

AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, April 21, 2026

6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 503 21ST STREET NORTHEAST, WASHINGTON,
DC 20002

ADENA ISHII, MAYOR

COUNCILMEMBERS:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – IGOR TREGUB

DISTRICT 5 – SHOSHANA O'KEEFE

DISTRICT 6 – BRENT BLACKABY

DISTRICT 7 – CECILIA LUNAPARRA

DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using [Zoom](#). To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 208 3989**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email council@berkeleyca.gov.*

Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via [internet video stream](#). All Council meetings are recorded.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. The City Council may take action related to any subject listed on the Agenda.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

Government Code Section 84308 (Levine Act) - Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over \$500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.

Preliminary Matters

Roll Call:

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Up to ten persons will be selected to address matters not on the Council agenda. If five or fewer persons are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons are selected to address matters not on the Council agenda, each person selected will be allotted one minute each.*

In-person attendees wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to the moment that the Presiding Officer calls for public comment on non-agenda items. Remote attendees must raise their hand in the videoconference application when the Presiding Officer calls for non-agenda speakers. The first five raised hands on the videoconference application will be selected to speak and the first five cards drawn at the meeting will be selected to speak. The number of in-person and remote speakers selected may be adjusted by the Presiding Officer if fewer than five speakers from either format are identified.

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.

Public Comment by Employee Unions (first regular meeting of the month): *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

Consent Calendar

The Council will first determine whether to move items on the agenda for “Action” or “Information” to the “Consent Calendar”, or move “Consent Calendar” items to “Action.” Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the “Consent Calendar” are voted on in one motion as a group. “Information” items are not discussed or acted upon at the Council meeting unless they are moved to “Action” or “Consent”.

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to “Action.” Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

- 1. Calling for a Consolidated General Municipal Election for November 3, 2026**
From: City Manager
Recommendation: Adopt a Resolution: a) Calling for a General Municipal Election to be consolidated with the Statewide General Election to be held in Berkeley on November 3, 2026; b) Requesting that the Alameda County Board of Supervisors consolidate the City of Berkeley General Municipal Election with the Statewide General Election; c) Authorizing certain procedural and contractual actions; and d) Establishing policies for the filing of candidate statements of qualification.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 2. Police Accountability Board - Appointment of New Member**
From: City Manager
Recommendation: Adopt a Resolution appointing a new member to the Police Accountability Board (PAB) nominated by Councilmember Bartlett.
Financial Implications: See report
Contact: Mark Numainville, City Clerk, (510) 981-6900

Consent Calendar

- 3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 21, 2026**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Capital Improvements Fund - \$240,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 4. California Affordable Housing and Sustainable Communities Grant Application and Agreement with East Bay Asian Local Development Corporation for the Proposed Affordable Housing Project at North Berkeley BART**
From: City Manager
Recommendation: Adopt a Resolution: 1. Authorizing the City Manager to negotiate, enter into, and cause the City to perform its obligation under an agreement (including amendments) with East Bay Asian Local Development Corporation (EBALDC) and/or their affiliate relating to a funding application to the California Affordable Housing and Sustainable Communities (AHSC) program for project-related transportation and infrastructure improvements for the North Berkeley BART (NBB) EBALDC Affordable Housing Project at the North Berkeley BART Station Area, for a total AHSC award amount of up to \$50 million.
2. Authorizing the City Manager to accept up to \$9 million in state Affordable Housing and Sustainable Communities (AHSC) funds and complete selected transportation improvements if awarded.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
- 5. ***Removed from Agenda by the City Manager*** 2026 Health Plan Changes**
From: City Manager
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
- 6. Contract No. 32400205 Amendment: Chemical Procurement Services for Pool Treatment Supplies**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32400205 with Chemical Procurement Services for pool treatment supplies by increasing the contract amount by \$30,000, for a total not to exceed amount of \$150,000.
Financial Implications: General Fund - \$150,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 7. FY 2026-2027 Transportation Development Act Article 3 Fund Allocation**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit a request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2026-2027 TDA Article 3 Pedestrian/Bicycle Project Funding for up to \$350,000 for the purpose of updating the 2020 Berkeley Pedestrian Plan; accept the funds; and execute any resultant agreements and amendments.
Financial Implications: See report
Contact: Wahid Amiri, Public Works, (510) 981-6300
- 8. Fiscal Year 2027 Street Lighting Assessments – Initiating Proceedings**
From: City Manager
Recommendation: Adopt two Resolutions describing proposed improvements to be used to determine the annual assessments levied for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District No. 2018 and ordering the preparation of Engineer’s Reports.
Financial Implications: See report
Contact: Wahid Amiri, Public Works, (510) 981-6300
- 9. Contract: CD & Power for On-Call Generator Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with CD & Power for On-Call Generator Maintenance in an amount not to exceed \$150,000 for the term of April 1, 2026 to March 31, 2029, with an option to extend for two additional one-year terms.
Financial Implications: See report
Contact: Wahid Amiri, Public Works, (510) 981-6300
- 10. Contract No. 32500090 Amendment: Bay Construction Co. for the Second Street STAIR Center Site Improvements and Shelter Units Project Specification No.23-11603-C**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32500090 with Bay Construction Co. to reconcile costs associated with completed construction work and finalize project closeout, increasing the current contract amount of \$1,069,200 by \$18,550 for a total not to exceed amount of \$1,087,750.
Financial Implications: See report
Contact: Wahid Amiri, Public Works, (510) 981-6300

Consent Calendar

- 11. Social Justice Implications of contracts with the Immigration Data Broker, Flock Safety**
From: Peace and Justice Commission
Recommendation: Approve a Policy approving the following actions with regard to safeguards for Berkeley’s surveillance-derived images and footage: Cancel Berkeley’s Flock Safety contracts for public surveillance images and video footage, due to Flock’s repeated sharing of such data with immigration authorities, and the inherent exposure of “cloud-based” storage to Trump administration access.
Financial Implications: None
Contact: Tasha Tervalon, Commission Secretary, (510) 981-7000
- 12. Social Justice Implications of Proposed Use of Controlled Weapons and Other Policing Tools**
From: Peace and Justice Commission
Recommendation: Adopt a Policy approving the following actions with regard to the appropriateness of certain chemical weapons and other tools: 1. Retain the existing 2020 bans on chemical weapons (CS and OC), and the 1982 bans on police dogs and helicopters. 2. Retain the 1997 requirement for public reporting of each use of pepper spray. 3. Request the City Manager to engage an academic institution such as UC Berkeley, UCSF, or Stanford to study the health impacts of tear gas and other chemical weapons and canine support, potential short-term and long-term impacts on vulnerable populations and possible alternatives to the use of chemical weapons that provide officer safety, suspect safety, and safety to the general public.
Financial Implications: None
Contact: Tasha Tervalon, Commission Secretary, (510) 981-7000
- 13. Reaffirm City of Berkeley Commitment to International Peace, Opposing War on Iran & Standing in Solidarity with the People of Iran**
From: Peace and Justice Commission
Recommendation: Adopt a Resolution reaffirming the commitment of City of Berkeley to international peace, opposing the war on Iran, an unconstitutional war initiated unilaterally by the us president without congressional authorization and expressing solidarity with the people of Iran and their right to self-determination.
Financial Implications: None
Contact: Tasha Tervalon, Commission Secretary, (510) 981-7000

Council Consent Items

- 14. Support SB 1301 (Allen), Reforming the Insurance Nonrenewal Process**
From: Councilmember Tregub (Author), Councilmember Blackaby (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember O'Keefe (Co-Sponsor)
Recommendation: Issue a "Support" position for Senate Bill (SB) 1301 (Allen), Reforming the Insurance Nonrenewal Process, and submit a letter of support on this bill to California Governor Gavin Newsom, Senators Ben Allen and Jesse Arreguin, Assemblymember Buffy Wicks, and applicable chairs of Senate and Assembly committees.
Financial Implications: Staff time
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
- 15. Support SB 1257 (Arreguin), Federal Immigration Enforcement: Report**
From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Issue a "Support" position for Senate Bill (SB) 1257 (Arreguin), "Federal Immigration Enforcement: Report", and submit a letter of support on the Bill to California Governor Gavin Newsom, Senator Jesse Arreguin, Assemblymember Buffy Wicks, and chairs of applicable Senate and Assembly committees.
Financial Implications: Staff time
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
- 16. Support SB 222 (Wiener), the Heat Pump Access Act; SB 868 (Wiener), the Plug and Play Solar Act; and AB 2389 (Irwin), the Keeping Solar Affordable Act**
From: Councilmember Tregub (Author), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Issue a "Support" position for Senate Bill (SB) 222 (Wiener), the Heat Pump Access Act; Senate Bill (SB) 868 (Wiener), the Plug and Play Solar Act; and Assembly Bill (AB) 2389 (Irwin), the Keeping Solar Affordable Act, and submit letters of support on this Bills to California Governor Gavin Newsom, Senator Jesse Arreguin, Assemblymember Buffy Wicks, authors of the Bills, and chairs of applicable Senate and Assembly committees.
Financial Implications: Staff time
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Council Consent Items

17. Setting Measurable Goals and Metrics for Key City Priorities *(Reviewed by the Health, Life, Enrichment, Equity & Community Committee)*

From: Councilmember Blackaby (Author), Councilmember O'Keefe (Co-Sponsor), Councilmember Humbert (Co-Sponsor)

Recommendation: Refer to the City Manager the development of 10-20 measurable goals and metrics that reflect key priorities for the City. These goals should focus on outcomes that matter most to residents, demonstrating both the impact of City government and the quality of life in our community. After setting annual goals, the City should provide quarterly updates with progress towards those goals via an easily accessible dashboard on the city website or other mechanism. Also, the City should provide updates as a quarterly City Council agenda item, or other appropriate frequency. Types of goals should be identified by analyzing similar work being done by other jurisdictions, and then quantifiable metrics for each goal should be set by staff and reviewed by City Council. How do peer cities and comparable jurisdictions define, structure, and establish outcome-based goals and metrics? What processes do they use to select them and align them with priorities? How do jurisdictions report on these goals and metrics, including the formatting, frequency, and accessibility of reporting to decision-making bodies and the public? Goals should span a full range of City priorities, including housing production, public safety, transportation, public works, parks & recreation, homelessness, and economic development.

Policy Committee Recommendation: To send item to Council with a qualified positive recommendation to: explore a variety of frameworks and methodologies, interface with the public, and explore opportunities to quantify social costs and benefits.

Financial Implications: Staff time

Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during the Action Calendar public comment period on the item

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

The Presiding Officer may open and close an additional comment period for Action items on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters), at the start of the Action Calendar. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by first the appellant and then the applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking during a public hearing, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

When applicable, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

18. **Conduct Public Hearing in Compliance with Assembly Bill 2561 / Government Code § 3502.3 Regarding Vacancies, Recruitment, and Retention Efforts** **From: City Manager**

Recommendation: Conduct a public hearing in compliance with Assembly Bill 2561 (AB 2561) / Government Code § 3502.3 (GC § 3502.3) regarding vacancies, recruitment, and retention efforts.

Financial Implications: None

Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Archived indexed video streams are available at: berkeleyca.gov/council-agendas.
Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street, and through the City's online records portal: <https://records.cityofberkeley.info/>.

Agendas, agenda reports, and revised/supplemental material may be accessed via the online agenda for this meeting at: berkeleyca.gov/council-agendas and may be accessed at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@berkeleyca.gov

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at ada@berkeleyca.gov, (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

If you have obtained interpretation services for your use during a City Council meeting and would like to request assistance, please contact the City Clerk Department at (510) 981-6900, clerk@berkeleyca.gov, or in-person during the meeting.

Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900 or by email at clerk@berkeleyca.gov.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on April 9, 2026.***



Mark Numainville, City Clerk

## Communications

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through [Records Online](#).*

### **2180 Oxford St.**

1. Steven Schuyler (5)

### **Gilman Concerns**

2. Jordan Murray
3. Beth Gerstein
4. Arlene Owseichik

### **GO Bond Measure**

5. Jeannie Sides
6. Cynthia Kuo
7. Ted Steen
8. Allison Holton
9. Gerardo Fernandez
10. Jolie Lin

### **Goals and Metrics**

11. David Shere

### **Flock Concerns**

12. Adrian Tasistro-Hart
13. Jesse Rosemoore
14. Jo Ann Driscoll

### **San Francisco Style Policies**

15. David Lerman

### **Golden Gate Field Housing**

16. Stephen Crooms

### **8<sup>th</sup> and Harrison**

17. Brian Wood
18. Marianne Riddle

### **Elaine Bloom Memorial**

19. Eileen Joyce

### **Hopkins St.**

20. Thea Davison
21. Pamela Tellev
22. Stephanie Gwinn

- 23. Suzanne Riess
- 24. Barbara Gilbert
- 25. John Hitchen
- 26. Roberta C. Brooks

**2025 Citizen APR**

- 27. John Gage

**Support to Small Businesses**

- 28. Monica Acevedo

**Tenant Communications**

- 29. Hector91 Phuentes (7)

**Seawall Dr.**

- 30. Dave Marcolini

**Upzoning**

- 31. Suzanne Ryan
- 32. Anne Herrick
- 33. Kathryn Freistadt (2)
- 34. Diane Shavelson
- 35. Laura Faer
- 36. Carol Hirth

**Market-rate Development**

- 37. John J. Parman

**BAUASI**

- 38. Blair Beekman

**Eco Events**

- 39. Kera Bartlett Binns

**Records Follow-Up**

- 40. Cassia Stepak

**Property Tax Concern**

- 41. Barbara Freeman

**Email Follow-Up**

- 42. Stephen Alpert (2)

**Fulton Bike Lane**

- 43. Theo Posselt

**Safety Concern**

44. Elizabeth Johnston (4)

**Naming Public Space**

45. Eric Friedman

46. Nancy Carleton

**Celebration of Life**

47. Boona Cheema

**Park Visit Fees**

48. Nadia Le Bon

**Public Comment Concern**

49. Stephen Alpert

**Safeco Response**

50. Michael Apte

**New Billboards**

51. Beth Roessner

**6<sup>th</sup> and Harrison**

52. Craig Nagasawa

**The Count Hunger Act**

53. Marchon Tatmon

**URLs**

54. Russbumper

**Forwards**

55. Russbumper (2)

**Newsletters**

56. Visit Berkeley

57. Downtown Berkeley Association

**E-Scooters**

58. Robert Borghese (3)

59. Carson Lepre (4)

## **Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.



Office of the City Manager

CONSENT CALENDAR

April 21, 2026

To: Honorable Mayor and Members of the City Council  
From: Paul Buddenhagen, City Manager  
Submitted by: Mark Numainville, City Clerk  
Subject: Calling for a Consolidated General Municipal Election for November 3, 2026

RECOMMENDATION

Adopt a Resolution: a) Calling for a General Municipal Election to be consolidated with the Statewide General Election to be held in Berkeley on November 3, 2026; b) Requesting that the Alameda County Board of Supervisors consolidate the City of Berkeley General Municipal Election with the Statewide General Election; c) Authorizing certain procedural and contractual actions; and d) Establishing policies for the filing of candidate statements of qualification.

FISCAL IMPACTS OF RECOMMENDATION

No direct fiscal impacts related to the recommended action. Election services have seen a steep increase since 2018, with the City's first million-dollar election in 2020. In general, the number of measures placed on the ballot, and the length of the measures, are the primary driving factors in the fluctuation of election costs.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley is required under the City Charter to conduct its general municipal elections in November of each even-numbered year. Adopting this resolution is the first official step toward holding the election.

The resolution in Attachment 1: a) calls for a General Municipal Election and requests the Alameda County Board of Supervisors accept consolidation of the City's General Municipal Election with the Statewide General Election on November 3, 2026; b) provides authority for the City Clerk to enter into contracts necessary for election supplies and services for the general election; c) provides authority for the City Clerk to hire temporary staff as needed to assist with the conduct of this election; d) adopts certain administrative policies for the filing of candidate statements; and e) authorizes the filing of rebuttal arguments for City ballot measures pursuant to Elections Code Section 9285.

BACKGROUND

Since 2010, voters have selected candidates for Mayor, Auditor, and City Council using Ranked-Choice Voting (RCV). In 2026 voters will continue to use RCV, thus eliminating the need for runoff elections. The use of RCV does not affect any of the actions stated in the resolution calling the election.

The City Charter, State Elections, and Government Codes require adoption of a resolution requesting consolidation, and authorizing procedural, contractual and organizational actions in connection with the General Municipal Election to be held on November 3, 2026.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

CONTACT PERSON

Mark Numainville, City Clerk, (510) 981-6900

Attachments:

1: Resolution Calling the November 3, 2026 General Municipal Election

RESOLUTION NO. – N.S.

CALLING FOR A GENERAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH  
THE STATEWIDE GENERAL ELECTION ON NOVEMBER 3, 2026

WHEREAS, a General Municipal Election is to be held on Tuesday, November 3, 2026, in and for the City of Berkeley; and

WHEREAS, certain actions are required in connection with said election.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the General Municipal Election to be held in the City of Berkeley on November 3, 2026, is hereby called.

BE IT FURTHER RESOLVED as follows:

1. In accordance with the provisions of Section 10002 and 10403 of the Elections Code of the State of California, the Alameda County Board of Supervisors is requested to consolidate the City of Berkeley General Municipal Election with the Statewide General Election to be held November 3, 2026 and to permit the county elections official to render services specified.
2. The Registrar of Voters of Alameda County is requested to perform services in connection with said election at the request of the City Clerk. These services include all necessary services related to signature checking for nomination petitions and signatures-in-lieu of filing fee, official ballot creation, sample ballot and voter information guide preparation, vote-by-mail, vote centers, drop boxes, vote center workers, voter registration, voting machines, canvass operations, and any and all other services necessary for the conduct of the general election.
3. The City hereby requests that the Registrar of Voters conduct the election for City Council and Auditor using ranked choice voting in accordance with the executed Memorandum of Understanding between the City and the Registrar as well as Berkeley Municipal Code Section 2.14.010 et seq.
4. The Board of Supervisors of Alameda County is requested to include on the ballots and sample ballots, all qualified measures submitted by the City Council to be ratified by the qualified electors of the City of Berkeley.
5. That the City of Berkeley acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code Section 10418.
6. The City Clerk is hereby directed to cause the posting, publication, and printing of all notices or other election materials pursuant to the requirements of the Charter

of the City of Berkeley and the Elections and Government Codes of the State of California.

7. The City Clerk is hereby authorized to enter into any contracts necessary for election consulting services, temporary employment services, printing services, and any such other supplies and services as may be required by the statutes of the State of California and the Charter of the City of Berkeley for the conduct of the November General Municipal Election.
8. The offices to be voted upon at the General Municipal Election shall be:
  - a) One council member seat, District 1, term ending November 30, 2030
  - b) One council member seat, District 4, term ending November 30, 2030
  - c) One council member seat, District 7, term ending November 30, 2030
  - d) One council member seat, District 8, term ending November 30, 2030
  - e) One seat for auditor, term ending November 30, 2030
  - f) Three school board director seats, terms ending November 30, 2030
  - g) Five rent stabilization board commissioner seats, terms ending November 30, 2030;
9. The offices of auditor and council member require a 50%+1 majority in the ranked choice voting system to be elected. The offices of school board director and rent stabilization board commissioner require a plurality of the votes cast.
10. The City Council of the City of Berkeley approves and endorses the use of five (5) voting choices for candidates on the Ranked-Choice Voting ballot.
11. Candidates may file a statement of qualification pursuant to the regulations in the Elections Code, the City Charter, the Municipal Code, and the policies set forth below:
  - a. Candidate statements must be filed no later than the last day to file nomination papers.
  - b. Candidate statements must be filed at the same time as completed nomination papers are filed.
  - c. Statements may not be changed once they are submitted. Statements may be withdrawn until 5:00 p.m. on the next business day after the close of the nomination period.
  - d. Statements are confidential until the close of the nomination period. The statements are subject to public review and contest.
  - e. There shall be no fee charged by the City for the submission of a candidate statement of qualifications.
  - f. Statements must be typed or printed from a computer. If prepared on a computer, submission in electronic format, in addition to the official hard copy, is required.
  - g. Statements shall be submitted in plain text formatting, single paragraph, without any formatting such as underline, bold, italics, or all caps.

- h. Candidate statements must be in the format provided by the City Clerk when filed.
  - i. Statements are limited to 200 words. The word counting guidelines in Elections Code Section 9 shall govern the counting of words.
  - j. The candidate statement will be translated into Spanish, Chinese, Vietnamese, and Tagalog pursuant to the requirements of the Federal Voting Rights Act.
  - k. Signed and completed consent forms are required for each Berkeley resident referenced as an endorser (no less than 5, no more than 20) and for any person and any organization mentioned in the text of the statement as an endorser or supporter.
  - l. For any discrepancy between the information listed on the hard copy of a candidate statement or candidate statement form and the consent form, the signed consent form will take precedence.
  - m. The name and title of an endorser will be printed exactly as it is written on the consent form.
  - n. The total word count for all title(s) of a single endorser shall not exceed 20 words. In the case that there are more than 20 words, the title will be truncated at the 20<sup>th</sup> word. Words will be counted in accordance with Elections Code Section 9.
  - o. Any mention of partisan activity or membership is prohibited in the 200-word statement.
  - p. Any mention of any opponent or other candidate for the same office is prohibited.
  - q. Candidates may submit a photograph of themselves to be printed with their statement. Hard copy and electronic photo must be submitted at the same time the candidate statement is filed in order to be included in the voter information guide.
12. The City of Berkeley agrees to reimburse the County of Alameda in full for the cost of election services performed.
13. Pursuant to Elections Code Section 9285 (b), the City Council hereby adopts the provisions of Elections Code Section 9285 (a) providing for the filing of rebuttal arguments for city ballot measures.





Office of the City Manager

CONSENT CALENDAR  
April 21, 2026

To: Honorable Mayor and Members of the City Council  
 From: Paul Buddenhagen, City Manager  
 Submitted by: Mark Numainville, City Clerk  
 Subject: Police Accountability Board – Appointment of New Member

RECOMMENDATION

Adopt a Resolution appointing a new member to the Police Accountability Board (PAB) nominated by Councilmember Bartlett.

FISCAL IMPACTS OF RECOMMENDATION

All PAB commissioners are eligible to receive a stipend of up to \$300 per month.

CURRENT SITUATION AND ITS EFFECTS

There are currently six vacant seats on the PAB, including one alternate position.

Councilmember Bartlett has nominated Benjamin Nash to serve on the Police Accountability Board. Mr. Nash meets the eligibility criteria as verified by city staff in accordance with the requirements of the City Charter and may be appointed by a majority vote of the Council.

| <b>Commissioner</b>    | <b>Nominated By</b>     |
|------------------------|-------------------------|
| <i>vacant</i>          | Mayor Ishii             |
| Joshua Buswell-Charkow | Councilmember Kesarwani |
| <i>vacant</i>          | Councilmember Taplin    |
| <i>vacant</i>          | Councilmember Bartlett  |
| <i>vacant</i>          | Councilmember Tregub    |
| Leah Wilson            | Councilmember O’Keefe   |
| <i>vacant</i>          | Councilmember Blackaby  |
| Joshua Cayetano        | Councilmember Lunaparra |
| Randy Wells            | Councilmember Humbert   |
| <i>vacant</i>          | Alternate               |

Article XVIII, Section 125, Part 6 of the City Charter states, “The Mayor and each City Councilmember shall nominate one candidate from an applicant pool at a meeting of the City Council and that each individual nominee must be approved by a majority vote of the City Council.”

Members of the Police Accountability Board must:

- Be a resident of the City
- Be at least 18 years of age
- Not be an employee, officer, or contractor with the City, a current sworn police officer from any agency, or a current employee, official, or representative of an employee association representing sworn police officers
- Be fair minded and objective with a demonstrated commitment to community service

The City Charter indicates that desirable qualities of a Board member are familiarity with human resources, law, police procedures, police oversight, or involvement in civil rights or community organizations and that the City Council shall endeavor to establish a Board that is broadly inclusive and reflective of race, ethnicity, age, gender identity, sexual orientation, economic status, neighborhoods, and various communities of interest in the City.

#### BACKGROUND

Measure II was adopted on November 3, 2020, by the voters of Berkeley to establish an Office of the Director of Police Accountability and create a new Police Accountability Board (hereafter “Board”), both of which are independent of the City Manager. The members of the Board are approved by vote of the full Council.

In June of 2021 the Mayor and Members of the City Council nominated and appointed the initial nine members of the PAB and also appointed one alternate commissioner.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

#### RATIONALE FOR RECOMMENDATION

The appointment is provided for by the City Charter and pursuant to the nomination submitted by Councilmember Bartlett.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Mark Numainville, City Clerk, (510) 981-6900

Attachments:

1: Resolution

RESOLUTION NO. -N.S.

APPOINTMENT OF BENJAMIN NASH TO THE POLICE ACCOUNTABILITY BOARD

WHEREAS, Measure II was adopted on November 3, 2020 by the voters of Berkeley to create a new Police Accountability Board; and

WHEREAS, Article XVIII, Section 125, Part 6 provides for the Council's appointment of board members; and

WHEREAS, the Councilmember Bartlett submitted a nominee for appointment by the full council; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that the following applicant is hereby appointed to the Police Accountability Board:

| <b>Nominee</b> | <b>Nominated By</b>    |
|----------------|------------------------|
| Benjamin Nash  | Councilmember Bartlett |





Office of the City Manager

CONSENT CALENDAR  
April 21, 2026

To: Honorable Mayor and Members of the City Council  
 From: Paul Buddenhagen, City Manager  
 Submitted by: Henry Oyekanmi, Director, Finance  
 Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 21, 2026

RECOMMENDATION

Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager’s threshold will be returned to Council for final approval.

