



Peace and Justice Commission

Peace and Justice Commission
Regular Meeting

North Berkeley Senior Center
July 12, 2004

MINUTES

The meeting convened at 7:07 pm with Chairperson Leslieann Cachola presiding.

ROLL CALL

Present: Leslieann Cachola, Steven Freedkin, Jane Litman, Rita Maran, Thom Seaton, Michael Sherman, PhoeBe ANNE (sorgen), Anne Wagley, Jamie Wright

Absent: Donald Brody, Elliot Cohen, John Lavine

COMMENTS FROM THE PUBLIC

1. Jesse Ford, Group Hug Productions, regarding peace through art.
2. Patrick Keilch regarding the investigation resolutions.

ACTION ON MINUTES

M/S/C (*Freedkin, sorgen*) to approve the minutes for the regular meeting of June 7, 2004. **Ayes:** Cachola, Freedkin, Litman, Maran, Seaton, Sherman, sorgen; **Noes:** None; **Abstain:** Wagley, Wright; **Absent:** Brody, Cohen, Lavine.

Commissioners Wagley and Wright abstained from the vote because they were not present for the June 2004 meeting.

ACTIONS TAKEN

Resolution on War Crimes

M/S/F (*Sherman, sorgen*) to approve a resolution urging authorized Congressional Committees to conduct investigations of individuals and agencies within the government, who may have provided material aid and support to Saddam Hussein, Afghan Jihadists and drug dealers, the Taliban Government of Afghanistan, or members of Al-Qaeda and forces controlled by them and refer findings to legitimate international bodies which conduct war crime trials under

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international law. **Ayes:** Litman, Maran, Sherman, sorgen, Wagley; **Noes:** None; **Abstain:** Cachola, Freedkin, Seaton, Wright; **Absent:** Brody, Cohen, Lavine.

Immigrant Worker Reform Freedom Ride Coalition

M/S/C (*Litman, Seaton*) to approve a Resolution (Attachment A) supporting the five-point program of the Immigrant Worker Reform Ride Coalition. **Ayes:** Unanimous; **Noes:** None; **Abstain:** None; **Absent:** Brody, Cohen, Lavine.

Convention on the Elimination of all Forms of Discrimination against Women

M/S/C (*Maran, sorgen*) to approve a Resolution (Attachment B) urging the Senate Foreign Relations Committee to again pass the United Nations Convention on the Elimination of all Forms of Discrimination against Women favorably out of Committee, as it did in 2002, and send it to the Senate Floor. **Ayes:** Unanimous; **Noes:** None; **Abstain:** None; **Absent:** Brody, Cohen, Lavine.

Waiver of the Nuclear-Free Berkeley Act

M/S/C (*Freedkin, Sherman*) to approve a Resolution (Attachment C) finding that no reasonable alternative exists after having considered the three criteria stated in section 12.90.070 of the Berkeley Municipal Code, the Nuclear-Free Berkeley Act, for entering into a Memorandum of Understanding (MOU) with the University of California and the City of Albany regarding the construction and maintenance of the Lower Codornices Creek Restoration and Site Improvement Project; and approving a waiver of Section 12.90.070 of the Berkeley Municipal Code for the purposes of entering into this MOU. **Ayes:** Cachola, Litman, Maran, Seaton, Sherman, sorgen, Wagley, Wright; **Noes:** None; **Abstain:** Freedkin; **Absent:** Brody, Cohen, Lavine.

Commissioner Freedkin abstained from the vote because he would like to have had a staff person present from the Department of Parks, Recreation and Waterfront to answer questions concerning groundwater contamination issues and the site.

NEXT MEETING

The next regular meeting will be on Monday, September 13, 2004 at 7:00 p.m. in the North Berkeley Senior Center.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Manuel Hector Jr., Secretary

**ATTACHMENT A
IMMIGRANT WORKER FREEDOM RIDE COALITION**

WHEREAS, the Immigrant Workers Freedom Ride that culminated in a mass demonstration in Washington, DC last year brought national attention to immigrant rights; and

WHEREAS, there is an expectation that national legislation on immigrant law will be a topic of debate and discussion; and

WHEREAS, many Berkeley residents are immigrants or the descendants of immigrants.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley supports the Five Point Program of the Immigrant Worker Freedom Ride Coalition:

I. Legalization

Reward work by granting legal status to hardworking, taxpaying, law-abiding immigrant workers already established in the United States.

II. A Clear Path to Citizenship

Renew our democracy by clearing the path to citizenship and full political participation for our newest Americans.

III. Right to Reunify Families in the United States

Reunite families in a timely fashion by streamlining our outdated immigration policies.

IV. Protection of Workers' Rights

Restore labor protections so that all workers, including immigrant workers, have the right to fair treatment on the job.

V. Protection of Civil Rights

Respect the civil rights and civil liberties of all so that immigrants are treated equally under the law, the federal government remains subject to checks and balances, and civil rights laws are meaningfully enforced.

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to United States Congresswoman Representative Barbara Lee, United States Senators Barbara Boxer and Dianne Feinstein, Governor Arnold Schwarzenegger, Majority Leader Don Peralta, Assembly Member Loni Hancock.

