

Office of the Mayor

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COUNCIL MEETING OF:

SEP 10 2019

OFFICE OF THE CITY CLERK
CITY OF BERKELEY

REVISED AGENDA MATERIAL

Meeting Date: September 10, 2019

Item Number: 41

Item Description: Approval of One-Time Reimbursement for Sister City Visit to Gongju, Republic of Korea

Supplemental/Revision Submitted By: Mayor Arreguin

“Good of the City” Analysis:

The analysis below must demonstrate how accepting this supplement/revision is for the “good of the City” and outweighs the lack of time for citizen review or evaluation by the Council.

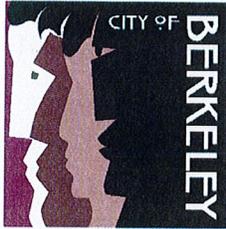
This item has been amended to provide details of the itinerary of the trip and provide a more comprehensive background on Sister Cities and delegation visits. It also provides a breakdown of associated costs. Additional documentation is provided as attachments.

Consideration of supplemental or revised agenda material is subject to approval by a two-thirds vote of the City Council. (BMC 2.06.070)

A minimum of **42 copies** must be submitted to the City Clerk for distribution at the Council meeting. This completed cover page must accompany every copy.

Copies of the supplemental/revision agenda material may be delivered to the City Clerk Department by 12:00 p.m. the day of the meeting. Copies that are ready after 12:00 p.m. must be delivered directly to the City Clerk at Council Chambers prior to the start of the meeting.

Supplements or Revisions submitted pursuant to BMC § 2.06.070 may only be revisions of the original report included in the Agenda Packet.



Office of the Mayor

CONSENT CALENDAR
September 10, 2019

To: Honorable Members of the City Council
From: Mayor Jesse Arreguín and Councilmember Rigel Robinson
Subject: Approval of One-Time Reimbursement for Sister City Visit to Gongju, Republic of Korea

RECOMMENDATION

Adopt a Resolution approving the reimbursement of travel expenses up to \$6,~~136.80000~~ from the discretionary Council Office Budgets of Mayor Arreguin and Councilmember Robinson for the purpose of visiting Berkeley's sister city, Gongju, Republic of Korea to officially commemorate the establishment of sister city relations and to participate in the 65th Annual Baekje Cultural Festival.

Council approval of this one-time reimbursement is required under the Council Expense Reimbursement Policy (Resolution No. 67,992-N.S.) as the policy does not expressly allow travel reimbursement for international travel relating to city business.

BACKGROUND

Berkeley currently has 17 Sister City relationships throughout the world, including two with Native American tribes. The first establishment of a Sister City was in 1967 with Sakai, Japan.

Gongju, South Korea, a university town with a similar population size to Berkeley, approached Berkeley in 2017 with the request to become a Sister City. The City of Gongju sent two delegations to the City of Berkeley to talk about setting up a Sister City relationship. The Korean-American Community Center of San Francisco & Bay Area has also been in communication with the Mayor's office in both Berkeley and Gongju on the creation of such a relationship.

The City of Gongju, South Korea, is providing all lodging, meals, transportation, and other expenses for the City of Berkeley delegation during their time in Gongju. The Offices of Mayor Arreguin and Councilmember Robinson are seeking approval for reimbursement of travel expenses exclusively to get to and from Gongju, South Korea.

Airfare and ground travel to and from the airport, with the possibility of a night in a hotel in Seoul, have been estimated to cost approximately \$3,500 total for all three members of the delegation. The Offices of Mayor Arreguin and Councilmember Robinson are

requesting approval of \$6,136.80, a higher number based on federal standards strictly as a precautionary measure.

On February 27, 2018, the City Council approved the recommendation of the Peace and Justice Commission to establish a Sister City relationship with the municipality of Gongju, in the South Chungcheong Province of the Republic of Korea.

Gongju is a historic city in South Korea with a population similar to Berkeley (116,870 in 2013). Gongju, formerly known as Ungjin, was the capital of the Baekje Dynasty from AD 475 - 538, and is home to many national cultural sites, including the Gongsanseong Fortress and Tomb of King Muryeong, which were designated as a UNESCO World Cultural Heritage site in 2015.

The City Council established a Sister City relationship with the City of Gongju in recognition of the large Korean-American community in Berkeley, and to provide new opportunities to experience Korean culture and share ideas that can mutually benefit our two cities. Given the current political climate surrounding the Korean Peninsula, it is even more important to form a relationship that will promote peace and good will.

The Sister City proposal presented by the City of Gongju called for mutual visits of delegations during festivals, ~~for~~ for Gongju during their Baekje Cultural Festival, and for Berkeley during the Kite Festival. In addition, the City of Gongju proposed establishing student exchanges between our two cities.

Recently, Mayor Kim Jeong-seob sent an invitation to visit Gongju where they will be hosting an event for their sister cities to exchange ideas. This event takes place from September 27 to September 30, 2019. This visit will also officially commemorate our Sister City relationship with Gongju.

The delegation consisting of Mayor Arreguin, Councilmember Robinson (Berkeley's first Korean American Councilmember) and a staff member who speaks basic Korean, will allow our two cities to deepen our Sister City partnership, share ideas on issues mutually beneficial to our two cities, and provide for cultural learning and exchange.

