

**Peace and Justice Commission  
Regular Meeting**

**North Berkeley Senior Center  
April 7, 2003**

**MINUTES**

The meeting convened at 7:05 pm with Chairperson Anne Wagley, presiding.

**ROLL CALL**

Present: Roya Arasteh, Donald Brody, Leslieann Cachola, Elliot Cohen, Sandy Curtis, Steven Freedkin, Mary Heinze, John Lavine, Mark McDonald, Thom Seaton, Michael Sherman, Anne Wagley, David Weinberg, Nicholas Yuen

Absent: Robert Rose

NOTE: Leuren Moret was not eligible to serve as a temporary replacement for Robert Rose at the regular meeting of April 7, 2003. The appointing Councilmember failed to file notice with the Office of the City Clerk that she was granting a leave of absence for her appointee and that the vacancy was being filled on a temporary basis. As a result, Ms. Moret's attendance and vote on motions will not be reflected in the minutes. In addition, the minutes will reflect that Mr. Rose was absent from the meeting.

**COMMENTS FROM THE PUBLIC**

Patrick Keilch regarding the 9/11 investigations and the war on terrorism.

Pamela Shivola regarding the molecular foundry.

**ACTION ON MINUTES**

None.

**PRESENTATIONS**

Bunjiro Hara of the Network for Refugee Law Reform on refugees being held in detention centers in Japan.

**ACTIONS TAKEN**

**STRATEGIC DISTRIBUTION OF POLICY RECOMMENDATIONS**

**M/S/F** (*Freedkin, Lavine*) **WHEREAS**, BMC § 3.68.070 states that the Peace and Justice Commission "shall ... (A) 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**, BMC § 3.68.070 states that the Peace and Justice Commission "shall ... (B) Help create citizen awareness around issues of social justice and develop educational programs for implementation by the City Council and the School Board; and

**WHEREAS**, BMC § 3.68.070 states that the Peace and Justice Commission "shall ... (J) Provide information to other municipalities and school districts on the work of the commission, and exchange information on actions taken by cities and the School Board in furtherance of the goals of the commission; and

**WHEREAS**, BMC § 3.68.070 states that the Peace and Justice Commission "shall ... (L) Perform such other functions and duties as may be directed by the City Council or prescribed or authorized by any ordinance of the City, and such other functions and duties not prohibited by City Council which the commission should decide are consistent with its overall function of promoting peace and social justice; and

**WHEREAS**, the City Council has requested that the Peace and Justice Commission "work with staff to...develop a strategic approach for distributing policy recommendations, and to bring back to Council for approval the recommendation on this item and the strategy for future policy recommendations ..."; and

**WHEREAS**, the Chair and Vice Chair of the Peace and Justice Commission met with the City Manager and other members of the City administrative staff and discussed a strategic approach for distributing policy recommendations;

**NOW THEREFORE**, the Peace and Justice Commission offers the following recommendation to the City Council.

**Distribution of Policy Recommendations:**

- Any recommendation from the Peace and Justice Commission to the City Council that includes a request to distribute the recommendation or to send a letter will also include, where appropriate, a general description of the strategy and/or intended outcome for distributing the recommendation.
- Any such recommendation will also include a list of recommended recipients of the recommendation or letter. The distribution list will include a brief statement of why the recommended recipients are on the list.

**Ayes:** Freedkin, Heinze, Lavine, Wagley, Weinberg; **Noes:** Aratesh, Brody, Cohen, Curtis, Seaton, Sherman, Yuen; **Abstain:** Cachola, McDonald; **Absent:** Rose.

Commissioner Cachola abstained because she does not have a sufficient background on the issue. Commissioner McDonald abstained because he is not comfortable with the proposal.

BUDGET PRIORITIES

**M/S/C** (*Freedkin, Wagely*) WHEREAS, Berkeley Municipal Code (BMC) § 3.68.010(E), Findings, states, "Peace is inseparable from justice"; and

WHEREAS, BMC § 3.68.010(K) states, "The residents of Berkeley have continually demonstrated their concern for peace and justice based on equality among all peoples"; and

WHEREAS, BMC § 3.68.030, defining "peace and justice," sets for Berkeley "the goal of creating a world community in which the relations between people are based on equality, respect for human rights, and the abhorrence of exploitation and all forms of oppression"; and

WHEREAS, BMC § 3.68.070 states that the Peace and Justice Commission "shall ... (A) 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, the City Manager and City Council have requested advice from the Peace and Justice Commission and other City commissions regarding priorities to observe in the context of anticipated reductions in revenues from the State of California and other sources.

NOW THEREFORE, BE IT RESOLVED that the Peace and Justice Commission offers the following comments to the City Manager and the City Council:

**Principles for Determining Budget Priorities**

Communities, like individuals and families, show their mettle in times of stress. As cities throughout California suffer under the weight of the energy industry crisis that cost the state billions of dollars; the sputtering economy over the past two years; and the monumental costs of widening war, from terrorism to Afghanistan to Iraq, many communities will be wracked by strife as various parties compete for funds.

The conventional wisdom is that well-heeled interests with the financial and organizational resources, connections, and cultural affinities to influence decision-makers always win out over disadvantaged populations. Thus, those most in need get the smallest piece of a shrinking pie.

Berkeley is a community that can rightly be expected to do better. Our history, our open government, and our diverse and active population can enable us to take a different path. We can demonstrate that it is possible for a community to rise above narrow self-interest and truly live its espoused values of justice and compassion.

