, Day, Lantern Festival) | 1/28, 1/29, 2/12                        |
| Islam        | Ramadan (Eve & First Night)                   | 2/28/2024 thru 3/1/2025                 |
| Hindu        | Holi                                          | 3/14/2025                               |
| Islam        | Eid al-Fitr                                   | 3/30/2025 thru 3/31/2025                |
| Jewish       | Passover Nights                               | 1 & 2 (7*, 8*) 4/12 - 4/13 (4/19, 4/20) |
| Christian    | Good Friday                                   | 4/18/2025                               |
| Christian    | Easter Sunday                                 | 4/20/2025                               |
| Buddhist     | Vesak                                         | 5/12/2025                               |
| Jewish       | Shavuot                                       | * 6/1/2025 thru 6/3/2025                |
| Islam        | Eid al-Adha                                   | 6/6/2025 thru 6/7/2025                  |
| Shinto       | Obon Ceremony                                 | * 8/13/2025 thru 8/15/2025              |
| Jewish       | Rosh Hashanah                                 | 9/22/2025 thru 9/24/2025                |
| Jewish       | Yom Kippur                                    | 10/1/2025 thru 10/2/2025                |
| Hindu        | Dussehra                                      | 10/2/2025                               |
| Jewish       | Sukkot (1st Day)                              | (1st Day) * 10/6/2025 thru 10/7/2025    |
| Jewish       | Shmini Atzeret/ Simchat Torah                 | * 10/13/2025 thru 10/15/2025            |
| Hindu        | Diwali                                        | 10/20/2025                              |
| Baha'i Faith | Birth of Bab                                  | 10/22/2025                              |
| Baha'i Faith | Birth of Baha'u'llah                          | 10/23/2025                              |
| Jewish       | Chanukah (1st night)                          | 12/14/2025                              |
| Christian    | Christmas                                     | 12/25/2025                              |
| Cultural     | Kwanzaa                                       | 12/26/2025 thru 1/1/2026                |
| Jewish       | Shabbat (Friday sunset to Saturday sunset)*   | Weekly                                  |

\* Meetings not prohibited, but avoid scheduling meetings if possible

**Berkeley Public Library**  
**Board of Library Trustees**  
**2025 Regular Meeting Schedule**  
**1<sup>st</sup> Wednesday Dates** (unless marked\*)

| Regular Meeting Dates                                                                                    | Location                                     |
|----------------------------------------------------------------------------------------------------------|----------------------------------------------|
| January 8, 2025*<br><i>Shinto New Year January 1-3, 2025</i>                                             | West Branch Library (1125 University Avenue) |
| February 5, 2025                                                                                         | West Branch Library (1125 University Avenue) |
| March 5, 2025                                                                                            | West Branch Library (1125 University Avenue) |
| April 2, 2025                                                                                            | West Branch Library (1125 University Avenue) |
| May 7, 2025                                                                                              | West Branch Library (1125 University Avenue) |
| June 4, 2025                                                                                             | West Branch Library (1125 University Avenue) |
| July 2, 2025                                                                                             | West Branch Library (1125 University Avenue) |
| {No meeting in August}                                                                                   |                                              |
| September 3, 2025                                                                                        | West Branch Library (1125 University Avenue) |
| October 8, 2025*<br><i>Yom Kippur begins on Wednesday, October 1 and ends Thursday, October 2, 2025.</i> | West Branch Library (1125 University Avenue) |
| November 5, 2025                                                                                         | West Branch Library (1125 University Avenue) |
| December 3, 2025                                                                                         | West Branch Library (1125 University Avenue) |

**Berkeley Public Library**  
**Board of Library Trustees**  
**2025 Regular Meeting Schedule**  
**1<sup>st</sup> Wednesday Dates** (unless marked\*)

| Regular Meeting Dates                                                                                    | Location                                     |
|----------------------------------------------------------------------------------------------------------|----------------------------------------------|
| January 8, 2025*<br><i>Shinto New Year January 1-3, 2025</i>                                             | West Branch Library (1125 University Avenue) |
| February 5, 2025                                                                                         | West Branch Library (1125 University Avenue) |
| March 5, 2025                                                                                            | West Branch Library (1125 University Avenue) |
| April 2, 2025                                                                                            | West Branch Library (1125 University Avenue) |
| May 21, 2025                                                                                             | West Branch Library (1125 University Avenue) |
| June 4, 2025                                                                                             | West Branch Library (1125 University Avenue) |
| July 2, 2025                                                                                             | West Branch Library (1125 University Avenue) |
| {No meeting in August}                                                                                   |                                              |
| September 3, 2025                                                                                        | West Branch Library (1125 University Avenue) |
| October 8, 2025*<br><i>Yom Kippur begins on Wednesday, October 1 and ends Thursday, October 2, 2025.</i> | West Branch Library (1125 University Avenue) |
| November 5, 2025                                                                                         | West Branch Library (1125 University Avenue) |
| December 3, 2025                                                                                         | West Branch Library (1125 University Avenue) |

Revised 2.5.2025



**INFORMATION REPORTS**

February 5, 2025

To: Board of Library Trustees

From: Tess Mayer, Director of Library Services

Subject: Update on Procedures for U.S. Immigration and Customs Enforcement (ICE) Requests

**INTRODUCTION**

On January 21, the Berkeley City Council unanimously passed on consent the Reaffirming Berkeley as a Sanctuary City and City of Refuge resolution (attached). This resolution requires that department directors inform their staff of the City's Sanctuary City standing and the City's policies and procedures regarding staff interaction with U.S. Immigration & Customs Enforcement (ICE) related to enforcement of federal immigration law.

