

**Peace and Justice Commission  
Regular Meeting**

**North Berkeley Senior Center  
February 4, 2002**

**MINUTES**

The meeting convened at 7:05 p.m. with Anne Wagley, chairperson, presiding.

**ROLL CALL**

Present: Mana Barari, Elliot Cohen, Steven Freedkin, Stephen Glatt, Mark McDonald, Robert Stephen Rose, Anne Wagley

Absent: John Lavine

**COMMENTS FROM THE PUBLIC**

Harry Wiener, regarding the defense of the Constitution.

Pamela Sihvola, Committee to Minimize Toxic Waste, regarding item #9 on the agenda, proposal to ban all trips to the Lawrence Hall of Science for Berkeley Unified School District students.

**ACTION ON MINUTES**

M/S/C (Freedkin, Cohen) to approve the minutes for the regular meeting of January 7, 2002. Ayes: Cohen, Freedkin, McDonald, Rose, Wagley; Abstain: Barari; Absent: Glatt, Lavine.

Commissioner Barari abstained from the vote because she was not present for the regular meeting of January 7, 2002.

**PRESENTATION:**

Kate Clayton, Department of Health and Human Services, regarding the collaborative projects between the University of California, San Francisco Center for Healthy and Active Aging and the City's Chronic Disease Prevention Program.

**ACTIONS TAKEN:**

**Emergency Agenda Item:**

M/S/C (Wagley, Freedkin) to add to the agenda an emergency item on the discussion of a proposal to support the efforts of the Claremont Spa and Salon workers to unionize because the Council is considering recommendations on the issue at its meeting of February 5, 2002. Ayes: Unanimous; Absent: Lavine.

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### BUSD Policy Manual:

M/S/C (Freedkin, Wagley) WHEREAS, Berkeley Municipal Code (BMC) Chapter 3.68, establishes the Peace and Justice Commission as advisory to both the City Council of Berkeley and the Board of the Berkeley Unified School District (BUSD); and

WHEREAS, each BUSD Director is entitled to appoint one member to the Peace and Justice Commission; and

WHEREAS, the Peace and Justice Commission cannot discharge its statutory obligation to advise the BUSD Board if there is no established procedure ensuring that recommendations from the Commission are placed before the BUSD Board for consideration; and

WHEREAS, the BUSD has in its Policy Manual a set of policies governing how it shall receive and address recommendations from ad-hoc advisory committees it may create; and

WHEREAS, the BUSD does not have in its Policy Manual any corresponding policies governing how it shall receive and address recommendations from City Commissions, such as the Peace and Justice Commission and Youth Commission, that by the Berkeley Municipal Code are advisory to the BUSD Board; and

WHEREAS, an attempt to submit a proposal to the BUSD Board by the Peace and Justice Commission was turned away by BUSD administrative staff, who advised the Secretary of the Peace and Justice Commission that the Commission must find an individual BUSD Director to place the item on the agenda; and

WHEREAS, the Berkeley City Council has established procedures whereby recommendations from City Commissions are placed on the Council agenda, with the City Manager having the opportunity to offer a recommendation; and

WHEREAS, a BUSD policy for handling recommendations from City Commissions similar to the Berkeley City Council's procedures, and to the existing BUSD procedures for recommendations from BUSD ad-hoc committees, would probably clarify and enable the BUSD Board and the Peace and Justice Commission to meet their statutory obligations.

NOW THEREFORE, BE IT RESOLVED that the BUSD Board amends the BUSD Policy Manual to include the following language:

#### City Commissions

- A. Introduction. This section regulates the Board's response to City of Berkeley Commissions that are advisory to the Board, or to the Board and other bodies, such as the Berkeley City Council.
- B. Board Guidelines. The Board shall:

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1. Appoint members to each City Commission where the Board has appointment authority according to the provisions of that authority.
2. Respond to recommendations of such City Commissions by scheduling Board discussion within three weeks of the receipt of such recommendations.

C. Administrative Guidelines. The administration shall:

1. Provide analyses of the budgetary and other implications of any recommendations by such City Commissions, at the option of the administration or the request of the Board.

