

## MINUTES

The meeting convened at 7:10 pm with Vice-Chairperson Steven Freedkin presiding.

### ROLL CALL

Present: Steven Freedkin, Donald Brody, Diana Bohn, John Lavine, Thom Seaton, Michael Sherman, PhoeBe ANNE (sorgen), Jamie Wright, Jonathan Wornick, Rita Maran

Absent: Jane Litman, Mark McDonald, Anne Wagley

### COMMENTS FROM THE PUBLIC

1. Ann Fagan Ginger regarding the Central American Free Trade Agreement (CAFTA) resolution.
2. Jesse Swanhuysen, California Coalition for Fair Trade and Human Rights, regarding CAFTA resolution.
3. Frances Hillyard regarding CAFTA resolution.
4. Cynthia Johnson, Berkeley Fellowship and Social Justice Commission, regarding CAFTA resolution.
5. Adelle Lemon regarding CAFTA resolution.
6. Michael S. Sorgen, National Lawyers Guild, ACLU, regarding CAFTA resolution.
7. Hal Carlstad, Unitarian Fellowship, regarding CAFTA resolution.

### ACTION ON MINUTES

**M/S/C** (*sorgen, Sherman*) to approve the minutes as amended for the regular meeting of September 13, 2004. **Ayes:** Freedkin, Brody, Bohn, Lavine, Seaton, Sherman, sorgen, Wright, Wornick; **Noes:** None; **Abstain:** None; **Absent:** Litman, McDonald, Wagley.

### ACTIONS TAKEN

#### ***Resolution on the United States Central American Free Trade Agreement***

**M/S/C** (*Seaton, Sherman*) to amend the Resolution by adding as a fourth WHEREAS (and removed as a RESOLVED), as proffered by Commissioner Seaton and adopted as an amendment to the CAFTA resolution at the Commission's October meeting:

WHEREAS, CAFTA fails to preserve the traditional powers of state and local governments by failing to assure transparency in negotiating trade agreements; by failing to accord state and local officials timely access to negotiating documents to assess potential impacts on their authority and on their constituents; by failing to inform them of suspected adverse impacts; and by failing to invite them to participate in the negotiation, approval, and adjudication processes; and

**Ayes:** Brody, Bohn, Freedkin, Lavine, Maran, Seaton, Sherman, Wright; **Noes:** Wornick, sorgen; **Abstain:** None; **Absent:** Litman, McDonald, Wagley.

**M/S/C** (*sorgen, Sherman*) to approve the Resolution (ATTACHMENT A) urging the Council of the City of Berkeley, to protect its citizens and defend Berkeley's right of local sovereignty and oversight, oppose CAFTA and further urge that the United States Congress defeat it with agreed changes and amendment (attachment A) **Ayes:** Brody, Bohn, Freedkin, Lavine, Maran, Seaton, Sherman, sorgen, Wright; **Noes:** Wornick; **Abstain:** None; **Absent:** Litman, McDonald, Wagley.

**NEXT MEETING**

The next regular meeting will be on Monday, November 8, 2004 at 7:00 p.m. in the North Berkeley Senior Center.

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

Respectfully Submitted,

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Tasha Tervalon, Acting Secretary

## ATTACHMENT A

### OPPOSING THE CENTRAL AMERICAN FREE TRADE AGREEMENT AND URGING THAT THE UNITED STATES CONGRESS DEFEAT IT

WHEREAS, Berkeley Municipal Code Section 3.68 establishing the Peace and Justice Commission, states that the Commission shall "(A) Advise the Berkeley City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice, including, but not limited to support for human rights and self-determination throughout the world;...[and] (C) Help develop proposals for the City Council in furtherance of the goals of peace and justice...;" and

WHEREAS, Berkeley, by its Human Rights Ordinance No. 5985 and Precautionary Principle Resolution No. 62,259, promotes "higher standards of living, full employment, and...a safe and healthy environment" for every Berkeleyan and "seeks to prevent harm;" and

WHEREAS, the Central American Free Trade Agreement (CAFTA) requires basing purchasing decisions on price, thereby negating state and local preferences regarding factors such as recycled content, small businesses, minority and women-owned businesses, vendors with a competent track record, a living wage, and avoidance of goods made with forced child labor; and

WHEREAS, CAFTA fails to preserve the traditional powers of state and local governments by failing to assure transparency in negotiating trade agreements; by failing to accord state and local officials timely access to negotiating documents to assess potential impacts on their authority and on their constituents; by failing to inform them of suspected adverse impacts; and by failing to invite them to participate in the negotiation, approval, and adjudication processes; and

WHEREAS, CAFTA expands corporate power and the North American Free Trade Agreement (NAFTA) whose rules have been used 27 times to challenge public health, workplace safety and environmental laws, for example enabling Methanex Corporation to demand \$970 million for potential future lost profits stemming from California's ban of MTBE, a carcinogenic gasoline additive that is polluting the state's groundwater; and NAFTA has cost the United States over 750,000 jobs; and

WHEREAS, CAFTA will increase foreign investor rights and shift power away from state and local government, challenging zoning and protection of ground water and other natural resources, and will discourage local businesses but encourage commercial flight to low-wage areas, without allowing meaningful input by those adversely affected; and

WHEREAS, democracy requires participation, representation, and debate. Federalism requires a clear delineation of powers shared between the state and federal governments. International trade agreements blur these distinctions, and grant foreign investors rights, participation, and representation superior to that of United States citizens.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley, to protect its citizens and defend Berkeley's right of local sovereignty and oversight, oppose the Central American Free Trade Agreement and further urge that the United States Congress defeat it.

BE IT FURTHER RESOLVED, that the City Manager is directed to post this Resolution on the World Wide Web and to send copies of this Resolution to our elected representatives in the California State Legislature: Assemblymember Loni Hancock and Senate Majority Leader Don Perata; our elected representatives in the United States House and Senate: Representative Barbara Lee and Senators Barbara Boxer and Dianne Feinstein; and the appointed United States Trade Representative, Robert B. Zoellick.