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is **\$240,000**.

| <u>PROJECT</u>                                                | <u>Fund</u> | <u>Source</u>        | <u>Amount</u>    |
|---------------------------------------------------------------|-------------|----------------------|------------------|
| On-Call Transportation and Parking Survey Consulting Services | 501         | Capital Improvements | \$240,000        |
| <b>Total:</b>                                                 |             |                      | <b>\$240,000</b> |

CURRENT SITUATION AND ITS EFFECTS

On May 6, 2008, Council adopted Ordinance No. 7,035-N.S. effective June 6, 2008, which increased the City Manager’s purchasing authority for services to \$50,000. As a result, this required report submitted by the City Manager to Council is now for those purchases in excess of \$100,000 for goods; and \$200,000 for playgrounds and construction; and \$50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and upon final notice to proceed from the requesting department, the IFB (Invitation for Bid) or RFP (Request for Proposal) may be released to the public and notices sent to the potential bidder/respondent list.

BACKGROUND

On May 6, 2008, Council adopted Ordinance No. 7,035-N.S., amending the City Manager’s purchasing authority for services

Formal Bid Solicitations and Request for Proposals  
Scheduled for Possible Issuance After Council  
Approval on April 21, 2026

CONSENT CALENDAR  
April 21, 2026

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Finance Department reviews all formal bid and proposal solicitations to ensure that they include provisions for compliance with the City's environmental policies. For each contract that is subject to City Council authorization, staff will address environmental sustainability considerations in the associated staff report to City Council.

RATIONALE FOR RECOMMENDATION

Need for the goods and/or services.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Roopreet Walia-Soorma, Senior Buyer, Finance, 510-981-7311

Attachments:

- 1: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 21, 2026
  - a. On-Call Transportation and Parking Survey Consulting Services

Note: Original of this attachment with live signature of authorizing personnel is on file in General Services.

| SPECIFICATION NO. | DESCRIPTION OF GOODS / SERVICES BEING PURCHASED               | APPROX. RELEASE DATE | APPROX. BID OPENING DATE | INTENDED USE                                                                                                                                                                                                                                                                                                                                                                                                                                      | ESTIMATED COST                                                                | BUDGET CODE TO BE CHARGED                                                   | DEPT. / DIVISION              | CONTACT NAME & PHONE                                      |
|-------------------|---------------------------------------------------------------|----------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------------|
| 26-11789-C        | On-Call Transportation and Parking Survey Consulting Services | 4/22/26              | 5/21/2026                | The consultant will conduct transportation and parking data collection at the direction of Traffic Engineering. Transportation, Planning and Parking Services staff, as applicable, depending on the originating work unit and project needs. Data collection may include, but not limited to, the following transportation counts and field observations:<br>Vehicular Volume Counts<br>Turning Movement Counts<br>(TMCs) Vehicle Classification | \$80,000 per year (Not to exceed \$240,000 for three years starting May 2026) | Potential budget codes to be charged:<br>501-54-622-668-0000-000-431-665110 | Public Works - Transportation | Areli Balderama 510-981-5214 Mark Helmbrecht 510-981-6403 |
| <b>Dept Total</b> |                                                               |                      |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>\$240,000</b>                                                              |                                                                             |                               |                                                           |
| <b>TOTAL</b>      |                                                               |                      |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>\$240,000</b>                                                              |                                                                             |                               |                                                           |





Office of the City Manager

CONSENT CALENDAR

April 21, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing and Community Services

Subject: California Affordable Housing and Sustainable Communities Grant Application and Agreement with East Bay Asian Local Development Corporation for the Proposed Affordable Housing Project at North Berkeley BART

RECOMMENDATION

Adopt a Resolution:

1. Authorizing the City Manager to negotiate, enter into, and cause the City to perform its obligation under an agreement (including amendments) with East Bay Asian Local Development Corporation (EBALDC) and/or their affiliate relating to a funding application to the California Affordable Housing and Sustainable Communities (AHSC) program for project-related transportation and infrastructure improvements for the North Berkeley BART (NBB) EBALDC Affordable Housing Project at the North Berkeley BART Station Area, for a total AHSC award amount of up to \$50 million.
2. Authorizing the City Manager to accept up to \$9 million in state Affordable Housing and Sustainable Communities (AHSC) funds and complete selected transportation improvements if awarded.

SUMMARY

If the AHSC application is successful, the City will receive up to \$9 million in grant funds for transportation projects located within one mile of the NBB EBALDC Affordable Housing Project. The City transportation projects budget in the application may decrease depending on the final combination of transportation projects proposed in the AHSC application. To maximize the application's competitiveness, Public Works staff are evaluating various combinations of transportation projects.

FISCAL IMPACTS OF RECOMMENDATION

EBALDC will apply for up to \$50 million of AHSC program funds, which will include up to \$35 million for housing development and \$15 million for transportation and programmatic activities for the NBB EBALDC Affordable Housing Project. The housing portion of the application does not require City participation, and the AHSC housing

funds will be loaned directly to EBALDC without passing through the City. The housing portion of the application cannot go forward without the transportation and infrastructure portion discussed in this report.

The transportation activities will include projects that will be implemented by the City, BART, and possibly AC Transit. If awarded, EBALDC's AHSC application would bring up to \$9 million of competitive grant revenue to fund bicycle, pedestrian, and transit improvements that were previously identified in City Council adopted plans. The resolution authorizes the City Manager to enter into an agreement that will allow EBALDC to pass through the funds to the City if the application is successful.

If the AHSC application is successful, the City will need to complete the agreed upon projects within five years of the award. The resulting City agreement is expected to include generally customary provisions requiring the City to (i) complete the agreed improvements by the deadline, (ii) be responsible for any funding shortfalls, and (iii) not seek reimbursement for any grant amounts not otherwise spent on the projects

#### CURRENT SITUATION AND ITS EFFECTS

EBALDC is proposing the construction of a 60-unit mixed-use affordable residential structure as a component of the North Berkeley BART Transit Oriented Development at the North Berkeley BART Station main parking lot. The project will include 15 residential units for extremely low-income households and 45 residential units for low-income households. EBALDC will apply for the AHSC grant to support the housing development and transportation improvements.

As part of the AHSC grant application process, the project team, comprised of both City and EBALDC staff, has been meeting to strategize on the combination of transportation improvements that will help the application score most competitively. Transportation improvements must be located entirely or partially within the project area, defined by AHSC as within one mile of the North Berkeley BART transit-oriented development site. The improvements to be implemented by the City of Berkeley include:

- Constructing a new Class III bicycle boulevard on Grant Street from the City Council-approved 2017 Bicycle Plan Update, which may include wayfinding signs, pavement markings, traffic calming, intersection crossing improvements, solar-powered street lighting and new Americans with Disabilities (ADA)-accessible curb ramps.
- Improving five AC Transit bus stops within the project area with bus boarding "bulbouts", bus shelters, and benches. The bus stops are located on transit priority corridors and support the City's Transit-First Policy Implementation Plan approved by City Council in 2023.

- Constructing three raised mid-block crosswalks at locations within the Santa Fe Trackbed to Park Conversion project, to link the park blocks together into a continuous walkway.

The City's share of the AHSC funds for the bicycle, pedestrian, and bus stop improvements will not exceed \$9 million.

Within the \$15 million for transportation and programmatic activities, the transportation scope includes the City projects as well as BART's capital improvements and potentially an AC Transit vehicle purchase. The programmatic activities include a host of lower cost uses such as anti-displacement services, workforce development training, high speed internet, and transit passes. The City will have no direct role or responsibility in implementing EBALDC, BART, and possibly AC Transit activity scopes outside of the specific projects outlined in this staff report.

As a part of the agreement between EBALDC and the City and as a condition of including bus shelters as part of the proposed transit improvements to be constructed by the City, EBALDC has committed to capitalizing a funding reserve in an amount not to exceed \$100,000. This reserve would provide annual funding for a period not to exceed 10 years for routine maintenance of bus shelters. The City currently estimates the cost of maintaining five new bus shelters over a 10-year period is approximately \$100,000. Unless EBALDC identifies another funding source, one likely source for this cost will be the City's Housing Trust Fund, which already has funding reservations for the project.

### BACKGROUND

Administered by the Strategic Growth Council and implemented by the Department of Housing and Community Development (HCD), the AHSC Program provides loans and grants to eligible land-use, housing, transportation, and land preservation projects to support infill and compact development that reduce greenhouse gas emissions. Funding for the AHSC Program is provided by the Greenhouse Gas Reduction Fund, an account established to receive Cap-and-Trade auction proceeds. The City was successful in applying for AHSC program funds with BRIDGE on the BRIDGE PHASE I affordable housing project at the NBB site and for applying and utilizing AHSC program funds for several other affordable housing projects.

On December 13, 2022, July 25, 2023, and June 25, 2024, with Resolutions 70,643-N.S., 70,991-N.S., and 71,428-N.S., the City Council approved predevelopment funding reservations totaling \$5,000,000 for permanently affordable housing at the NBB Station Area. This predevelopment funding is part of a commitment made by the City through Resolution 71,428-N.S. to provide up to \$26.5 million for affordable housing development at the site. The NBB EBALDC Affordable Housing Project is one of four affordable projects proposed for housing development at the North Berkeley BART

station. With Resolution 72,124-N.S., the City Council extended the funding reservation for the NBB project on February 10, 2026.

The intent is to leverage the City's affordable housing funding with affordable housing funding from the State's AHSC program, for which applications are expected to be due on or around May 4<sup>th</sup>, 2026. A key goal of the AHSC program is to reduce greenhouse gas emissions, and projects are required to incorporate certain transportation improvements. EBALDC requested that the City partner with them on the application and complete certain AHSC-funded transportation improvements to help meet the program requirements and ensure a competitive application.

EBALDC is working with Enterprise Community Partners, which has a proven track record of successful AHSC applications across California including East 12<sup>th</sup> Street and Lake Merritt BART affordable housing projects in Oakland. In Berkeley, City staff have worked on successful AHSC applications for three affordable housing projects: Hope Center, Maudelle Miller Shirek Community, and the NBB BRIDGE Phase 1 Project. The consultants have been evaluating the AHSC scoring criteria and transportation project options and have advised on strategies that have the greatest chance of achieving the highest scores possible. The project team strategized on the most competitive combination of transportation projects to propose and determined that a portion of the AHSC funds will support City projects identified in this report.

The City will not be a joint applicant and will need to enter into a side agreement with EBALDC to receive state AHSC funding passed through the project to the City-sponsored transportation projects. Completion of the transportation projects by the end of 2031 will be necessary for the projects to receive the AHSC housing funds. Should the City not complete the improvements by 2031, the City would lose access to any unspent AHSC funds. For that reason, agreeing to participate in this program means the City will need to prioritize completion of any AHSC-funded projects. The side agreement will address liability and indemnification as well as the grant activities themselves. This was taken into consideration as the potential projects were identified

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The purpose of the AHSC program is to reduce greenhouse gas emissions in California. All the projects identified for the funding will help accomplish that goal. Increasing cycling and walking would help the City achieve the Berkeley Climate Action Plan greenhouse gas emission reduction targets of 80% below year 2000 levels by 2050. The Climate Action Plan states that, "Transportation modes such as public transit, walking and bicycling must become the primary means of fulfilling our mobility needs."

#### RATIONALE FOR RECOMMENDATION

The project will provide new housing units affordable to low-income households. In addition, the City transportation and infrastructure projects proposed for inclusion in this AHSC funding application (new Class III bicycle boulevards, pedestrian improvements,

and bus stop upgrades in the AHSC project area) were all previously identified in existing City plans. The 2017 Bicycle Plan recommends new bicycle boulevards to expand and improve connectivity of the neighborhood bikeway system. The City's Transit-First Policy Implementation Plan encourages the City to develop bus stop improvements to support the use of public transit. The City's 2020 Pedestrian Plan recommends curb ramps that align with the direction of the crosswalk and are compliant with the ADA. This funding opportunity has the potential to provide up to a total of \$9 million for these various activities in the project area. In the event the estimates are higher than budgeted, the City will be required to make up any shortfalls from other sources.

If EBALDC fails to meet the AHSC schedule or expenditure deadlines for the housing project, it could impact the timing of or the City's right to receive disbursements of AHSC funds for its transportation projects. The City is also obligated to complete its AHSC projects by 2031 or it risks losing access to the funds. City staff believes that the City can reasonably bear these risks in light of (i) the understanding that all of the anticipated housing costs have already been identified or budgeted, (ii) the expectation that all CEQA and NEPA approvals for housing construction will be received in timely manner, (iii) the City's general extensive experience with executing similar transportation and infrastructure projects, and specific understanding that all of the projects at issue can be completed within the required five-year period, and (iv) other than customary requirements for carrying out any public works project, staff is not aware of any other significant pre-conditions or risks for the City executing the transportation improvement projects. Specific design, construction, procurement and related contracts to deliver the City projects will be subject to customary City approvals at the appropriate times, including Council approval when required.

#### ALTERNATIVE ACTIONS CONSIDERED

The City could choose not to participate in the AHSC application, which would result in a less competitive application for EBALDC and may impact their ability to secure funding to support the affordable housing development. Without the City's participation, the application would have difficulty achieving full points for transportation improvements. In addition, it would mean forgoing an opportunity to access up to \$9 million for transportation infrastructure projects.

#### CONTACT PERSON

Asavari Devadiga, Community Development Project Coordinator, HHCS, 510-981-5426

Attachments:  
1: Resolution

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

CALIFORNIA AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES GRANT APPLICATION AND AGREEMENT WITH EAST BAY ASIAN LOCAL DEVELOPMENT CORPORATION FOR THE PROPOSED AFFORDABLE HOUSING PROJECT AT NORTH BERKELEY BART

WHEREAS, on April 27, 2021, with Resolution 69,883-N.S., the City Council reserved \$53 million, to be divided between the North Berkeley and Ashby BART sites, as the subsidy needed to achieve 35% affordability, and allowed for a portion of that funding to be considered for predevelopment costs associated with affordable housing; and

WHEREAS, on December 13, 2022, and July 25, 2023, City Council adopted Resolutions No. 70,643-N.S. and No. 70,991-N.S., reserving funding for predevelopment activities at the North Berkeley BART site; and

WHEREAS, on March 4, 2026, the California Strategic Growth Council and the California Department of Housing and Community Development released the Notice of Funding Availability with approximately \$750 million in loan and grant funds for the Affordable Housing and Sustainable Communities (AHSC) Program; and

WHEREAS, East Bay Asian Local Development Corporation (“EBALDC”) and/or their affiliate proposes to apply for AHSC funding prior to the due date of May 4, 2026, for up to \$50 million to support affordable housing development (the “NBB EBALDC Project”), as well as transportation and infrastructure improvements within one mile of the North Berkeley BART site (the “project area”); and

WHEREAS, if the application is successful, the City would receive up to approximately \$9 million in grant funds to support bicycle boulevard, pedestrian improvements, and bus stop improvements within the project area (the “City Transportation Projects”); and

WHEREAS, the City Transportation Projects support the traffic safety, climate, and equity policy goals and infrastructure recommendations of Berkeley City Council approved transportation plans, including the 2017 Bicycle Plan (Resolution no. 67,945-N.S.), 2020 Pedestrian Plan (Resolution no 69,711-N.S.), 2020 Vision Zero Action Plan (Resolution no. 69,324-N.S.), and 2023 Transit-First Policy Implementation Plan (Resolution no. 70,751-N.S.); and

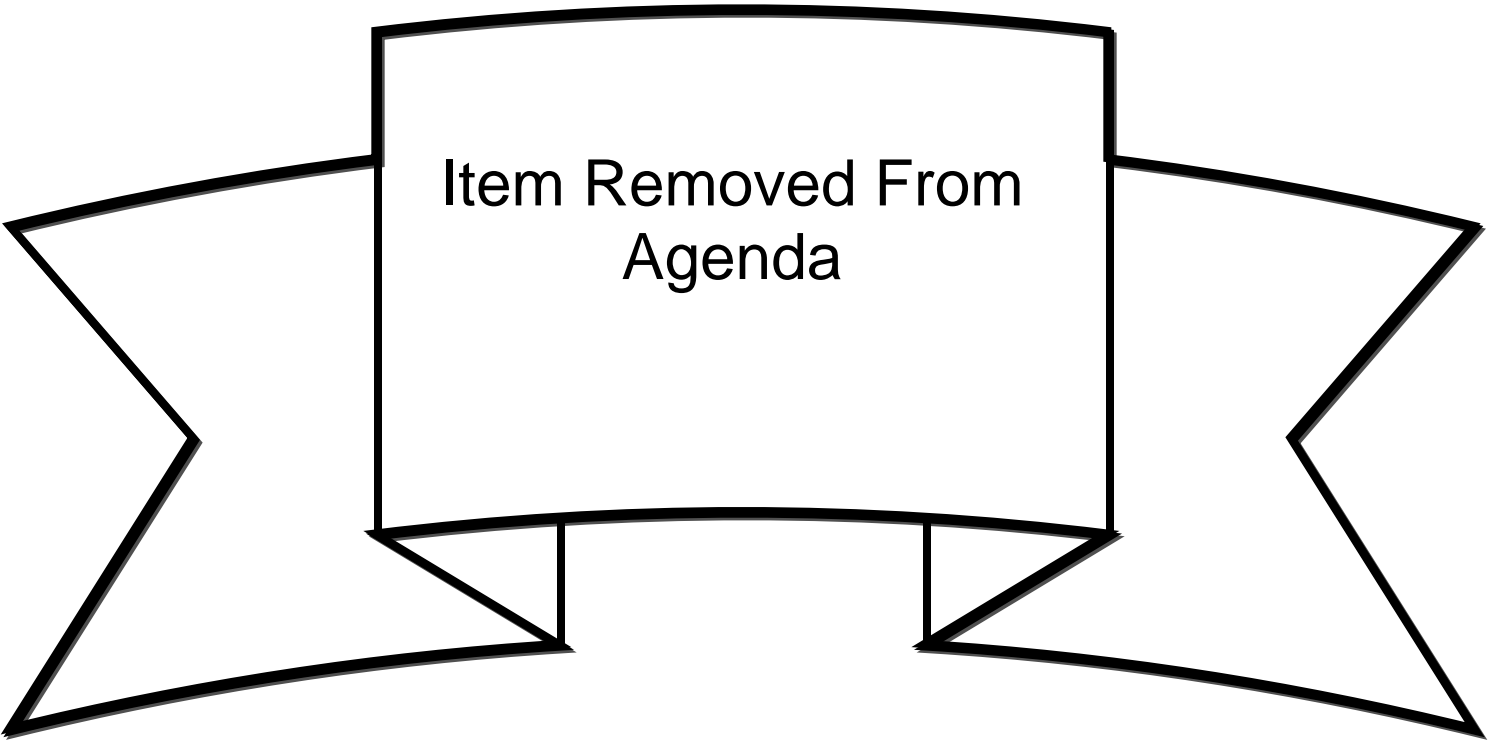
WHEREAS, the amount of funding for City Transportation Projects may be reduced depending on the final cost estimate for other projects that will also be paid for out of the AHSC award; and

WHEREAS, the City will not be a joint applicant but will need to enter into a side agreement with EBALDC in order to receive the State’s AHSC funding passed through the project to the City-sponsored transportation projects.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to negotiate, enter into and cause the City to

perform its obligations under an agreement (including amendments) with EBALDC and its affiliates relating to a funding application to the California AHSC program for NBB EBALDC Project project-related transportation and infrastructure improvements, for a total amount up to \$9 million for City projects, and to accept and perform the grants if awarded.





Item Removed From  
Agenda

This item has been removed from the agenda by the City Manager.

If you have questions regarding this report, please contact the person noted on the agenda.

**City Clerk Department**

2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**The City of Berkeley, City Council's Website**

<https://berkeleyca.gov/your-government/city-council>





Office of the City Manager

CONSENT CALENDAR

April 21, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: F. Scott Ferris, Director, Parks, Recreation, & Waterfront Department

Subject: Contract No. 32400205 Amendment: Chemical Procurement Services for Pool Treatment Supplies

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32400205 with Chemical Procurement Services for pool treatment supplies by increasing the contract amount by \$30,000, for a total not to exceed amount of \$150,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the contract amendment is available in the Parks, Recreation, & Waterfront Department's Fiscal Year 2026 General Fund (Fund 011).

CURRENT SITUATION AND ITS EFFECTS

In April 2023, the City conducted a competitive Request for Proposal (RFP) process for swimming pool treatment supplies. The City received one submission from Chemical Procurement Services LLC. Staff determined that Chemical Procurement Services met the criteria described in the RFP, and a contract was executed for a not-to-exceed total amount of \$120,000 for a two-year period beginning July 1, 2023 and ending June 30, 2025 (Resolution No. 70,891, June 13, 2023). The contract was extended through June 30, 2026 under City Manager authority. Additional authority is needed to complete the contract term.

BACKGROUND

The City of Berkeley operates two community swimming facilities, King Swim Center and West Campus Swim Center. The ongoing operation of these facilities requires treating the swimming pool water to comply with the State of California Swimming Pool Operational code to ensure public safety

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Purchasing chemicals in mini-bulk quantities allows the City to operate the two swimming pools while reducing the carbon emissions associated with transporting chemicals in smaller quantities.

RATIONALE FOR RECOMMENDATION

By amending the contract with Chemical Procurement Services for pool supplies, the City will be able to maintain efficient and uninterrupted operations of the swimming pools.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, 510-981-7000

Justin Pitcher, Recreation Program Supervisor, 510-981-7000

Attachments:

1: Resolution

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

CONTRACT NO. 32400425 AMMENDMENT: CHEMICAL PROCUREMENT  
SERVICES FOR POOL TREATMENT SUPPLIES

WHEREAS, the City of Berkeley operates two community swimming facilities, King Swim Center and West Campus Swim Center; and

WHEREAS, in April 2023, the City conducted a competitive Request for Proposal (RFP) process for swimming pool treatment supplies. The City received one submission from Chemical Procurement Services LLC. Staff determined that Chemical Procurement Services met the criteria described in the RFP, and a contract was executed for a not-to-exceed total amount of \$120,000 for a two-year period beginning July 1, 2023 and ending June 30, 2025 (Resolution No. 70,891, June 13, 2023). The contract was extended through June 30, 2026 under City Manager authority; and

WHEREAS, a contract amendment to add funds is needed to allow the City to maintain efficient and uninterrupted operations of the swimming pools; and

WHEREAS, funding for the additional pool treatment supplies is available in the Parks, Recreation, & Waterfront Departments Fiscal Year 2025 General Fund (Fund 011).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a contract amendment to contract No. 32400205 with Chemical Procurement Services for pool treatment supplies by increasing the contract amount by \$30,000, for a total not to exceed amount of \$150,000. A recorded signature copy of the agreement and any amendments to be on file in the Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR

April 21, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Wahid Amiri, Interim Public Works Director

Subject: FY 2026-2027 Transportation Development Act Article 3 Fund Allocation

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to submit a request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2026-2027 TDA Article 3 Pedestrian/Bicycle Project Funding for up to \$350,000 for the purpose of updating the 2020 Berkeley Pedestrian Plan; accept the funds; and execute any resultant agreements and amendments.

FISCAL IMPACTS OF RECOMMENDATION

Transportation Development Act (TDA), Article 3 (Fund 339) would provide an amount not to exceed \$350,000 to the City for the development of the Pedestrian Plan update. TDA provides funding exclusively for eligible bicycle and pedestrian projects and plans in the Metropolitan Transportation Commission (MTC) Region. The total TDA funding available to the City for FY 26-27 is \$447,450. This request allows the City to maintain a significant portion of TDA funding available for other projects, while completing this necessary plan update.

CURRENT SITUATION AND ITS EFFECTS

The City's current Pedestrian Plan (Resolution no. 69,711-N.S.) was adopted by Council on January 26, 2021. The City is required to have an updated Pedestrian Plan to remain eligible for several county, regional, and statewide transportation grants and funding programs. The Pedestrian Plan should be updated every five years to remain an effective component of the Local Roadway Safety Plan (LRSP) according to Caltrans guidelines. The scheduled update to the current Pedestrian Plan will also support the City to fulfill the requirements of Streets and Highways Code section 2370.

The Pedestrian Plan update is a Strategic Plan Priority Project, advancing our goals to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities, and create a resilient, safe, connected, and prepared city.

The Pedestrian Plan update will benefit from the data collection and analysis that is taking place currently for the Berkeley Vision Zero Action Plan update. The current Vision Zero Action Plan (Resolution no. 69,324-N.S.) was adopted by Council on March

10, 2020, and details the location of the City's streets where the most severe and fatal traffic collisions have occurred, and the proposed practices and infrastructure interventions to prevent these types of collisions. The Vision Zero Plan update data will provide the Pedestrian Plan effort with a basis for making new prioritized project recommendations.

### BACKGROUND

The State Legislature passed the Transportation Development Act in 1971, implementing a statewide quarter-cent sales tax. TDA is one of the major funding sources for public transportation in California, and under Article 3, funds are to be used by local jurisdictions for qualified bicycle and pedestrian projects. Writing and updating bicycle, pedestrian, and active transportation plans are eligible TDA expenses.

Local jurisdictions obtain these funds in a 3-step process: apportionment, allocation, and payment (reimbursement). Apportionment in the San Francisco Bay Area follows the MTC formula based upon population. The City submits TDA allocation requests to MTC on an annual basis, and unused TDA funds allocated to any project are rolled over from one fiscal year to the next. No matching funds are required, but the project must meet the funding objectives and be developed in cooperation with the community. The basic funding objectives are to increase the safety, security, and efficiency of bicycle and pedestrian travel, and to provide for a coordinated system. The City receives payment of allocated grant funds upon submission of claims for reimbursement.

MTC requires both a supporting resolution from the City Council and a review of TDA allocations by a pedestrian and/or bicycle advisory committee. The allocation to update the Berkeley Pedestrian Plan was approved by the Berkeley Transportation Commission at their February 19, 2026, meeting. The Commission passed a motion as follows:

February 19, 2026, Agenda Item 2 – Berkeley Pedestrian Plan Update  
It was Moved/Seconded (Lutzker / Gattu) that the Transportation and Infrastructure Commission supports the City Manager and Department of Public Works' recommendation to the Berkeley City Council for authorization to submit a fund allocation request to the Metropolitan Transportation Commission's Transportation Development Act Article 3 program for the Pedestrian Plan update for up to \$350,000, in the Commission's capacity as the City of Berkeley Bicycle and Pedestrian Advisory Committee (BPAC).  
Ayes: Fike, Gattu, Hothi, Lutzker, Moss, Scheider, Zaro; Nays: None;  
Abstentions: None; Absent: None; Excused: Adrian Leung, Kim Walton;  
Motion passed 7-0-0-0-2

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Increasing walking in the City would help achieve the City's Climate Action Plan greenhouse gas emission reduction targets of 80% below year 2000 levels by 2050. The Climate Action Plan states that, to meet these targets, "Transportation modes such as public transit, walking and bicycling must become the primary means of fulfilling our mobility needs." Primary goals of the Pedestrian Plan update include identifying projects that will improve the safety and comfort of pedestrians and preparing the City to implement those projects.