Trips to Lawrence Hall of Science:

M/S/C (McDonald, Freedkin) to approve the following Resolution and forward to the Berkeley Unified School Board:

WHEREAS, in accordance with Berkeley Municipal Code (BMC) section 3.68.070.A, it is the function of the Peace and Justice Commission to advise the Berkeley City Council and the Berkeley Unified School Board on all matters relating to the City of Berkeley's role in issues of peace and social justice; and

WHEREAS, in accordance with BMC section 3.68.070.C, it is the function of the Peace and Justice Commission to help develop proposals for the City Council and the School Board for actions in furtherance of the goals of peace and justice, and help publicize such actions in the community; and

WHEREAS, because there is no safe method for the disposal of radioactive waste, the City of Berkeley, pursuant to its Nuclear Free Zone ordinance, finds there can be no valid purpose served by locating a radioactive waste disposal facility within our community, and further believes that research on the disposal of radioactive material should take place at an already established facility in a location less populated and less vulnerable to earthquakes and fire than the City of Berkeley; and

WHEREAS, Berkeley's schoolchildren, while on Berkeley Unified School District property or on school-sanctioned trips, depend on their adult representatives to protect them from unreasonable exposure to dangerous substances which can cause disease or death as they are incapable of assessing these risks for themselves; and

WHEREAS, exposure to tritium, a radioactive isotope of hydrogen, has been directly linked to higher levels of leukemia, other cancers, infertility and other genetic maladies; and

WHEREAS, exposure to hazardous substances like dioxin, certain chemicals, heavy metals and others, has been directly linked to many diseases and types of cancer; and

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WHEREAS, for over 30 years the building at Lawrence Berkeley National Laboratory (LBNL) now called the Tritium Labeling Facility dumped tritium vapor out a stack 25 feet from the fence of the Lawrence Hall of Science Museum and high levels of tritium contamination has been measured in the air, soil, vegetation and groundwater causing the site to be eligible for Superfund clean-up status under CERCLA; and

WHEREAS, in order to alleviate a dangerous backlog of mixed waste, hazardous substances that are also radioactive, LBNL conducted in secret an experimental oxidation-incineration process (treatability study) for two years until a serious accident on July 24, 1998, caused the release of at least 50 curies of tritium and an unknown amount of unknown hazardous waste; and

WHEREAS, LBNL failed to warn or evacuate students, teachers and workers at the Lawrence Hall of Science Museum, waiting 10 days before notifying the public; and

WHEREAS, now that the Tritium Labeling Facility has been defunded by National Institute for Health for lack of worthwhile research, LBNL has restarted the mixed waste oxidation-incinerator, a dangerous, experimental, and imperfect process that regularly vents portions of its discharge onto the Lawrence Hall of Science Museum.

NOW THEREFORE, BE IT RESOLVED that the Berkeley Unified School Board prohibits all school-sponsored trips to the Lawrence Hall of Science Museum by Berkeley students while the oxidation-incineration of mixed waste is occurring adjacent to the site.

BE IT FURTHER RESOLVED, that the Berkeley Unified School Board request the installation and utilization of warning sirens for evacuation purposes in the event of another accident while Berkeley students are at the Lawrence Hall of Science Museum. This should require some coordination with museum management and personnel. Ayes: Unanimous; Absent: Lavine.

### Letter to Linking Peace and Life:

M/S/C (Wagley, McDonald) to send the following letter to Linking Peace and Life congratulating them on their conference.

The Peace and Justice Commission of the City of Berkeley congratulates Linking Peace and Life on their conference.

We were very pleased to meet with Misao Inoue and the delegation on their visit to Berkeley, California, and to introduce them to the Berkeley City Council.

We appreciate the support Linking Peace and Life has given the Berkeley City Council's resolution on Afghanistan. We support your belief that ending poverty and increasing understanding between nations is the only way to end terrorism and violence.

The City of Berkeley has a long tradition of public participation in local politics. There are forty-two (42) commissions in the City, which are advisors to the City Council on issues such as planning, aging, homelessness, youth, and peace and justice.