**FISCAL IMPACTS OF RECOMMENDATION**

There is no fiscal impact from this report.

**BACKGROUND**

The resolution passed on 1/21/25 reinforces Berkeley's pre-existing status as a Sanctuary City and City of Refuge. As a Sanctuary City, the City applies the following restrictions on the use of City funds and resources relating to enforcement of federal immigration law:

1. No department, agency, commission, officer or employee of the City of Berkeley shall use any City funds or resources to assist in the enforcement of Federal immigration law or to gather or disseminate information on the status of individuals in the City of Berkeley unless required by federal law.
2. No department, agency, commission, officer or employee shall deny access to any city services or benefits to residents on the basis of their immigration status.

**CURRENT SITUATION AND ITS EFFECTS**

Given the timely nature of this development and the rapidly changing political landscape, Library staff needed to review and provide more specific guidance about how to handle situations in which ICE agents approach staff at public service points. As public buildings, Library staff may potentially encounter any number of situations involving law enforcement more generally and ICE more specifically.

The attached document, "Instructions for Library Staff," provides a more detailed overview of what to do if approached at a service desk. The intention is for the Director or Deputy Director to field specific requests on the part of ICE representatives with the support of the City Attorney's Office and the City Manager, and to support frontline staff by interceding as quickly as possible. This document, as well as the Council report on the Sanctuary City resolution, were shared with Library staff on 1/23/25.

**FUTURE ACTION**

The Library will continue to coordinate with the City Attorney's Office and the City Manager as needed.

**CONTACT PERSON**

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

Attachments:

1. Instructions for Library Staff Encountering US Immigration Customs Enforcement Agents on the Job
2. Reaffirming Berkeley as a Sanctuary City Supplemental Council Report 1.21.25



## Instructions for Library Staff Encountering U.S. Immigration & Customs Enforcement (ICE) Agents on the Job

Because the City of Berkeley is an established City of Refuge and a Sanctuary City, City departments and employees are **prohibited from**:

- Assisting or cooperating with any ICE investigation, detention, or arrest procedure
- Requesting or providing any information about the immigration status of any individual, except as required by federal law

The purpose of the Sanctuary resolution passed by the City Council on January 21, 2025 is to ensure that everyone in the Berkeley community knows that they can access City services without fear of federal immigration consequences.

### **Library employees should follow the following protocol**

If you encounter an ICE agent **who is seeking access to non-public areas of the Library, or requesting access to City (Library) records, including patron information** take the following steps:

**FIRST:** Calmly inform the ICE agent that all law enforcement inquiries of this nature must be handled by the Library Director or Deputy Director.

**SECOND:** Provide the agent the contact information:

- Tess Mayer
  - (510) 981-6108 and cell (510) 847-0839
  - email [tmayer@berkeleyca.gov](mailto:tmayer@berkeleyca.gov)
- Henry Bankhead
  - (510) 981-6109 and cell (510) 847-0653
  - email [hbankhead@berkeleyca.gov](mailto:hbankhead@berkeleyca.gov)

**THIRD:** Excuse yourself from the desk (asking another staff member to cover quickly, if available) and move to the staff work room area. Then call the Administration Office (510) 981-6195 to inform them that ICE is seeking access to non-public areas of the Library or requesting information about library patrons or access to City records.

**FOURTH:** If you have not already done so, notify your supervisor or an available supervisor of ICE agents' presence.

NOTE: Frontline staff may also elevate the ICE agent's request to their supervisor or a supervisor-on-duty or manager to convey the above messages.

NOTE: If the incident occurs on an EVENING or WEEKEND, contact the Supervisor in Charge (SIC) or the Sunday Supervisor to respond to the information request. They will then inform either Tess or Henry as soon as possible.

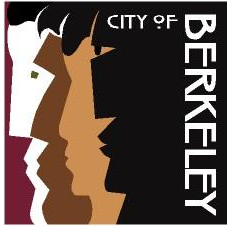
NOTE: The Library Director or Deputy Director, in consultation with the City Attorney's Office and the City Manager, will determine the proper response to ICE requests.

**If ICE agents seek information available to the public**, such as directional questions (e.g., “Where is the community room?” or “Where is the auditorium?”) or other inquiries that staff would answer for any Library patron:

**FIRST:** Field the inquiry as you would any other.

**SECOND:** Excuse yourself from the work area and notify Administration and your supervisor (or an available supervisor) regarding ICE agents’ presence at the Library.