Below is a table of the itinerary:

| <u>Date</u> | <u>Time</u> | <u>Event</u> |
|----------------|----------------|--|
| <u>9/25/19</u> | <u>5 pm</u> | <u>Arrival at Gongju/Seoul</u> |
| <u>9/26/19</u> | <u>1pm</u> | <u>Leave Seoul for 2 hour drive to Gongju</u> |
| <u>9/26/19</u> | <u>5pm-8pm</u> | <u>Ceremony and Welcome Dinner</u> |
| <u>9/27/19</u> | <u>9am-6pm</u> | <u>UNESCO World Heritage Tour (Gongsanseong Fortress, Royal Tombs in Songsan-ri, Magoska Temple)</u> |

| | | |
|----------------|----------------|--|
| <u>9/28/19</u> | <u>9am-5pm</u> | <u>Tour (Gongju National Museum, Hanok Village). Visit the Baekje Cultural Festival.</u> |
| <u>9/28/19</u> | <u>5pm-9pm</u> | <u>Official Dinner and Festival Opening Ceremony</u> |
| <u>9/29/19</u> | <u>Morning</u> | <u>Travel to Incheon International Airport (Seoul)</u> |

Under the Council Expense Reimbursement Policy (Resolution No. 67,992-N.S., Attachment 1), authorized activities include the following:

- Communicating with representatives of local, regional, state and national government on City policy positions; and
- Participating in local, regional, state and national organizations of cities whose activities affect the city's interest.

While this trip aligns with the description of these activities to enable communication and collaboration with different governmental entities, the Resolution does not explicitly mention communicating or visiting "international" governments as a category eligible for reimbursement. However, the Policy does state that "*expenditures for all other activities require prior approval by the City Council and must meet an articulated municipal purpose that must be recited in the report proposing the expenditure and the resolution authorizing the expenditure.*" This item seeks Council approval for reimbursement of travel expenses to Gongju, South Korea under this specific provision.

Since 1967, Berkeley has established Sister City relationships with foreign cities to promote international communication and cooperation, promote cultural learning and exchange and to enable Berkeley to learn from the work of sister cities throughout the world. Most recently, Mayor Arreguin and two members of his staff visited Sakai, our Sister City in Japan, in October, 2017.

Similar to ongoing work communicating with regional, state and national officials, international exchange and cooperation is beneficial for the City of Berkeley by educating foreign governments about City of Berkeley policies and programs and promoting greater cultural awareness and diplomacy which enhances relations between respective countries.

Given the current political challenges facing the Korean Peninsula, and the threats facing South Korea, establishing stronger bonds between the United States and Korea is especially important at this time.

It is customary that Sister City exchanges include delegations that comprise of staff and other elected officials. Recent visits to Berkeley from our Sister Cities of Jena, Sakai, and Gongju included Mayors, Councilmembers, Department Heads, and support staff. With Gongju being our newest Sister City, the City of Berkeley should send a delegation at the invitation of and in respect for the City of Gongju to officially commemorate our Sister City relationship. This goodwill visit will strengthen the partnership between our

two cities and our ties to our local Korean-American community, and can open doors for future exchanges that can include student exchanges from Berkeley and Gongju schools.

FINANCIAL IMPLICATIONS

Up to \$6, 136.80000- total from Mayor Arreguin and Councilmember Robinson's discretionary Council Office Budgets. This number is based on the federal standards for the maximum allowance for travel cost reimbursements (see Attachment 5). However, based on the costs of airfare and lodging as of September 10, 2019, the total cost is expected to be closer to \$3,500.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

CONTACT PERSON

Mayor Jesse Arreguin 510-981-7100
Councilmember Rigel Robinson 510-981-7170

Attachments:

- 1: Resolution
- 2: Council Expense Reimbursement Policy, Resolution No. 67,992-N.S.
- 3: February 27, 2018 Consent Calendar Report "Establishment of a Sister City Relationship with Gongju, Republic of Korea"
- 4: Draft Agreement on Sister City Relationship between Berkeley and Gongju
- 5: Table of Travel Costs
- 6: Letter of Invitation from Mayor Kim-Jeong-seob

RESOLUTION NO. ##,###-N.S.

APPROVING THE REIMBURSEMENT OF EXPENSES RELATING TO TRAVEL TO
BERKELEY'S SISTER CITY, GONGJU, REPUBLIC OF KOREA

WHEREAS, Berkeley currently has 17 Sister City relationships throughout the world. The first establishment of a Sister City was in 1967 with Sakai, Japan; and

WHEREAS, on February 27, 2018, the City Council approved the recommendation of the Peace and Justice Commission to establish a Sister City relationship with the municipality of Gongju, in the South Chungcheong Province of the Republic of Korea; and

WHEREAS, the City Council established a Sister City relationship with the City of Gongju in recognition of the large Korean-American community in Berkeley, and to provide new opportunities to experience Korean culture and share ideas that can mutually benefit our two cities; and

WHEREAS, given the current political climate surrounding the Korean Peninsula, it is even more important to form a relationship that will promote peace and good will; and

WHEREAS, the Sister City proposal presented by the City of Gongju called for mutual visits of delegations during festivals, for ~~for~~ Gongju during their Baekje Cultural Festival, and for Berkeley during the Kite Festival; and

WHEREAS, recently, Mayor Kim Jeong-seob sent an invitation to visit Gongju where they will be hosting an event for their sister cities to exchange ideas. This event takes place from September 27 to September 30, 2019; and

WHEREAS, the delegation consisting of Mayor Arreguin, Councilmember Robinson (Berkeley's first Korean American Councilmember) and a staff member who speaks basic Korean will allow our two cities to deepen our Sister City partnership, share ideas on issues mutually beneficial to our two cities, and provide for cultural learning and exchange; and

