

MINUTES

The meeting convened at 7:04 pm with Chairperson Steve Freedkin presiding.

ROLL CALL

Present: Donald Brody, Leslieann Cachola, Elliot Cohen, Steve Freedkin, Jane Litman, Rita Maran, Mark McDonald, Thom Seaton, Michael Sherman, PhoeBe ANNE (sorgen), Jessica Weddle, Jonathan Wornick, Jamie Wright

Absent: Anne Wagley

COMMENTS FROM THE PUBLIC

1. Sharon Girard regarding Music for Peace Concert.
2. Corrine Goldstick regarding the California National Guard coming home from Iraq.
3. Maung Nyunt Than, Burmese American Democratic Alliance, regarding a request to honor Daw Auang San Su Kyi on her 60th birthday.
4. Peter DuMont, Star Alliance (Foundation), regarding a US Department of Peace.
5. Laramie Crocker, member of Butterfly Network and organizer of Berkeley Live & Unplugged, regarding a US Department of Peace.
6. Willard W. Davis, East Bay Department of Peace Campaign, regarding City Council endorsement of a Department of Peace.
7. Stephanie Thomas, East Bay Department of Peace Campaign, regarding Berkeley's support for the establishment of a cabinet level Department of Peace.
8. Paula Powers, East Bay Department of Peace Campaign, regarding the establishment of a cabinet level Department of Peace.

ACTION ON MINUTES

M/S/C (*sorgen, Maran*) to approve the minutes from the regular meeting of April 4, 2005.
Ayes: Cachola, Cohen, Freedkin, Maran, McDonald, Seaton, Sherman, sorgen, Wornick, Wright; **Noes:** None; **Abstain:** Brody, Litman, Weddle; **Absent:** Wagley.

Commissioners Brody, Litman, and Weddle abstained from the vote because they were not present for the April meeting.

ACTIONS TAKEN

Waiver Pursuant to Nuclear-Free Berkeley Act

M/S/F (*Freedkin, sorgen*) to amend the proposed recommendation for a waiver of the Nuclear-Free Berkeley Act to state that reasonable alternatives may exist to the long-term tobacco collaboration between the City of Berkeley and the University of California-Berkeley; and

urging the City Council to direct the Department of Health and Human Services to investigate and report back to Council regarding the possibility of switching this collaboration to another local institution with a population that includes the target group and that is not a nuclear-weapons contractor, such as Vista Community College. **Ayes:** Brody, Freedkin, Seaton, Wright; **Noes:** Cachola, Cohen, Maran, McDonald, Sherman, Weddle, Wornick; **Abstain:** Litman, sorgen; **Absent:** Wagley.

Commissioner Litman abstained from the vote because she likes the work being done by the collaboration and does not feel the timing is right for this motion. Commissioner sorgen abstained from the vote because there were good points made from both sides of the issue, and the timing is not right.

M/S/C (*Litman, Cohen*) 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 enter into contract with the University of California, University Health Services to complete the scope of work on a project to decrease the prevalence of tobacco use among Berkeley's young adults; and recommending that the Council of the City of Berkeley approve a waiver pursuant to Section 12.90.070 of the Berkeley Municipal Code for the purpose of entering into this contract (ATTACHMENT A). **Ayes:** Cachola, Cohen, Freedkin, Litman, Maran, McDonald, Seaton, Sherman, sorgen, Weddle, Wornick, Wright; **Noes:** Brody; **Absent:** Wagley.

Music for Peace Concert

M/S (Maran, Sherman) that the Peace and Justice Commission urges the City Council to endorse a Concert for Peace.

M/S/C (Maran, Cohen) to note in the minutes that the issue of a "Concert for Peace" was raised and the Commissioners responded favorably to the concept for such a concert in 2005, and they are open to receiving further communications. **Ayes:** Unanimous; **Absent:** Wagley.

M/S/C (*Wornick, Litman*) to table the motion urging the City Council to endorse a Concert for Peace. **Ayes:** Unanimous; **Absent:** Wagley.

Daw Aung San Suu Kyi Day

M/S/C (*Cohen, sorgen*) to recommend that the Berkeley City Council adopt a Resolution proclaiming June 19, 2005 as Daw Aung San Suu Kyi Day in the City of Berkeley to commemorate her 60th birthday (ATTACHMENT B). **Ayes:** Unanimous; **Absent:** Wagley.

Department of Peace

M/S (*Cohen, sorgen*) that the City of Berkeley supports a United States Department of Peace that shall hold peace as an organizing principle, coordinating services to every level of society; endeavor to promote justice and democratic principles to expand human rights; strengthen nonmilitary means of peacekeeping; promote the development of human potential; work to create peace, prevent violence, divert from armed conflict, use field tested programs, and develop new structures in nonviolent dispute resolution; take a proactive, strategic approach in the development of policies that promote national and international conflict prevention, nonviolent intervention, mediation, peaceful resolution of conflict, and structured mediation of

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conflict; address matters both domestic and international in scope; and encourage the development of initiatives from local communities, religious groups and non-governmental organizations.

M/S/C (*sorgen, Litman*) to table the motion on a proposed Department of Peace. **Ayes:** Unanimous; **Absent:** Cohen, Wagley, Wright.

NEXT MEETING

The next regular meeting will be on Monday, June 6, 2005 at 7:00 p.m. in the North Berkeley Senior Center.

The meeting was adjourned at 10:11 p.m.