**If you have questions about these procedures, please contact Henry Bankhead.**



Brent Blackaby  
Councilmember District 6

## **REVISED AGENDA MATERIAL for Supplemental Packet 1**

**Meeting Date:** January 21, 2025

**Item Number:** 27

**Item Description:** Reaffirming Berkeley as a Sanctuary City

**Submitted by:** Councilmember Blackaby

Legal made two clarifying changes:

- 1) Inserted an exemption for Federal Law
- 2) Articulated the type of warrant needed to qualify for a potential exception of a search.

The revisions do not change the substance of the item.



Brent Blackaby  
Councilmember District 6

CONSENT CALENDAR  
January 21, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Blackaby (Author), Mayor Ishii (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor), Councilmember Taplin (Co-Sponsor)

Subject: Reaffirming Berkeley as a Sanctuary City

RECOMMENDATION

Adopt a Resolution reaffirming Berkeley as a Sanctuary City and asking the City Clerk to send a copy to each City Department Director, requesting they inform their staff of the City's Sanctuary City standing and the City's policies and procedures regarding staff interaction with U.S. Immigration & Customs Enforcement (ICE) related to enforcement of federal immigration law.

Additionally, refer to the City Attorney to explore the possibility of pledging the City's legal support to help "sensitive sites" defend themselves against civil litigation.

Additionally, the Mayor will create a taskforce of Councilmembers, Community Based Organizations (CBOs), immigration and civil rights organizations, faith leaders, legal experts, school and university officials, and community activists to continually assess threats to Berkeley's immigrant communities and participate in the process of codifying Berkeley's Sanctuary protections through a city ordinance.

FINANCIAL IMPLICATIONS

None

CURRENT SITUATION AND ITS EFFECTS

In light of the incoming Trump administration's threats of mass deportations and plans to rescind the long-standing federal policy restricting ICE arrests in sensitive areas such as schools, after-school programs, hospitals, community health centers, and places of worship, it is incumbent upon the City of Berkeley to reaffirm to the community its status as a Sanctuary City and to reassert policies and procedures to guide and support staff should ICE officials contact city officials or visit city offices to ask questions, collect information, or request assistance with arresting any undocumented or naturalized resident or visitor beyond what is legally required.

Sanctuary is fundamentally about public safety: the need for everyone in the community to feel safe. When all community members, documented or undocumented, are able to

attend school and after-school programs, hospitals and health centers, and places of worship without the threat of deportation, we promote a more educated, healthy, and thriving community. Sanctuary policies strengthen all our lives.

The City of Berkeley is an established City of Refuge and a Sanctuary City<sup>1</sup>. In light of this ongoing status, the City applies the following restrictions on the use of City funds and resources relating to enforcement of federal immigration law:

1. No department, agency, commission, officer or employee of the City of Berkeley shall use any City funds or resources to assist in the enforcement of Federal immigration law or to gather or disseminate information on the status of individuals in the City of Berkeley unless required by federal law.
2. No department, agency, commission, officer or employee shall deny access to any city services or benefits to residents on the basis of their immigration status.
3. The prohibition set forth shall include but not be limited to:
  - a. Assisting or cooperating, in one's official capacity, with any Department of Homeland Security (DHS) investigation, detention, or arrest procedures, whether public or covert, including but not limited to any such procedures in schools, after-school programs, hospitals, health centers, or places of worship, relating to alleged violations of the civil provision of federal immigration law, except as required by federal law.
  - b. Requesting information or data about, or disseminating information regarding, the immigration status of any individual, except as required by federal law.
  - c. Including on any application, questionnaire or interview form used in relation to benefits, services or opportunities provided by the City of Berkeley any question regarding immigration status, except as required by federal law.
4. It is the policy of the City of Berkeley to not allow any individual or organization to enter city facilities if their presence would disrupt city operations. Because the City Council believes that ICE activities in city facilities would constitute a severe disruption to the provision of city services, any request by ICE to any City officer or employee shall be immediately assessed for legality through the City Attorney to ensure the safety of city employees and residents accessing city services and compliance with applicable state and federal laws.

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<sup>1</sup>See Resolution 44,784-N.S., Resolution No. 52, 558-N.S., and Resolution 67,763-N.S. Reaffirming Berkeley's Status as a City of Refuge. This was further refined with Resolution 68, 131-N.S. Amending of Refuge Policy Regarding Interaction with U.S. Immigration and Customs Enforcement.

5. Except in limited circumstances where ICE agents have a valid judicial warrant, after review and consultation with the City Manager and City Attorney, city departments, agencies, commissions, officers or employees are **not required to:**

- Cooperate with ICE agents
- Answer ICE agents' questions or provide any protected data
- Comply with an ICE Administrative Warrant
- Immediately comply with a subpoena served by ICE agents
- Speak with ICE agents at all

6. City officers or employees shall not consent to a ~~warrantless~~ search by ICE agents of a non-public area or non-public city records, without a valid judicial warrant.