WHEREAS, the Council Expense Reimbursement Policy, approved under Resolution No. 67,992-N.S., allows for communicating with representatives of local, regional, state and national government on City policy positions, and participating in local, regional, state and national organizations of cities whose activities affect the city's interest; and

WHEREAS, while this does not include international visits, the Policy does allow the City Council to approve expense reimbursements if it meets an articulated municipal purpose; and

WHEREAS, since 1967, Berkeley has established Sister City relationships with foreign cities to promote international communication and cooperation, promote cultural learning and exchange and to enable Berkeley to learn from the work of sister cities throughout the world; and

WHEREAS, similar to ongoing work communicating with regional, state and national officials, international exchange and cooperation is beneficial for the City of Berkeley by educating foreign governments about City of Berkeley policies and programs and promoting greater cultural awareness and diplomacy which enhances relations between respective countries; and

WHEREAS, the City of Gongju will be providing all lodging, meals, transportation, and other expenses for the City of Berkeley delegation during their time at Gongju, meaning that the only expenses that require reimbursement are travel expenses exclusively to get to and from Gongju; and

WHEREAS, in order to send a goodwill delegation to Gongju Korea, associated costs would need to be reimbursed, consistent with city policy.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby authorizes the reimbursement of expenses of up to \$6, ~~136.80000~~ from Mayor Arreguin and Councilmember Robinson's discretionary Council Office Budgets for the purpose of traveling to Berkeley's Sister City, Gongju, Republic of Korea to officially commemorate the establishment of sister city relations and to participate in the 65th Annual Baekje Cultural Festival.

RESOLUTION NO. 67,992–N.S.

CITY COUNCIL EXPENDITURE AND REIMBURSEMENT POLICIES

WHEREAS, each fiscal year, the City Council appropriates funds in the Mayor and Councilmember's departmental budgets to cover the costs of Mayor and Council staff and non-personnel expenditures which are reasonable and necessary for the performance of the duties of Mayor and Councilmember; and

WHEREAS, the Council needs to ensure that the expenditures are incurred and paid in conformity with the requirements of the City Charter; and

WHEREAS, AB 1234, adopted in 2005 and codified as Government Code Sections 53232, et. seq., requires that all cities adopt an expense reimbursement policy for Mayor and Council expenses; and

WHEREAS, on July 25, 2006, the City Council adopted Resolution No. 63,412–N.S. to establish the expenditure and reimbursement policy required by state law; and

WHEREAS, on September 10, 2103, the City Council rescinded Resolution No. 63,412–N.S. and replaced it with Resolution No. 66,295–N.S., which revised the expenditure and reimbursement policy required by state law.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Councilmember Office Budget Relinquishment and Grant Policy enumerated in Exhibit A is incorporated by reference into the policy for City Expenditures and Expense Reimbursement for Mayor and Council.

BE IT FURTHER RESOLVED that Resolution No. 66,295–N.S. and any amendments thereto are hereby rescinded.

BE IT FURTHER RESOLVED that the policy concerning City Expenditures and Expense Reimbursement for Mayor and Council departments is hereby adopted to read as follows:

CITY EXPENDITURES AND EXPENSE REIMBURSEMENT FOR MAYOR AND COUNCIL DEPARTMENTS

I. City Expenditures for Mayor and Council

The Mayor and Council members shall purchase all office supplies, office equipment, furniture, computers, or any other product, good, or service for the actual and necessary expense of their office in the manner normally applicable to all other purchases of goods and services by the City. Such expenses may include membership in organizations of elected officials and the purchase of newspapers and periodicals that provide information needed for the performance of official duties.

II. Reimbursement of Actual and Necessary Expense of Office

The Mayor and Council members and their staff may be reimbursed for the actual and necessary expenses for the categories of activities set forth below under "Authorized Activities."

A. Authorized Activities.

Travel, meals and lodging incurred in connection with the following types of activities set forth below constitute authorized expenses, as long as the other requirements of this Resolution are fulfilled:

1. Communicating with representatives of local, regional, state and national government on City policy positions;
2. Attending educational seminars designed to improve officials' skill and information levels, provided that a brief report of such seminar shall be made by the Mayor and Council at a subsequent Council meeting;
3. Participating in local, regional, state and national organizations of cities whose activities affect the City's interests;
4. Recognizing service to the City (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);
5. Attending City events; or events sponsored by organizations or entities whose activities affect the City's interests where the primary purpose of the event is to discuss subjects which relate to City business;
6. Implementing City approved policies;
7. Meals where the primary purpose of the meal is to conduct City-related business (other than simply meeting constituents) as long as the amount of such meal does not exceed the daily maximum as set forth in this Resolution and meets applicable federal and state standards as to when meal reimbursement may be allowed; and
8. Expenditures for these purposes approved in advance by a Mayor or Council member and undertaken by that person's staff.

Expenditures for all other activities require prior approval by the City Council and must meet an articulated municipal purpose that must be recited in the report proposing the expenditure and the resolution authorizing the expenditure. Most frequently, prior approval by the City Council is given in items to authorize relinquishment of Council office budget fund to general fund and grant of such funds for charitable events, which would be unauthorized expenses if not pre-approved by Council. The policy for relinquishments and grants from Councilmember office budgets is enumerated in Exhibit A.

B. Unauthorized Expenses

The following personal expenditures incurred by City officials shall not be reimbursed:

1. The personal portion of any trip, such as where the official is on his/her own vacation activities;
2. Political contributions or attendance at political or charitable events;
3. Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children or pet-related expenses;

4. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other recreational and cultural events;
5. Alcoholic beverages;
6. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
7. Personal losses incurred while on City business.

Any questions regarding the propriety of a particular type of expense should be resolved by the City Council before the expense is incurred.

