

1 RESOLUTION NO. 2012-34

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALBANY
3 URGING THE UNIVERSITY OF CALIFORNIA, BERKELEY, AND ITS COLLEGE OF
4 NATURAL RESOURCES TO WORK WITH THE COMMUNITY AND STAKEHOLDERS
5 TO ESTABLISH A SPACE ON THE GILL TRACT WHERE THE ALBANY SCHOOLS AND
6 COMMUNITY CAN PARTICIPATE IN GARDENING EDUCATION AND/OR FARMING.
7

8 WHEREAS, land in Albany known as the Gill Tract has been in continuous cultivation for more
9 than 120 years;

10 WHEREAS, the Gill Tract property is owned by the University of California; and

11 WHEREAS, the College of Natural Resources of the University of California, Berkeley, uses the
12 Gill Tract for academic agricultural research; and

13
14 WHEREAS, there is growing interest locally and nationally to improve physical and mental health
15 by incorporating more fruits and vegetables into our diets; and

16 WHEREAS, there is increasing interest locally and nationally to encourage residents and
17 communities to grow food locally, so as to diminish the distance from garden or farm to the
18 consumer, and to reduce processing and packaging; and

19 WHEREAS, there is local interest in teaching children how to cultivate plants so as to become
20 adept at growing food as adults; and

21
22 WHEREAS, the Food and Agriculture Objectives and Measures of the City of Albany's Climate
23 Action Plan outline strategies to help the City to reduce greenhouse gas emissions and support
24 the regional agricultural economy by strengthening the ties between farmers and consumers and
25 celebrating the region's agricultural diversity; and

26 WHEREAS, the University of California, Berkeley, has confirmed in an Open Letter to the
27 Community dated May 18, 2012 (Exhibit "A") that whether it is urban agriculture in the short-
28 term, or planning for the long-term future of the Gill Tract if and when the College of Natural
29

1 Resources ceases to conduct research there, it is committed to meaningful collaboration with the
2 community; and

3
4 WHEREAS, the College of Natural Resources has indicated an interest in metropolitan
5 agriculture research that could be compatible with interest in encouraging more locally grown
6 foods; and

7 WHEREAS, there is interest among Albany residents to work with the College of Natural
8 Resources to establish an area on the Gill Tract for the community to participate in gardening or
9 farming,

10 NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Albany hereby
11 urges the University of California, Berkeley, and its College of Natural Resources to work with
12 the community and stakeholders to establish a space on the Gill Tract where the Albany schools
13 and community can participate in gardening education and/or farming.

14
15 A handwritten signature in black ink, appearing to read "David F. ...", is written over a horizontal line.
16 MAYOR

Campus releases open letter on Gill Tract

By Public Affairs, UC Berkeley | May 18, 2012

<http://newscenter.berkeley.edu/2012/05/18/gill-tract-update/>

UC Berkeley officials issued the following statement Friday, May 18:

Going Forward on the Gill Tract: An Open Letter to the Community

Now that preparations for agricultural research are finally underway on the Gill Tract we want to offer you, our neighbors, an update on where we are, and what lies ahead.

First, and foremost, we want to express our respect for the hundreds of community members who, in recent weeks, have participated in debate and dialogue about the occupation and attendant issues through emails, phone calls and online postings. We deeply appreciate the support expressed by the vast majority of people we have heard from, while recognizing that the illegal occupation of our property did raise issues around which reasonable people can disagree. We want to again state, in no uncertain terms, that the Gill Tract can and will accommodate both research and urban agriculture throughout the growing season.

On the tract itself, staff members from the College of Natural Resources (CNR) are already in the process of preparing the fields for our faculty and students' research projects. After assessing the researchers' critical needs, CNR staff members have determined that they will be able to preserve a significant portion of the crops that were planted by the occupation group. The 40 rows that will be left in place are now being watered with a reconfigured system, and will take up about 25 percent of the Gill Tract land that is currently available for planting. And, while we regret to report that the occupiers did a moderate amount of damage to fences, signs and facilities, the soil itself is in fine shape. As a result, we are confident that our faculty and students will not lose a full year of work.