7. If any person asks questions regarding their immigration status to City staff (while working in their official capacity), City staff shall not refer them to Immigrations and Customs Enforcement (ICE) or any other government agency. Instead City staff shall refer such individuals to local non-profit immigration law organizations. A list of such organizations shall be compiled and disseminated at City buildings and on the City's website. The City Manager is also encouraged to increase and enhance partnerships with community-based organizations, legal service providers, and educational institutions to provide resources for families and City residents facing deportation or other adverse immigration actions.

8. All requests for documents or protected data by ICE to City personnel shall be immediately forwarded to the City Manager for review and consultation with the City Attorney to ensure the safety of city employees and residents, and compliance with applicable state and federal laws.

### BACKGROUND

The City of Berkeley was the first City in the Nation to declare itself a City of Refuge in 1971 (Resolution 44,784-N.S.) and the first City to support the "New Border Vision", in 2020, to encourage Congress to expand public safety, protect human rights, and welcome people to our communities.

Berkeley reaffirmed its City of Refuge status in 1986 (Resolution No. 52,596-N.S.), 2007 (Resolution No. 63,711-N.S.), 2015 (Resolution No. 67,325-N.S.), 2016 (Resolution No. 67,598-N.S. & No. 67,763-N.S.) and 2017 (Resolution No. 68,131-N.S.).

In early 2017, a Sanctuary City Task Force was convened, which brought immigration and civil rights groups, faith leaders, legal experts, school and university officials, and community activists together to discuss ways to strengthen our City of Refuge policy, as well as support our undocumented community members.

The Sanctuary City Task Force and working groups developed resources and protocols to clarify the rights of undocumented individuals and city/community partners in the case of U.S. Immigration & Customs Enforcement (ICE) enforcement activity.

All City of Berkeley Departments and employees of the City of Berkeley, including the Berkeley Police Department, have committed to not comply with ICE officers lacking a valid judicial warrant.

The Berkeley School Board passed a sanctuary campus policy in December 2017 which articulated restrictions on information sharing, providing access to school facilities, and collaboration with Immigration officials. Berkeley City College, UC Berkeley, and University Lutheran Chapel have adopted similar policies.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None associated with this item.

CONTACT PERSON

Councilmember Brent Blackaby   Council District 6   510-981-7160

Attachments:

1: Resolution

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

REAFFIRMING BERKELEY AS A SANCTUARY CITY

WHEREAS, the residents of Berkeley have a long history and deep commitment to welcoming immigrants, refugees, and those in exile; and

WHEREAS, the Berkeley community believes in protecting all of our residents and letting them know they are safe, regardless of their immigration status; and

WHEREAS, the City of Berkeley was the first City in the Nation to declare itself a City of Refuge in 1971 (Resolution 44,784-N.S.) and the first City to support the “New Border Vision”, in 2020, to encourage Congress to expand public safety, protect human rights, and welcome people to our communities; and

WHEREAS, Berkeley reaffirmed its City of Refuge status in 1986 (Resolution No. 52,596-N.S.), 2007 (Resolution No. 63,711-N.S.), 2015 (Resolution No. 67,325-N.S.), 2016 (Resolution No. 67,598-N.S. & No. 67,763-N.S.) and 2017 (Resolution No. 68,131-N.S.); and

WHEREAS, as of 2023, 21.3% of Berkeley’s population are immigrants of varying statuses, with undocumented, DACA, and TPS holders most vulnerable to the incoming administration’s threats of discrimination and deportation; and

WHEREAS, multiple studies have proven that jurisdictions that provide sanctuaries are safer and economically more prosperous compared to other jurisdictions – including a 2017 report by the Center for American Progress that shows on average there are 35.5 fewer crimes committed per 10,000 people in sanctuary jurisdictions, the average annual income is \$4,353 higher, the poverty rate is 2.3% lower, and unemployment is 1.1% lower; and

WHEREAS, in the interest of promoting public safety, it is important to create an environment in which people feel comfortable interacting with local law enforcement, not eroding that trust by permitting local police officers to assist federal immigration enforcement; and

WHEREAS, in early 2017, a Sanctuary City Task Force was convened, which brought immigration and civil rights groups, faith leaders, legal experts, school and university officials, and community activists together to discuss ways to strengthen our City of Refuge policy, as well as support our undocumented community members; and

WHEREAS, the Task Force and working groups developed resources and protocols to clarify the rights of undocumented individuals and city/community partners in the case of U.S. Immigration & Customs Enforcement (ICE) enforcement activity; and



WHEREAS, the Task Force created procedures to help City Staff act in accordance with Berkeley's Sanctuary City status, should ICE agents contact city officials or visit city facilities or engage with city staff to collect information, or request assistance with arresting any undocumented or naturalized resident or visitor beyond what is required by federal law; and

WHEREAS, all City of Berkeley Departments and employees of the City of Berkeley, including the Berkeley Police Department, have committed to not comply with ICE officers lacking a valid judicial warrant; and

WHEREAS, the Berkeley School Board passed a similar sanctuary campus policy in December 2017 which articulated restrictions on information sharing, providing access to school facilities, and collaboration with Immigration officials; and