C. Particular Types of Authorized Expenditures Defined

To conserve City resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the City will be limited to the costs that fall within the guidelines.

1. **Registration.** Registration fee charged for any authorized convention, conference, seminar or meeting is reimbursable.
2. **Transportation.** The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Charges for rental-vehicles may be reimbursed under this provision if more than one City official is attending an out of town conference, and it is determined that sharing a rental vehicle is more economical than other forms of transportation. In making such determination, the cost of the rental vehicle, parking and gasoline will be compared to the combined cost of such other forms of transportation. Government and group rates must be used when available.
3. **Airfare.** Airfares that are equal to or less than those available through the California Department of General Services (DGS) Statewide Travel Program offered through the League of California Cities, www.dgs.ca.gov/travel¹, are presumed to be the most economical and reasonable for purposes of reimbursement under this policy. If DGS rates are not available, reimbursement for airfare must not exceed 110% of either the state DGS rates or the Federal rates published by the U.S. General Services Administration (GSA) rates, www.gsa.gov², whichever is greater. Any exceptions to these rates must be approved at a public Council meeting before the expense is incurred.

¹ California Department of General Services Statewide Travel Program (DGS): www.dgs.ca.gov/travel

² U.S. General Services Administration (GSA): www.gsa.gov

4. **Automobile.** Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect. These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable. The Internal Revenue Service rates will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed.
5. **Car Rental.** Rental rates that are equal or less than those published by the California Department of General Services (DGS) Statewide Travel Program available through the League of California Cities shall be considered the most economical and reasonable for purposes of reimbursement under this policy. If DGS rates are not available, reimbursement for car rental must not exceed 110% of either the state DGS rates or the Federal GSA rates, whichever is greater. Any exceptions to these rates must be approved at a public Council meeting before the expense is incurred.
6. **Taxis/Ride Shares/Shuttles.** Taxis, ride shares, or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.
7. **Lodging.** Lodging expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the Council member at the time of booking. If lodging at the group rate is not available, or if travel is not in connection with a conference, rates that are equal to or less than those available through the California Department of General Services (DGS) Statewide Travel Program offered through the League of California Cities, are presumed to be the most economical and reasonable for purposes of reimbursement under this policy. If DGS rates are not available, reimbursement for lodging must not exceed 120% of the state DGS rates or 100% of the Federal rates published by the GSA, whichever is greater. Any exceptions to these rates must be approved at a public Council meeting before the expense is incurred. **Meals.** Meal expenses and associated gratuities will be reimbursed at the rate set forth in Administrative Regulation 3.9. "Meals which are served at regular meetings of associations to which the city belongs (i.e. Alameda County Mayors' Conference, league of California Cities, or ABAG) shall be exempt from this policy.
8. **Telephone/Fax/Cellular.** Council members will be reimbursed for actual telephone and fax expenses incurred on City business. Telephone bills should identify which calls were made on City business. For calls made on an official's personal cell phone, the official may obtain reimbursement for business calls based on the following formula: minutes used on public business divided by the total minutes allowed under a monthly plan, plus

- long-distances charges for those calls.
9. **Airport Parking.** Short-term airport parking may not be used for travel exceeding 24-hours.
 10. **Other Travel Related Expenses.** Reasonable baggage fees given the duration of the travel will be reimbursed. Expenses for which City officials receive reimbursement from another agency are not reimbursable.
 11. **Miscellaneous Office Products.** Notwithstanding the requirement in Section I, occasionally an elected officer or officer's staff may need to make an immediate small out of pocket purchase of office supplies that are normally ordered by the City for which payment is paid directly to the vendor. In accordance with the applicable City Manager Administrative Regulation concerning petty cash refunds, the City may reimburse such purchases.

D. Cash Advance Policy for Airfare and Hotel Only (per A.R. 3.9)

From time to time, it may be necessary for an official to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such request for an advance should be submitted to the City Auditor, and copied to the City Manager, ten (10) working days prior to the need for the advance with the following information:

1. The purpose of the expenditure(s);
2. Whether the expenditure is for an authorized activity;
3. The benefit to the residents of the City;
4. The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
5. The dates of the expenditure(s).

Any unused advance must be returned to the City within five (5) working days of the official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

E. Expense Report Content and Submission Deadline

1. A statement of expense must be completed, signed and submitted to the City Auditor for review and forwarded to the Finance Department for payment. The statement of expense must document that the expense in question met the requirements of this Resolution. For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the City's adopted legislative positions and priorities.
2. Officials must submit their statement of expense reports to the Auditor's Office within 60 days of an expense being incurred, accompanied by receipts documenting each expense. Itemized restaurant receipts, including number of individuals served, in addition to any credit card receipts, are also part of the necessary documentation. Receipts for gratuities and tolls under \$5 are not required.
3. Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

F. Audits of Expense Reports

All expenses are subject to verification by the City Auditor of compliance with this policy.

G. Reports

At the following City Council meeting, each official shall briefly report on meetings attended at City expense. If multiple officials attended, a joint report may be made.

H. Compliance with Laws

City officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.

I. Violation of This Policy

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

1. loss of reimbursement privileges;
2. a demand for restitution to the City;
3. the City's reporting the expenses as income to the elected official to state and federal tax authorities;
4. civil penalties of up to \$1,000 per day and three times the value of the resources used; and
5. prosecution for misuse of public resources.

The foregoing Resolution was adopted by the Berkeley City Council on May 30, 2017 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

Absent: None.