RATIONALE FOR RECOMMENDATION

If this Resolution is not adopted as submitted by Staff the City risks losing access to multiple transportation funding sources for projects. The City's most recent Pedestrian Plan (Resolution no. 69,711-N.S.) was adopted over five years ago and since then considerable progress has been made to implement the projects within the plan. The priority projects and cost estimates need updating to remain current and relevant to the City's priorities and budget.

ALTERNATIVE ACTIONS CONSIDERED

TDA funding will support the Pedestrian Plan development. No alternative actions have been considered.

CONTACT PERSON

Mark Helmbrecht, Transportation Division Manager, (510) 981-6403  
Eric Anderson, Principal Planner, (510) 981-7062  
Dani Dynes, Associate Planner, (510) 981-7066

Attachments:

1: Resolution

Exhibit A: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal 2026-2027 TDA Article 3 Pedestrian/Bicycle Project Funding

Exhibit B: TDA Article 3 Project Application Form

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

FY 2026-2027 TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 FUND  
ALLOCATION

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 4108, Revised, entitled "Transportation Development Act, Article 3, Pedestrian/Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 4108, Revised requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the City of Berkeley desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment B to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Manager is authorized to submit a request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2026-2027 TDA Article 3 Pedestrian/Bicycle Project Funding for up to \$350,000 for the purpose of updating the 2020 Berkeley Pedestrian Plan; accept the funds; and execute any resultant agreements and amendments.

BE IT FURTHER RESOLVED, that the City of Berkeley declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code, and furthermore.

BE IT FURTHER RESOLVED, that there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of the City of Berkeley to carry out the project; and furthermore.

BE IT FURTHER RESOLVED, that the City of Berkeley attests to the accuracy of and approves the statements in Attachment A to this resolution; and furthermore,

April 21, 2026

BE IT FURTHER RESOLVED, that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of Alameda County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

**Exhibits**

A: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal 2026-2027 TDA Article 3 Pedestrian/Bicycle Project Funding

B: TDA Article 3 Project Application Form

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal 2026-2027  
Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

**Findings**

Page 1 of 1

1. That the City of Berkeley is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the City of Berkeley legally impeded from undertaking the project(s) described in "Attachment B" of this resolution.
2. That the City of Berkeley has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B are for capital construction and/or final design and engineering or quick build project; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic and/or Class IV separated bikeway; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the City of Berkeley within the prior five fiscal years.
8. That the project(s) described in Attachment B which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.) or responds to an immediate community need, such as a quick-build project.
9. That any project described in Attachment B bicycle project meets the mandatory minimum safety design criteria published in the California Highway Design Manual or is in a National Association of City and Transportation Officials (NACTO) guidance or similar best practices document.
10. That the project(s) described in Attachment B will be completed in the allocated time (fiscal year of allocation plus two additional fiscal years).
11. That the City of Berkeley agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

Attachment B

TDA Article 3 Project Application Form

|                                                                           |                                                |                          |              |
|---------------------------------------------------------------------------|------------------------------------------------|--------------------------|--------------|
| 1. Agency                                                                 | City of Berkeley                               |                          |              |
| 2. Primary Contact                                                        | Eric Anderson                                  |                          |              |
| 3. Mailing Address                                                        | 1947 Center St, 4th floor, Berkeley, CA, 94704 |                          |              |
| 4. Email Address                                                          | eanderson@berkeleyca.gov                       | 5. Phone Number          | 510-981-7062 |
| 6. Secondary Contact (in the event primary is not available)              | Dani Dynes                                     |                          |              |
| 7. Mailing address (if different) N/A <input checked="" type="checkbox"/> |                                                |                          |              |
| 8. Email Address                                                          | DDynes@berkeleyca.gov                          | 9. Phone Number          | 510-981-7053 |
| 10. Send allocation instructions to (if different from above):            |                                                |                          |              |
| 11. Project Title                                                         | Berkeley 2026 Pedestrian Plan update           |                          |              |
| 12. Amount requested                                                      | \$350,000                                      | 13. Fiscal Year of Claim | 2026-2027    |

14. Description of Overall Project:

Comprehensive 5-year update to the City of Berkeley Pedestrian Plan, last updated in 2021, for compliance with TDA Article 3 and other grant and funding requirements, consistent with the definitions in the California Streets and Highways Code Section 890-892

15. Project Scope Proposed for Funding: (Project level environmental, preliminary planning, and ROW are ineligible uses of TDA funds.)

The funding will support consultant costs to public engagement; existing conditions data collection and analysis, including incorporating updated Vision Zero High Injury Streets and associated crash analysis; recommendations, including updated citywide project categories and identification and development of high-priority projects on high-injury corridors; cost estimates and implementation strategy

16. Project Location: A map of the project location is attached or a link to a online map of the project location is provided below:

The Pedestrian Plan is a citywide planning effort with recommended improvements in various locations.

Project Relation to Regional Policies (for information only)

17. Is the project in an [Equity Priority Community](#)? Yes  No
18. Is this project in a [Priority Development Area](#) or a [Transit-Oriented Community](#)? Yes  No

**19. Project Budget and Schedule**

| Project Phase | TDA 3     | Other Funds | Total Cost | Estimated Completion (month/year) |
|---------------|-----------|-------------|------------|-----------------------------------|
| Bike/Ped Plan | \$350,000 |             | \$350,000  | December 2027                     |
| ENV           |           |             |            |                                   |
| PA&ED         |           |             |            |                                   |
| PS&E          |           |             |            |                                   |
| ROW           |           |             |            |                                   |
| CON           |           |             |            |                                   |
| Total Cost    | \$350,000 |             | \$350,000  | December 2027                     |

**Project Eligibility**

- A. Has the project been reviewed by the Bicycle and Pedestrian Advisory Committee? Yes  No   
 If "YES," identify the date and provide a copy or link to the agenda. February 19, 2026  
 If "NO," provide an explanation).
- B. Has the project been approved by the claimant's governing body? Yes  No   
 If "NO," provide expected date: \_\_\_\_\_
- C. Has this project previously received TDA Article 3 funding? Yes  No   
 (If "YES," provide an explanation on a separate page)
- D. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to [Chapter 1000 of the California Highway Design Manual](#)? Yes  No
- E. 1. Is the project categorically exempt from CEQA, pursuant to CCR Section 15301(c), Existing Facility? Yes  No   
 2. If "NO" above, is the project is exempt from CEQA for another reason? Yes  No   
 Cite the basis for the exemption. California Environmental Quality Act § 21080.20 N/A   
 If the project is not exempt, please check "NO," and provide environmental documentation, as appropriate.
- F. Estimated Completion Date of project (month and year): 12/2027
- G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility, please identify below and provide the agreement. Yes  No
- H. Is a Complete Streets Checklist required for this project ? Yes  No   
 If the amount requested is over \$250,000 or if the total project phase or construction phase is over \$250,000, a Complete Streets checklist is likely required. Please attach the Complete Streets checklist or record of review, as applicable. More information and the form may be found here: <https://mtc.ca.gov/planning/transportation/complete-streets>



Office of the City Manager

CONSENT CALENDAR

April 21, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Wahid Amiri, Interim Director, Department of Public Works

Subject: Fiscal Year 2027 Street Lighting Assessments – Initiating Proceedings

RECOMMENDATION

Adopt two Resolutions describing proposed improvements to be used to determine the annual assessments levied for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District No. 2018 and ordering the preparation of Engineer's Reports.

FISCAL IMPACTS OF RECOMMENDATION

Staff prepares the Engineer's Reports for Berkeley Street Lighting Assessment District No. 1982-1 (1982 District) and Street Lighting Assessment District No. 2018 (2018 District). The work to prepare the reports has been included in the budget for the City's operation and maintenance of streetlights. These reports will be prepared in accordance with the Landscaping and Lighting Act of 1972 (Act), promulgated in California Streets and Highways Code Section 22500 et seq., and are required to be prepared for each fiscal year (FY) for which assessments are to be levied and collected.

In FY 2027, the assessments for the 1982 District and the 2018 District will generate approximately \$2.4 million in revenue for the Street Lighting Program Fund 142.

CURRENT SITUATION AND ITS EFFECTS

The Act requires the City's governing body to adopt a resolution generally describing any proposed new improvements to be used to determine the annual assessments levied for the City's street lighting districts and to order the preparation of Engineer's Reports for the assessments. These are the first steps in allowing the City to levy and collect the assessments that are necessary to operate and maintain the street lighting districts. The improvements to be made in these assessment districts are generally described as maintenance and/or the servicing of existing and future public lighting facilities, including: traffic signals; installation and construction of curbs, gutters, walls, sidewalks or paving; water, irrigation, or drainage related to operation of the public lighting facilities.

Collecting the street lighting fees is necessary to maintain and implement needed improvements and services to support the Strategic Plan goals of creating a resilient,

safe, connected, and prepared city and of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

### BACKGROUND

The 1982 District was established in accordance with the requirements of the Act on July 27, 1982 (Resolution No. 51,449-N.S.). The 2018 District was established in accordance with the requirements of the Act on June 12, 2018 (Resolution No. 68,482-N.S.). The Act requires that Engineer's Reports are prepared for each fiscal year for which assessments are to be levied and collected. City staff and consultants will prepare the reports in accordance with the Act.

The City's original assessment structure for the 1982 District failed to generate sufficient revenue to sustain the long-term operations of the City's Street Lighting Program (Program). For a period beginning in FY 2006 and running through FY2017 the City used General Funds to sustain operations necessary to the Program. To establish financial sustainability for the Program and to avoid significant service reductions, the City moved forward with the formation of the 2018 District. This district was formed separately from the 1982 District, leaving the 1982 District's structure and rates in place. Assessments for the 2018 District were first levied in FY 2019. Allowable annual inflation adjustments of the 2018 District assessment rates are expected to raise revenues over the coming years.

The 2018 District boundaries are generally described as all accessor parcels within the City limits. A diagram is included in the Engineer's Report filed in FY 2019. A diagram of the 1982-1 District is included in the 1983 Engineer's Report prepared by John H. Heindel.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The City exclusively uses light emitting diode (LED) street lighting. LED lights achieve the City's illumination standards and last longer than high-pressure sodium lamps, reducing maintenance costs, and providing environmental benefits by reducing the level of greenhouse gases emitted, reducing the level of toxic materials disposed, and maximizing energy efficiency. Assessing and levying the street lighting fees for the 1982 District and the 2018 District will allow the City to sustain environmental benefits of the LED lights.

### RATIONALE FOR RECOMMENDATION

Failure to adopt Resolutions ordering the preparation of Engineer's Reports for the City's street lighting assessments would result in non-compliance of the requirements set forth in the Act. Failure to comply with the Act would jeopardize the City's ability to levy and collect assessments in Fiscal Year 2027. The collection of these assessments is needed to establish financial sustainability for the Program and to avoid significant reductions in service.

CONTACT PERSON

Wahid Amiri, Interim Director, Public Works, (510) 981-6396

Terrence Salonga, Supervising Civil Engineer, Public Works, (510) 981-6447

Attachments:

1: Resolution – Initial Proceedings – Street Lighting Assessment District 1982-1

2: Resolution – Initial Proceedings – Street Lighting Assessment District 2018

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

INITIATE PROCEEDINGS FOR BERKELEY STREET LIGHTING ASSESSMENT DISTRICT 1982-1 FOR FISCAL YEAR 2027 AND ORDER CITY STAFF TO PREPARE AND FILE THE ENGINEER'S REPORT FOR FISCAL YEAR 2027

WHEREAS, on July 27, 1982, the Council of the City of Berkeley Adopted Resolution No. 51,449–N.S. that completed proceedings to form the Berkeley Street Lighting Assessment District No. 1982-1 pursuant to Chapter II of the Landscaping and Lighting Act of 1972 Streets and Highways Code Section 22585-22613; and

WHEREAS, Section 22622 of the Street and Highway Code requires the City Council to adopt a resolution generally describing any proposed new improvements to be used to determine the annual assessment levied for any assessment district created under the Landscaping and Lighting Act of 1972; and

WHEREAS, Section 22622 further requires that the City Council order the preparation of an Engineer's Report prior to initiating proceedings to set the annual levy and collection of assessments for such assessment districts.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that improvements to be included in Berkeley Street Lighting Assessment District No. 1982-1 for assessing Fiscal Year 2027 fees are generally described as maintenance or servicing, or both, of existing and future public lighting facilities, including, but not limited to, traffic signals and the installation and construction of public lighting or the maintenance or servicing thereof, including but not limited to grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalk or paving, or water, irrigation, or drainage related to operation of the public lighting facilities..

BE IT FURTHER RESOLVED that that pursuant to Street and Highways Code Section 22622, that City Engineer is hereby directed to prepare the annual Engineer's Report prior to initiating proceedings to levy and collect the annual assessment for Berkeley Street Lighting Assessment District No. 1982-1 in Fiscal Year 2027.

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

INITIATE PROCEEDINGS FOR STREET LIGHTING ASSESSMENT DISTRICT 2018  
FOR FISCAL YEAR 2027 AND ORDER CITY STAFF TO PREPARE AND FILE THE  
ENGINEER'S REPORT FOR FISCAL YEAR 2027

WHEREAS, on June 12, 2018, the Council of the City of Berkeley Adopted Resolution No. 68,432–N.S. that completed proceedings to form the Street Lighting Assessment District 2018 pursuant to Chapter II of the Landscaping and Lighting Act of 1972 (Act) Streets and Highways Code Section 22585-22613; and

WHEREAS, Section 22622 of the Street and Highway Code requires the City Council to adopt a resolution generally describing any proposed new improvements to be used to determine the annual assessment levied for any assessment district created under the Act; and

WHEREAS, Section 22622 further requires that the City Council order the preparation of an Engineer's Report prior to initiating proceedings to set the annual levy and collection of assessments for such assessment districts.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that improvements to be included in Street Lighting Assessment District 2018 for assessing Fiscal Year 2027 fees are generally described as maintenance or servicing, or both, of existing and future public lighting facilities, including, but not limited to, traffic signals and the installation and construction of public lighting or the maintenance or servicing thereof, including but not limited to grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalk or paving, or water or irrigation, drainage related to operation of the public lighting facilities.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that SCI Consulting Group is hereby designated as Engineer of Work for purposes of these proceedings and is hereby ordered to prepare an Engineer's Report in accordance with Street and Highways Code Section 22622. Upon completion, the Engineer shall file the Engineer's Report with the City for submission to the City Council.





Office of the City Manager

CONSENT CALENDAR

April 21, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Wahid Amiri, Interim Director, Public Works

Subject: Contract: CD & Power for On-Call Generator Maintenance

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract with CD & Power for On-Call Generator Maintenance in an amount not to exceed \$150,000 for the term of April 1, 2026 to March 31, 2029, with an option to extend for two additional one-year terms.

FISCAL IMPACTS OF RECOMMENDATION

There are funds available in the adopted FY2026 Public Works Budget (Fund 673) for on-call generator services. Funding for future years is subject to Council approval of the funds in the Fiscal Year 2027, 2028 and 2029 Budgets.

CURRENT SITUATION AND ITS EFFECTS

Public Works does not have an existing contract for on-call generator maintenance services. To avoid disruption in maintenance and repairs for the City's generator systems, it is necessary to execute a new contract based on the results of the recent competitive solicitation.

The City's generators provide City facilities with needed electricity whenever regular power is disrupted. This is essential for the City's Public Safety Departments to maintain operations during disruptions and to support the operational needs of other City facilities.

The City conducted Invitation to Bid Specification No. 25-11715-C, released on October 7, 2025, with proposals due no later than November 18, 2025. The City received four proposals in response. The selection committee, composed of subject matter experts from Public Works, evaluated all proposals.

The evaluation criteria used to rate the proposals were as follows: Management and Operational Plan (30%), Technical Competence and Experience (15%), Financial Proposal and Cost Considerations (25%), and Specific Service Requirements (30%). CD & Power was selected as one of the most responsive bidders to the solicitation.

Additional vendors are anticipated to be selected once the reference check process is completed.

This contract will support the City's facilities and is in alignment with the City's Strategic Plan, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

Effective January 1, 2026, local agencies are required to satisfy noticing requirements for certain contracts for services that meet the criteria outlined in Government Code Section 3204.1, as amended by AB 339. This project does not meet the criteria in Government Code Section 3504.1 and is exempt from the noticing requirement.

### BACKGROUND

The City owns and operates several generators that are used to supply City facilities with power when regular power is disrupted, whether it be planned or unplanned outages. Beyond these systems needing regular inspection, repair and maintenance, the City also needs the capability to rent generators on an interim basis if a City generator is inoperable or a facility does not have its own generator.

CD & Power responded to the bid invitation and was selected as a responsive bidder. The selected vendor has the trained staff and equipment necessary to service the City. This contract will ensure clear guidelines and standardized prices for generator services for City generators.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Regular maintenance and repair of generator systems is essential for optimizing system performance, prolonging equipment lifespan and minimizing the environmental impact of these systems. Well-maintained generators operate more efficiently, which leads to consuming less energy and reducing carbon emissions.

### RATIONALE FOR RECOMMENDATION

The City requires reliable and responsive generator maintenance services to maintain the generators used by City facilities. This agreement ensures ongoing service and prevents potential disruption to City operations.

The on-call generator maintenance services contract will address the City's needs, while stabilizing costs and fees. The selected service provider will be utilized as needed to ensure proper maintenance of the critical generators.

### ALTERNATIVE ACTIONS CONSIDERED

If the department does not contract for generator services, there will be delays and increased costs associated with maintaining and repairing City generators.

CONTACT PERSON

Joy Brown, Operations Manager, (510) 981-6629

Aaron Baker, Facilities Maintenance Superintendent, (510) 981-6452

Tucker Brofft, Senior Management Analyst, (510) 981-5375

Erika Barros, Associate Management Analyst, (510) 981-6462

Attachments:

1: Resolution

2: Bid Abstract

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

CONTRACT: CD & POWER FOR ON-CALL GENERATOR MAINTENANCE

WHEREAS, the City conducted RFP Solicitation No. 25-11715-C with bids due no later than November 18, 2025; and

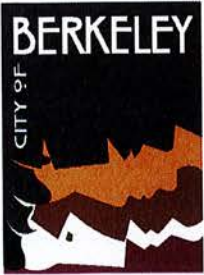
WHEREAS, the City received four proposals and a selection committee, composed of subject matter experts from the department of Public Works, evaluated the bids; and

WHEREAS, CD & Power was selected as one of the most responsive and highest-scoring vendors; and

WHEREAS, funding in the amount of \$150,000 is available in the Building Maintenance Fund 673; and

WHEREAS, this contract is exempt from the noticing requirements set forth in Government Code Section 3504.1.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract with CD & Power for On-Call Generator Services in an amount not to exceed \$150,000 for the term of April 1, 2026, to March 31, 2029, with an option to extend for two additional one-year terms.



**City of Berkeley  
Abstract of Bid Worksheet**

Finance Department  
General Services Division

For: Generator Maintenance Services

**Spec. 25-11715-C**

**DATE: 11/18/2025**

|    | <b>Bidders</b>                | Local Vendor | WC | NF | OS | SC | LW | EBO |
|----|-------------------------------|--------------|----|----|----|----|----|-----|
| 1  | Edward R. Bacon Co. (ERBCO)   |              | X  | X  | X  | X  | X  | X   |
| 2  | West Coast Energy Systems LLC |              | X  | X  | X  | X  | X  | X   |
| 3  | CD Power                      |              | X  | X  | X  | X  | X  | X   |
| 4  | Odyssey Power Corporation     |              | X  | X  | X  | X  | X  | X   |
| 5  |                               |              |    |    |    |    |    |     |
| 6  |                               |              |    |    |    |    |    |     |
| 7  |                               |              |    |    |    |    |    |     |
| 8  |                               |              |    |    |    |    |    |     |
| 9  |                               |              |    |    |    |    |    |     |
| 10 |                               |              |    |    |    |    |    |     |

**Bid Recorder:** Roop Soorma *RSoorma* DATE 18/11/2025

**Bid Opener:** Sherri Degnan *Sherri Degnan* DATE 18/11/2025

**Project Manager:** Tucker Brofft *Tucker Brofft* DATE 18/11/2025












# 25-11715-C - Abstract

Final Audit Report

2025-11-18

|                 |                                              |
|-----------------|----------------------------------------------|
| Created:        | 2025-11-18                                   |
| By:             | Roopreet Soorma (RSoorma@berkeleyca.gov)     |
| Status:         | Signed                                       |
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Office of the City Manager

CONSENT CALENDAR  
April 21, 2026

To: Honorable Mayor and Members of the City Council  
From: Paul Buddenhagen, City Manager  
Submitted by: Wahid Amiri, Interim Director, Public Works  
Subject: Contract No. 32500090 Amendment: Bay Construction Co. for the Second Street STAIR Center Site Improvements and Shelter Units Project. Specification No.23-11603-C

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32500090 with Bay Construction Co. to reconcile costs associated with completed construction work and finalize project closeout, increasing the current contract amount of \$1,069,200.00 by \$18,549.58 for a total not to exceed amount of \$1,087,749.58.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract amendment is available in the Capital Improvement Fund 501 in the Public Works FY2026 budget, consistent with the funding source identified in the original Council report for this project. The \$18,549.58 requested for this amendment is within the approved project budget.

No other funding is required.

|                               |                |
|-------------------------------|----------------|
| Original Contract.....        | \$972,000.00   |
| Original Contingency.....     | \$ 97,200.00   |
| Original (NTE)                | \$1,069,200.00 |
| <br>                          |                |
| This Amendment.....           | \$ 18,549.58   |
| Amended Contract Amount (NTE) | \$1,087,749.58 |

The original 20% project contingency is fully expended due to change orders associated with unforeseen site conditions, owner-requested work, increases in prevailing wage rates, and required weekend and overtime shifts necessary to open the STAIR Center for occupancy by December 1, 2025. The amended contract NTE amount will address pending change orders and provide additional contingency to address any additional unforeseen conditions necessary to complete the project.

### CURRENT SITUATION AND ITS EFFECTS

The construction contract with Bay Construction Co. was executed in September 2024; however, construction did not begin until May 27, 2025, due to delays in securing a site to temporarily relocate STAIR operations. Prior to construction, the design team conducted due diligence in coordination with East Bay Municipal Utility District, Berkeley Fire Department, Disability Access Consultants (DAC), Bay Area Community Services, Health, Housing, and Community Services department (HHCS) to assess site conditions as accurately as possible. Additional site complexities became apparent once construction commenced.

Construction of the Second Street STAIR Center Site Improvements and Shelter Units Project has been completed, and the facility opened for occupancy on December 1, 2025. During construction, several unforeseen conditions resulted in multiple change orders to address utility corrections, fire protection system modifications, additional site preparation, and related work. Several of these changes were driven by agency coordination, regulatory requirements, and owner requested modifications.

Additionally, delays due to adverse weather required weekend and overtime shifts to maintain the project schedule and achieve the December 1, 2025, opening. Increases in prevailing wage rates between the time of contract award and start of construction also contributed to higher than anticipated construction costs.

The proposed contract amendment will reconcile the cumulative cost impacts associated with this work and support final project closeout.

Effective January 1, 2026, local agencies are required to satisfy noticing requirements for certain contracts for services that meet the criteria outlined in Government Code Section 3504.1 as amended by AB 339. This project does not meet the criteria in Government Code Section 3504.1 and is exempt from the noticing requirement..

### BACKGROUND

The Second Street STAIR Center was established to provide interim shelter and supportive services for individuals experiencing homelessness in the City of Berkeley. The facility is operated in partnership with Bay Area Community Services and plays a key role in the City's broader homelessness response strategy.

In June 2024, the City Council approved the Second Street STAIR Center Site Improvements and Shelter Units Project to replace existing congregate sleeping trailers with individual shelter units and to address accessibility, safety, and site infrastructure deficiencies. The project included installation of premanufactured shelter cabins, utility and life safety improvements, accessibility upgrades, and related site work.

Bay Construction Co. was selected through a competitive bidding process as the lowest responsive and responsible bidder. Construction commenced in May 2025, and the

Contract No. 32500090 Amendment: Bay Construction Co. for the Second Street STAIR Center Site Improvements and Shelter Units Project. Specification No.23-11603-C

CONSENT CALENDER  
April 21, 2026

project was completed in December 2025, allowing the STAIR Center to open for occupancy on December 1, 2025.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This contract amendment does not result in new or additional environmental impacts beyond those previously evaluated and approved for the project. The amendment reconciles costs associated with completed construction work and does not expand the project scope or operational footprint.

RATIONALE FOR RECOMMENDATION

Approval of the contract amendment is necessary to reconcile costs associated with completed work resulting from unforeseen site conditions, regulatory and agency requirements, owner requested changes, schedule driven construction efforts, and increases in prevailing wage rates. Approval will allow the City to finalize the contract and complete project closeout.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Wahid Amiri, Interim Director, Department of Public Works, 510-981-6396  
Titus Chen, Associate Civil Engineer, Department of Public Works, 510-981-6410

Attachments:

1: Resolution

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

CONTRACT NO. 32500090 AMENDMENT: BAY CONSTRUCTION CO. FOR THE SECOND STREET STAIR CENTER SITE IMPROVEMENTS AND SHELTER UNITS PROJECT. SPECIFICATION NO.23-11603-C

WHEREAS, Resolution No. 71,416-N.S. authorized the City Manager to execute a contract and any amendments, extensions, or change orders with Bay Construction Co. for the Second Street STAIR Center Site Improvements and Shelter Units Project at 1601 Second Street, in an amount not to exceed \$1,069,200.00, which included a contingency of \$97,200; and

WHEREAS, funding in the amount of \$18,549.58 is available in the Capital Improvement (501-54-623-677-444-662110) Fund FY 2026 budget; and

WHEREAS, this contract is exempt from the noticing requirements set forth in Government Code Section 3504.1; and

WHEREAS, during construction of the project, unforeseen site conditions, coordination requirements with existing utilities, life safety corrections, and other field conditions were encountered that could not be fully identified prior to construction; and

WHEREAS, the project also required owner-requested modifications, agency and code-driven changes, weekend and overtime work to maintain the project schedule, and was impacted by increases in prevailing wage rates; and

WHEREAS, construction of the Second Street STAIR Center Site Improvements and Shelter Units Project has been completed, and the facility opened for occupancy on December 1, 2025; and

WHEREAS, an increase of \$18,549.58 to the not to exceed contract amount is required to reconcile costs associated with completed work and finalize project closeout.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to the contract with Bay Construction Co. for the Second Street STAIR Center Site Improvements and Shelter Units Project, increasing the contract amount by \$18,549.58 for a revised total amount not to exceed \$1,087,749.58, for the contract term beginning May 27, 2025, through December 1, 2025.