WHEREAS, the Berkeley School Board will soon consider at an upcoming meeting to reaffirm the 2017 Berkeley Unified School District Sanctuary Campus Policy (Resolution 17-050), which articulated restrictions on information sharing, providing access to school facilities, and collaborating with immigration officials; and

WHEREAS, Berkeley City College, UC Berkeley, and University Lutheran Chapel have adopted similar policies; and

WHEREAS, California State Superintendent of Instruction Tony Thurmond champions the bill introduced by Senate Majority Leader Lena Gonzalez SB 48 to Keep Immigration and Customs Enforcement Off of School Campuses, Protecting School Attendance and Funding Amid Deportation Threats; and

WHEREAS, hospitals, clinics, schools, and public transportation are key locations of direct services that immigrants rely on for basic needs and are vulnerable to deportation raids from federal immigration enforcement officers; and

WHEREAS, faith communities and other Community Based Organizations (CBOs) play a vital role by protecting essential human rights and offering support to refugees and undocumented immigrants, requiring commitments from local governments to stand with these institutions and protect them from federal deportation raids or other attacks; and

WHEREAS, the incoming Trump administration has campaigned on threats of mass deportation and has indicated its intent to rescind the longstanding federal policy restricting immigration enforcement activity at schools, after-school programs, hospitals, community health centers, and places of worship; and

WHEREAS, in light of the beginning of the Trump administration's term, the City of Berkeley must remind the community and City Staff of Berkeley's status as a Sanctuary City and a City of Refuge.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it reaffirms that the City of Berkeley is a City of Refuge and a Sanctuary City, and that the following restrictions on the use of City funds and resources shall be applied relating to enforcement of federal immigration law:

1. No department, agency, commission, officer or employee of the City of Berkeley shall use any City funds or resources to assist in the enforcement of Federal immigration law or to gather or disseminate information on the status of individuals in the City of Berkeley unless required by federal law.
2. No department, agency, commission, officer or employee shall deny access to any city services or benefits to residents on the basis of their immigration status.
3. The prohibition set forth shall include but not be limited to:
  - a. Assisting or cooperating, in one's official capacity, with any Department of Homeland Security (DHS) investigation, detention, or arrest procedures, including but not limited to any such procedures in schools, after-school programs, hospitals, health centers or places of worship, whether public or clandestine, relating to alleged violations of the civil provision of federal immigration law, except as required by federal law.
  - b. Requesting information about, or disseminating information regarding, the citizenship, immigration status, or birth country of any individual, except as required by federal law.
  - c. Including on any application, questionnaire or interview form used in relation to benefits, services or opportunities provided by the City of Berkeley, any question regarding immigration status, except as required by federal law.
4. It is the policy of the City of Berkeley to not allow any individual or organization to enter city facilities if their presence would disrupt city operations. Because the City Council believes that ICE activities in city facilities would constitute a severe disruption to the provision of city services, any request by ICE to any City officer or employee shall be immediately assessed for legality through the City Attorney to ensure the safety of city employees and residents accessing city services and compliance with applicable state and federal laws.

5. Except in limited circumstances where ICE agents have a valid judicial warrant, after review and consultation with the City Manager and City Attorney, city departments, agencies, commissions, officers or employees are **not required to**:

- Cooperate with ICE agents
- Answer ICE agents' questions or provide any protected data
- Comply with an ICE Administrative Warrant
- Immediately comply with a subpoena served by ICE agents
- Speak with ICE agents at all

6. City officers or employees shall not consent to a ~~warrantless~~ search by ICE agents of a non-public area or non-public city records, without a valid judicial warrant.

7. If any person asks questions regarding their immigration status to City staff (while working in their official capacity), City staff shall not refer them to ICE or any other government agency. Instead, City staff shall refer such individuals to local non-profit immigration law organizations. A list of such organizations shall be compiled and disseminated at City buildings and on the City's website. The City Manager is also encouraged to increase and enhance partnerships with community-based organizations, legal service providers, and educational institutions to provide resources for families and City residents facing deportation or other adverse immigration actions.

8. All requests for documents or protected data by ICE to City personnel shall be immediately forwarded to the City Manager for review and consultation with the City Attorney to ensure the safety of city employees and residents, and compliance with applicable state and federal laws.

BE IT FURTHER RESOLVED that the City of Berkeley stands in solidarity with the Berkeley School Board, Berkeley City College, UC Berkeley, University Lutheran Chapel, and other schools, medical institutions, or places of worship that have committed to similar sanctuary policies to protect the residents of Berkeley, regardless of their immigration status.

BE IT FURTHER RESOLVED that the City of Berkeley offers its support and protection to local CBOs and faith communities offering safety and protection to immigrants in the face of direct threats from federal agencies.

BE IT FURTHER RESOLVED that the Council shall refer to the City Attorney to explore the possibility of pledging the City's legal support to help local CBOs and other "sensitive sites", such as schools, after-school programs, hospitals, community health centers, and places of worship, defend themselves against civil litigation.

BE IT FURTHER RESOLVED that the City Council will collaborate with the boards of BART, AC Transit, East Bay Regional Parks District, UC and CSU systems, Peralta

Community College District, and county hospital systems to ensure that the Right to Sanctuary is protected on a regional level.