Jesse Arreguin, Mayor

Attest: 

Mark Numainville, City Clerk

Councilmember Office Budget Relinquishment and Grant Policy

Introduction – Limitations on the Expenditure of Public Funds

The basic purpose of the City as an entity is to exist and function *as a municipality*. This is also reflected in the Charter, which limits the Council's powers only to those "municipal affairs adequate to a complete system of local government". (Section 38.)

Exercises of this power may not be used solely to further the interests of particular individuals, although they may incidentally benefit private interests:

The exercise of the police power is available only for the purpose of promoting the general welfare, the interests of the public as distinguished from those of individuals or persons. It cannot be used to promote private gain or advantage, except so far as the same may also promote the public interest and welfare, and it is the latter, and not the former, effect which forms the basis of the power and warrants its exercise.
(*Binford v. Boyd* (1918) 178 Cal. 458, 461.)

The Council's basic powers circumscribe its ability to spend public funds. In other words, the Council cannot spend public funds for purposes that are beyond its authority in the first place. Thus the City may only use its funds for municipal purposes. In any given case the crucial inquiry is whether an expenditure serves such a purpose:

The determination of what constitutes a public purpose is primarily a matter for the legislature, and its discretion will not be disturbed by the courts so long as that determination has a reasonable basis.
(*County of Alameda v. Carlson* (1971) 5 Cal.3d 730, 745-746.)

If the courts find that there is a valid public purpose, they next examine whether the government's actions are reasonably related to effectuating this purpose. (*Tip Top Foods, Inc. v. Lyng* (1972) 28 Cal.App.3d 533, 541.) Public appropriations granted to private interests will not be considered unlawful diversions of public funds when the transaction serves the public interest, merely granting an incidental benefit to the private individual. (*Cane v. City and County of San Francisco* (1978) 78 Cal.App.3d 654, 660.)

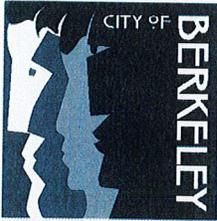
Criteria for Grants of City Funds from Councilmember Office Budgets

Relinquishments and grants for purposes and recipients that fall within the categories listed in Table 1 may be "pre-approved" each fiscal year by Council resolution.

Table 1.

| Recipient | Purpose |
|---|--|
| The City (e.g., the Berkeley Public Library, the Berkeley Animal Shelter) | Any purpose already being undertaken, because it already serves a public purpose. This includes both grants and attendance at fundraising events in capacity as the Mayor or a Councilmember. |
| BUSD and other public agencies operating in Berkeley | Any purpose already being undertaken, because it already serves a public purpose, assuming the activity is in Berkeley. This includes both grants and attendance at fundraising events in capacity as the Mayor or a Councilmember. |
| Entities with which the City is co-sponsoring a public event in Berkeley (e.g., Earth Day, Solano Stroll). | City co-sponsorship suggests but is not conclusive of public purpose; public purpose would need to be stated, and all such events should be open to the public at no cost. Alternatively, a list of ongoing events that have been determined to serve a public purpose could be developed. |
| Entities in Berkeley to which the City already contributes funds for municipal purposes (e.g., affordable housing or social service nonprofits) | To advance the same public purposes for which the entities are funded. This includes both grants and attendance at fundraising events in capacity as the Mayor or a Councilmember. |

Proposed relinquishments and grants that do not meet the criteria for pre-approval, but that meet an appropriate municipal purpose, may be approved by resolution with a majority vote of the City Council.



Peace and Justice Commission

CONSENT CALENDAR
February 27, 2018

To: Honorable Mayor and Members of the City Council
From: Peace and Justice Commission
Submitted by: Alex Mabanta, Chairperson, Peace and Justice Commission
Subject: Establishment of a Sister City Relationship with Gongju, Republic of Korea

RECOMMENDATION

Adopt a Resolution establishing a sister city relationship with the municipality of Gongju in the South Chungcheong Province of the Republic of Korea.

SUMMARY

The Peace and Justice Commission is tasked with recommending the establishments of new Sister Cities. Gongju, Korea, a university town with a similar population size to Berkeley, has approached Berkeley with the request of becoming a Sister City. Certain criteria must be met to become a Sister City, which Gongju meets.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

Pursuant to Resolution 56,069-N.S., the City of Berkeley has an established criteria for the establishment of a Sister City relationship. Below is a list of what the proposal must require:

- A) A description of the proposed sister city, township, or community; and
- B) A list of similarities between Berkeley and the proposed sister community;
- C) An explanation of why this particular sister city should be selected by showing how it fits the below listed criteria.

There are seven criteria points that must be met:

- 1) The Sister City relationship should benefit the human rights, health, safety, culture, and education of the citizens of Berkeley; and
- 2) New opportunities for exchange programs, cultural enrichment or curriculum enhancement should result from the relationship; and

- 3) From these new opportunities, there should accrue direct benefits to the students of the Berkeley Unified School District; and
- 4) It should be demonstrated that a sufficient number of Berkeley residents are committed to pursuing this relationship, and that such a group is also capable of representing Berkeley's interest in such a relationship; and
- 5) It should be demonstrated that a sufficient number of residents in the proposed Sister City are committed to, and capable of, sustaining the relationship; and
- 6) There should be no direct nor indirect costs to the City of Berkeley; and
- 7) The Sister City relationship should increase the harmony in Berkeley and be in the best interests of the City.

BACKGROUND

Berkeley currently has 16 Sister City relationships throughout the world, including two with Native American tribes. There are no Sister Cities in Korea. The first establishment of a Sister City was in 1967 with Sakai, Japan, and latest took place in 2002, with Palma Soriano, Cuba.