Peace and Justice  
Commission

CONSENT CALENDAR  
April 21, 2026

To: Honorable Mayor and Members of the City Council  
 From: Peace and Justice Commission  
 Submitted by: Pastor Dwayne Phillips, Chairperson, Peace and Justice Commission  
 Subject: Social Justice Implications of contracts with the Immigration Data Broker,  
 Flock Safety

RECOMMENDATION

Approve a Policy approving the following actions with regard to safeguards for Berkeley's surveillance-derived images and footage:

Cancel Berkeley's Flock Safety contracts for public surveillance images and video footage, due to Flock's repeated sharing of such data with immigration authorities, and the inherent exposure of "cloud-based" storage to Trump administration access.

SUMMARY

The Peace and Justice Commission recommends applying a social justice lens to policing decisions that could have a significant impact on the lives of Berkeley's residents and visitors, including disparate impact on marginalized, low-income, disabled, elder, and community members of color.

It is the Commission's perspective that human rights must be prioritized above administrative convenience. The Commission further finds that in an era of great polarization, it is essential to build bridges among disparate constituencies, listen to people with differing perspectives, and create solutions that serve all the people in Berkeley.

Cancel Flock Safety contracts for public surveillance images and video footage, and do not sign any new contracts with Flock for stationary cameras or for drones such as First Responder by Drone, due to Flock's repeated sharing of such data with immigration authorities, and the inherent risk of exposure of "cloud-based" storage to Trump administration access.

FISCAL IMPACTS OF RECOMMENDATION

No significant fiscal impacts on the City.

### CURRENT SITUATION AND ITS EFFECTS

An outcry is growing around the Bay, as well as nationally, against municipalities contracting with Flock Safety.

Currently, Berkeley contracts with Flock for 52 Automated License Plate Reader cameras. In late 2025, the BPD asked the City to approve adding fixed cameras and drones. A steady drip of revelations prompted opposition from Sanctuary City advocates and civil libertarians, and the proposal was temporarily pulled, but the BPD has repeated calls for its approval.

On March 9, 2026, the Peace and Justice Commission passed the following motion:

M/S/C: Lippman/Morizawa: Approve a Policy approving the following actions with regard to safeguards for Berkeley's surveillance-derived images and footage:

Cancel Berkeley's Flock Safety contracts for public surveillance images and video footage, due to Flock's repeated sharing of such data with immigration authorities, and the inherent exposure of "cloud-based" storage to Trump administration access.

**Ayes: Commissioners Weisberg, Marasovic, Fink, Mencher, Taylor, Lee, Sani, Morizawa, Lippman, McNeil and Press**

**Noes: Commissioner Elias**

**Abstain: Commissioners Phillips and Yasavul**

**Absent: Commissioner Cassidy**

**Excused: None**

### BACKGROUND

The following jurisdictions or companies have recently canceled contracts with Flock:

- Ring (owned by Amazon) as of February 12 2026.<sup>1</sup>
- In 2025: Austin, Denver, Evanston and Oak Park, Illinois, and Scarsdale, New York
- In 2026: Flagstaff (Arizona), Oak Park (Illinois), Cambridge (Massachusetts), and Olympia (Washington), City of Santa Cruz in January 2026.

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<sup>1</sup> Tuohy, "Ring cancels its partnership with Flock Safety after surveillance backlash," *The Verge*, Feb. 12 2026, <https://www.cnn.com/2026/02/13/tech/amazon-ring-flock-partnership-ice> and <https://www.theverge.com/news/878447/ring-flock-partnership-canceled#comments>

- Mountain View, as of February 2026. The city suspended its ALPR cameras “after discovering that federal and out-of-state agencies accessed city data without authorization.”<sup>2</sup>
- The Alameda County Board of Supervisors has delayed consideration of adding Flock cameras due to its concerns over data sharing with federal agencies, particularly ICE.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

### RATIONALE FOR RECOMMENDATION

Here are some of the disclosures that caused Berkeley’s pullback:

- *Indirect ICE access via cooperating departments:* In May 2025, *404 Media* broke the news that “Local police around the country are performing lookups in Flock’s AI-powered ALPR system for ‘immigration’ related searches and as part of other ICE investigations, giving federal law enforcement side-door access to a tool that it currently does not have a formal contract for.”<sup>3</sup>
- *Flock misrepresentations to Berkeley about ICE pilot program:* While Flock told Berkeley it was not sharing data with federal agencies, it had an undisclosed pilot program with Homeland Security that “allowed CBP and Homeland Security Investigations (HSI) to regularly search more than 80,000 Flock ALPR cameras.”<sup>4</sup>
- *FISA subpoenas are secret, making appeal virtually impossible:* Foreign Intelligence Surveillance Act (FISA) warrants or subpoenas are a special kind of judicial order. All the judges are appointed by the Chief Justice. The proceedings are secret, as are the subpoenas themselves, to the extent that it is a felony to disclose them. There is virtually no way around compliance with the FISA warrant because we will never know about it.<sup>5</sup>

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<sup>2</sup> Macasero, “Mountain View scraps ALPR cameras,” *East Bay Times*, [https://edition.pagesuite.com/popovers/dynamic\\_article\\_popover.aspx?guid=9cf98443-ecf6-4fce-998a-35b5366da2cc&appcode=EAS596&eguid=d51113c7-7521-47a5-96dd-1a1a1dd26689&pnum=4#](https://edition.pagesuite.com/popovers/dynamic_article_popover.aspx?guid=9cf98443-ecf6-4fce-998a-35b5366da2cc&appcode=EAS596&eguid=d51113c7-7521-47a5-96dd-1a1a1dd26689&pnum=4#)

<sup>3</sup> Koebler, “ICE Taps into Nationwide AI-Enabled Camera Network Data Shows,” *404 Media*, May 27 2025, <https://www.404media.co/ice-taps-into-nationwide-ai-enabled-camera-network-data-shows/>

<sup>4</sup> Koebler, “CBP Had Access to More than 80,000 Flock AI Cameras Nationwide,” *404 Media*, Aug. 25, 2025, <https://www.404media.co/cbp-had-access-to-more-than-80-000-flock-ai-cameras-nationwide/>

<sup>5</sup> Kitt Saginor, “Surveillance in Berkeley -- and more coming?” Feb. 2026. “If Flock receives a FISA warrant, it may not inform the City of Berkeley. If the Berkeley police chief receives the warrant, it may not inform the mayor or the city council. The penalty is up to five years in prison and a \$10,000 fine.” <https://tinyurl.com/4ynbyrs9>

- *Judicial subpoenas will trump Berkeley's protective policies:* Chief Louis has stated that “We, not Flock, own the data. And Flock commits to not turning over the data. We will not give immigration records—unless they are subpoenaed. Then we will check with the city attorney.” Unfortunately, this argument is not reassuring. It is predictable that compliance with a judicial order would be found to be mandatory by the city attorney.

The Chief's position does not recognize the abrogation of normal constitutional order that has taken place. The only way Berkeley can prevent sharing data with ICE is to not hold the data in the first place, and certainly not to store it outside of the BPD's direct control, especially not with a company already tainted with collaboration with ICE.

Flock Safety is one of a number of companies, including also Palantir, Google, Meta, and Reddit, that work with ICE to “conglomerate” technology to “monitor people's online activity and potentially hack into phones...combining government and commercial data to identify real-time locations for individuals they are pursuing.”<sup>6</sup>

Berkeley now has the opportunity to opt out of this authoritarian venture. The Sanctuary City Contracting Ordinance (SCCO) states that the City shall not “enter into a...contract with any Person or Entity that provides an Immigration Authority with ‘Data Broker’ services.” Flock Safety acts as a Data Broker to DHS.

Berkeley's contract with Flock Safety states specifically that a failure on Flock's part “to comply with the SCCO shall constitute a material breach of the Contract and the City Manager may terminate [the] Contract and bar the Contractor from bidding on future contracts for five years.” There is also a fine of up to \$1,000 for a misdemeanor violation of the SCCO for withholding information about supplying data to ICE.<sup>7</sup>

### ALTERNATIVE ACTIONS CONSIDERED

The commission considered suggesting alternative surveillance vendors, but opted to focus on the issue of Flock's incompatibility with Berkeley's values.

### CITY MANAGER

The City Manager recommendation on this matter can be found in the City Manager Report entitled Public Safety Technology: Surveillance Technology Ordinance and Police Equipment Ordinance Approvals, Policy Updates, and Contract Authority from the March 24, 2026 City Council meeting. Given that the item from March 24 was not concluded and is currently being scheduled to come back to City Council, the City

<sup>6</sup> Frenkel and Krolik, “How ICE Already Knows Who Minneapolis Protesters Are,” *New York Times*, Jan. 30, 2026, <https://www.nytimes.com/2026/01/30/technology/tech-ice-facial-recognition-palantir.html>

<sup>7</sup> City of Berkeley Sanctuary City Compliance Statement, [berkeleyca.gov/sites/default/files/2022-02/SanctuaryCityComplianceCertification.pdf](https://berkeleyca.gov/sites/default/files/2022-02/SanctuaryCityComplianceCertification.pdf)

Manager recommends taking no action on it at this time in advance of it returning to the Council.

CONTACT PERSON

Tasha Tervalon, Assistant to the City Manager and Commission Secretary, City Manager's Office, 510-981-5347





Peace and Justice  
Commission

CONSENT CALENDAR  
April 21, 2026

To: Honorable Mayor Ishii and Members of the Berkeley City Council  
 From: Peace and Justice Commission  
 Submitted by: Pastor Dwayne Phillips, Chairperson, Peace and Justice Commission  
 Subject: Social Justice Implications of Proposed Use of Controlled Weapons and Other Policing Tools

RECOMMENDATION

Adopt a Policy approving the following actions with regard to the appropriateness of certain chemical weapons and other tools:

1. Retain the existing 2020 bans on chemical weapons (CS and OC), and the 1982 bans on police dogs and helicopters.
2. Retain the 1997 requirement for public reporting of each use of pepper spray.
3. Request the City Manager to engage an academic institution such as UC Berkeley, UCSF, or Stanford to study the health impacts of tear gas and other chemical weapons and canine support, potential short-term and long-term impacts on vulnerable populations and possible alternatives to the use of chemical weapons that provide officer safety, suspect safety, and safety to the general public.

SUMMARY

The Peace and Justice Commission recommends applying a social justice lens to policing decisions that could have a significant impact on the lives of Berkeley's residents and visitors, including disparate impact on marginalized, low-income, disabled, elder, and community members of color.

It is the Commission's perspective that human rights must be prioritized above administrative convenience. The Commission further finds that in an era of great polarization, it is essential to build bridges among disparate constituencies, listen to people with diverse points of view, and create solutions that serve all the people in Berkeley. For that reason, we propose that the City Manager request academic support for an independent study of health effects of the proposed weapons and tools.

Adopt a Policy approving the following actions with regard to the appropriateness of certain chemical weapons and other tools

CONSENT CALENDAR  
April 21, 2026

## FISCAL IMPACTS OF RECOMMENDATION

No significant fiscal impact on the City.

## CURRENT SITUATION AND ITS EFFECTS

As of the date of this writing, Council members have introduced several resolutions for consideration bearing on BPD chemical weapons and other tools. Three items are currently pending in city council process:

1. “Proposed Resolution Rescinding Berkeley Police Department’s Pepper Spray Reporting Requirement.” This proposal has passed through the Public Safety Committee with a qualified positive recommendation, and has been placed on the March 10 city council agenda.<sup>1</sup> [NOTE: Council passed an amended version of this proposal on March 10.]

On February 11, the Police Accountability Board (PAB) recommended to Council to continue the requirement for the submission of use of pepper spray reports. The PAB demonstrates that while the proposed resolution is predicated on the existence of redundant reporting, other reports lack narrative information and/or are inaccessible.<sup>2</sup>

2. “Resolution to Amend Berkeley City Council’s 2020 Direction to Reinstate Berkeley Police Department’s Use of Tear Gas in Limited Situations and Lift the COVID-19 Moratorium on the Use of Smoke and Oleoresin Capsicum (OC) Spray:” This proposal has passed through the Public Safety Committee with a qualified positive recommendation.<sup>3</sup> The Police Accountability Board sent a memorandum to the Public Safety Committee questioning the necessity of resuming use of these chemical agents given how infrequently Berkeley has used them over several decades.<sup>4</sup>

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<sup>1</sup> March 10 2026 City Council agenda, item 17, <https://berkeleyca.gov/sites/default/files/2026-02/2026-03-10%20Item%2017%20Resolution%20Rescinding%20Berkeley%20Police%20Department%E2%80%99s.pdf>

<sup>2</sup> “Re: Resolution Rescinding Berkeley Police Department’s Pepper Spray Reporting Requirement,” Police Accountability Board, Feb. 23 2026, [berkeleyca.gov/sites/default/files/2026-02/2026-02-23%20PAB%20Letter%20to%20Council\\_%20Use%20of%20Pepper%20Spray%20Reporting%20%281%29.pdf](berkeleyca.gov/sites/default/files/2026-02/2026-02-23%20PAB%20Letter%20to%20Council_%20Use%20of%20Pepper%20Spray%20Reporting%20%281%29.pdf)

<sup>3</sup> Public Safety Policy Committee Jan. 29 2026 agenda, item 4, 29, <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2026-02-19%20Agenda%20Packet%20-%20Public%20Safety.pdf>

<sup>4</sup> “Proposed Resolution to Reinstate Berkeley Police Department’s Use of Tear Gas and Related Chemical Agents,” Police Accountability Board, Jan. 26 2026,

Adopt a Policy approving the following actions with regard to the appropriateness of certain chemical weapons and other tools

CONSENT CALENDAR  
April 21, 2026

3. “Resolution Rescinding Res. No. 51,408-N.S. Restricting the Use of Air Support and Canine Units and Updating Mutual Aid Policies”: Scheduled for hearing at the Public Safety Committee at its next meeting.<sup>5</sup> As of March 9, the resolution is yet to be evaluated by the PAB.

The PAB’s February 11 regular meeting included a table prepared by the Office of the Director of Police Accountability (ODPA). This table describes the key differences between the existing and proposed policies with regard to police dogs and helicopters. The table can be found at <https://bit.ly/CopterDogProvisions>. The ODPA gave this interpretation of the table:

“The table ... shows that the primary changes concern the approval process for requesting helicopter and canine use and the circumstances under which helicopter assistance may be requested through mutual aid agreements.

“The previously permissible uses of helicopter assistance were limited to clearly defined humanitarian and emergency purposes, including disaster response, rescue efforts excluding hostage situations, and locating missing persons....

“The proposal introduces new, explicitly enforcement-oriented justifications, including felony suspect pursuits, vehicle chases, and deployments intended to reduce risk to officers, that go beyond the scope of the earlier permissions. Taken together, the proposed resolution reflects a shift in emphasis from primarily emergency assistance toward authorizing helicopter use as a tactical law enforcement tool, should it be adopted.”<sup>6</sup>

At the March 9 2026 meeting, the commission took the following action:

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[https://berkeleyca.gov/sites/default/files/2026-02/2026-02-23%20PAB%20Letter%20to%20Council\\_%20Use%20of%20Pepper%20Spray%20Reporting%20%281%29.pdf](https://berkeleyca.gov/sites/default/files/2026-02/2026-02-23%20PAB%20Letter%20to%20Council_%20Use%20of%20Pepper%20Spray%20Reporting%20%281%29.pdf)

<sup>5</sup> Public Safety Policy Committee Jan. 29 2026 agenda, item 3, 21, <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2026-02-19%20Agenda%20Packet%20-%20Public%20Safety.pdf>

<sup>6</sup> “Police Accountability Board Meeting Agenda Packet,” Feb. 11, 2026, 82-83, <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2026-02-11%20PAB%20AGENDA%20PACKET.pdf>

Adopt a Policy approving the following actions with regard to the appropriateness of certain chemical weapons and other tools

CONSENT CALENDAR  
April 21, 2026

Action: M/S/C (Lippman/Taylor) to adopt the following recommendation: Adopt a Policy approving the following actions with regard to the appropriateness of certain chemical weapons and other tools:

1. Retain the existing 2020 bans on chemical weapons (CS and OC), and the 1982 bans on police dogs and helicopters.
2. Retain the 1997 requirement for public reporting of each use of pepper spray.
3. Request the City Manager to engage an academic institution such as UC Berkeley, UCSF, or Stanford to study the health impacts of tear gas and other chemical weapons and canine support, potential short-term and long-term impacts on vulnerable populations and possible alternatives to the use of chemical weapons that provide officer safety, suspect safety, and safety to the general public.

**Ayes: Commissioners Phillips, Marasovic, Taylor, Sani, Morizawa, Lippman, McNeil and Press**

**Noes: Commissioner Fink**

**Abstain: Commissioners Yasavul, Weisberg, Elias, Mencher and Lee**

**Absent: Commissioner Cassidy**

**Excused: None**

#### BACKGROUND

The resolutions currently under consideration by the city council amend or replace ordinances and policies approved by the council in previous years. The existing ordinances and policies include:

On July 15 1982, the City Council passed Resolution 51,408-N.S., establishing a policy for police use of dogs and helicopters from other law enforcement agencies, requiring prior approval by the City Manager, and only for specified purposes, excluding crowd control. See the 1982 policy referenced in Footnote 5.

On September 16 1997, the City Council established a policy that "every time pepper spray is used by the Police Department a Use of Pepper Spray Report similar to the Use of Force Report currently in effect will be completed and sent" to the Council and the Police Review Commission. See the 1997 policy referenced in Footnote 1.

On June 6 2020, in the wake of the murder of George Floyd by Minneapolis police, the City Council established a permanent ban on the use of CS (tear gas) and a moratorium on the use of OC (pepper spray) and smoke. The moratorium was in part due to the effect of the COVID-19 pandemic which caused respiratory distress to large numbers of people. It was also a step toward addressing over-policing and the use of military-style weaponry on civilians.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Physicians for Human Rights states that chemical irritants including both CS (“tear gas” and OC (pepper spray) can spread to affect people other than the intended target.<sup>7</sup> CS often has a wide spray pattern. OC is considered more targeted than CS, but wind can affect the direction of the fumes to affect bystanders and even the user.<sup>8</sup>

### RATIONALE FOR RECOMMENDATION

#### 1. Pepper Spray (OC) reporting.

The Peace and Justice Commission supports the PAB letter calling for the continuation of pepper spray use reporting. We would add that if the BPD intends to continue or even expand use of pepper spray, it is to their benefit that the community understand the context of its usage.

#### 2. “Tear gas” (CS), Pepper Spray (OC), and Smoke

This is a complex proposal covering multiple chemical weapons.

The Peace and Justice Commission recommends Council retain the ban on CS (“tear gas”) and the moratorium on OC and Smoke for these four reasons:

- A. CS and OC are dangerous weapons that are properly considered “less-lethal,” not “non-lethal.”
- B. CS and OC are particularly dangerous to the health of people with disabilities, especially respiratory or environmental sensitivities, and also those suffering from mental or behavioral disorders.

<sup>7</sup> “Health Impacts of Crowd-Control Weapons: Chemical Irritants (Tear Gas and Pepper Spray),” Physicians for Human Rights, Jan. 1 2017, <https://phr.org/our-work/resources/health-impacts-of-crowd-control-weapons-chemical-irritants-tear-gas-and-pepper-spray/>

<sup>8</sup> “Pepper Spray Safety Precautions,” Sept. 12, 2024, <https://www.divasfordefense.com/blogs/self-defense-articles-educational-material/pepper-spray-handling-safety-precautions?srltid=AfmBOops00prGllerpYmjsPYnV5EIGesRj1WXJWr9Xrs5B8cuD6Hwos6>

Adopt a Policy approving the following actions with regard to the appropriateness of certain chemical weapons and other tools

CONSENT CALENDAR  
April 21, 2026

- C. Approval of chemical weapons such as CS for any use opens the door to the possibility of use for other purposes and in other manners.
- D. Berkeley's Precautionary Principle ordinance requires showing that actions do no harm to human health or the environment.

### Dangers of CS ("tear gas"), particularly to people with disabilities

Over decades of research, scientists have shown a strong potential harm from CS use in policing. An Oakland Police Department policy warns,

"Chemical agents can produce serious injuries, or even death," and officers are to "use the minimum amount of chemical agent needed to obtain compliance." Further, "the use of hand-thrown chemical agents or pyrotechnic gas dispersal devices may present a risk of permanent loss of hearing or serious bodily injury from shrapnel."

The common and incorrect term "tear gas" makes CS seem trivial. It is actually not even a gas but an aerosol, made up of ultra-fine particles, or UFPs. Aerosols are dangerous to lung health because, according to the U.S. National Library of Medicine,

"The small size of UFPs allows them to penetrate deep into the respiratory tract, causing effects from mild respiratory issues to cardiovascular and respiratory mortality, lung cancer, neurological diseases, and mutagenic or carcinogenic impacts.... Substantial evidence links [ultrafine particulate matter] exposure to increased hospital admissions and premature deaths among vulnerable populations, particularly the elderly and those with pre-existing conditions."<sup>9</sup>

### Potential for non-compliant or unauthorized uses of CS

The Commission appreciates the exception to ban use of CS in crowd control.

However, good policy is necessary but not sufficient for good practice. Once a weapon is acquired and approved for limited use, it is almost inevitable that it will be

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<sup>9</sup> Damiani, "Aerosol Pollutants and Health: Role of Size and Chemical Composition," Sept. 26 2025, <https://pmc.ncbi.nlm.nih.gov/articles/PMC12466196/#:~:text=In%20densely%20populated%20areas%2C%20aerosols,COPD%20%5B31%2C%2032%5D>.

For more on the effect of CS on the lung, particularly on "people with preexisting respiratory conditions, see:

American Lung Association, Jan. 20 2026, <https://www.lung.org/clean-air/outdoors/what-makes-air-unhealthy/toxic-air-pollutants/tear-gas>

used for out-of-policy use. As an example, we refer to the last large-scale use of CS, the police response to Black Lives Matter protests in December 2014.

On December 6, BPD drove a largely peaceful march almost a mile down Telegraph from the UC campus past the Oakland city line. The direction from BPD command to the officers was to “Get’Um Running!” To implement this direction, officers shot less-lethal projectiles into the crowd, hit marchers with batons, and launched some 50 cans of CS gas, such a large amount that they nearly exhausted their supply. The Police Review Commission’s (PRC) after-incident report stated:

“The crowd complied with officer demands to move south, but the police continued to pursue them, deploying CS gas at six intersections on Telegraph and using raised batons and baton jabs. No evidence of dangerous crowd activity has been provided to the commission to justify these repeated uses of force.

“The combination of repeated CS gas exposure along with the lengthy walk was extremely impactful, and there were reports of protestors suffering physical and emotional injuries as a result. The marchers were driven over the city line into Oakland around 1:30 AM.”<sup>10</sup>

For context, in 1991, after an earlier scandal regarding police action against protestors in People’s Park, the City enacted a policy that “no crowd could be forced to move faster than they were reasonably capable of moving.” But in 2014, the use of mass quantities of CS along with baton strikes were ordered explicitly to drive protestors on a forced run all the way to Oakland.

As Physicians for Human Rights has observed, “The physical symptoms of chemical irritants often result in disorientation and agitation, which can lead to a state of fear, anxiety, and panic.”<sup>11</sup> The 2014 use of CS was an escalation, not a move toward de-escalation, and made compliance with police orders extremely difficult.

Therefore, while CS use in crowd control was still legal in 2014, the manner of its use was contrary to City policy of that day. This recent history shows that stated policy is not enough to ensure that this department, when in possession of dangerous military armaments, will use them appropriately.

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<sup>10</sup> “Report of Investigation Into the Response to Protest on December 6, 2014,” Berkeley Police Review Commission, Dec. 1 2015, <https://berkeleyca.gov/sites/default/files/2026-01/2015-12-01-Item-32a-Report-of-Investigation.pdf>

<sup>11</sup> “Health Impacts of Crowd-Control Weapons: Chemical Irritants (Tear Gas and Pepper Spray),” Physicians for Human Rights, Jan. 1 2017, <https://phr.org/our-work/resources/health-impacts-of-crowd-control-weapons-chemical-irritants-tear-gas-and-pepper-spray/>

Issues with OC (pepper spray) and smoke; the deadly and racially biased history of OC

The risk of OC should not be cavalierly dismissed by claiming, as the council proposal does, that “the specific health concerns that necessitated the temporary moratorium on smoke and OC spray are no longer present.” The ACLU reported in 1998 that in the first five years since the approval of its use by police, at least 33 people had died in California after being sprayed and restrained. Nearby Antioch paid the family of 29-year-old Derek Wallace \$362,000 after their officers subdued him with the spray.<sup>12</sup>

A Berkeley freelance journalist mapped the use of pepper spray in the mid 1990s and found that they largely affected Black men, in low-income, minority neighborhoods, and primarily an area in South Berkeley, centered on Alcatraz and Sacramento, dubbed the “Pepper Spray Triangle.”<sup>13</sup>

Berkeleyans have long memories. The author of the resolution speaks of a “large-scale riot” in 2014 in which BPD was compelled to use tear gas on residents. Demonstrators for Black Lives Matter remember a largely peaceful march which was provoked by a police gauntlet in which many were beaten with batons. For many in the community, time has not abated the blow. Today, with the federal government at war with the people, may be the worst time to suggest restarting use of CS/tear gas.