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Commission members are appointed by City Councilmembers, but they act independently. Commission hold monthly meetings, and at each meeting there is a time for the public to speak to the commission. Citizens can also write, telephone or e-mail commission members about their concerns.

Commissions work to put the issues into written recommendations to the City Council.

With forty-two (42) commissions, the Council of the City of Berkeley is well informed about the issues that concern City residents.

The Peace and Justice Commission has heard from Berkeley residents on issues of war, nuclear weapons and nuclear research, protection of refugees, the death penalty, and sentencing laws in the criminal justice system. Many of our recommendations have gone on to be passed by the Berkeley City Council. And many of these resolutions are also sent to state and national leaders, including the President.

It is very important that local communities have a voice in their government. It is also important the local communities be able to communicate their concerns on larger national and international issues. Promoting awareness of peace and human rights is important at all times, and especially important in times of war.

The Peace and Justice Commission has recently heard from concerned local residents on the militarism and retaliatory measures of the Bush Administration, on the threats to civil liberties of new laws in the United States, and the concern for the protection of Arab and Muslims in the United States.

We are pleased that our friends in Japan share these concerns. It is important for communities around the world to unite in their concern for human rights, in a movement of “peaceful globalization”.

We thank Linking Peace and Life for visiting us in Berkeley, and we wish you success for your conference in Japan. Ayes: Unanimous; Absent: Lavine.

### Representative at Linking Peace and Life Conference:

M/S/C (Wagley, Freedkin) the Peace and Justice Commission authorizes Commissioner Rose to represent the Peace and Justice Commission at the Linking Peace and Life Conference in Japan in February 2002. Ayes: Unanimous; Absent: Lavine.

### Grant: University of California, San Francisco:

M/S/C (Cohen, McDonald) We, the Peace and Justice Commission, taking into consideration those factors specified by section 12.90.070 of the Nuclear Free Berkeley Act finds that the formative evaluation project to assess issues related to physical activity among older adults in Berkeley, and the 3-year project to reduce identified health disparities in mortality due to chronic disease by establishing an effective, ongoing physical activity promotion program between the

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City of Berkeley Department of Health and Human Services and the University of California, San Francisco Center for Healthy and Active Aging qualify for a waiver of the Nuclear Free Berkeley Act. These specific programs satisfy the intent and purpose of the Act in that the projects in no way further nuclear weapons work and directs funds and resources towards needed human and social services for the elderly and health care, which are purposes specifically stated as being within the intent of the act (12.90.030E).

Furthermore, we are not aware of any alternative provider that is offering these services and believe there would be quantifiable additional cost to obtaining these services elsewhere. Ayes: Barari, Cohen, Glatt, McDonald, Rose, Wagley; Abstain: Freedkin; Absent: Lavine.

Commissioner Freedkin abstained from the vote due to concerns about setting a precedent by referring to specific sections of the Nuclear-Free Berkeley Act.

### Claremont Resort Spa and Salon Workers:

M/S/C (Barari, Cohen) That the Peace and Justice Commission supports the unionization efforts of the Claremont Resort Spa and Salon Workers and urges the City Council to adopt a resolution in support of the unionization efforts of these workers. Ayes: Unanimous; Absent: Lavine.

### Election of Officers:

M/S/C (Cohen, McDonald) that Anne Wagley continue to serve as chair of the Peace and Justice Commission for the next year. Ayes: Barari, Cohen, Freedkin, Glatt, McDonald, Rose; Abstain: Wagley; Absent: Lavine.

M/S/C (Freedkin, Wagley) that Commissioner Elliot Cohen serve as vice chair of the Peace and Justice Commission for the next year. Ayes: Barari, Freedkin, Glatt, McDonald, Rose, Wagley; Abstain: Cohen; Absent: Lavine.

### **NEXT MEETING:**

The next meeting will be on Monday, March 4, 2002 at 7:00 pm in the North Berkeley Senior Center.

The meeting was adjourned at 10:35 pm.

Respectfully submitted,

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Manuel Hector, Secretary  
Peace and Justice Commission