The City of Gongju has sent two delegations to the City of Berkeley over the past several months to talk about setting up a Sister City relationship. The Korean-American Community Center of San Francisco & Bay Area has also been in communication with the Mayor's office in both Berkeley and Gongju on the creation of such a relationship.

A) Description of Gongju

Gongju is a historic city in South Korea with a population similar to Berkeley (116,870 in 2013). Gongju, formerly known as Ungjin, was the capital of the Baekje Dynasty from AD 475 - 538, and is home to many national cultural sites, including the Gongsanseong Fortress and Tomb of King Muryeong, which were designated as a UNESCO World Cultural Heritage site in 2015. The City of Berkeley does not have any Sister Cities in South Korea.

B) List of similarities between Berkeley and Gongju

- 1) Similar population: Gongju had a population of 116,870 in 2013; Berkeley was 112,580 in 2010.
- 2) University town: Approximately 30% of the population are students.
- 3) Cultural preservation: Gongju is home to historic buildings which are central to its identity.
- 4) Arts/Education: There are many schools and museums located within the city.

C) List of criteria

- 1) The Sister City relationship should benefit the human rights, health, safety, culture, and education of the citizens of Berkeley**

There currently is no Sister City located in Korea. Establishing one would provide new opportunities to experience Korean culture and share ideas that can mutually benefit our cities on a variety of fronts.

- 2) New opportunities for exchange programs, cultural enrichment or curriculum enhancement should result from the relationship**

The proposal would proposal calls for mutual visits of delegations during festivals, for Gongju during their Baekje Cultural Festival, and for Berkeley during the Kite Festival. There are also several student exchange programs which are described below.

- 3) From these new opportunities, there should accrue direct benefits to the students of the Berkeley Unified School District**

Part of the proposal includes a youth homestay and culture which will involve 10 middle and high school students traveling to Gongju to learn about Korean culture, and a language training program.

- 4) It should be demonstrated that a sufficient number of Berkeley residents are committed to pursuing this relationship, and that such a group is also capable of representing Berkeley's interest in such a relationship**

The Korean American Community Center of San Francisco & Bay Area has met with the Mayor's office to discuss their involvement in maintaining a Sister City Association.

- 5) It should be demonstrated that a sufficient number of residents in the proposed Sister City are committed to, and capable of, sustaining the relationship**

Twice this year, a delegation from Gongju visited Berkeley to discuss setting up a relationship and have expressed their commitment to sustaining it.

- 6) There should be no direct nor indirect costs to the City of Berkeley**

The Korean American Community Center will provide funding for any related expenses.

7) The Sister City relationship should increase the harmony in Berkeley and be in the best interests of the City

Berkeley has a large Korean-American community, and establishing a Sister City with a city in Korea would be beneficial to promoting their culture. Given the current political climate surrounding the Korean Peninsula, it is even more important to form a relationship that will promote peace and good will.

M/S/C Bohn/Agrawal

Ayes: Agrawal, Bohn, Gorrocino, Hariri, Lippman, Meola, Mabanta, Maran, Meola, Watson

Abstain: None

Absent: Marchesini, Orozco, Rodriguez

ENVIRONMENTAL SUSTAINABILITY

No environmental effects.

RATIONALE FOR RECOMMENDATION

Establishing a new Sister City, the first in 15 years, would continue Berkeley's legacy of being an international city.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON

Shallon Allen, Secretary, Peace and Justice Commission, 510-981-7071

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

ESTABLISHING A SISTER CITY RELATIONSHIP WITH THE MUNICIPALITY OF GONGJU IN THE SOUTH CHUNGCHEONG PROVINCE OF THE REPUBLIC OF KOREA

WHEREAS, the Peace and Justice Commission has been charged by the Berkeley City Council with reviewing proposals for new Sister City relationships; and

WHEREAS, the Korean-American Community Center of San Francisco & Bay Area has presented a proposal for a Sister City relationship with the Municipality of Gongju in the South Chungcheong Province of the Republic of Korea; and

WHEREAS, Gongju is an educational hub and University town, with an emphasis on culture and historic preservation, like Berkeley; and

WHEREAS, the Peace and Justice Commission has concluded that the proposal meets the City's criteria for establishing a Sister City, namely:

1. The Sister City relationship should benefit the human rights, health, safety, culture and education of the citizens of Berkeley; and
2. New opportunities for exchange programs, cultural enrichment, or curriculum enhancement should result from the relationship; and
3. From these new opportunities there should accrue direct benefits to the students of the Berkeley Unified School District; and
4. It should be demonstrated that a sufficient number of Berkeley residents are committed to pursuing this relationship, and that such a group is also capable of representing Berkeley's interest in such a relationship; and
5. It should be demonstrated that a sufficient number of residents in the proposed Sister City are committed to, and capable of, sustaining the relationship; and
6. There should be no direct or indirect costs to the City of Berkeley; and
7. The Sister City relationship should increase the harmony in Berkeley and be in the best interest of the City; and

WHEREAS, officials of the Municipality of Gongju have expressed their own desire for a Sister City relationship with Berkeley.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley hereby approves the establishment of a Sister City relationship with the Municipality of Gongju in the South Chungcheong Province of the Republic of Korea.

ESTABLISHING THE CRITERIA FOR THE SELECTION OF SISTER CITIES TO THE CITY OF BERKELEY

WHEREAS, on March 5, 1991, the City Council voted to direct the Peace and Justice Commission to develop the criteria for selection of Sister Cities; and

WHEREAS, on July 15, 1991, the subcommittee made a recommendation to the Peace and Justice Commission who approved the recommended criteria;

NOW THEREFORE, BE IT RESOLVED by the City Council that a Sister City proposal include the following: A) A description of the proposed sister city, township, or community; B) a list of similarities between Berkeley and the proposed sister community; C) an explanation of why this particular sister city should be selected by showing how it fits the below listed criteria.