Smoke also cannot be called a safe police tool. Health impacts are dependent on the chemicals in the smoke, pre-existing health conditions, location of the smoke, and other police tactics applied. According to medical experts, hexachloroethane smoke is “demonstrably more dangerous” than tear gas. This chemical agent should be studied and proven safe before approved for police use.<sup>14</sup>

There appear to be no constraints on the use of either OC or smoke in the proposal before council.

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<sup>12</sup> Heredia, “Antioch Settles Pepper Spray Case For \$362,000 / 29-year-old man died after police subdued him,” *SF Chronicle*, Feb 11 1998, <https://www.sfgate.com/news/article/antioch-settles-pepper-spray-case-for-362-000-3013916.php>

<sup>13</sup> *East Bay Express*, Dec. 12, 1997

<sup>14</sup> Foster, “The US Government Keeps Using Dangerous Chemicals on Protesters,” *Mother Jones*, Feb. 19, 2026, <https://www.motherjones.com/politics/2026/02/ice-facility-portland-what-chemicals-used-tear-gas-hc-smoke-protests/#:~:text=The%20smoke%20releases%20zinc%20chloride,and%20cancer%20with%20repeated%20exposure>

The Commission reminds the Council of the Precautionary Principle that it adopted in 2006. The Principle is an approach to decision-making that prioritizes preventing harm to human health and the environment. The Principle shifts the burden of proof, requiring actions to be proven safe, rather than waiting for proof of damage to restrict them. We recommend that lacking proof of safety, the proposal to authorize CS, pepper spray, and smoke should not be approved.<sup>15</sup>

Given the prevalence of Long COVID, Berkeley's rapidly aging population, the large number of environmentally sensitive residents, and the city's legacy as the birthplace of disability rights, it is neither sensitive nor appropriate for the proposal to state that the emergency is over and the health conditions that necessitated the moratorium are no longer present.

### 3. "Air Support" (police helicopters) and "Canine Support" (police dogs)

The Peace and Justice Commission shares the ODP's concerns about the shift in emphasis in use of helicopters from emergency assistance to tactical law enforcement.

Police helicopters provoke concern in a number of communities for "unhealthy noise pollution, inefficient spending and instances of bias by over-policing certain neighborhoods. Officers in the LAPD often disgracefully go so far as to call the helicopters 'ghetto birds,' sociologist Sarah Brayne wrote in her book *Predict and Surveil*."<sup>16</sup>

Berkeley restricted use of police dogs in the aftermath of their brutal use particularly in the South, but across the country as well.<sup>17</sup> In the last two decades, at least two lawsuits were settled by Hayward, one for \$1.5 million. One dog is said to have bitten about 30 people, two or three of them uninvolved bystanders, one an 89-year-old who died of his wounds.<sup>18</sup>

The issues raised above with regard to chemical agents, about the Precautionary Principle, building trust between the people and the city government, and the possibility of out-of-policy use, apply also to helicopters and dogs.

<sup>15</sup> BMC Chapter 12.29, Precautionary Principle, March 21, 2006, [berkeleyca.gov/sites/default/files/documents/Precautionary%20Principle%20Ordinance%20-%206911.pdf](https://berkeleyca.gov/sites/default/files/documents/Precautionary%20Principle%20Ordinance%20-%206911.pdf)

<sup>16</sup> McQuarrie, "'Ghetto birds': California has yet to reckon with longstanding bias from police helicopters," *CalMatters*, July 3 2024, <https://calmatters.org/commentary/2024/07/california-longstanding-bias-police-helicopters/>

<sup>17</sup> Dowd, "The Violent, Racist History of K-9 Units," *Vice*, Sept. 7 2022, <https://www.vice.com/en/article/k9-unit-history/>

<sup>18</sup> Parr, "Hayward to pay \$1.5 million to settle police dog attack suit," *East Bay Times*, Jul. 17 2013, <https://www.eastbaytimes.com/2013/07/17/hayward-to-pay-1-5-million-to-settle-police-dog-attack-suit/>

Adopt a Policy approving the following actions with regard to the appropriateness of certain chemical weapons and other tools

CONSENT CALENDAR  
April 21, 2026

The Commission is also concerned about the removal of required pre-approval by the City Manager for both dog and helicopter deployment. When taken as a pattern, the removal of this check combined with the refusal of the police chief to fully cooperate with the PAB/ODPA's City Charter-mandated requests for department records, the chronic under-appointing of the PAB, and the vacant position of Director of Police Accountability, the City risks a public perception that it no longer values civilian oversight.

ALTERNATIVE ACTIONS CONSIDERED

None

CITY MANAGER

Given that these policy matters are in the process of coming before the City Council, the City Manager will address them as they are heard by the City Council and recommends taking no action on them prior to the items being before the City Council.

CONTACT PERSON

Tasha Tervalon, Assistant to the City Manager, Commission Secretary, City Manager's Office, 510-981-7000



[Commission Name]

CONSENT CALENDAR

April 21, 2026

To: Honorable Mayor Ishii and Members of the Berkeley City Council

From: Peace and Justice Commission

Submitted by: Rev. Dwayne Phillips, Chairperson, Peace and Justice Commission

Subject: Reaffirm City of Berkeley Commitment to International Peace, Opposing War on Iran & Standing in Solidarity with the People of Iran

RECOMMENDATION

Adopt a Resolution reaffirming the commitment of City of Berkeley to international peace, opposing the war on Iran, an unconstitutional war initiated unilaterally by the U.S. president without congressional authorization and expressing solidarity with the people of Iran and their right to self-determination.

FISCAL IMPACTS OF RECOMMENDATION

No significant fiscal impact on the City.

CURRENT SITUATION AND ITS EFFECTS

On Saturday February 28, 2026, with negotiations underway between the United States and the Islamic Republic, the United States and Israel launched a major military campaign against Iran, prompting Iranian retaliatory strikes on U.S. bases in the region and on Israel. Within the first 48 hours scores of civilians were reported killed in Iran<sup>1</sup> as well as multiple American personnel<sup>2</sup> and Israeli civilians<sup>3</sup>. There is undoubtedly a high risk of expanding military mobilization, destabilization of global energy markets and elevated cybersecurity vulnerabilities, the effects of which will have domestic reverberations in the U.S.

At the March 9, 2026 meeting, the commission took the following action:

Action: M/S/C (Sani/Taylor) to adopt the following recommendation as amended: Adopt a Resolution reaffirming the commitment of City of Berkeley to international peace, opposing the war on Iran, an unconstitutional war initiated unilaterally by the U.S. president without congressional authorization and expressing solidarity with the people of Iran and their right to self-determination.

<sup>1</sup> Washington Post: [Reported airstrike hits Iranian girls' school](#)

<sup>2</sup> New York Times: [U.S. Military Death Toll Rises to 6](#)

<sup>3</sup> BBC: [Nine dead in missile attack on Israel as Iran strikes region](#)

Ayes: Commissioners Phillips, Weisberg, Marasovic, Taylor, Sani, Morizawa, Lippman, McNeil and Press

Noes: Commissioner Lee

Abstain: Commissioners Yasavul, Fink, Elias and Mencher

Absent: Commissioner Cassidy

Excused: None

### BACKGROUND

Beginning in late December 2025, massive nationwide anti-regime protests erupted in Iran, driven largely by a deepening economic crisis and rising prices. The protests, which included calls for regime change, became the largest in scale since the 1979 revolution. The response of the Iranian authorities was brutal and unprecedented. According to independent human rights monitors, the crackdown resulted, within a matter of two to three days (January 8 to 10) under total internet blackout, in thousands, and possibly tens of thousands of deaths and even more arrests, followed by arbitrary mass detention, torture, and intimidation of victims' families.<sup>4</sup> As the protests swelled to a scale never before witnessed, Iran once again stood at a defining crossroads in its history. During this period, the Trump administration commenced preparations for a massive assault against Iran and launched joint U.S.-Israeli strikes on February 28<sup>th</sup> that is ongoing. The stated justification, "imminent Iranian threat," is refuted by senior U.S. defense officials and intelligence sources.<sup>5</sup>

The U.S.–Israel war on Iran has already unleashed severe humanitarian, social, and infrastructural devastation, with early reporting painting a picture of widespread civilian suffering and destabilization across the country and the region.<sup>6</sup> Initial field data documented at least 333 civilian casualties in the first day alone, alongside extensive damage to homes, schools, and essential public infrastructure such as hospitals, educational centers and communications networks.<sup>7</sup> Strikes on civilian sites have been especially catastrophic: one of the deadliest incidents within hours of the start of the war was the bombing of a girls' primary school in Minab, where more than 100 children were reportedly killed.<sup>8</sup> The devastation and number of casualties are expected to rise on all sides in the coming days.

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<sup>4</sup> Amnesty International: [What happened at the protests in Iran?](#)

<sup>5</sup> CNN: [Trump has claimed Iran is building missiles that could soon hit the US. Sources say that's not backed up by US intelligence](#); International Business Times: [Defense Officials Undercut 'Imminent Threat' Narrative, Say Iran Had No Pre-Strike Plans Against US](#).

<sup>6</sup> United Nations: [Iran crisis: Nuclear watchdog urges restraint amid ongoing strikes](#)

<sup>7</sup>[The First Day of the U.S.–Israel and Iran War: Initial Report on the Scope of Attacks and Their Human Consequences](#).

<sup>8</sup> [UNESCO: Deadly bombing of Iran primary school 'a grave violation of humanitarian law'](#)

The people of Iran have spent decades challenging authoritarian rule risking imprisonment, torture, and death for the chance to shape a freer and more dignified future. U.S. government intervention throughout these decades has made that struggle harder to sustain. From derailing Iran's democratic trajectory in the 1950's,<sup>9</sup> to imposition of broad and indiscriminate sanctions that punish ordinary Iranians while fueling rampant corruption by state actors,<sup>10</sup> to the bombings in June of 2025 and now full-scale military assault, the U.S. government policy toward Iran has exacerbated social and economic distress among ordinary citizens. And under a war of aggression waged against the country, the Iranian government weaponizes the crisis to brand dissent as treason, drives society into survival mode, and extinguishes demands for political and social reform. The Iranian people's struggle for freedom has never been passive or abstract; it has been lived through decades of protest, bloodshed, and extraordinary courage. But war shifts the terrain in favor of those who fear that freedom most.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

#### RATIONALE FOR RECOMMENDATION

Berkeley has long been a national symbol of principled resistance to unjust wars, and the Peace and Justice Commission was created precisely to ensure that this legacy guides the city's actions. Today, as an illegal war of aggression threatens the lives and liberties of not just millions in Iran and across the region but the lives of Americans serving in the military, the City Council is called to uphold that mandate.

Berkeley is home to a strong and vibrant Iranian American community numbering well over a thousand,<sup>11</sup> many of whom are experiencing deep distress as the war makes it difficult or impossible to reach loved ones back home, leaving many in a state of fear and uncertainty.

By taking a stand against this illegal and already deeply unpopular<sup>12</sup> war the City of Berkeley would not only honor Berkeley's history but also affirm solidarity with the Iranian people, whose decades-long struggle for freedom is being suffocated by conflict. A resolution from Berkeley would show that the City's commitments to peace and justice remain living values, not historical artifacts.

#### ALTERNATIVE ACTIONS CONSIDERED

None

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<sup>9</sup> The National Security Archive: [Mohammad Mosaddeq and the 1953 Coup in Iran](#)

<sup>10</sup> Human Rights Watch: ["Maximum Pressure," US Economic Sanctions Harm Iranians' Right to Health](#)

<sup>11</sup> [Iranian Population in Alameda County, CA by City: 2025 Ranking & Insights](#)

<sup>12</sup> The Hill: [Just a quarter of Americans back Iran strikes: Poll](#)

CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission's Report.

CONTACT PERSON

Tasha Tervalon, Assistant to the City Manager, Commission Secretary, City Manager's Office, 510-981-5347

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

**Opposing the War on Iran and Standing in Solidarity with the People of Iran**

WHEREAS, the City of Berkeley has, for generations, stood firmly against wars of aggression and has consistently affirmed that peace, diplomacy, and respect for international law are essential to human dignity and global security; and

WHEREAS, on Saturday, February 28<sup>th</sup>, the United States launched strikes on Iran without prior Congressional approval; and

WHEREAS, this illegal declaration of war on Iran by President Trump is a direct violation of Article 2, Section 8 of the U.S. Constitution; and

WHEREAS, this illegal war constitutes a unilateral act of aggression that has caused widespread civilian casualties, mass displacement, destruction of homes, schools, hospitals, cultural sites, and essential infrastructure, and has deepened an already severe humanitarian crisis affecting millions; and

WHEREAS, the people of Iran—who have endured decades of political repression, economic sanctions, and regional instability—are now suffering the devastating consequences of war, including shortages of food, medicine, clean water, and essential services, conditions that amount to collective punishment; and

WHEREAS, Article 2(4) of the United Nations Charter prohibits the threat or use of force against the territorial integrity or political independence of any state, and the Nuremberg Principles, affirmed by the United States, define aggressive war as “the supreme international crime”; and

WHEREAS, the continuation of this war undermines the democratic rights and aspirations of the Iranian people, strengthens authoritarian repression, and obstructs the possibility of peaceful, just, and democratic change within Iran; and

WHEREAS, Iranian Americans in Berkeley and throughout the Bay Area are experiencing fear, grief, and trauma as their families and communities are directly affected by the war, and many face increased discrimination, surveillance, and xenophobia at home; and

WHEREAS, the City of Berkeley affirms that true security is achieved not through militarism, but through diplomacy, justice, human rights, and the protection of civilian life;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Berkeley

Deems this unauthorized war waged by President Trump on Iran to be a violation of the United States Constitution, and calls for an immediate cessation of hostilities, withdrawal of U.S. forces, and an end to all military actions that endanger civilian populations.

BE IT FURTHER RESOLVED that the City Council urges the President, Congress, and all relevant federal agencies to pursue diplomacy, de-escalation, and multilateral conflict resolution, and to support humanitarian relief efforts for the people of Iran.

BE IT FURTHER RESOLVED that the City of Berkeley stands in unwavering solidarity with the people of Iran in their pursuit of peace, justice, human rights, and self-determination, and affirms the rights and dignity of Iranian Americans in our community.

BE IT FURTHER RESOLVED that the City Clerk shall transmit copies of this resolution to the President of the United States, the Vice President, the Secretary of State, the Majority and Minority Leaders of the U.S. Senate, the Speaker and Minority Leader of the U.S. House of Representatives, and Berkeley's representatives in Congress.



**Igor Tregub, Councilmember, District 4**

CONSENT CALENDAR  
APRIL 21, 2026

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmember Igor Tregub (Author), Councilmember Brent Blackaby (Co-Sponsor), Councilmember Mark Humbert (Co-Sponsor), Councilmember Shoshana O’Keefe (Co-Sponsor)

**Subject:** Support SB 1301 (Allen), Reforming the Insurance Nonrenewal Process

**RECOMMENDATION**

Issue a “Support” position for Senate Bill (SB) 1301 (Allen), Reforming the Insurance Nonrenewal Process, and submit a letter of support on this bill to California Governor Gavin Newsom, Senators Ben Allen and Jesse Arreguin, Assemblymember Buffy Wicks, and applicable chairs of Senate and Assembly committees.

**RATIONALE FOR RECOMMENDATION**

This bill addresses an issue related to various instances of homeowners, including those in Berkeley, receiving insurance nonrenewal letters for opaque and/or allegedly spurious reasons.

**FINANCIAL IMPLICATIONS**

Limited staff time associated with transmitting one or more letters related to the subject position.

**CURRENT SITUATION AND ITS EFFECTS**

SB 1301 – introduced by Senator Allen and co-authored by Senators Perez and Wiener and Assemblymembers Harabedian and Connolly – was proposed with the intent of reforming the process insurers use to inform a residential policyholder that the insurer will not be renewing their coverage for ambiguous reasons. It would mandate that

policyholders receive non-renewal notices that communicate the specific reasons why the insurer is not extending their coverage and would provide an opportunity for policyholders to remedy issues the insurer identifies with the property to qualify for renewed coverage. Finally, the bill would prohibit insurers from using certain reasons to refuse to extend a policyholder's coverage. This is a salient issue in Berkeley, where a number of Berkeley residents have informed the offices of the authoring and co-sponsoring councilmembers that they received letters of nonrenewal from their homeowner insurers, with opaque and/or allegedly spurious as to the methodology used by the insurers to reach their decision.

## **BACKGROUND**

When an insurer elects not to extend a policyholder's coverage for another year, they send a nonrenewal notice to the policyholder. According to a Congressional Investigation in December of 2024, California ranks fourth highest in the nation for non-renewals, only behind Florida, Louisiana, and North Carolina.<sup>1</sup> Between 2018 to 2023, the number of non-renewals increased every year from 46,000 policies in 2018 to more than 87,000 policies in 2023.<sup>2</sup> Meanwhile, the FAIR Plan, which serves as the insurer of last resort, increased its total exposure by 230% since 2022.<sup>3</sup>

Under current law, insurers must provide policyholders with a 75-day nonrenewal notice, their wildfire risk score, and an explanation of that score. There is a one-year moratorium on non-renewals in a disaster area, while properties that are a total loss receive two years. While insurance companies' underwriting guidelines are filed with the Department of Insurance and are made public, they are not provided directly to consumers. Today, policyholders often receive nonrenewal notices from their insurer containing opaque and hard to understand phrases, such as the "property does not meet underwriting standards," "increased hazard," or in the case of several Berkeley homeowners who forwarded their letters to our council offices, "increased density." The notices seldom document specific issues, proof, criteria, or a path to remedying. This makes compliance difficult for policyholders, and it allows insurers to drop policies for previously deemed safe homes without transparency or accountability.

SB 1301 seeks to reform the nonrenewal process for residential property insurance policies in the following ways:

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<sup>1</sup> <https://abc7news.com/post/california-home-insurance-renewals-here-are-top-bay-area-neighborhoods-affected/15846687/>

<sup>2</sup> *Ibid.*

<sup>3</sup> <https://www.cfpnet.com/key-statistics-data/>

1. Ensure that policyholders receive 6 months' notice before nonrenewal, disclosure of specific factors of their property that are leading to the nonrenewal, and specific reference to those factors in the insurer's underwriting guidelines.
2. Require details of the property and community-level factors leading to the nonrenewal if the nonrenewal is based wholly or in-part on wildfire risk.
3. Allow policyholders an opportunity to perform mitigation so that their property is consistent with underwriting guidelines to maintain coverage.
4. Prohibit an insurer from basing a nonrenewal decision on unpaid claims or claims for which the risk of loss has been removed.

Together, these reforms will create a more transparent process for policyholders, including those in Berkeley; give them a clear pathway towards maintaining coverage; and protect them from unfair, unreasonable, arbitrary, and/or capricious nonrenewal decisions.

### **ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

No direct identifiable impacts. However, the bill, as proposed, could encourage insurers to count climate-resilient home improvements toward a basis for renewing a policy.

### **CONTACT PERSON**

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Olga Bolotina, Chief of Staff, Council District 4  
[obolotina@berkeleyca.gov](mailto:obolotina@berkeleyca.gov)

### **ATTACHMENTS**

1. Fact Sheet
2. Bill Text as of 3.31.2026 and subject to change

Page 4 of 11

# SB 1301 – Reforming the Insurance Nonrenewal Process

## SENATOR BEN ALLEN

### Fact Sheet

#### SUMMARY

SB 1301 reforms the process insurers use to inform a residential policyholder that the insurer will not be renewing their coverage. This bill ensures policyholders receive non-renewal notices that communicate the specific reasons why the insurer is not extending their coverage and provides an opportunity for policyholders to remediate issues the insurer identifies with the property to qualify for renewed coverage. Finally, the bill prohibits insurers from using certain reasons to refuse to extend a policyholder’s coverage.

#### BACKGROUND

When an insurer elects not to extend a policyholder’s coverage for another year, they send a nonrenewal notice to the policyholder. According to a [Congressional Investigation](#) in December of 2024, California ranks fourth highest in the nation for nonrenewals behind Florida, Louisiana, and North Carolina. Tuolumne, Nevada, Calaveras, and Amador counties all had a greater share of non-renewals than any other county in the US. Between 2018 to 2023, the number of non-renewals increased every year from 46,000 policies in 2018 to more than 87,000 policies in 2023. Meanwhile, the FAIR Plan, which serves as the insurer of last resort, increased its total exposure by 230% since 2022. This issue is quickly becoming a crisis as policyholders struggle to find or keep adequate coverage.

Under current law, insurers must provide policyholders with a 75-day nonrenewal notice, their wildfire risk score, and an explanation of that score. There is a one-year moratorium on non-renewals in a disaster area, while properties that are a total loss receive two years. Insurance companies’ underwriting guidelines are filed with the Department of Insurance and are made public, but they are not provided directly to consumers.

Today, policyholders often receive nonrenewal notices from their insurer containing opaque and hard to understand phrases, such as the “property does not meet underwriting standards” or “increased hazard.” The notice often does not document specific issues, proof, criteria, nor a path to remedying. This makes compliance difficult for policyholders, and it allows insurers to drop policies for safe homes without transparency or accountability. For example, a [homeowner](#) invested

\$44,000 to add a new roof, gutter guards, and stone to harden their home against fire. However, their insurer nonrenewed the policyholder for “clutter or unsanitary conditions” with no ability to mitigate issues with the property first. The problems with the property cited by the insurer were either non-existent or pulled from an outdated Google Earth photo. In [other instances](#), policyholders are being non-renewed after paying for inspections proving that the problem cited by their insurer is gone.

Nonrenewals have significant impacts. [A Pacific Palisades resident’s](#) policy was nonrenewed, forcing them onto the FAIR Plan prior to the 2025 fires. Offering an opportunity for policyholders to renew their current coverage is critical to reducing our state’s reliance on the FAIR Plan.

#### SOLUTION

SB 1301 reforms the nonrenewal process for residential property insurance policies in the following ways:

1. Ensures that policyholders receive 6 months’ notice before nonrenewal, disclosure of specific factors of their property that are leading to the nonrenewal, and specific reference to those factors in the insurer’s underwriting guidelines.
2. Requires details of the property and community-level factors leading to the nonrenewal if the nonrenewal is based wholly or in-part on wildfire risk.
3. Allows policyholders an opportunity to perform mitigation so that their property is consistent with underwriting guidelines to maintain coverage.
4. Prohibits an insurer from basing a nonrenewal decision on unpaid claims or claims for which the risk of loss has been removed.

Together, these reforms will create a more transparent process for policyholders, give them a chance to maintain coverage, and protect them from unfair or unreasonable nonrenewal decisions.

#### CONTACT

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#### SUPPORT

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## SB-1301 Residential property insurance: nonrenewals. (2025-2026)

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Date Published: 02/20/2026 02:00 PM

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

### SENATE BILL

### NO. 1301

Introduced by Senator Allen  
 (Principal coauthor: Senator Pérez)  
 (Principal coauthor: Assembly Member Harabedian)  
 (Coauthor: Senator Wiener)  
 (Coauthor: Assembly Member Connolly)

February 20, 2026

An act to amend, repeal, and add Section 678 of, and to add Sections 676.11, 676.12, 676.13, and 676.14 to, the Insurance Code, relating to insurance.

### LEGISLATIVE COUNSEL'S DIGEST

SB 1301, as introduced, Allen. Residential property insurance: nonrenewals.

Existing law creates the Department of Insurance, headed by the Insurance Commissioner, and generally regulates classes of insurance, including residential property insurance. Existing law requires an insurer to deliver to the named insured an offer of renewal, as specified, at least 45 days before the policy expiration and to deliver a notice of nonrenewal at least 75 days before the policy expiration. If the insurer fails to do so, existing law requires the existing policy, with no change in its terms and conditions, to remain in effect for 75 days from the date that the notice of nonrenewal is delivered or mailed to the named insured. Existing law requires nonrenewal notices to contain specified information.

This bill would, beginning July 1, 2027, require an insurer to either deliver to the named policyholder an offer of renewal at least 90 days before the policy expiration or a notice of nonrenewal or a notice of renewal with a reduction of limits or an elimination of coverage under the policy at least 180 days before the policy expiration. The bill would require the notice to contain specified information, including all information related to the basis for the nonrenewal or the reduction of limits or elimination of coverage, as specified. If the insurer fails to deliver an offer or notice to the named policyholder, the bill would require the existing policy to remain in effect for either 90 days from the date the offer of renewal is delivered or for 180 days from the date the notice of nonrenewal or notice of renewal with a reduction of limits or an elimination of coverage is delivered.

This bill would, beginning July 1, 2027, require an insurer that refuses to renew a policy or imposes a reduction of limits or an elimination of coverage to provide the policyholder with specified information, including a clear explanation of the grounds for the nonrenewal or reduction of limits or elimination of coverage. If an insurer issues a notice of nonrenewal or a notice of reduction of limits or elimination of coverage, the bill would require the insurer to provide the policyholder with a period of not less than 90 days to perform the necessary remediation or other change to the property or to provide additional information. The bill would require the insurer to provide an extension of up to 180 days, as specified, upon request of the policyholder. The bill would prohibit an insurer from refusing to issue or renew, or determine eligibility for, a residential property insurance policy on the basis of certain claims, on the basis of the policyholder's previous inquiry, or on the basis of the age of the roof under certain circumstances.

On or before April 1, 2028, and annually thereafter by that date, this bill would require an insurer to submit to the commissioner a report for the previous calendar year containing specified information, including the number of policies for which the insurer elected not to renew or imposed a reduction of limits or an elimination of coverage. On or before July 1, 2028, and annually thereafter by that date, the bill would require the commissioner to prepare and publish on the department's internet website an aggregated report for the previous calendar year of the information reported by insurers.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 676.11 is added to the Insurance Code, to read:

**676.11.** (a) This section applies only to residential property insurance policies specified in Section 675.

(b) (1) An insurer that refuses to renew a policy or imposes a reduction of limits or an elimination of coverage shall provide the policyholder with all of the following:

(A) A clear explanation of the grounds for the nonrenewal or the reduction of limits or elimination of coverage, including a reference to the specific provision or provisions in the insurer's underwriting guidelines upon which the nonrenewal or the reduction of limits or elimination of coverage is based.

