

RESOLUTION NO. 67,354–N.S.

URGING THE EAST BAY REGIONAL PARKS DISTRICT TO HONOR OHLONE  
INDIGENOUS RIGHTS AND PROTECT OHLONE PLACE OF ORIGIN SACRED SITE

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code (BMC) Chapter 3.68.070; and

WHEREAS, the City of Berkeley adopted Ordinance 5,985-N.S., the "City of Berkeley Human Rights Ordinance, 1990" adopting a human rights policy based on articles 55 and 56 of the United Nations Charter; and

WHEREAS, on May 19, 2009, the Berkeley City Council passed a resolution to recognize and endorse the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); and

WHEREAS, Article 11, 2 of UNDRIP states, "States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs; and

WHEREAS, Article 12 of UNDRIP states, "Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites"; and

WHEREAS, Brushy Peak, south of Mt. Diablo, under management of the East Bay Regional Parks District is a sacred site and ceremonial site to the Ohlone as their place of origin according to their religion; and

WHEREAS, the location of development and a trail to Brushy Peak has been identified as degrading the sacred site by Ohlone people.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley urges the East Bay Regional Parks District to reroute the trail which approaches the Ohlone Place of Origin sacred site and provide access for Ohlone people to maintain, protect, and have access to their cultural site for religious use.

BE IT FURTHER RESOLVED that the City of Berkeley urges EBRPD to adopt a best practices consultation policy with local Native peoples.

BE IT FURTHER RESOLVED that Council direct the City Clerk to send a copy of this resolution to the East Bay Regional Park District.

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The foregoing Resolution was adopted by the Berkeley City Council on January 19, 2016 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf and Worthington.

Noes: Bates.

Absent: None.

  
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Tom Bates, Mayor

Attest:   
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Mark Numairville, City Clerk