FURTHER RESOLVED that the criteria used by the City Council to select a Sister City include the following: 1) The sister city relationship should benefit the human rights, health, safety, culture and education of the citizens of Berkeley; 2) New opportunities for exchange programs, cultural enrichment or curriculum enhancement should result from the relationship. 3) From these new opportunities, there should accrue direct benefits to the students of the Berkeley Unified School District; 4) It should be demonstrated that a sufficient number of Berkeley residents are committed to pursuing this relationship, and that such a group is also capable of representing Berkeley's interest in such a relationship; 5) It should be demonstrated that a sufficient number of residents in the proposed sister city are committed to, and capable of, sustaining the relationship; 6) There should be no direct nor indirect costs to the City of Berkeley; and 7) The Sister City relationship should increase the harmony in Berkeley and be in the best interests of the City.

Copies sent 9/17/91

To: Peace and Justice Commission

RESOLUTION

No. 56,069 N.S.

Dated September 10, 1991

Adopted by the Council of the City of Berkeley by the following vote:

Ayes: Councilmembers Chandler, Collignon, Dean, Goldfarb, Shirek, Skinner, Wainwright, Woodworth, and President Hancock.

Noes: None.

Abstaining: None.

Absent: None.

LONI HANCOCK
Mayor and President of the Council

Attest MARIE MCKECHNIE
City Clerk and Clerk of the Council

Agreement on Sister City Relationship

Between Gongju City, Republic of Korea and City of
Berkeley, the United States of America

Gongju City of the Republic of Korea and City of Berkeley of the United States of America have agreed as follows to enter the friendship city relationship in order to respect and understand each other's cultural traditions and to make good friendship with each other based on the principles of mutual benefits and equality.

1. Both cities will establish a close friendly relationship based on mutual respect and benefits to promote cooperation between the two cities.
2. Both cities shall respect each other's cultural traditions and support exchange activities of (including but not limited to) administrative, economic, cultural, artistic, and educational natures.

3. Both cities shall fully commit to creating a supportive environment in order to ease the process of mutual exchanges in various areas and forms, such as knowledge exchange, for the mutual benefit and development of the involved parties.

4. Both cities will encourage the relevant departments or organizations to promote mutual cooperation in the mutually agreed areas.

This agreement shall come into effect upon being signed by the mayors of Gongju City, Republic of Korea and Berkeley City, United States of America, being translated into Korean and English, then being exchanged between the two cities.

September 26, 2019



**Gongju City,
Republic of
Korea**

Mayor Kim Jeong-seob



**City of Berkeley,
California State,
the United States
of America**

Mayor Jesse Arreguin

Agreement of Cultural Cooperation

Between Gongju City, Republic of Korea and the Free
and Sovereign State of Nayarit, Mexico

Gongju City, Republic of Korea and the Free and Sovereign State of Nayarit, Mexico have agreed as following for mutual cultural exchange cooperation.

Clause 1. (Purpose) This agreement's purpose is to create a cooperative relationship based on mutual respect and benefit to improve both cities' cooperation.

Clause 2. (Content) Both cities shall ensure that the following points will be carried out without issues.

1. Both cities shall respect each other's cultural traditions and support exchange activities of cultural and artistic natures.
2. Both cities shall fully commit to creating a supportive environment in order to ease the process of mutual exchanges in cultural and artistic areas of various forms, such as knowledge exchange, for the mutual benefit and development of the involved parties.

3. Both cities will encourage the relevant departments or organizations to promote mutual cooperation in the mutually agreed areas.

Clause 3. (Effective Period) This agreement shall come into effect upon conclusion, and shall remain in effect in the absence of further discussions or agreements.

To prove the conclusion of this agreement, the Mayor of Gongju City, Republic of Korea and Governor of the Free and Sovereign State of Nayarit, Mexico shall sign copies of the agreement in both Korean and Spanish, which shall then be exchanged.

September 27, 2019



**Gongju City of
Chungcheongnam-
do Province**

Mayor Kim Jeong-seob



**The Free and
Sovereign State of
Nayarit**

Governor Antonio Echevarria Garcia

Expenses Relating to Gongju, Republic of Korea, Sister City Trip – September 26-29, 2019

Costs to be reimbursed by Council Office Budgets:

| Item | Cost |
|------------------------|---|
| Airfare | \$800 per person round trip, \$2400 total* |
| BART Ticket to SFO | \$19.60 per person round trip, \$58.80 total |
| Hotel/Lodging in Seoul | Per diem rate of \$366 per person, \$1,098 total* |
| | |
| Total Costs | \$1,185.60 per person, \$3,556.80 total |

*See Exhibits A and B for federal standards on travel expenses.