(B) All information relating to the decision of nonrenewal or reduction of limits or elimination of coverage, including, but not limited to, all imagery or other documentation relating to the decision and all sources of such information, imagery, and documentation.

(2) If the nonrenewal is due in whole or in part to an assessment of the wildfire risk associated with the property, the insurer shall provide the policyholder with their wildfire risk score or other wildfire risk classification, including the following, as applicable:

(A) A plain language description of each property-specific characteristic that led to the determination.

(B) A plain language description of each surrounding area characteristic that led to the determination, including a map of those characteristics in any parcel larger than the property size used to assess the property's wildfire risk and the property's placement within it.

(c) (1) If an insurer issues a notice of nonrenewal or a notice of reduction of limits or elimination of coverage, the insurer shall provide the policyholder with both of the following:

(A) A clear explanation of any remediation, additional information, or other change to the property that is consistent with the insurer's underwriting guidelines and that would qualify the policyholder to obtain renewal of the policy or to maintain the existing limits or coverage of the policy.

(B) A period of not less than 90 days to perform the necessary remediation or other change to the property or to provide additional information. Upon request of the policyholder, the insurer shall provide the policyholder an extension of time of up to 180 days beyond the date of the notice of nonrenewal or the notice of reduction of limits or elimination of coverage if the policyholder encounters a delay beyond their control. Circumstances upon which an extension shall be granted include, but are not limited to, any of the following:

(i) Unavoidable delays in obtaining a required permit.

(ii) Unavailability of required construction materials.

(iii) Unavailability of contractors to perform the work.

(iv) Disability, injury, or incapacity of the policyholder.

(2) Following any efforts of remediation, the policyholder shall furnish the insurer evidence of remediation. If the insurer seeks additional verification, the insurer may perform an onsite physical inspection of the property to verify remediation at the insurer's expense.

(3) Verified remediation, additional information, or other change to the property shall qualify the policyholder for renewal of the policy or to maintain existing limits or coverage.

(4) The insurer shall acknowledge receipt of additional information or evidence of any remediation or other change to the property within 10 days and shall issue a written determination within 30 days of the acknowledgment of receipt. The 30-day period may be extended by 15 days if the policyholder furnishes the insurer with additional information or evidence of remediation or other change to the property during the 30-day period.

(d) (1) The insurer shall provide a policyholder a reasonable opportunity to dispute, or to correct or amend any inaccurate or incomplete information relied upon by the insurer in connection with, a decision to not renew or to impose a reduction of limits or an elimination of coverage of a policy.

(2) A policyholder may request that the insurer conduct an onsite physical inspection of the property to verify the information relied upon by the insurer in connection with a decision to not renew or to impose a reduction of limits or an elimination of coverage of a policy.

(3) The insurer shall acknowledge receipt of any dispute, correction, or amendment within 10 days and shall issue a written determination within 30 days of the acknowledgment of receipt. The 30-day period may be extended by 15 days if the policyholder furnishes the insurer additional information regarding the dispute, correction, or amendment during the 30-day period.

(e) A nonrenewal or a reduction of limits or elimination of coverage of a policy shall not take effect during a period of remediation under subdivision (c) or during a period of dispute, correction, or amendment under subdivision (d).

(f) This section shall become operative on July 1, 2027.

**SEC. 2.** Section 676.12 is added to the Insurance Code, to read:

**676.12.** (a) This section applies only to residential property insurance policies specified in Section 675.

(b) On or before April 1, 2028, and annually thereafter by that date, an insurer shall submit to the commissioner a report for the previous calendar year containing the following information for policies written in California:

(1) The number of policies in each of the following categories:

(A) New policies.

(B) Renewed policies.

(C) Policies for which the policyholder elected not to renew.

(D) Policies for which the insurer elected not to renew or imposed a reduction of limits or an elimination of coverage.

(E) Canceled policies.

(2) For each policy under subparagraph (D) of paragraph (1), the insurer shall additionally include the following information:

(A) The reason or reasons for the nonrenewal or the reduction of limits or elimination of coverage.

(B) Whether the policyholder performed any remediation or other change to the property or provided additional information in response to the notice of nonrenewal or the reduction of limits or elimination of coverage, pursuant to subdivision (c) of Section 676.11, whether the policyholder disputed, corrected, or amended any inaccurate or incomplete information, pursuant to subdivision (d) of Section 676.11, and the outcome of those actions.

(c) The policy information reported pursuant to subdivision (b) shall be listed by county and ZIP Code.

(d) For the report that is due by April 1, 2028, the report shall only include the required information collected beginning July 1, 2027.

(e) On or before July 1, 2028, and annually thereafter by that date, the commissioner shall prepare and publish on the department's internet website an aggregated report for the previous calendar year of all information reported by insurers pursuant to subdivision (b).

(f) This section shall become operative on July 1, 2027.

**SEC. 3.** Section 676.13 is added to the Insurance Code, to read:

**676.13.** (a) An insurer shall not refuse to issue or renew, or determine eligibility for, a residential property insurance policy on the basis of any of the following claims by the applicant or policyholder or any previous owner or occupant of the property to be insured:

(1) A claim that is filed but is not paid or payable.

(2) A claim that is within the claimant's deductible.

(3) A claim that is not covered by the policy.

(4) A claim that is paid in full by another insurance policy or a third party.

(5) A claim concerning a property that is no longer owned by the applicant or policyholder.

(6) A claim by the applicant or policyholder in which the loss was not the direct result of intentional conduct or gross negligence by the applicant or policyholder and for which the risk of loss has been mitigated through the removal of the hazard, the repair of the damage or defect, or other changes to the property or to the condition that caused the loss.

(b) An insurer shall not refuse to issue or renew, or determine eligibility for, a residential property insurance policy based in whole or in part on whether a policyholder has previously inquired about the insurance policy, including, but not limited to, an inquiry concerning the scope or nature of coverage available under the policy.

(c) For purposes of this section, "residential property insurance" means the insurance described in subdivision (a) of Section 675.

(d) This section shall become operative on July 1, 2027.

**SEC. 4.** Section 676.14 is added to the Insurance Code, to read:

**676.14.** (a) Beginning July 1, 2027, an insurer shall not refuse to issue or renew, or determine eligibility for, a residential property insurance policy solely on the basis of the age of the roof if the policyholder obtains an independent inspection of the roof that confirms at least five years of useful roof life remaining.

(b) For purposes of this section, "residential property insurance" means the insurance described in subdivision (a) of Section 675.

(c) This section shall become operative on July 1, 2027.

**SEC. 5.** Section 678 of the Insurance Code is amended to read:

**678.** (a) (1) At least 45 days before the policy expiration, an insurer shall deliver to the named insured or mail to the named insured at the address shown in the policy, either of the following:

(A) An offer of renewal of the policy contingent upon payment of premium as stated in the offer, stating each of the following:

(i) Any reduction of limits or elimination of coverage. That reduction of limits or elimination of coverage shall identify the specific limits being reduced or coverage being eliminated by the offer of renewal. The elimination of coverage for the previously covered peril of fire shall be subject to subdivision (b) of Section 10103.6.

(ii) The telephone number of the insurer's representatives who handle consumer inquiries or complaints. The telephone number shall be displayed prominently in a font size consistent with the other text of the renewal offer.

(B) A notice of nonrenewal of the policy. That notice shall contain all of the following:

(i) The specific reason or reasons for the nonrenewal.

(ii) The telephone number of the insurer's representatives who handle consumer inquiries or complaints. The telephone number shall be displayed prominently in a font size consistent with the other text of the notice of nonrenewal.

(iii) Until July 1, 2020, a brief statement indicating that if the consumer has contacted the insurer to discuss the nonrenewal and remains unsatisfied, the consumer may have the matter reviewed by the department. The statement shall include the telephone number of the unit within the department that responds to consumer inquiries and complaints.

(iv) On or after July 1, 2020, a statement that if the consumer has contacted the insurer to discuss the nonrenewal and remains unsatisfied, the consumer may have the matter reviewed by the department. The statement shall include the department's internet website, [www.insurance.ca.gov](http://www.insurance.ca.gov), the department's telephone number, (800) 927-HELP (4357), and the mailing address of the department's Consumer Services Division, 300 S. Spring Street, Los Angeles, CA 90013.

(2) On and after July 1, 2022, the time periods and procedures in subdivision (a) of Section 1013 of the Code of Civil Procedure shall be applicable if an offer or notice is mailed.

(b) If an insurer fails to give the named insured either an offer of renewal or notice of nonrenewal as required by this section, the existing policy, with no change in its terms and conditions, shall remain in effect for 45 days from the date that either the offer to renew or the notice of nonrenewal is delivered or mailed to the named insured. A notice to this effect shall be provided by the insurer to the named insured with the policy or the notice of renewal or nonrenewal.

(c) Notwithstanding subdivisions (a) and (b), with respect to a notice of nonrenewal for a policy that expires on or after July 1, 2020, the following timelines apply:

(1) At least 75 days before the policy expiration, the insurer shall deliver the notice of nonrenewal to the named insured or mail the notice of nonrenewal to the named insured at the address shown in the policy. The notice shall include the information contained in subparagraph (B) of paragraph (1) of subdivision (a). On and after July 1, 2022, the time periods and procedures in subdivision (a) of Section 1013 of the Code of Civil Procedure shall be applicable if a notice is mailed.

(2) If an insurer fails to give the named insured a notice of nonrenewal at least 75 days before the policy expiration, as required by paragraph (1), the existing policy, with no change in its terms and conditions, shall remain in effect for 75 days from the date that the notice of nonrenewal is delivered or mailed to the named insured. A notice to this effect shall be provided by the insurer to the named insured with the notice of nonrenewal.

(d) A policy written for a term of less than one year shall be considered as if written for a term of one year. A policy written for a term longer than one year, or a policy with no fixed expiration date, shall be considered as if written for successive policy periods or terms of one year.

(e) A notice of nonrenewal for a residential property insurance policy expiring on or after July 1, 2021, shall be accompanied by the following notice:

The California Department of Insurance has developed the California Home Insurance Finder, an online tool that can assist you in obtaining insurance for your home. The Finder contains names, addresses, telephone numbers, and internet website links of licensed insurance agents, brokers, and insurance companies that may be able to sell insurance to you. The Finder is organized by ZIP Code and the languages in which the agent, broker, or insurance company sells insurance.

The California FAIR Plan (FAIR Plan) provides basic property insurance as the "insurer of last resort" if you cannot find insurance coverage for your property in the normal (voluntary) insurance market. The FAIR Plan provides basic property insurance coverage for residential structures, as well as personal property coverage for

residential and business occupancies. However, FAIR Plan policies may not cover liability, theft, or water damage, among other things. There are also optional coverages available for both residential properties. Applications can be made directly with the FAIR Plan (cfpnet.com), although the FAIR Plan strongly encourages use of a licensed agent or broker for assistance in preparing and obtaining a quote. There is no additional cost for using an agent or broker for purchasing a FAIR Plan policy.

California law requires an agent or broker to assist a person seeking a FAIR Plan policy by (1) submitting a coverage application to the FAIR Plan on behalf of the consumer, (2) providing the consumer the FAIR Plan's internet website address and toll-free telephone number, or (3) obtaining a policy for the consumer through an admitted or nonadmitted insurer.

To supplement a FAIR Plan policy, a Difference in Conditions (DIC) policy should be considered. A DIC policy is sold by some private insurers, and provides coverage for things not covered by the basic property insurance policy provided by the FAIR Plan. A consumer who wants broader coverage than that provided by the FAIR Plan policy should contact an agent, broker, or insurance company that offers a DIC policy to obtain this additional coverage. The Department of Insurance maintains a list of insurance companies that sell DIC policies on its internet website (insurance.ca.gov). Additional assistance may be obtained by contacting an agent or broker listed with the department's online agent locator.

(f) An insurer may use a notice substantially similar to the notice set forth in subdivision (e) to the extent that the notice provides additional or more detailed information.

(g) This section applies only to policies of insurance specified in Section 675.

*(h) This section shall be repealed on July 1, 2027.*

**SEC. 6.** Section 678 is added to the Insurance Code, to read:

**678.** (a) An insurer shall do either of the following:

(1) At least 90 days before the policy expiration, an insurer shall deliver to the named policyholder or mail to the named policyholder at the address shown in the policy an offer of renewal of the policy contingent upon payment of premium as stated in the offer. That notice shall state the telephone number of the insurer's representatives who handle consumer inquiries or complaints. The telephone number shall be displayed prominently in a font size consistent with the other text of the renewal offer.

(2) At least 180 days before the policy expiration, an insurer shall deliver to the named policyholder or mail to the named policyholder at the address shown in the policy a notice of nonrenewal of the policy or a notice of renewal with a reduction of limits or an elimination of coverage under the policy. That notice shall contain all of the following:

(A) All information related to the basis for the nonrenewal or the reduction of limits or elimination of coverage, as required by subdivision (b) of Section 676.11.

(B) A clear explanation of any remediation, additional information, or other change to the property that qualify the policyholder to obtain renewal of the policy or to maintain the existing limits or coverage of the policy and a full description of all of the policyholder's rights, as provided in subdivision (c) of Section 676.11.

(C) A clear explanation of the policyholder's right to dispute, or to correct or amend any inaccurate or incomplete information relied upon by the insurer in connection with, the decision to not renew the policy or to impose a reduction of limits or an elimination of coverage of a policy, as provided in subdivision (d) of Section 676.11.

(D) The telephone number of the insurer's representatives who handle consumer inquiries or complaints. The telephone number shall be displayed prominently in a font size consistent with the other text of the notice of nonrenewal.

(E) A statement that if the consumer has contacted the insurer to discuss the nonrenewal and remains unsatisfied, the consumer may have the matter reviewed by the department. The statement shall include the department's internet website, [www.insurance.ca.gov](http://www.insurance.ca.gov), the department's telephone number, (800) 927-HELP (4357), and the mailing address of the department's Consumer Services Division, 300 S. Spring Street, Los Angeles, CA 90013.

(b) On and after July 1, 2027, the time periods and procedures in subdivision (a) of Section 1013 of the Code of Civil Procedure shall be applicable if an offer or notice is mailed.

(c) If an insurer fails to give the named policyholder an offer of renewal as required by this section, the existing policy, with no change in its terms and conditions, shall remain in effect for 90 days from the date that the offer to renew is delivered or mailed to the named policyholder. A notice to this effect shall be provided by the insurer to the named policyholder with the offer to renew.

(d) If an insurer fails to give the named policyholder a notice of nonrenewal or a notice of renewal with a reduction of limits or an elimination of coverage, as required by this section, the existing policy, with no change in its terms and conditions, shall remain in effect for 180 days from the date that the notice is delivered or mailed to the named policyholder. A notice to this effect shall be provided by the insurer to the named policyholder with the notice of nonrenewal or the notice of renewal with a reduction of limits or an elimination of coverage.

(e) A policy written for a term of less than one year shall be considered as if written for a term of one year. A policy written for a term longer than one year, or a policy with no fixed expiration date, shall be considered as if written for successive policy periods or terms of one year.

(f) A notice of nonrenewal for a residential property insurance policy shall be accompanied by the following notice:

The California Department of Insurance has developed the California Home Insurance Finder, an online tool that can assist you in obtaining insurance for your home. The Finder contains names, addresses, telephone numbers, and internet website links of licensed insurance agents, brokers, and insurance companies that may be able to sell insurance to you. The Finder is organized by ZIP Code and the languages in which the agent, broker, or insurance company sells insurance.

The California FAIR Plan (FAIR Plan) provides basic property insurance as the "insurer of last resort" if you cannot find insurance coverage for your property in the normal (voluntary) insurance market. The FAIR Plan provides basic property insurance coverage for residential structures, as well as personal property coverage for residential and business occupancies. However, FAIR Plan policies may not cover liability, theft, or water damage, among other things. There are also optional coverages available for both residential properties. Applications can be made directly with the FAIR Plan (cfpnet.com), although the FAIR Plan strongly encourages use of a licensed agent or broker for assistance in preparing and obtaining a quote. There is no additional cost for using an agent or broker for purchasing a FAIR Plan policy.

California law requires an agent or broker to assist a person seeking a FAIR Plan policy by (1) submitting a coverage application to the FAIR Plan on behalf of the consumer, (2) providing the consumer the FAIR Plan's internet website address and toll-free telephone number, or (3) obtaining a policy for the consumer through an admitted or nonadmitted insurer.

To supplement a FAIR Plan policy, a Difference in Conditions (DIC) policy should be considered. A DIC policy is sold by some private insurers, and provides coverage for things not covered by the basic property insurance policy provided by the FAIR Plan. A consumer who wants broader coverage than that provided by the FAIR Plan policy should contact an agent, broker, or insurance company that offers a DIC policy to obtain this additional coverage. The Department of Insurance maintains a list of insurance companies that sell DIC policies on its internet website (insurance.ca.gov). Additional assistance may be obtained by contacting an agent or broker listed with the department's online agent locator.

(g) An insurer may use a notice substantially similar to the notice set forth in subdivision (f) to the extent that the notice provides additional or more detailed information.

(h) This section applies only to policies of insurance specified in Section 675.

(i) This section shall become operative on July 1, 2027.





**Igor Tregub, Councilmember, District 4**

CONSENT CALENDAR  
APRIL 21, 2026

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmember Igor Tregub (Author), Mayor Adena Ishii (co-sponsor), Councilmember Cecilia Lunaparra (co-sponsor)

**Subject:** Support SB 1257 (Arreguin), Federal Immigration Enforcement: Report

**RECOMMENDATION**

Issue a “Support” position for Senate Bill (SB) 1257 (Arreguin), “Federal Immigration Enforcement: Report”, and submit a letter of support on the Bill to California Governor Gavin Newsom, Senator Jesse Arreguin, Assemblymember Buffy Wicks, and chairs of applicable Senate and Assembly committees.

**RATIONALE FOR RECOMMENDATION**

By October 30, 2027, and annually thereafter, SB 1257 would require the Attorney General to submit to the Legislature and the Governor and make publicly available a report on immigration incidents and activities that occur in California. The bill would also authorize the Attorney General to request information directly from designated safe locations of immigration activity to be included in the Attorney General’s report. This bill builds upon prior and ongoing local and state efforts to protect our most vulnerable residents against unlawful federal immigration enforcement activity.

**FINANCIAL IMPLICATIONS**

Limited staff time associated with transmitting one or more letters related to the subject position.

**CURRENT SITUATION AND ITS EFFECTS**

California is home to close to 11 million immigrants. The state is also currently experiencing a significant increase in unlawful federal immigration enforcement. From

January to October 2025 alone, over 18,000 Immigration and Customs Enforcement (ICE) arrests occurred in the state.

In order to protect all Californians, Governor Newsom signed laws such as SB 81 (Arreguin), with support from the Berkeley City Council, which protected various locations from unlawful ICE entry. Despite these laws, certain federal agents continue to ignore them and create an environment of fear for all Californians. It is a fundamental responsibility of the Attorney General to ensure that those who participate in these activities are held accountable through appropriate legal measures.

SB 1257 would require the Attorney General to publish an annual report on immigration incidents and activities in California. The Attorney General would also be authorized to uphold compliance via penalties or to conduct additional enforcement activities.

### **BACKGROUND**

Recently, ICE actions have impacted communities nationwide, regardless of legal status, and in some cases, resulted in the loss of U.S. citizens' lives. Many California immigrant communities now fear for their safety when leaving their homes. This increase in fear has resulted in skipped medical appointments, school absences, and avoiding public areas.

While the California Attorney General currently collects information on law enforcement misconduct via their state portal, public information on ICE activity and actions to hold entities accountable is crucial for accountability and transparency. Without the availability of this data, public trust can be undermined and can result in a lack of confidence from the community to report future violations of state law by federal enforcement agencies and their employees.

### **ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

No direct identifiable impacts.

### **CONTACT PERSON**

Councilmember Igor Tregub, Council District 4  
510-981-7140, [Itregub@berkeleyca.gov](mailto:Itregub@berkeleyca.gov)

### **ATTACHMENTS**

1. Fact Sheet
2. Bill Text

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7140 TDD: 510.981.6903  
E-Mail: [itregub@berkeleyca.gov](mailto:itregub@berkeleyca.gov)



CALIFORNIA STATE SENATOR

**Jesse Arreguín**

REPRESENTING SENATE DISTRICT 07

## SB 1257 – Federal Immigration Enforcement: Report

### SUMMARY

By October 30, 2027, SB 1257 would require the Attorney General to make publicly available an annual report on immigration incidents and activities that occur in California. The bill would also authorize the Attorney General to request information directly from designated safe locations of immigration activity to be included in the Attorney General’s report. This report must also be submitted to the Legislature and the Governor annually.

### BACKGROUND

California is a leader in human rights and is home to close to 11 million immigrants. The state is also currently experiencing a significant increase of unjust immigration enforcement. From January to October 2025, over 18,000 Immigration and Customs Enforcement (ICE) arrests occurred in the state.

California must seek accountability for all unlawful immigration-related activities. In order to protect Californians, Governor Newsom signed SB 81 (Arreguin), SB 98 (Perez), and AB 49 (Muratsuchi) into law, which protected various locations from unlawful ICE entry. Despite these laws, certain federal agents continue to ignore them and create an environment of fear for all Californians. It is a fundamental responsibility of the Attorney General to ensure that those who participate in these activities are held accountable through appropriate legal measures.

### PROBLEM

Recently, ICE actions have impacted communities nationwide, regardless of legal status, and in some cases,

resulted in the loss of U.S. citizens' lives. Many California immigrant communities now fear for their safety when leaving their homes. This increase in fear leads to skipped medical appointments, school absences, and avoiding public areas, resulting in low quality of life.

Although the California Attorney General collects information on misconduct via their state portal, public information on ICE activity and actions to hold entities accountable is crucial for accountability and transparency. Without public data, public trust will be undermined that can lead to a lack of confidence from the community to report future violations.

### SOLUTION

A public report on ICE activity, including unlawful enforcement, is key to accountability and transparency for the safety of all Californians. SB 1257 will require the Attorney General to publish an annual report on immigration incidents and activities that happen in California. Finally, the Attorney General is authorized to uphold compliance via penalties or conduct other enforcement activities.

### CONTACT

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Carmen.Ayon@sen.ca.gov

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## SB-1257 Federal immigration enforcement: report. (2025-2026)

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Date Published: 03/25/2026 09:00 PM

AMENDED IN SENATE MARCH 25, 2026

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**SENATE BILL****NO. 1257**

Introduced by Senator Arreguín

February 19, 2026

An act to add Section 7284.9 to the Government Code, relating to immigration enforcement.

### LEGISLATIVE COUNSEL'S DIGEST

SB 1257, as amended, Arreguín. Federal immigration enforcement: report.

Existing law, the California Values Act, requires the Attorney General, by October 1, 2018, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, public libraries, health facilities operated by the state or a political subdivision of the state, courthouses, Division of Labor Standards Enforcement facilities, the Agricultural Labor Relations Board, the Division of Workers' Compensation, and shelters, and ~~ensuring~~ *ensure* that they remain safe and accessible to all California residents, regardless of immigration status. The act requires all public schools, health facilities operated by the state or a political subdivision of the state, and courthouses to implement the model policy, or an equivalent policy.

This bill would require the Attorney General, on or before October 30, 2027, and annually thereafter, to submit to the Legislature and the Governor, and post on its internet website, a report that includes, among other things, a summary of all immigration *enforcement* incidents and activities conducted by any person at designated safe locations that have reported immigration *enforcement* incidents and activities either onsite or to the Attorney General. The bill would authorize the Attorney General to request representatives of the designated safe locations to furnish any reported immigration *enforcement* incidents and activities as part of compiling its annual ~~report~~, *report* and would authorize the Attorney General to issue civil penalties or conduct other enforcement activity to ensure compliance with these provisions. The bill would define "designated safe locations" to mean educational institutions, health care ~~providers~~, *provider entities*, shelters, polling places, courthouses, public transportation property, state and local government property, and areas where the public may be exercising their rights protected under the First Amendment to the United States Constitution. *The bill would define "immigration enforcement" for these purposes to mean an effort to investigate, enforce, or assist in the investigation or*

*enforcement of a federal civil or criminal immigration lawsuit.* To the extent the bill would impose duties on locals, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 7284.9 is added to the Government Code, to read:

**7284.9.** (a) On or before October 30, 2027, and annually thereafter, the Attorney General shall submit to the Legislature, and post on its internet website, a report that includes all of the following:

(1) A summary of all immigration *enforcement* incidents and activities conducted by any person at designated safe locations that have reported immigration *enforcement* incidents and activities either onsite or to the Attorney General, including, but not limited to, reports submitted through the Attorney General's federal agent misconduct online portal.

(2) Information of each immigration *enforcement* incident and activity described in paragraph (1), including, but not limited to, the date of occurrence, the county of occurrence, the type of facility or location impacted, the government agency involved, and followup or resolution status.

(3) The number of immigration *enforcement* incidents and activities described in paragraph (1) that resulted in legal action and the counties involved in the legal action.

(b) For the purposes of this chapter, "designated safe locations" means educational institutions, health care ~~providers~~, *provider entities, as defined in Section 24252 of the Health and Safety Code*, shelters, polling places, courthouses, public transportation property, state and local government property, and areas where the public may be exercising their rights protected under the First Amendment to the United States Constitution.

(c) The Attorney General may request representatives of the designated safe locations to furnish any reported immigration *enforcement* incidents and activities as part of compiling its annual report. The Attorney General may issue civil penalties or conduct other enforcement activity to ensure compliance with this section.

(d) As part of compiling this report, the Attorney General may consider whether the designated safe location is in compliance with other state ~~law~~, *laws related to immigration enforcement* and may take enforcement ~~action~~, *action to enforce those laws*, as needed.