We encourage the City Manager and the City Council to appeal to the highest nature of our citizenry. We urge the City to adopt these principles:

**(A) First priority should go to populations that are in need because of past and present inequities.**

Programs that offer a hand up to the most disadvantaged communities by working to redress inequities should have first priority. In other words, those suffering from a legacy of discrimination, and within those populations the most needy, should have the highest priority.

Within the Department of Public Health, for example, the Black Infant Health program addresses the disproportionate percentage of low-weight births to African-American mothers, part of the cumulative damage to health and well being caused by generations of discrimination. Within the populations served, such programs should be targeted first to residents with the lowest incomes or other significant disadvantages.

Second priority should be services for groups that are not necessarily suffering from past discrimination but nonetheless lack the wherewithal to meet critical needs.

**(B) Fees for vital services should be on a sliding scale.**

There is little doubt that fee increases will be considered among the strategies to minimize service reductions. For vital services, the City should maintain a fee structure that does not put up impassable barriers to low-income residents. At the same time, the City should reach out to those residents who can afford to pay more, so that others can also be served. For non-essential functions, the City should be willing to charge higher fees that can help support other, more critical services, and not stick rigidly to a formula that says fees may be used only to support the programs under which the fees are collected.

Similarly, any tax changes adopted to help ease the budget crisis should be on a progressive basis, with the lightest burden on those who can afford it least. This can be done via a progressive scale for a given tax as well as through selection of taxes that would fall most on those with greater means.

**(C) The City should avoid implementing cuts that may be politically palatable but budgetary unhelpful.**

The City should take a long-range view when considering programs for cutbacks. When evaluating how much "bang for the buck" it gets with a program, Berkeley should take into account the effects over time, as well as secondary impacts. Cutting programs that may yield dollar savings today at a cost tomorrow, such as deferring infrastructure maintenance or failing to address incipient social problems, should be considered in the context of their long-term impacts. Creating a more severe budget crisis tomorrow would be irresponsible. Also, if a program brings in substantial outside funding, cutting it may be unproductive, unless there is a good chance that the outside funding can be redirected to more critical needs.

We realize it may be impossible to avoid some cuts of this type. Our recommendation is to fully consider the big-picture/long-term impacts before making such decisions. Perhaps it would be useful to devise a point scale to incorporate "off-budget" and later-year effects of cutbacks into the decision-making equation.

**(D) The budget crisis should not be used as political cover for other agendas.**

It has been suggested that the system of citizen commissions that makes Berkeley so admired throughout the world must be trimmed to cut costs. In an era of multi-million-dollar budget challenges, this is ludicrous. Eliminating most commissions would, in fact, save little money in the short run, and add to city costs in the long run when city staff would need to do much of the work currently done by volunteer commissioners.

In our case, for example, the costs of our Commission include the staff time of our secretary, the use of meeting space, and photocopying and mailing. Our secretary is a salaried professional, so eliminating his duties to the Commission secretary will not save the City one penny. When we arrive at the North Berkeley Senior Center each month for our meeting, there are almost always several unoccupied rooms, so clearly there is little or no lost revenue from our use of a meeting room. Copying and postage expenses are negligible.

This is probably true of most commissions. The only major savings would be staff time for commission secretaries who are hourly or subject to overtime pay. The City could save these funds by assigning exempt salaried employees as secretaries, although it is not clear the disruption and inefficiencies of changing commission secretaries would be worth the small savings.

On the other hand, commissioners provide thousands of volunteer hours addressing important issues that would otherwise have to be handled by the City's professional staff and City Council members. It is quite likely the commissions thereby offer a net financial savings to the City, and reducing could end up costing more.

The budget crisis is real; the City cannot solve it by pursuing phantom savings. Let us all rise above the temptation to misuse this issue to advance other agendas, and instead, address issues head-on, as Berkeley expects of its leaders. **Ayes:** Arasteh, Brody, Cachola, Cohen, Curtis, Freedkin, Heinze, Lavine, McDonald, Sherman, Wagley, Weinberg, Yuen; **Abstain:** Seaton; **Absent:** Rose.

#### WAR AGAINST IRAQ

**M/S/C** (*Freedkin, Cohen*) to endorse a letter urging the United States and Great Britain to let the United Nations oversee post-war Iraq, and not to appoint an arms merchant to oversee Iraq, as is currently planned. **Ayes:** Arasteh, Cachola, Cohen, Freedkin, Lavine, McDonald, Wagley, Yuen; **Noes:** Brody, Curtis, Heinze, Sherman, Weinberg; **Abstain:** Seaton; **Absent:** Rose.

**M/S/C** (*Seaton, Sherman*) to reconsider the vote on the letter urging the United States and Great Britain to let the United Nations oversee post-war Iraq. **Ayes:** Brody, Cachola, Curtis, Heinze, Lavine, Seaton, Sherman, Weinberg; **Noes:** Arasteh, Cohen, Freedkin, McDonald, Wagley, Yuen; **Absent:** Rose.

**M/S/F** (*Freedkin, Cohen*) to endorse a revised letter urging the United States and Great Britain to let the United Nations oversee post-war Iraq, and not to appoint an arms merchant to oversee Iraq, as is currently planned. **Ayes:** Arasteh, Cohen, Freedkin, Lavine, McDonald, Wagley, Yuen; **Noes:** Brody, Cachola, Curtis, Heinze, Seaton, Sherman, Weinberg; **Absent:** Rose.

#### NEXT MEETING

The next regular meeting will be on Monday, May 5, 2003 at 7:00 pm at the North Berkeley Senior Center.

Peace and Justice Commission  
MINUTES – April 7, 2003

The meeting was adjourned at 10:18 pm.

Respectfully submitted

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Manuel Hector Jr., Secretary  
Peace and Justice Commission