Expenses covered by Gongju:

- Transportation within Gongju and to and from Incheon Airport
- Hotels while in Gongju
- All meals at Gongju



Fare Estimate Total

Selected Fare Type: Unrestricted Coach Fare (YCA)
Origin: SAN FRANCISCO, CA, USA
 (SAN FRANCISCO INT'L AIRPORT)
Destination: SEOUL, KOREA
Carrier: United (UA)

[Military Disclaimer](#) [Disclaimer](#)

Calculate Your Fare Estimate

| | | |
|---------------------------------|---|------------|
| Select Trip: | <input type="radio"/> One Way <input checked="" type="radio"/> Round Trip | \$1,600.00 |
| Fuel Surcharge: | | \$0.00 |
| First Checked Bag: | <input type="text" value="1"/> ▼ \$30 Effective Date: 08/31/2018 | \$60.00 |
| Additional Checked Bags: | <input type="text" value="0"/> ▼ \$40 Effective Date: 08/31/2018 | \$0.00 |
| Estimated Total Value: | | \$1,660.00 |

Exceptions: United Airlines Fee varies based on itinerary. For North America, Caribbean & Central America flights the 1st checked bag is \$30 and the 2nd checked bag is \$40. For the latest checked baggage updates, please review all relevant baggage information at United Airlines (nongovernment website) before you travel. To determine first and second checked baggage service charges for your itinerary, use the baggage calculator. [Baggage Calculator](#)

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Office of Allowances

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Foreign Per Diem Rates In U.S. Dollars DSSR 925

Country: **Korea, South**
Publication Date: **09/01/2019**

Previous Rates: 09/01/2019

| Country Name | Post Name | Season Begin | Season End | Maximum Lodging Rate | M & IE Rate | Maximum Per Diem Rate | Footnote | Effective Date |
|--------------|-------------|--------------|------------|----------------------|-------------|-----------------------|----------|----------------|
| Korea, South | Busan | 01/01 | 12/31 | 233 | 138 | 371 | N/A | 06/01/2019 |
| Korea, South | Changwon | 01/01 | 12/31 | 118 | 68 | 186 | N/A | 06/01/2019 |
| Korea, South | Cheju | 01/01 | 12/31 | 225 | 102 | 327 | N/A | 06/01/2019 |
| Korea, South | Chinju | 01/01 | 12/31 | 85 | 66 | 151 | N/A | 06/01/2019 |
| Korea, South | Chongju | 01/01 | 12/31 | 70 | 52 | 122 | N/A | 06/01/2019 |
| Korea, South | Chonju | 01/01 | 12/31 | 148 | 71 | 219 | N/A | 06/01/2019 |
| Korea, South | Chung Ju | 01/01 | 12/31 | 84 | 58 | 142 | N/A | 06/01/2019 |
| Korea, South | Incheon | 01/01 | 12/31 | 153 | 92 | 245 | N/A | 06/01/2019 |
| Korea, South | Kimhae | 01/01 | 12/31 | 66 | 66 | 132 | N/A | 06/01/2019 |
| Korea, South | Kumi | 01/01 | 12/31 | 104 | 75 | 179 | N/A | 06/01/2019 |
| Korea, South | Kwangju | 01/01 | 12/31 | 154 | 134 | 288 | N/A | 06/01/2019 |
| Korea, South | Kyongju | 01/01 | 12/31 | 135 | 91 | 226 | N/A | 06/01/2019 |
| Korea, South | Masan | 01/01 | 12/31 | 61 | 73 | 134 | N/A | 06/01/2019 |
| Korea, South | Other | 01/01 | 12/31 | 74 | 49 | 123 | N/A | 06/01/2019 |
| Korea, South | Pyeongchang | 01/01 | 12/31 | 199 | 85 | 284 | N/A | 06/01/2019 |
| Korea, South | Pyongtaek | 01/01 | 12/31 | 79 | 61 | 140 | N/A | 06/01/2019 |
| Korea, South | Seoul | 01/01 | 12/31 | 230 | 136 | 366 | View | 06/01/2019 |
| Korea, South | Sokcho | 01/01 | 12/31 | 112 | 84 | 196 | N/A | 06/01/2019 |
| Korea, South | Taegu | 01/01 | 12/31 | 128 | 125 | 253 | N/A | 06/01/2019 |
| Korea, South | Taejon | 01/01 | 12/31 | 115 | 75 | 190 | N/A | 06/01/2019 |
| Korea, South | Uijongbu | 01/01 | 12/31 | 74 | 49 | 123 | N/A | 06/01/2019 |
| Korea, South | Ulsan | 01/01 | 12/31 | 181 | 97 | 278 | N/A | 06/01/2019 |



Dear Honorable Mayor Jesse Arreguin,

Greetings! This is Kim Jeong-seob, Mayor of Gongju City of the Republic of Korea.

Today, I am delighted to inform you that Gongju City as the old capital of Baekje Kingdom with long history and tradition will hold the "65th Baekje Cultural Festival" from September 28 to October 6, 2019 in order to inherit and develop the splendid Baekje culture.

The Baekje Cultural Festival to be held in the theme of "Enjoy Baekje, the Origin of the Korean Wave" consists of various programs related to food, clothing and shelter of the Baekje period, and other events in which you can see and enjoy the dynamic and interesting Gongju as a UNESCO World Heritage City with the spirits of Baekje Kingdom period.

If you attend the festival, Gongju City will bear the expense for accommodation(a single room per delegation member) & meals for you and your delegation members for 4 days and 3 nights from September 27 to September 30, 2019. We sincerely hope you will be able to participate in the main events including the welcome dinner banquet prepared for the international exchange cities.

Please let us know if you can attend the festival or not by August 2 and, if yes, please let us receive the list of your delegation members via e-mail (ssh7901@korea.kr) or telephone (+82-41-840-2589) which are the contact information of the official in charge in Administrative Support Division of Gongju City Hall.

With my strong hope that you will be spare some time out of your busy schedules to participate in the representative event of Gongju City, I wish you all the best for good health and happiness.

July __, 2019

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Kim Jeong-seob', written in a cursive style.

Kim Jeong-seob

Mayor of Gongju City