*(e) For purposes of this section, "immigration enforcement" means an effort to investigate, enforce, or assist in the investigation or enforcement of a federal civil immigration law or a federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.*

~~(e)~~

*(f)* A report to be submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

**SEC. 2.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.





**Igor Tregub, Councilmember, District 4**

CONSENT CALENDAR  
APRIL 21, 2026

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmember Igor Tregub (Author), Councilmember Cecilia Lunaparra (co-sponsor)

**Subject:** Support SB 222 (Wiener), the Heat Pump Access Act; SB 868 (Wiener), the Plug and Play Solar Act; and AB 2389 (Irwin), the Keeping Solar Affordable Act

**RECOMMENDATION**

Issue a “Support” position for Senate Bill (SB) 222 (Wiener), the Heat Pump Access Act; Senate Bill (SB) 868 (Wiener), the Plug and Play Solar Act; and Assembly Bill (AB) 2389 (Irwin), the Keeping Solar Affordable Act, and submit letters of support on this Bills to California Governor Gavin Newsom, Senator Jesse Arreguin, Assemblymember Buffy Wicks, authors of the Bills, and chairs of applicable Senate and Assembly committees.

**RATIONALE FOR RECOMMENDATION**

These bills support a variety of climate priorities consistent with the City of Berkeley’s advocacy positions.

**FINANCIAL IMPLICATIONS**

Limited staff time associated with transmitting one or more letters related to the subject positions.

**CURRENT SITUATION AND ITS EFFECTS**

**SB 222 (Wiener) – The Heat Pump Access Act**

SB 222 would allow Californians to save on energy bills, reduce indoor air pollution, mitigate the effects of extreme weather, and reduce greenhouse gas emissions by

improving access to safe heat pump water heater and heating, ventilation, and air conditioning (HVAC) systems. SB 222 would require automated permitting for standard heat pump water heater and HVAC installations, thereby streamlining permitting process for key climate technology and improve its affordability.

#### SB 868 (Wiener) – The Plug and Play Solar Act

To save Californians on energy bills and increase the number of homes installing safe solar energy systems, SB 868, the Plug And Play Solar Act, would streamline approvals and establish safety standards for portable solar energy devices. Plug-in solar, also known as balcony solar, are portable solar energy devices that increase consumer access to safe, clean, and low-cost energy, especially on hot summer days when air conditioning needs are at their highest. Portable solar energy devices are a win-win climate and energy affordability solution. SB 868 would cut red tape for this key climate-friendly technology, improve its affordability, expand access to clean energy to renters and apartment dwellers, allow Californians to save on energy bills, and help meet our state's ambitious greenhouse gas emissions reduction targets.

#### AB 2389 (Irwin) – The Keeping Solar Affordable Act

AB 2389 (Irwin) would extend California's property tax exclusion for customer-sited solar energy systems through January 1, 2032, preserving a crucial incentive that promotes energy affordability, solar adoption, and progress toward California's energy goals. The bill applies to customer-sited solar energy systems up to 2 megawatts, including all solar energy systems installed on property owned by local jurisdictions, schools, and other public entities, and battery storage systems installed alongside qualifying solar. By preserving the exclusion, the bill would ensure that these systems do not trigger higher tax assessments and thereby would ensure that distributed energy resources remain financially accessible in a time of rising electricity costs.

### **BACKGROUND**

#### SB 222 (Wiener) – The Heat Pump Access Act

Because heat pumps are highly energy efficient, the average household in the US can save nearly \$400 a year by switching to a heat pump<sup>1</sup>. When paired with solar and/or battery systems, and outfitted with demand response capabilities, heat pumps can save residents even more. Water and space heating through gas water heaters and furnaces

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<sup>1</sup> <https://homes.rewiringamerica.org/articles/heating-and-cooling/heat-pump-savings>

are responsible for the majority of greenhouse gas emissions from residential buildings. Residential and commercial buildings are responsible for 25% of California's greenhouse gas emissions. To be on track for meeting California's climate goals, at least 20% of existing buildings will need to convert their fossil-powered appliances to electric alternatives by 2030.<sup>2</sup>

California has already taken action to streamline permitting for homeowners seeking to electrify and decarbonize their homes. State laws mandate automated permitting processes for solar photovoltaics and home batteries (SB 379, Wiener, 2021<sup>3</sup>), require expedited solar permitting and restrict reasons for denying solar permits (AB2188, Muratsuchi, 2014), and limit high fees for solar permits (AB 1132, Friedman, 2023). For electric vehicle charging stations, California requires an expedited and simplified permit process focused solely on a health and safety review (AB 1236, Chiu, 2015), and limits jurisdictions to a simple nondiscretionary permit type (AB 970, McCarty, 2021).

Despite repeated input from heat pump contractors, homeowners, and representatives from Labor regarding the time and cost implications associated with local permitting, as well as the demands of clean air rules and state climate targets, no corresponding streamlining measures have been implemented at the state level to date. This is inimical to the ambitious climate goals California must meet to stay on track in combatting climate change and support energy resilience. In 2023, the Bay Area Air District passed a rule to require newly installed space and water heaters to be zero-emission. The California Air Resources Board is considering similar rules for residential customers. Governor Newsom has also set a building decarbonization goal of installing 6 million heat pumps statewide by 2030. SB 222 would support the fulfillment of these ambitious and necessary goals.

#### SB 868 (Wiener) – The Plug and Play Solar Act

Where a rooftop solar system tends to be 5,000- 10,000 watts in size for a typical home, plug-in solar systems are much smaller, sized around 400-1200 watts. These systems can cover up to 1/5th of a household's average energy usage, and with prices starting at \$500, thus offering an affordable solution that can reduce energy costs and allow a broad range of people to directly access the benefits of solar energy. Because they are so small and mobile, plug-in solar systems provide a new entry point and more flexibility

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<sup>2</sup> Neumann, Ingrid. "Key Building Decarbonization Strategies towards California Climate Goals."

<sup>3</sup> Supported by the City of Berkeley. <https://berkeleyca.gov/sites/default/files/documents/2022-05-24%20Item%2012%20Resolution%20in%20Support%20of%20SB%20379.pdf>

to access clean affordable energy, especially renters. An estimated 44% of California households are renters, a larger percentage than every state except New York.

While portable solar energy devices are a safe and lower-cost solution for consumers, unnecessary utility red tape adds prohibitive costs and has delayed the adoption of this critical technology. California utilities treat even very small customer-sited solar systems as if they are large arrays, thus triggering complex multi-page interconnection agreements, expensive building permits, and time-intensive utility approvals. All this red tape effectively cuts off consumer access to this critical technology, particularly for renters and other multi-family residents who do not have the resources or ability to install their own rooftop solar system.

By treating qualifying plug-in solar systems as simple, household appliances rather than full-scale power plants, the bill would unlock a new market for affordable, DIY solar among renters and apartment dwellers who are otherwise stuck with the high costs charged by their utilities. Allowing access to these cost-saving clean energy devices would reduce peak demand, especially on hot summer days when air-conditioning loads are high while also supporting California's efforts to cut greenhouse gas emissions and protect public health.

#### AB 2389 (Irwin) – The Keeping Solar Affordable Act

Customer-sited solar energy systems are a vital tool for managing rising electricity costs. These systems are a form of distributed energy resources located close to where electricity is used, rather than relying on large, centralized power plants. By producing electricity locally these resources strengthen grid reliability and reduce the need for costly transmission infrastructure.

In 1980, Californians approved Proposition 7, establishing a property tax exclusion for solar energy systems. This exclusion applies to both directly owned systems and those financed through third-party arrangements such as leases and power purchase agreements. These financing models are widely used by public entities and schools as 87% of public schools rely on third-party financed solar projects.

The exclusion will sunset on January 1, 2027, effectively triggering property tax reassessments for solar installations. This could not come at a worse time, as the 30% federal tax credit incentive for residential solar has been phased out by the current administration.

Absent this bill, consumers will face higher annual property tax assessments when installing solar energy systems, thus discouraging investment in clean energy. Schools and local governments that lease solar energy systems from third parties will also face higher costs. Although as public entities they are excluded from property taxes, their third-party partners will incur property tax assessments that will be factored into future lease agreements. Reduced adoption of customer-sited solar and battery storage will also weaken distributed energy resources that support grid affordability for all Californians.

### **ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

The enactment and implementation of these bills would advance Berkeley's environmental sustainability and climate resilience goals.

### **CONTACT PERSON**

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Olga Bolotina, Chief of Staff  
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### **ATTACHMENTS**

1. Fact Sheets
2. Bill Texts available as of 3.31.2026 and subject to change



## AB 2389 (Irwin) Keeping Solar Affordable



### **SUMMARY**

AB 2389 extends California's property tax exclusion for customer-sited solar energy systems through January 1, 2032, preserving a crucial incentive that promotes energy affordability, solar adoption, and progress toward California's energy goals.

### **BACKGROUND**

Customer-sited solar energy systems are a vital tool for managing rising electricity costs. These systems are a form of distributed energy resources located close to where electricity is used, rather than relying on large, centralized power plants. By producing electricity locally these resources strengthen grid reliability and reduce the need for costly transmission infrastructure.

In 1980, Californians approved Proposition 7, establishing a property tax exclusion for solar energy systems. This exclusion applies to both directly owned systems and those financed through third-party arrangements such as leases and power purchase agreements (PPAs). These financing models are widely used by public entities and schools as 87% of public schools rely on third-party financed solar projects.

The exclusion is set to sunset on January 1, 2027, effectively triggering property tax reassessments for solar installations. This couldn't come at a worse time as the 30% federal tax credit incentive for residential solar has phased out. State policies, including this property tax exclusion, have historically helped keep solar adoption financially accessible during periods of rising energy costs.

Customer-sited solar also plays a crucial role in helping California achieve its goal of 100% clean electricity by 2045. Of the 7,000 megawatts (MW) of clean energy interconnected to the grid in 2024, 23%

came from customer-sited solar and storage. Maintaining incentives that support continued adoption will be critical to ensuring these distributed energy resources remain a significant contributor to the state's clean energy transition.

### **NEED FOR THIS BILL**

If the Legislature fails to extend this property tax exclusion, consumers will face higher annual property tax assessments when installing solar energy systems, discouraging investment in clean energy. Schools and local governments who lease solar energy systems from third parties will also face higher costs, even though as public entities they are excluded from property taxes as their third-party partners will incur property tax assessments that will be factored into future lease agreements. Reduced adoption of customer-sited solar and battery storage will also weaken distributed energy resources that support grid affordability for all Californians.

### **THIS BILL**

AB 2389 extends California's property tax exclusion for an additional five years. The bill applies to customer-sited solar energy systems up to 2 megawatts, all solar energy systems installed on property owned by schools and other public entities, and battery storage systems installed alongside qualifying solar. By preserving the exclusion, the bill ensures these systems do not trigger higher tax assessments, therefore, keeping distributed energy resources financially accessible.

### **SUPPORT**

Environment California

### **CONTACT**

Senay Zedingel | Office of Assemblymember Irwin  
[Senay.Zedingel@asm.ca.gov](mailto:Senay.Zedingel@asm.ca.gov) | (916) 319-2042



## Senator Scott Wiener, 11<sup>th</sup> Senate District

### SB 222- Heat Pump Access Act

#### SUMMARY

SB 222, the Heat Pump Access Act, saves Californians on energy bills, reduces indoor air pollution, mitigate the effects of extreme weather, and reduces greenhouse gas emissions by improving access to safe heat pump water heater and HVAC systems.

SB 222 requires automated permitting for standard heat pump water heater and HVAC installations, streamlining the permitting process for a key affordability and climate technology.

#### BACKGROUND/EXISTING LAW

Heat pumps are a win-win-win climate solution— they provide efficient, cost-saving, zero-emission cooling and heating that can displace dirty and hazardous fossil fuel furnaces with a single appliance.

Because heat pumps are highly energy efficient, the average household in the US can save nearly \$400 a year by switching to a heat pump.<sup>1</sup> When paired with solar and/or battery systems, and outfitted with demand response capabilities, heat pumps can save residents even more.

Water and space heating through gas water heaters and furnaces are responsible for the majority of greenhouse gas emissions from residential buildings. Buildings— including both residential and commercial — are responsible for 25% of California’s greenhouse gas emissions. . To be on track for meeting California’s climate goals, at least 20% of existing buildings will need to convert their fossil-powered appliances to electric alternatives by 2030.<sup>2</sup>

Replacing these gas appliances with highly efficient electric heat pump devices not only reduces emissions but also improves the health and safety of buildings. According to the Rocky Mountain Institute (RMI), a heat pump installed in California today will cut emissions from space heating by 93% over the lifetime of the equipment compared to a gas furnace. By replacing oil and propane heating systems, heat pumps can reduce harmful pollutants like carbon monoxide, NO<sub>2</sub>, and volatile organic compounds both inside the home and in the air outside.<sup>3</sup> Heat pumps also provide potentially life-saving AC as our climate warms, regulate humidity, and automatically filter air to boost air quality indoors.

California has already taken action to reduce permit barriers for homeowners seeking to electrify and decarbonize their homes. State laws mandate automated permitting processes for solar photovoltaics and home batteries ([Senate Bill 379](#), Wiener, 2021), require expedited solar permitting and restrict reasons for denying solar permits ([Assembly Bill 2188](#), Muratsuchi, 2014), and limit high fees for solar permits ([AB 1132](#), Friedman, 2023). For electric vehicle charging stations, California requires an expedited and simplified permit process focused solely on a health and safety review ([AB 1236](#), Chiu, 2015), and limits jurisdictions to a simple nondiscretionary permit type ([AB 970](#), McCarty, 2021).

Heat pumps have yet to receive such streamlining — despite heat pump contractors regularly citing time-consuming and cost-driving complexities associated with local permitting and despite ambitious clean air rules and state climate targets

<sup>1</sup> A Guide to Cutting Costs with Heat Pumps | Rewiring America

<sup>2</sup> Neumann, Ingrid. “Key Building Decarbonization Strategies towards California Climate Goals.” PowerPoint

presented at Redwood Energy Zero Carbon Retreat, January 21, 2021

<sup>3</sup> American Lung Association, “Literature Review on the Impacts of Residential Combustion,” July 2022

setting the stage for enormous heat pump growth. In 2023, the Bay Area Air Quality Management District (AQMD) passed a rule to require newly installed space and water heaters to be zero-emission. CARB is considering similar rules for residential customers. Similarly, Governor Newsom has set a building decarbonization goal of installing 6 million heat pumps statewide by 2030.

**PROBLEM**

Meeting California’s climate goals will require a considerable wave of residential heat pump appliances to be installed quickly and cost-effectively over the coming years. However, a patchwork of burdensome local permitting requirements adds cost, time, and hassle to these clean appliance retrofits. In interviews, heat pump installers say that that a number of barriers at the local level are slowing installations of heat pump equipment, including long inspection wait times, local architectural requirements, wide variations in requirements across jurisdictions, high permit fees, and the need to obtain multiple permit types for a water heater installation.

These burdensome requirements can drive up the cost of installations for homeowners, and limit the time that qualified contractors have to work on other projects, further tightening the supply of labor available to meet increasing demand for heat pumps and other appliances. Because public rebate and direct install programs for heat pumps require permit verification, onerous permit requirements risk impacting the efficiency of hundreds of millions in funding for heat pumps, much of which is targeted toward low-income customers. This problem is costly for California - a recent Energy Commission study estimated that permitting noncompliance for the 2022 Energy Code will cost the state \$2.8 billion.

California has only 5 years left to install over 4 million heat pumps in order to meet Governor Newsom’s ambitious target of installing 6 million heat pumps statewide by 2030.

**SOLUTION**

Heat pump permitting must be modernized in line with other pro-climate technologies to improve access to a cost-saving technology and meet California’s ambitious climate goals.

This bill would streamline heat pump permitting and ensure California meets its climate goals by:

1. Mandating automated permitting for standard Heat Pump installations
2. Prohibiting HOAs from imposing architectural review on clean appliance installations
3. Requiring a maximum of one permit for heat pump water heater installations
4. Prohibiting excessive setbacks, noise restrictions, or documentation requirements on heat pump installations
5. Capping fees for heat pump permits to the reasonable cost of providing service

**SUPPORT**

- **Building Decarbonization Coalition, Sponsor**
- **San Francisco Bay Area Planning and Urban Research Association (SPUR), Sponsor**
- **Bay Area Air District, Sponsor**
- 350 Humboldt Action
- 350 Sacramento
- AO Smith Corporation
- Active SGV
- California Environmental Voters
- California Association of Sheet Metal and Air Conditioning Contractors National Association
- California Center for Sustainable Energy
- California Climate Action
- California State Pipe Trades Council
- Carbon Free Palo Alto
- Carbon Free Silicon Valley
- Carrier Global Corporation
- Center for Biological Diversity
- Citizens Climate Lobby Long Beach
- Climabridge
- Climate Action California
- Climate Health Now Action Fund
- Climate Reality Project, Orange County Chapter
- Climate Resolve
- Earthjustice
- Efficiency First California
- Electrify My Home

- Evergreen Action
- Green Building Initiative
- LG Electronics USA
- Mothers Out Front Silicon Valley
- Natural Resources Defense Council (NRDC)
- QuitCarbon
- Redwood Energy
- RRI: Resource Renewable Institute
- RAMP: Regional Asthma Management & Prevention
- Resource Renewal Institute
- Rewiring America
- San Diego Building Electrification Coalition
- San Francisco Climate Emergency Coalition
- StopWaste
- The Climate Center
- Western States Council of Sheet Metal Workers
- US Green Building Council

**FOR MORE INFORMATION**

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## Senator Scott Wiener, 11<sup>th</sup> Senate District

### SB 868 – Plug And Play Solar Act

#### SUMMARY

To save Californians on energy bills and increase the number of homes installing safe solar energy systems, Senate Bill 868, the Plug And Play Solar Act, streamlines approvals and establishes safety standards for portable solar energy devices. Plug-in solar, also known as balcony solar, are portable solar energy devices that increase consumer access to safe, clean, and low-cost energy, especially on hot summer days when air conditioning needs are at their highest.

Portable solar energy devices are a win-win climate and energy affordability solution. SB 868 will cut red tape for this key affordability and climate-friendly technology, expand access to clean energy to renters and apartment dwellers, save Californians on energy bills, and help meet our state's ambitious greenhouse gas emissions reduction targets.

#### BACKGROUND/EXISTING LAW

Californians are faced with record high energy prices. Electricity rates for PG&E customers increased nearly 40% between 2022 and 2025 and increased 100% in the last decade.<sup>1</sup> As a result, Californians now pay higher rates for electricity than any other state except Hawaii.<sup>2</sup>

Solar arrays can lower energy costs for consumers and reduce reliance on investor-owned utilities. SB 868 expands those options to even more households, especially for renters, condo owners, and those with older or shaded roofs.

California has long been a leader in the transition to clean energy. Senate Bill 379 (Wiener, 2022) boosted safe solar energy system installations in homes by requiring certain-sized jurisdictions to provide an online instant solar permitting process.

Rooftop solar systems have been a major driving force behind California's clean energy transition. Portable solar energy devices, also known as "plug-in" or "balcony" solar, while smaller and therefore less powerful, offer a new way for consumers to generate safe, clean and low-cost electricity using California's abundant sunshine. The portability of these devices makes them ideal for many different types of consumers especially renters with access to a patch of sunlight on a balcony, patio, or small backyard.

This exciting technology consists of a few movable solar panels along with an integrated microinverter that allows the system to plug directly into a standard outlet where the solar electricity flows backwards, through the existing wires, to immediately power other appliances within the home, such as air conditioners, computers and lights, and refrigerators.

Where a rooftop solar system tends to be 5,000-10,000 watts in size for a typical home, plug-in solar systems are much smaller, sized around 400-1200 watts. These systems can cover up to 1/5<sup>th</sup> of a household's average energy usage, and with prices starting at \$500, offer an affordable solution that can reduce energy costs and allow a broad range of people to directly access the benefits of solar energy.

Because they are so small and mobile, plug-in solar systems provide a new entry point and more flexibility to access clean affordable energy, especially renters. An estimated 44% of California households are renters, a larger percentage than every state except New York. And, while the rooftop solar market serves hundreds of thousands of rental units, plug-in solar systems are an additional and

<sup>1</sup> San Francisco Chronicle, "PG&E rates actually going down in 2026. Here's how much," December 30, 2025

<sup>2</sup> San Francisco Chronicle, "California electricity prices now second-highest in U.S.: 'Everyone is getting squeezed,'" May 2, 2024

powerful tool for expanding access to clean energy in the Golden State.

Plug-in solar has already taken off in Europe. In Germany, consumers facing high power prices and energy-security concerns have installed an estimated four million plug-in systems, adding multiple gigawatts of distributed clean energy. With California's superior sunshine and high energy costs, the potential for this technology to take off here is even greater.

Despite the small scale of these systems and their potential to save consumers significant funds, utilities like PG&E are pushing for plug-in solar systems to require full interconnection agreements, as they would for large-scale utility solar projects.

Portable solar energy devices have also begun to advance in other parts of the United States. In 2025, Utah enacted H.B. 340, a bipartisan law unanimously approved by the Legislature that exempts portable plug-in solar devices from the full interconnection process, which in turn has encouraged companies to begin selling plug-in systems in the state and to plan expansions to other states with supportive policies. Similar legislation has recently been introduced in states like Vermont, Virginia, Maryland, New Hampshire, Pennsylvania, and New York.

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### PROBLEM

California consumers need immediate relief from rising energy bills. Growing the market for portable solar devices will create economies of scale that will lower per unit costs making clean energy even more affordable for more consumers.

While portable solar energy devices are a safe and lower-cost solution for consumers, unnecessary utility red tape adds prohibitive costs and has delayed the adoption of this critical technology.

California utilities treat even very small customer-sited solar systems as if they are large arrays triggering complex multi-page interconnection agreements, expensive building permits, and time-consuming utility approvals. All this red tape makes installing plug-in solar more expensive and time-consuming, effectively cutting off consumer access.

While plug-in solar is now widespread in Europe and emerging in other U.S. states, these systems have not taken off in California due in part to these challenges and uncertainty around consumer ease of access.

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### SOLUTION

By treating qualifying plug-in solar systems as simple, household appliances rather than full-scale power plants, the bill will unlock a new market for affordable, DIY solar among renters and apartment dwellers who are otherwise stuck with the high costs charged by their utilities.

Allowing access to these cost-saving clean energy devices will reduce peak demand especially on hot summer days when air-conditioning loads are high while also supporting California's efforts to cut greenhouse gas emissions and protect public health.

Meanwhile, by establishing statewide safety standards, the bill will ensure consumers have access to safe, high-quality plug-in solar systems.

In sum, SB 868 lowers consumer energy bills, diversifies energy resources, reduces strain on the electric grid, and helps cut air pollution by:

- Defining a portable solar energy device as a small device that meets a consumer's on-site electricity needs;
- Establishing mandatory safety standards for a portable solar energy device;
- Prohibiting unnecessary red tape;
- Driving economies of scale for portable solar energy devices to help lower costs for all consumers.

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### SUPPORT

- **Environmental Working Group, Sponsor**
- **The Abundance Network, Co-Sponsor**
- Bright Saver
- California Public Interest Research Group (CALPIRG)
- California Solar & Storage Association (CALSSA)
- Center for Biological Diversity
- Environment California
- Solar Rights Alliance

- The Climate Center
- Caroline Torosis, Mayor, City of Santa Monica
- 350 Bay Area Action
- US Green Building Council
- Quantum Energy
- Greenbank Associates
- QuitCarbon
- Indivisible Santa Cruz County
- 350 Humboldt
- Samuel Lawrence Foundation
- West Orange County
- Clean Coalition
- Glendale Environmental Coalition
- Recolte Energy
- Albany Climate Action
- Our Green Challenge
- Vote Solar
- SocioEnergetics Foundation
- Climate Action Campaign
- Climate Action Mendocino
- Center for Community Energy
- Climate Crisis Workgroup of Grassroots Institute
- Third Act Sacramento
- Neighbors for Progressive Action
- Elders Climate Action NorCal Chapter
- 350 Conejo/San Fernando Valley
- Citizens' Climate Lobby
- SCV Eco Alliance
- GRID Alternatives
- Long Beach Alliance for Clean Energy
- Active San Gabriel Valley
- Orange County Environmental Justice
- Healing and Justice Center
- Pasadena-Foothills Chapter of Citizens Climate Lobby
- Acterra: Action for a Healthy Planet
- Greenbank Associates
- West Berkeley Alliance for Clean Air and Safe Jobs
- Laudate Deum Prayer Network for Climate Healing
- 350 Berkeley Hub
- California Alliance for Community Energy
- City of Santa Monica
- Climate Health Now Action Fund
- Community Renewable Solutions LLC
- Democratic Club of West Orange County
- Elders Climate Action (ECA) Southern California (SoCal) Chapter
- Greenpeace USA
- Humboldt Progressive Democrats
- Local Clean Energy Alliance
- Local Government Sustainable Energy Coalition
- Pacifica Climate Committee
- Pacifica Housing For All (PH4A)
- Project Green Home
- Reclaim Our Power: Utility Justice Campaign
- Sonoma County Climate Activist Network (SoCoCAN!)
- Sustainable Mill Valley
- Sustainable San Mateo County
- Sustainable Systems Research Foundation
- The Energy Coalition
- Third Act San Francisco Bay Area
- Third Act SoCal
- Western Center on Law and Poverty

**FOR MORE INFORMATION**

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## SB-222 Residential heat pump systems: water heaters and HVAC: installations. (2025-2026)

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Date Published: 01/15/2026 09:00 PM

AMENDED IN SENATE JANUARY 15, 2026

AMENDED IN SENATE JANUARY 05, 2026

AMENDED IN SENATE MARCH 28, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**SENATE BILL****NO. 222**

**Introduced by Senator Wiener  
(Coauthors: Senators Allen, Becker, and Stern)**

**January 27, 2025**

An act to add Section 4737 to the Civil Code, and to add Chapter 7.5 (commencing with Section 51297.50) to Part 1 of Division 1 of Title 5 of the Government Code, relating to housing.

### LEGISLATIVE COUNSEL'S DIGEST

SB 222, as amended, Wiener. Residential heat pump systems: water heaters and HVAC: installations.