**ATTACHMENT B
CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION
AGAINST WOMEN**

A Resolution relating to the ratification of the United Nations Convention on the Elimination of all Forms of Discrimination against Women:

WHEREAS, the Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly on 18 December 1979, became an international treaty on 3 September, 1981 and by 2004, well over three-quarters of the world's governments, 177 nations, have agreed to be bound by the Convention's provisions; and

WHEREAS, the United States supports and has a position of leadership in the United Nations, and was an active participant in the drafting and is a signatory to the Convention; and

WHEREAS, the spirit of the Convention is rooted in the goals of the United Nations and the United States to affirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women; and

WHEREAS, the Convention provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based on sex against half of the world's population, and the nations in support of the present Convention have agreed to follow Convention prescriptions; and

WHEREAS, although women have made major gains in the struggle for equality in social, business, political, legal, educational, and other fields in this century, there is much yet to be accomplished and, through its support, leadership and prestige, the United States can help create a world where women are no longer discriminated against and have achieved one of the most fundamental of human rights - equality; and

WHEREAS, President George W. Bush and Secretary of State Colin Powell have put this treaty, the United Nations Convention on the Elimination of All Forms of Discrimination against Women, in Category III of priority in order to accelerate the Treaty's passage through the United States Senate Foreign Relations Committee and the full United States Senate with the goal of United States ratification; and

WHEREAS, on 17 November 1997, the City and County of San Francisco adopted Resolution No. 1021-97 and Ordinance No. 128-98 supporting local implementation of the underlying principles of the Convention on the Elimination of All Forms of Discrimination Against Women and urging the United States Senate to ratify the Convention on the Elimination of All Forms of Discrimination Against Women.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley urges the Senate Foreign Relations Committee to again pass this Treaty favorably out of Committee, as it did after Hearings in 2002, and send the Treaty to the Senate Floor.

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BE IT FURTHER RESOLVED, that the Council of the City of Berkeley strongly urges the Senate of the United States to vote favorably to ratify the United Nations Convention on the Elimination of All Forms of Discrimination against Women, and support the Convention's continuing goals.

BE IT FURTHER RESOLVED, that the City Manager shall prepare an ordinance for Council consideration, adopting the operative Articles of the Convention into Berkeley Municipal Code.

BE IT FURTHER RESOLVED, that the City Clerk send copies of this Resolution to the President of the United States, Secretary of State of the United States, President of the United States Senate, Chair and members of the Senate Foreign Relations Committee, California Senators Boxer and Feinstein, and Congresswoman Barbara Lee (9th C.D.)

**ATTACHMENT C
WAIVER OF NUCLEAR-FREE BERKELEY ACT
LOWER CODORNICES CREEK PROJECT**

FINDING THAT NO REASONABLE ALTERNATIVE EXISTS AFTER HAVING CONSIDERED THE THREE CRITERIA STATED IN SECTION 12.90.070 OF THE BERKELEY MUNICIPAL CODE, THE NUCLEAR-FREE BERKELEY ACT, FOR ENTERING INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE UNIVERSITY OF CALIFORNIA AND THE CITY OF ALBANY REGARDING THE CONSTRUCTION AND MAINTENANCE OF THE LOWER CODORNICES CREEK RESTORATION AND SITE IMPROVEMENT PROJECT; AND APPROVING A WAIVER OF SECTION 12.90.070 OF THE BERKELEY MUNICIPAL CODE FOR THE PURPOSES OF APPLYING FOR AND ACCEPTING THE GRANT

WHEREAS, section 12.90.070 of the Nuclear-Free Berkeley Act prohibits contracting with entities engaged in nuclear weapons work unless a proposed contract satisfies specific criteria for waiver of the Nuclear Free Act; and

WHEREAS, contracts and agreements with the University of California are subject to the Nuclear Free Berkeley Act; and

WHEREAS, section 12.90.070 a requires a "specific determination" involving the consideration of three specific factors before the Nuclear-Free Berkeley Act can be waived; and

WHEREAS, the first such criteria considers how the purpose of the agreement conforms to the intent and purpose of the Nuclear-Free Berkeley Act; and

WHEREAS, the MOU with the University of California and the City of Albany conforms to the purpose of the Nuclear-Free Berkeley Act in that the project in no way furthers nuclear weapons work; and

WHEREAS, the second criterion requires a determination of alternative goods, services and equipment, or other supplies substantially meeting required specifications of the proposed contract; and

WHEREAS, the project area includes property within the City of Berkeley and the City of Albany, with the creek centerline identifying the boundary between the two; and

WHEREAS, the southern bank of Codornices Creek includes property owned by the City of Berkeley, the northern bank includes property that is owned by the University of California, and the City of Albany is the project sponsor; and

WHEREAS, no reasonable alternative exists for sharing maintenance responsibility with the University of California and the City of Albany; and

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WHEREAS, the third criterion requires consideration of "quantifiable additional cost resulting from use of available alternatives"; and

WHEREAS, the City of Berkeley is currently responsible for maintaining the southern banks of Codornices Creek that are located within the project area; and

WHEREAS, the Lower Codornices Creek Restoration and Site Improvement project benefits the citizens of the City of Berkeley by daylighting and restoring a portion of the creek and improving the habitat value of the area, as well as by providing a multi-use trail for cyclists and pedestrians.

NOW THEREFORE, BE IT RESOLVED that the Peace and Justice Commission finds that after having considered the three criteria stated in section 12.90.070 of the Berkeley Municipal Code, the Nuclear-Free Berkeley Act, no reasonable alternative exists to entering into a Memorandum of Understanding (MOU) with the University of California and the City of Albany regarding the construction and maintenance of the Lower Codornices Creek Restoration and Site Improvement project; and recommends that the City Council approve a waiver of Section 12.90.070 of the Berkeley Municipal Code for the purpose of entering into this MOU.