Respectfully Submitted,

Manuel Hector Jr., Secretary
Peace and Justice Commission

ATTACHMENT A

APPROVING A WAIVER PURSUANT TO SECTION 12.90.070 OF THE NUCLEAR-FREE BERKELEY ACT FOR THE PURPOSE OF EXECUTING A CONTRACT AND ANY AMENDMENTS WITH THE UNIVERSITY OF CALIFORNIA-BERKELEY, UNIVERSITY HEALTH SERVICES TO COMPLETE THE SCOPE OF WORK ON A PROJECT TO DECREASE THE PREVALENCE OF TOBACCO USE AMONG BERKELEY'S YOUNG ADULTS IN AN AMOUNT NOT TO EXCEED \$114,000

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 criterion considers how the purpose of the agreement conforms to the intent and purpose of the Nuclear-Free Berkeley Act; and

WHEREAS, the contract with the University of California-Berkeley, University Health Services conforms to the purpose of the Nuclear-Free Berkeley Act in that the project in no way furthers nuclear weapons work, and will direct funds to "health care" a purpose of the Nuclear-Free Berkeley Act; 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, one of the funding requirements for the grant was that applicants must apply as a consortium to plan and conduct the program; and

WHEREAS, the Tobacco Prevention Program has been collaborating with the University of California-Berkeley, University Health Services for the past six years on tobacco prevention projects, the two entities applied for this grant as Tobacco Out of Berkeley and Cal (Project TOBAC) Consortium; and

WHEREAS, the target population for the project includes students attending the University of California-Berkeley; and

WHEREAS, consortium members will be collaborating to teach a class at the University of California-Berkeley entitled, Addressing Social Injustice: Standing Up to the Tobacco Industry, to conduct campus and community tobacco prevention activities that use community norm

strategies to expose the negative consequences of the tobacco industry on the University of California-Berkeley campus and in the Berkeley community; and

WHEREAS, no reasonable alternative exists to collaborating with the University of California-Berkeley, University Health Services; and

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

WHEREAS, no reasonable alternative exists to collaborating with the University of California-Berkeley, University Health Services **for this specific grant**, and since the Tobacco Prevention Program has been collaborating with the University of California-Berkeley, University Health Services for the past six years, no additional costs will result; and

WHEREAS, on May 2, 2005, the Peace and Justice Commission found 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 enter into contract with the University of California, University Health Services to complete the scope of work on a project to decrease the prevalence of tobacco use among Berkeley's young adults; and recommends that the Council of the City of Berkeley approve a waiver pursuant to Section 12.90.070 of the Berkeley Municipal Code for the purpose of entering into this contract.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley hereby approves a waiver pursuant to Section 12.90.070 of the Berkeley Municipal Code, the Nuclear-Free Berkeley Act for the purpose of entering into a contract with the University of California-Berkeley, University Health Services to complete the scope of work on a project to decrease the prevalence of tobacco use among Berkeley's young adults in an amount not to exceed \$114,000. A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

ATTACHMENT B

PROCLAIMING JUNE 19, 2005 AS DAW AUNG SAN SUU KYI DAY IN THE CITY OF BERKELEY TO COMMEMORATE HER 60TH BIRTHDAY

WHEREAS, Berkeley Municipal Code Section 3.68070 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, Daw Aung San Suu Kyi is the leader of the democratically elected party of Burma in 1990 who was not allowed by the military regime to take office, and a recipient of the 1991 Nobel Peace Prize, who was placed under arrest by the ruling military regime; and

WHEREAS, the military dictatorship of Burma has been named as a gross human-rights violator by the United Nations and by major human-rights organizations worldwide; and

WHEREAS, the Berkeley City Council has adopted several resolutions concerning the situation in Burma, including:

a) Resolution No. 57,629-N.S., which declared July 20, 1994 to be a day of fellowship with Daw Aung San Suu Kyi and the people of Burma, and further declared August 8, 1994, the sixth anniversary of a massacre in the Burma capital, to be a day of mourning and remembrance in solidarity with the people of Burma; and

b) Resolution No. 57,881-N.S., which established a policy prohibiting contracts for personal services with those who do business in or with Burma, and prohibiting the purchase of commodities produced in Burma or provided by those who do business in or with Burma; and

WHEREAS, other cities, the State of Massachusetts, and both houses of Congress ultimately followed that example by creating a federal law that prohibited certain aspects of trade with Burma in order to pressure that government to restore democracy; and

WHEREAS, over 165 people attended the 5th Annual Burma Human Rights Day benefit on Saturday, March 12, 2005 at the Berkeley Fellowship of Unitarian Universalists Hall organized by the Burmese American Democratic Alliance, and voted unanimously to adopt an action statement calling for, among other things, the safety and immediate release of Daw Aung San Suu Kyi and all political prisoners in Burma; and

WHEREAS, on April 7, 2005, a representative of the Burmese American Democratic Alliance attended the Berkeley Peace and Justice Commission meeting, and requested that the City of

Berkeley show its continued solidarity and support with their cause by recognizing the occasion of June 19, 2005 as Daw Aung San Suu Kyi Day to commemorate her 60th birthday; and

WHEREAS, this Resolution is consistent with past Berkeley City Council resolutions supporting human rights in Burma, and in furtherance of the Peace and Justice Commission's mandate pursuant to section 3.68.070 H to act as a liaison between community groups organizing around issues of peace and social justice and City government, and is in response to the statement adopted at the 5th Annual Burma Human Rights Day event and pursuant to the request made by a member of Burmese American Democratic Alliance at the April 7, 2005 Peace and Justice Commission meeting; and

WHEREAS, on May 2, 2005, the Peace and Justice Commission unanimously approved a motion to recommend that the City Council adopt a Resolution proclaiming June 19, 2005 as Daw Aung San Suu Kyi Day in the City of Berkeley to commemorate her 60th birthday.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley hereby proclaims June 19, 2005 as Daw Aung San Suu Kyi Day in the City of Berkeley to commemorate the occasion of her 60th birthday.