BE IT FURTHER RESOLVED that the City of Berkeley calls on other Bay Area and California cities to reaffirm their commitments to sanctuary and pass legislation that protects all California residents.

BE IT FURTHER RESOLVED that the City of Berkeley calls on the California legislature to pass SB 48 to Keep Immigration and Customs Enforcement Off of School Campuses, Protecting School Attendance and Funding Amid Deportation Threats.

BE IT FURTHER RESOLVED that copies of this resolution, including any future amendments thereto, shall be transmitted to every department, agency and commission, and employee of the City of Berkeley; to our Alameda County, California, and Congressional representatives; and to the mayors of the rest of the Bay Area cities.

BE IT FURTHER RESOLVED that the City of Berkeley will continue to seek additional ways to enact protections for undocumented immigrants in our community.



Brent Blackaby  
Councilmember District 6

CONSENT CALENDAR

January 21, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Blackaby (Author), Mayor Ishii (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor), Councilmember Taplin (Co-Sponsor)

Subject: Reaffirming Berkeley as a Sanctuary City

RECOMMENDATION

Adopt a Resolution reaffirming Berkeley as a Sanctuary City and asking the City Clerk to send a copy to each City Department Director, requesting they inform their staff of the City's Sanctuary City standing and the City's policies and procedures regarding staff interaction with U.S. Immigration & Customs Enforcement (ICE) related to enforcement of federal immigration law.

Additionally, refer to the City Attorney to explore the possibility of pledging the City's legal support to help "sensitive sites" defend themselves against civil litigation.

Additionally, the Mayor will create a taskforce of Councilmembers, Community Based Organizations (CBOs), immigration and civil rights organizations, faith leaders, legal experts, school and university officials, and community activists to continually assess threats to Berkeley's immigrant communities and participate in the process of codifying Berkeley's Sanctuary protections through a city ordinance.

FINANCIAL IMPLICATIONS

None

CURRENT SITUATION AND ITS EFFECTS

In light of the incoming Trump administration's threats of mass deportations and plans to rescind the long-standing federal policy restricting ICE arrests in sensitive areas such as schools, after-school programs, hospitals, community health centers, and places of worship, it is incumbent upon the City of Berkeley to reaffirm to the community its status as a Sanctuary City and to reassert policies and procedures to guide and support staff should ICE officials contact city officials or visit city offices to ask questions, collect information, or request assistance with arresting any undocumented or naturalized resident or visitor beyond what is legally required.

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### BACKGROUND

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All City of Berkeley Departments and employees of the City of Berkeley, including the Berkeley Police Department, have committed to not comply with ICE officers lacking a valid judicial warrant.

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ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None associated with this item.

CONTACT PERSON

Councilmember Brent Blackaby   Council District 6   510-981-7160

Attachments:

1: Resolution



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

REAFFIRMING BERKELEY AS A SANCTUARY CITY

WHEREAS, the residents of Berkeley have a long history and deep commitment to welcoming immigrants, refugees, and those in exile; and

WHEREAS, the Berkeley community believes in protecting all of our residents and letting them know they are safe, regardless of their immigration status; and

WHEREAS, the City of Berkeley was the first City in the Nation to declare itself a City of Refuge in 1971 (Resolution 44,784-N.S.) and the first City to support the “New Border Vision”, in 2020, to encourage Congress to expand public safety, protect human rights, and welcome people to our communities; and

WHEREAS, Berkeley reaffirmed its City of Refuge status in 1986 (Resolution No. 52,596-N.S.), 2007 (Resolution No. 63,711-N.S.), 2015 (Resolution No. 67,325-N.S.), 2016 (Resolution No. 67,598-N.S. & No. 67,763-N.S.) and 2017 (Resolution No. 68,131-N.S.); and

WHEREAS, as of 2023, 21.3% of Berkeley’s population are immigrants of varying statuses, with undocumented, DACA, and TPS holders most vulnerable to the incoming administration’s threats of discrimination and deportation; and

WHEREAS, multiple studies have proven that jurisdictions that provide sanctuaries are safer and economically more prosperous compared to other jurisdictions – including a 2017 report by the Center for American Progress that shows on average there are 35.5 fewer crimes committed per 10,000 people in sanctuary jurisdictions, the average annual income is \$4,353 higher, the poverty rate is 2.3% lower, and unemployment is 1.1% lower; and

WHEREAS, in the interest of promoting public safety, it is important to create an environment in which people feel comfortable interacting with local law enforcement, not eroding that trust by permitting local police officers to assist federal immigration enforcement; and

WHEREAS, in early 2017, a Sanctuary City Task Force was convened, which brought immigration and civil rights groups, faith leaders, legal experts, school and university officials, and community activists together to discuss ways to strengthen our City of Refuge policy, as well as support our undocumented community members; and

WHEREAS, the Task Force and working groups developed resources and protocols to clarify the rights of undocumented individuals and city/community partners in the case of U.S. Immigration & Customs Enforcement (ICE) enforcement activity; and