The fact that the court has already issued a temporary restraining order against the occupiers confirms that their actions were illegal, and offers important support for our efforts to safeguard academic freedom and maintain our property rights. Through the litigation we will also seek reimbursement for the very significant costs the university has incurred as a result of the occupation, the damage that was done, the steps we were forced to take to regain control and supervision of CNR's open-air laboratory and our legal expenses. Our strong belief is that the

costs of the occupiers' unlawful acts should be borne by the occupiers, not by our students, faculty, staff and the taxpayers.

As far as urban agriculture is concerned, we want to stress that the meeting held last week by Keith Gilles, the dean of CNR, was but a first step towards building a new partnership with the community. Going forward, Keith will be seeking the broadest possible public input and participation, working in close concert with the City of Albany, local schools, residents of University Village, members of the community at large and experts from local, nonprofit organizations. He will also be working on a plan to provide safe, organized access to the site for those who will be working with us on urban agriculture projects. For that reason we are pleased to see that at its next meeting, the Albany City Council will be discussing a possible partnership with CNR that would sustain urban farming and related educational activities.

We would also like to take this opportunity to address a few myths and misunderstandings that continue to surface in the media, blogs and other online forums:

- None of the research work at the Gill Tract involves genetically modified crops or organisms.
- None of the research is being funded by corporate sponsors. It is paid for by your tax dollars through federal grants, and the results will be made publicly available. As one of the researchers, Damon Lisch, stated in an online post, "We are not trying to make 'better corn,' we are trying to understand fundamental facts about plants in general. Basic research using corn as a model is different than making GMO corn to improve profits for (a corporation). I would suggest that it's foolish to argue that we should stop trying to understand the world around us."
- All five of the researchers with projects on the Gill Tract have academic titles at UC Berkeley.
- The Gill Tract was not donated to the campus; it was purchased for \$400,000 in the 1920s.
- Even though only about 11 percent of our budget now comes from the state, we continue to be a public university. However, that is not synonymous with claims some are making that all university property is freely open to all members of the public to use as they like. (For more information, see this explanation from the [Citizen Media Law Project](#). Much of the university's property is, in fact, accessible to the public at large. Nevertheless, in order to fulfill our educational and research mission, the university, like all public institutions, can and must restrict public access to portions of its property, including, of course, laboratories and classrooms.

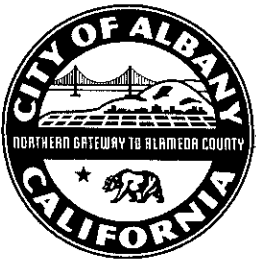
Even as the urban agriculture continues and research commences on the Gill Tract, we will continue to remain involved in and supportive of Dean Gilles's efforts. We know that he is committed to an open, transparent process and has promised to remain in consistent communication with the community as the partnership process unfolds.

Finally, and perhaps most importantly, we hope and believe that we can come together around a wide range of interests that are shared by the campus and the community. Whether it is urban agriculture in the short-term, or planning for the long-term future of the Gill Tract if and when CNR ceases to conduct research there, we are committed to meaningful collaboration with the community. We have sought your input and ideas in the past and will continue to do so in the future.

Sincerely,

George Breslauer
Executive Vice Chancellor and Provost

John Wilton
Vice Chancellor, Administration and Finance



City of Albany

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RESOLUTION NO. 2012-34

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 21st day of May, 2012, by the following votes:

AYES: Council Members Wile, Thomsen, Vice Mayor Atkinson and Mayor Javandel

NOES:

ABSENT:

ABSTAINED: Council Member Lieber

RECUSED:

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 4th

Day of June, 2012.

Eileen Harrington
DEPUTY CITY CLERK

The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of a diverse community, and providing a safe, healthy and sustainable environment.



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