WHEREAS, the Task Force created procedures to help City Staff act in accordance with Berkeley's Sanctuary City status, should ICE agents contact city officials or visit city facilities or engage with city staff to collect information, or request assistance with arresting any undocumented or naturalized resident or visitor beyond what is required by federal law; and

WHEREAS, all City of Berkeley Departments and employees of the City of Berkeley, including the Berkeley Police Department, have committed to not comply with ICE officers lacking a valid judicial warrant; and

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WHEREAS, the incoming Trump administration has campaigned on threats of mass deportation and has indicated its intent to rescind the longstanding federal policy restricting immigration enforcement activity at schools, after-school programs, hospitals, community health centers, and places of worship; and

WHEREAS, in light of the beginning of the Trump administration's term, the City of Berkeley must remind the community and City Staff of Berkeley's status as a Sanctuary City and a City of Refuge.

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2. No department, agency, commission, officer or employee shall deny access to any city services or benefits to residents on the basis of their immigration status.
3. The prohibition set forth shall include but not be limited to:
  - a. Assisting or cooperating, in one's official capacity, with any Department of Homeland Security (DHS) investigation, detention, or arrest procedures, including but not limited to any such procedures in schools, after-school programs, hospitals, health centers or places of worship, whether public or clandestine, relating to alleged violations of the civil provision of federal immigration law, except as required by federal law.
  - b. Requesting information about, or disseminating information regarding, the citizenship, immigration status, or birth country of any individual, except as required by federal law.
  - c. Including on any application, questionnaire or interview form used in relation to benefits, services or opportunities provided by the City of Berkeley, any question regarding immigration status, except as required by federal law.
4. It is the policy of the City of Berkeley to not allow any individual or organization to enter city facilities if their presence would disrupt city operations. Because the City Council believes that ICE activities in city facilities would constitute a severe disruption to the provision of city services, any request by ICE to any City officer or employee shall be immediately assessed for legality through the City Attorney to ensure the safety of city employees and residents accessing city services and compliance with applicable state and federal laws.

5. Except in limited circumstances where ICE agents have a valid judicial warrant, after review and consultation with the City Manager and City Attorney, city departments, agencies, commissions, officers or employees are **not required to**:

- Cooperate with ICE agents
- Answer ICE agents' questions or provide any protected data
- Comply with an ICE Administrative Warrant
- Immediately comply with a subpoena served by ICE agents
- Speak with ICE agents at all

6. City officers or employees shall not consent to a search by ICE agents of a non-public area or non-public city records, without a valid judicial warrant.

7. If any person asks questions regarding their immigration status to City staff (while working in their official capacity), City staff shall not refer them to ICE or any other government agency. Instead, City staff shall refer such individuals to local non-profit immigration law organizations. A list of such organizations shall be compiled and disseminated at City buildings and on the City's website. The City Manager is also encouraged to increase and enhance partnerships with community-based organizations, legal service providers, and educational institutions to provide resources for families and City residents facing deportation or other adverse immigration actions.

8. All requests for documents or protected data by ICE to City personnel shall be immediately forwarded to the City Manager for review and consultation with the City Attorney to ensure the safety of city employees and residents, and compliance with applicable state and federal laws.

BE IT FURTHER RESOLVED that the City of Berkeley stands in solidarity with the Berkeley School Board, Berkeley City College, UC Berkeley, University Lutheran Chapel, and other schools, medical institutions, or places of worship that have committed to similar sanctuary policies to protect the residents of Berkeley, regardless of their immigration status.

BE IT FURTHER RESOLVED that the City of Berkeley offers its support and protection to local CBOs and faith communities offering safety and protection to immigrants in the face of direct threats from federal agencies.

BE IT FURTHER RESOLVED that the Council shall refer to the City Attorney to explore the possibility of pledging the City's legal support to help local CBOs and other "sensitive sites", such as schools, after-school programs, hospitals, community health centers, and places of worship, defend themselves against civil litigation.

BE IT FURTHER RESOLVED that the City Council will collaborate with the boards of BART, AC Transit, East Bay Regional Parks District, UC and CSU systems, Peralta

Community College District, and county hospital systems to ensure that the Right to Sanctuary is protected on a regional level.

BE IT FURTHER RESOLVED that the City of Berkeley calls on other Bay Area and California cities to reaffirm their commitments to sanctuary and pass legislation that protects all California residents.

BE IT FURTHER RESOLVED that the City of Berkeley calls on the California legislature to pass SB 48 to Keep Immigration and Customs Enforcement Off of School Campuses, Protecting School Attendance and Funding Amid Deportation Threats.

BE IT FURTHER RESOLVED that copies of this resolution, including any future amendments thereto, shall be transmitted to every department, agency and commission, and employee of the City of Berkeley; to our Alameda County, California, and Congressional representatives; and to the mayors of the rest of the Bay Area cities.

BE IT FURTHER RESOLVED that the City of Berkeley will continue to seek additional ways to enact protections for undocumented immigrants in our community.





### **INFORMATION REPORTS**

February 5, 2025

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

#### **Vacancies:**

| <u>Position Title</u>          | <u>Location</u> | <u>FTE</u> | <u>Status</u>         |
|--------------------------------|-----------------|------------|-----------------------|
| Communication Specialist (new) | Administration  | 1          | Pending               |
| Library Aide                   | Circulation     | 3.75       | Pending               |
| Library Assistant              | Circulation     | 1.5        | Recruitment initiated |
| Library Assistant (new)        | Circulation     | 1.5        | Recruitment initiated |
| Library Specialist II (new)    | Circulation     | 1.0        | Pending               |
| Librarian I                    | Claremont       | 1.0        | Pending               |
| Supervising Librarian (new)    | Tool Library    | 1          | Pending               |
| Library Assistant              | Claremont       | 0.75       | Recruitment initiated |
| Tool Lending Specialist (new)  | Tool Library    | 1          | Pending               |

Including the three positions that were added in December, the vacancy rate is 10%.

#### **Youth Poet Laureates 2025**

Teen Librarian Robyn S. and Jacob K. have led another successful Youth Poet Laureate selection process. This year, two youth were selected: Anita Marie Júlca has been chosen as the Berkeley Youth Poet Laureate (YPL), and Adalilly Chu has been chosen as the Vice Youth Poet Laureate (VYPL). Júlca and Chu were chosen from a pool of teen poets attending schools or residing in Berkeley.

This program is part of a partnership with Urban Word and the National Youth Poet Laureate Program which identifies, celebrates and honors teen poets who exhibit a commitment to not just artistic excellence but also civic engagement, youth leadership and social justice. Last year's YPL, Julia Segrè, led poetry workshops at Willard Middle School, performed at multiple city events, and worked with the Berkeley Poet Laureate, Aya de León, to lead workshops at the Bay Area Book Festival.

#### **Haben Girma at West Branch**

Supervising Librarian Sierra C. with support from the West Branch team as well as Equity, Diversity, and Inclusion Manager Dia Penning and Information Technology's Coley M., coordinated a program featuring Haben Girma in conversation with Mychal Threats, exploring disability, mental health, and accessibility.



Haben Girma is a disability rights advocate, the first deafblind graduate of Harvard Law School and author of ***Haben: The Deafblind Woman Who Conquered Harvard Law***. Mychal Threets is a former librarian in the Solano County Library system, who has more recently worked on special projects and advocacy around mental health, literacy, and inclusion. The two engaged a standing-room only crowd, with additional attendees watching the program on a screen in another part of the library. An ASL interpreter accompanied Girma and Threets, and Girma was able to engage with Threets and attendees through a system she developed where a typist inputs spoken conversation into a keyboard that is linked via Bluetooth to a real-time Braille reader so that Girma can participate in the conversation in real time. She then answered using spoken English. Congratulations to the staff for offering such a valued, impactful program.







### All Staff Meeting on January 31

On Friday, January 31, the quarterly All Staff meeting was held from 9-10:30am, to allow for people to return to their locations for a late opening. New staff were introduced, Deputy Henry Bankhead provided an overview of the Technology Roadmap, and staff discussed their team strategic planning goals.

Seven staff were recognized for their 5, 10, and in one case, 30-year anniversaries at Berkeley Public Library: Jamal C., Kasey B., Kelsey O., Brianna B., Courtney K., Leticia C., and Rosie M.

### Strategic Planning Update

The next phase of implementation of the Library's [new strategic plan](#) involves each division developing its own goals for the year. Teams are considering how to align their work with the three primary Focus Areas identified in the plan, and their associated goals. In preparation for this part of the process, the Library Council, made up of managers, supervisors, and divisional leaders participated in a training called [Building Authentic Relationships with Underserved Communities](#) offered through the [WebJunction](#) platform. This training emphasizes the importance of building relationships with systematically excluded communities in our efforts to identify service needs and priorities.

Our strategy reflects perspectives from the Library's patron community, staff, and leadership.

We are committed to the recommended actions that will help the Library achieve its mission and vision.



## STRATEGIC FOCUS AREAS

**1** PATRON EXPERIENCE  
& EQUITABLE ACCESS

**2** COMMUNITY-CENTERED  
COLLABORATION

**3** A DYNAMIC &  
RESPONSIVE SERVICE  
ORGANIZATION

## MISSION

Empower, inspire,  
and eliminate barriers  
with resources and  
experiences.

## VISION

Evolve and respond to  
the changing needs of  
the community.

## VALUES

**WELCOME** We wholeheartedly embrace the diversity within our community and strive to cultivate an environment where all are heard, valued, and feel safe and represented. We are dedicated to eliminating systemic barriers in access to resources and services.

**JOY** We foster a culture of learning, curiosity, and innovation. Our commitment is evident in our diverse collection of books, digital materials and interactive programs for all ages to explore, imagine and enjoy.

**COLLABORATE** We value collaboration and partnerships as catalysts for positive change. We actively seek opportunities to come together with community members to address evolving community needs, support collective action, foster innovation, and create impactful programs and initiatives.

### CONTACT PERSON

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