(1) Existing law establishes the State Energy Resources Conservation and Development Commission and prescribes the authorities, duties, and responsibilities of the commission pertaining to energy matters. Existing law requires the commission, on or before January 1, 2019, in consultation with the Contractors State License Board, local building officials, and other stakeholders, to approve a plan that promotes compliance with specified regulations relating to building energy efficiency standards in the installation of central air-conditioning and heat pumps, as specified. Existing law authorizes the commission to adopt regulations to increase compliance with permitting and inspection requirements for central air-conditioning and heat pumps, and associated sales and installations, consistent with the above-described plan.

The bill would require a city, county, or city and county, beginning July 1, 2027, to adopt and offer asynchronous inspections for installations of residential heat pump water heater or heat pump HVAC systems, as defined, that do not require a licensed contractor and building inspector to be simultaneously present during the inspection. The bill would authorize a building inspector to contact the licensed contractor who performed the installation by telephone call or real-time video conferencing during their inspection, and, if the building inspector determines during an asynchronous inspection that there is an issue with an installation of the heat pump water heater or

heat pump HVAC system and that the licensed contractor who performed the installation must be present to perform tests or cure the installation, to require the licensed contractor who performed the installation to schedule an additional inspection in which the building inspector and the licensed contractor who performed the installation are required to be simultaneously present during the additional inspection. The bill would specify that these provisions do not require a local entity described above to discontinue offering inspections for the installation of a residential heat pump water heater or heat pump HVAC system where in a building inspector and licensed contractor who performed the installation are simultaneously present.

The bill would authorize a city, county, or city and county, on or before July 1, 2028, *and except as specified*, to issue up to one nondiscretionary permit per installation of a residential heat pump water heater or heat pump HVAC system in which the local entity administratively approves an application to install the residential heat pump water heater or heat pump HVAC system. The bill would specify that nothing in that provision is to be construed to prevent a local entity described above from issuing separate permits for a panel replacement or demolition work conducted as part of the residential heat pump installation.

The bill would authorize a city, county, or city and county to apply only certain planning or zoning or workforce labor standards on the installation of a residential heat pump water heater or residential heat pump HVAC system that are in addition to any state-level requirements, including additional standards that conform to local laws, including reach codes, designed to encourage the adoption of zero-emission equipment or improvement of building efficiency. The bill would prohibit a local entity described above from requiring a permit or inspection for plug-in ready window air-conditioner or window heat pump HVAC systems, provided that certain requirements are met, including that the appliance has a voltage rating of 120 volts or less and the appliance is a self-contained unit.

The bill would require a city, county, or city and county, on or before July 1, 2028, to implement an online, *instant automated* permitting process that issues permits in real time to a licensed contractor for the installation of a residential heat pump water heater or residential heat pump HVAC system that meets certain criteria, including that the installation is for a residential heat pump water heater or heat pump HVAC system that does not require installation of a new electrical ~~panel, or demolition panel~~ or structural ~~work.~~ *work, and if the installation is for a residential heat pump HVAC system, that the licensed contractor certifies under penalty of perjury that they have performed a load calculation to properly size the new residential heat pump HVAC equipment per certain provisions and provides the load calculation to the local authority having jurisdiction upon request. By expanding the crime of perjury, the bill would impose a state-mandated local program.* The bill would ~~authorize specify the methods that~~ a local entity described above ~~to may use to~~ comply with the above-described ~~requirement by using, requirement, including,~~ among other things, an automated platform that can issue permits in real time. The bill would ~~require require, for an installation of a residential heat pump water heater or heat pump HVAC system,~~ the local entity to publish and make publicly available, among other things, any required permitting documentation, on their internet website. The bill would require the local entity to allow an applicant to, among other things, submit a permit application and associated documentation electronically. ~~The bill would require a local entity described above that applies to receive any funding from the commission to self-certify to the commission its compliance with any applicable portions of the bill's provisions.~~ The bill would exempt from these provisions a city with a population of fewer than 5,000 persons or a county with a population of fewer than 150,000 persons, as specified.

The bill would, except as provided, prohibit a city, county, or city and county from charging a permit fee for a residential heat pump water heater and heat pump HVAC system that exceeds the estimated reasonable cost of providing the service for which the fee is charged, subject to specified requirements, including that the permit fee for a residential heat pump water heater system does not exceed \$150. The bill would, notwithstanding that provision, authorize a local entity described above to charge a permit fee, as specified, for the installation of a residential heat pump water heater or heat pump HVAC system that exceeds the above-described fee limit, as specified, if the local entity, as part of a written finding and an adopted resolution or ordinance, provides substantial evidence of the reasonable cost to issue the permit, and would prohibit a local entity described above from applying additional charges above the publicly listed fee.

*The bill would require a local entity described above that applies to receive any funding from the commission to self-certify to the commission its compliance with any applicable portions of the bill's provisions. By imposing additional duties on local entities described above, the bill would impose a state-mandated local program.*

The bill would include findings and declarations related to these provisions.

(2) Existing law, the Davis-Stirling Common Interest Development Act, defines and regulates common interest developments. Among other things, the act makes a provision of the governing document or architectural or

landscaping guidelines or policies void and unenforceable if, among other things, the provision prohibits, or includes conditions that have the effect of prohibiting, the use of low water-using plants as a group or as a replacement of existing turf.

This bill would additionally make any provision of the governing documents, architectural guidelines, or policies void and unenforceable if the provision prevents the replacement of a fuel-gas-burning appliance with an electric appliance. The bill would also make any covenant, restriction, or condition contained in any, among other specified agreements, deed, and any provision of a governing document, that effectively prohibits or restricts the installation or use of a residential heat pump water heater or heat pump HVAC system, void and unenforceable.

(3) The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

*(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, with regard to certain mandates, no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 4737 is added to the Civil Code, to read:

**4737.** (a) Notwithstanding any other law, any provision of the governing documents, architectural guidelines, or policies shall be void and unenforceable if the provision prevents the replacement of a fuel-gas-burning appliance with an electric appliance.

(b) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document, that effectively prohibits or restricts the installation or use of a residential heat pump water heater or heat pump heating, ventilation, and air-conditioning (HVAC) system is void and unenforceable.

**SEC. 2.** Chapter 7.5 (commencing with Section 51297.50) is added to Part 1 of Division 1 of Title 5 of the Government Code, to read:

### **CHAPTER 7.5. Residential Heat Pump System Installation**

**51297.50.** The Legislature finds and declares all of the following:

(a) The oversight of permitting for residential heat pump water heater and heat pump heating, ventilation, and air-conditioning (HVAC) systems is a matter of statewide concern and not a municipal affair. Therefore, this chapter shall apply to all cities and counties, including a charter city.

(b) Nothing in this chapter is intended to imply the approval of any other local fees for heat pump permitting not specified in this chapter.

(c) It is the intent of the Legislature that local agencies do not adopt ordinances that create unreasonable barriers to the installation of heat pumps and not unreasonably restrict the ability of home and residential property owners to install heat pumps.

(d) It is the policy of the state to promote and encourage the use of zero-emission water heating and space heating and cooling systems, and to limit obstacles to their use.

(e) It is the intent of the Legislature that local agencies comply not only with provisions declared in this section, but also the legislative intent to encourage the installation of residential heat pump systems by removing obstacles to, and minimizing costs of, permitting, so long as the action does not supersede the building official's authority to identify and address higher priority life-safety situations.

(f) Each state entity, including the commission and the Department of Housing and Community Development, should streamline codes and standards compliance processes with the intent of increasing permitted work without undermining the integrity of the code measures, especially when it comes to appliance retrofits.

**51297.51.** For purposes of this chapter, the following definitions apply:

(a) "Commission" means the State Energy Resources Conservation and Development Commission, which is also known as the Energy Commission.

(b) "HVAC" means heating, ventilation, and air-conditioning.

(c) "Residential heat pump water heater or heat pump HVAC system" means a single heat pump water heater or heat pump HVAC system that serves one residential dwelling unit.

*(d) (1) "Swapout" means a residential heat pump water heater or residential heat pump HVAC system installation where a new heat pump water heater or HVAC air handler and outdoor coil is being installed in the same location on a property as the prior water heater or air handler and condenser that it is replacing.*

*(2) "Swapout" does not include either of the following:*

*(A) An installation that requires modification, replacement, or installation of more than 25 linear feet of ductwork.*

*(B) An installation that replaces a package unit with a split system or a split system with a package unit.*

**51297.52.** (a) Beginning July 1, 2027, a city, county, or city and county shall adopt and offer asynchronous inspections for installations of residential heat pump water heater or heat pump HVAC systems that do not require a licensed contractor and building inspector to be simultaneously present during the inspection of an installation of a residential heat pump water heater or heat pump HVAC system.

(b) A building inspector may contact the licensed contractor who performed the installation of the heat pump water heater or heat pump HVAC system by telephone call or real-time video conferencing during their inspection.

(c) If a building inspector determines during an asynchronous inspection that there is an issue with an installation of the heat pump water heater or heat pump HVAC system and that the licensed contractor who performed the installation must be present to perform tests or cure the installation, the building inspector may require the licensed contractor who performed the installation to schedule an additional inspection in which the building inspector and the licensed contractor who performed the installation are both required to be simultaneously present during the additional inspection.

(d) Nothing in this section shall be construed to require a city, county, or city and county to discontinue offering inspection options for the installation of a residential heat pump water heater or heat pump HVAC system where in a building inspector and licensed contractor who performed the installation are simultaneously present.

**51297.53.** (a) On or before January 1, 2028, a city, county, or city and county may issue up to one nondiscretionary permit per installation of a residential heat pump water heater or heat pump HVAC system in which the city, county, or city and county administratively approves an application to install the residential heat pump water heater or heat pump HVAC system.

(b) This section shall not be construed to prevent a city, county, or city and county from issuing separate permits for a panel replacement or ~~demolition~~ *structural* work conducted as part of the residential heat pump installation.

*(c) Notwithstanding subdivision (a), a city, county, or city and county may issue more than one nondiscretionary permit requested by a licensed contractor per installation of a residential heat pump water heater or heat pump HVAC system if the building official makes written findings based upon substantial evidence that the proposed installation would have a specific, adverse impact on public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.*

**51297.54.** (a) A city, county, or city and county may apply only any of the following planning or zoning or workforce labor standards on the installation of a residential heat pump water heater or residential heat pump HVAC system that are in addition to any state-level requirements:

(1) Additional standards for setbacks for installations not to exceed 3 feet in side yards and backyards or 10 feet in front yards. If a city, county, or city and county requires the submission of site plans for applications for permits for installations of residential heat pump water heater or residential heat pump HVAC systems, the city, county, or city and county shall require only site plan information directly relevant to the installation or to determining setback compliance. Site plans shall not be required for applications for permits for ~~same-place swapout installations of residential heat pump water heater or residential heat pump HVAC systems, when those installations are replacing equipment in the same location that performed the same purpose.~~ *a swapout.*

(2) Additional standards that conform to local laws, including reach codes, designed to encourage the adoption of zero-emission equipment or improvement of building efficiency.

(3) Additional planning or zoning standards relating to the installation of a residential heat pump water heater or heat pump HVAC system if the city, county, or city and county adopts an ordinance that includes substantial evidence that the standard is designed to mitigate the specific, adverse impact on the public health or safety at the lowest cost possible.

(4) Additional standards to regulate noise in a residential setting for inverter-based heat pump technologies, not to be less than 15 decibels higher than any statutory maximum regulating decibel limits for noninverter-based technologies.

(5) Any additional standards, including workforce labor standards, on an installation of a residential heat pump water heater or heat pump HVAC system that receives public subsidies or other public funding. For purposes of this paragraph, "workforce labor standards" include, but are not limited to, the payment of prevailing wages and the employment of apprentices from apprenticeship programs approved by the Division of Apprenticeship Standards.

(b) A city, county, or city and county shall not require a permit or inspection for plug-in ready window air-conditioner or window heat pump HVAC systems, provided that all of the following requirements are met:

(1) The appliance has a voltage rating of 120 volts or less.

(2) The appliance is a self-contained unit.

(3) The installation of the appliance does not require the installation of a dedicated circuit for the appliance.

(4) The installation of the appliance does not require an upgrade to the electrical panel to accommodate the additional load of the appliance.

(5) The installation of the appliance does not require the installation of drainage or structural modifications.

**51297.55.** (a) On or before July 1, 2028, a city, county, or city and county, other than a city, county, or city and county described in subdivision ~~(f)~~, (c), shall, consistent with the goals and intent of this chapter, implement an online, ~~instant~~ *automated* permitting process that issues permits *in real time* to a licensed contractor ~~in real time~~ for the installation of a residential heat pump water heater or heat pump HVAC system that meets ~~both~~ *all* of the following criteria:

(1) The installation is for a residential heat pump water heater or heat pump HVAC system that does not require installation of a new electrical ~~panel, or demolition panel~~ or structural work.

~~(2) The installation is for a residential heat pump water heater or heat pump HVAC system swapout, and either of the following apply, as applicable:~~

~~(A) The new residential heat pump water heater is being installed in the same location as the prior water heater that it is being replacing.~~

~~(B) The new residential heat pump HVAC system is being installed in the same location as the prior furnace or air conditioning system that it is replacing.~~

*(2) The installation is a swapout.*

(3) *If the installation is for a residential heat pump HVAC system, the licensed contractor certifies under penalty of perjury that they have performed a load calculation to properly size the new residential heat pump HVAC equipment per the Air Conditioning Contractors of America Association, Inc. Manual J Residential Load Calculation, the Sheet Metal and Air Conditioning Contractors' National Association Residential Comfort Systems Installation Standards Manual, the California Mechanical Code, or successor provisions, and provides the load calculation to the local authority having jurisdiction upon request.*

(b) (1) ~~The methods that a~~ city, county, or city and county may *use to* comply with the requirements described in subdivision (a) ~~by using may include, but are not limited to,~~ an automated platform that can issue permits in real time or using an online form-based system that can instantly issue permits upon completion of the online form.

(2) If a city, county, or city and county requires a CF1R form at the time of the permit application, the city, county, or city and county shall not otherwise require information duplicative to and supplied on the CF1R form provided by the applicant, except for the applicant's name and the residential address of the project.

~~The city, county, or city and county shall publish and make publicly available a list of the requirements adopted pursuant to Section 51297.54, any required permitting documentation, and a list of all relevant fees and fee amounts that may be imposed by the city, county, or city and county on a residential heat pump water heater or heat pump HVAC system, including, but not limited to, permit fees and inspection fees, on their internet website.~~

~~The city, county, or city and county shall allow an applicant to submit a permit application and associated documentation electronically, and shall allow the applicant to submit an electronic signature on all forms, applications, and other documentation instead of a wet signature by an applicant.~~

~~If a city, county, or city and county applies to receive any funding from the State Energy Resources Conservation and Development Commission, the city, county, or city and county shall self-certify to the commission its compliance with any applicable provisions of this chapter, including subdivision (b).~~

~~(f)~~

(c) This section shall not apply to a city with a population of fewer than 5,000 persons or a county with a population of fewer than 150,000 persons, including each city within that county.

*51297.56. (a) For an installation of a residential heat pump water heater or heat pump HVAC system, a city, county, or city and county, other than a city, county, or city and county described in subdivision (c), shall publish and make publicly available a list of the requirements adopted pursuant to Section 51297.54, any required permitting documentation, and a list of all relevant fees and fee amounts that may be imposed by the city, county, or city and county on a residential heat pump water heater or heat pump HVAC system, including, but not limited to, permit fees and inspection fees, on their internet website.*

*(b) The city, county, or city and county shall allow an applicant to submit a permit application and associated documentation electronically, and shall allow the applicant to submit an electronic signature on all forms, applications, and other documentation instead of a wet signature by an applicant.*

*(c) This section shall not apply to a city with a population of fewer than 5,000 persons or a county with a population of fewer than 150,000 persons, including each city within that county.*

~~51297.56. 51297.57.~~ (a) (1) A city, county, or city and county, except as provided in subdivision (b), shall not charge a permit fee for a residential heat pump water heater or heat pump HVAC system that exceeds the estimated reasonable cost of providing the service for which the fee is charged, subject to the following limitations:

(A) The permit fee for a residential heat pump water heater system shall not exceed one hundred fifty dollars (\$150).

(B) The permit fee for a residential heat pump HVAC system shall not exceed two hundred dollars (\$200).

(2) Paragraph (1) shall not apply to a city with a population of fewer than 5,000 persons and a county with a population of fewer than 150,000 persons, including each city within that county.

(3) The limitations imposed by paragraph (1) shall not be construed to apply to technology fees charged by third-party vendors for services adopted by jurisdictions to process compliance checks and issue permits.

(b) (1) Notwithstanding subdivision (a), a city, county, or city and county may charge a permit fee for the installation of a residential heat pump water heater or a heat pump HVAC system that exceeds the fee limits specified in subdivision (a) if the city, county, or city and county, as part of a written finding and an adopted resolution or ordinance, provides substantial evidence of the reasonable cost to issue the permit.

(2) A permit fee described in paragraph (1) shall be subject to all of the following requirements:

(A) The fee shall correspond to the typical reasonable cost demonstrated by the city, county, or city and county for the equipment type.

(B) The fee shall be set at a regular fixed amount per appliance type.

(C) The fee shall be listed publicly.

(c) A city, county, or city and county shall not apply additional charges above the publicly listed fee.

**51297.58.** *If a city, county, or city and county applies to receive any funding from the State Energy Resources Conservation and Development Commission, the city, county, or city and county shall self-certify to the commission its compliance with any applicable provisions of this chapter.*

**SEC. 3.** The Legislature finds and declares that the oversight of permitting for residential heat pump water heater and heat pump heating, ventilation, and air-conditioning (HVAC) systems is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 2 of this act, adding Chapter 7.5 (commencing with Section 51297.50) to Part 1 of Division 1 of Title 5 of the Government Code, applies to all cities, including charter cities.

~~SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~

**SEC. 4.** *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

*However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*


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**AB-2389 Property taxation: active solar energy systems: customer sited: extension.**  
(2025-2026)

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Date Published: 02/20/2026 09:00 PM

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 2389**

**Introduced by Assembly Member Irwin  
(Principal coauthor: Senator McNerney)  
(Coauthor: Senator Blakespear)**

**February 20, 2026**

An act to amend Section 73 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2389, as introduced, Irwin. Property taxation: active solar energy systems: customer sited: extension.

The California Constitution generally limits the maximum rate of ad valorem tax on real property to 1% of the full cash value of the property and defines "full cash value" for these purposes as the appraised value of real property when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment. Pursuant to constitutional authorization, existing property tax law excludes from the definition of "newly constructed" for these purposes the construction or addition of any active solar energy system, as defined, through the 2025–26 fiscal year.

This bill would extend, for lien dates commencing on or after January 1, 2027, and before January 1, 2031, the above-described exclusion for customer-sited, active solar energy systems with a system size of less than or equal to 2 megawatts and for customer-sited, active solar energy systems that are sited on the property of a public entity customer. The bill would make conforming changes. By imposing additional duties on local tax officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Existing law requires the state to reimburse local agencies annually for certain property tax revenues lost as a result of any exemption or classification of property for purposes of ad valorem property taxation.

This bill would provide that, notwithstanding those provisions, no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to the bill.

This bill would take effect immediately as a tax levy.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 73 of the Revenue and Taxation Code is amended to read:

**73.** (a) Pursuant to the authority granted to the Legislature pursuant to paragraph (1) of subdivision (c) of Section 2 of Article XIII A of the California Constitution, the term "newly constructed," as used in subdivision (a) of Section 2 of Article XIII A of the California Constitution, does not include the construction or addition of any active solar energy system, as defined in subdivision (b).

(b) (1) ~~(A)~~ "Active solar energy system" means a system that, upon completion of the construction of a system as part of a new property or the addition of a system to an existing property, uses solar devices, which are thermally isolated from living space or any other area where the energy is used, to provide for the collection, storage, or distribution of solar energy.

~~(2)~~

~~(B)~~ "Active solar energy system" does not include solar swimming pool heaters or hot tub heaters.

~~(3)~~

~~(C)~~ Active solar energy systems may be used for any of the following:

~~(A)~~

~~(i)~~ Domestic, recreational, therapeutic, or service water heating.

~~(B)~~

~~(ii)~~ Space conditioning.

~~(C)~~

~~(iii)~~ Production of electricity.

~~(D)~~

~~(iv)~~ Process heat.

~~(E)~~

~~(v)~~ Solar mechanical energy.

~~(2)~~ "Customer sited" means a system that is installed on the property of a customer for the purpose of managing the customer's own electrical needs.

~~(3)~~ "Public entity customer" means a customer that is a "public entity," as defined in Section 8036 of the Civil Code.

~~(4)~~ "System size" of an active solar energy system means the solar nameplate capacity, as measured in megawatts of alternating current.

(c) For the purposes of this section, "occupy or use" has the same meaning as defined in Section 75.12.

(d) (1) (A) The Legislature finds and declares that the definition of spare parts in this paragraph is declarative of the intent of the Legislature, in prior statutory enactments of this section that excluded active solar energy

systems from the term "newly constructed," as used in the California Constitution, thereby creating a tax appraisal exclusion.

(B) An active solar energy system that uses solar energy in the production of electricity includes storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items. In general, the use of solar energy in the production of electricity involves the transformation of sunlight into electricity through the use of devices such as solar cells or other solar collecting equipment. However, an active solar energy system used in the production of electricity includes only equipment used up to, but not including, the stage of conveyance or use of the electricity. For the purpose of this paragraph, the term "parts" includes spare parts that are owned by the owner of, or the maintenance contractor for, an active solar energy system that uses solar energy in the production of electricity and which spare parts were specifically purchased, designed, or fabricated by or for that owner or maintenance contractor for installation in an active solar energy system that uses solar energy in the production of electricity, thereby including those parts in the tax appraisal exclusion created by this section.

(2) An active solar energy system that uses solar energy in the production of electricity also includes pipes and ducts that are used exclusively to carry energy derived from solar energy. Pipes and ducts that are used to carry both energy derived from solar energy and from energy derived from other sources are active solar energy system property only to the extent of 75 percent of their full cash value.

(3) An active solar energy system that uses solar energy in the production of electricity does not include auxiliary equipment, such as furnaces and hot water heaters, that use a source of power other than solar energy to provide usable energy. An active solar energy system that uses solar energy in the production of electricity does include equipment, such as ducts and hot water tanks, that is utilized by both auxiliary equipment and solar energy equipment, that is, dual use equipment. That equipment is active solar energy system property only to the extent of 75 percent of its full cash value.

(e) (1) Notwithstanding any other law, for purposes of this section, "the construction or addition of any active solar energy system" includes the construction of an active solar energy system incorporated by the owner-builder in the initial construction of a new building that the owner-builder does not intend to occupy or use. The exclusion from "newly constructed" provided by this subdivision applies to the initial purchaser who purchased the new building from the owner-builder, but only if the owner-builder did not receive an exclusion under this section for the same active solar energy system and only if the initial purchaser purchased the new building prior to that building becoming subject to reassessment to the owner-builder, as described in subdivision (d) of Section 75.12. The assessor shall administer this subdivision in the following manner:

(A) The initial purchaser of the building shall file a claim with the assessor and provide to the assessor any documents necessary to identify the value attributable to the active solar energy system included in the purchase price of the new building. The claim shall also identify the amount of any rebate for the active solar energy system provided to either the owner-builder or the initial purchaser by the Public Utilities Commission, the State Energy Resources Conservation and Development Commission, an electrical corporation, a local publicly owned electric utility, or any other agency of the State of California.

(i) (I) The claim for an exclusion under this subdivision shall be considered timely if it is filed within three years of the date of purchase.

(II) An otherwise valid claim for exclusion under this subdivision filed after the deadline set by subclause (I) shall be applied beginning on the lien date of the assessment year in which the claim is filed.

(ii) The provisions of clause (i) shall become operative on January 1, 2027.

(B) The assessor shall evaluate the claim and determine the portion of the purchase price that is attributable to the active solar energy system. The assessor shall then reduce the new base year value established as a result of the change in ownership of the new building by an amount equal to the difference between the following two amounts:

(i) That portion of the value of the new building attributable to the active solar energy system.

(ii) The total amount of all rebates, if any, described in subparagraph (A) that were provided to either the owner-builder or the initial purchaser.

(C) The extension of the new construction exclusion to the initial purchaser of a newly constructed new building shall remain in effect only until there is a subsequent change in ownership of the new building.

(2) The State Board of Equalization, in consultation with the California Assessors' Association, shall prescribe the manner, documentation, and form for claiming the new construction exclusion required by this subdivision.

(f) Notwithstanding any other law, the exclusion from new construction provided by this section shall remain in effect only until there is a subsequent change in ownership.

(g) ~~This~~ (1) *For all active solar energy systems, this* section applies to property tax lien dates for the 1999–2000 fiscal year to the 2025–26 fiscal year, inclusive.

*(2) For customer-sited, active solar energy systems with a system size of less than or equal to two megawatts and for customer-sited, active solar energy systems that are sited on the property of a public entity customer, this section shall continue to apply to property tax lien dates occurring on or after January 1, 2027, and before January 1, 2031.*

(h) (1) The amendments made to this section by ~~the act that added this subdivision~~ *Chapter 358 of the Statutes of 2008* apply beginning with the lien date for the 2008–09 fiscal year.

*(2) The amendments made to this section by the act that added this paragraph apply beginning with the lien date occurring on January 1, 2027.*

(i) (1) Except as provided in paragraph (2), this section shall remain in effect only until January 1, ~~2027~~, 2032.

(2) Notwithstanding paragraph (1), active energy solar systems that qualify for an exclusion under this section prior to January 1, ~~2027~~, 2032, shall continue to be excluded on and after January 1, ~~2027~~, 2032, until there is a subsequent change in ownership.

(j) Section 41 shall not apply to ~~the extension of the exclusion under this section made by the act adding this subdivision~~. *the exclusion provided by this section, including any extensions of the exclusion.*

**SEC. 2.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

**SEC. 3.** Notwithstanding Section 2229 of the Revenue and Taxation Code, no appropriation is made by this act and the state shall not reimburse any local agency for any property tax revenues lost by it pursuant to this act.

**SEC. 4.** This act provides for a tax levy within the meaning of Article IV of the California Constitution and shall go into immediate effect.


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## SB-868 Electricity: portable solar generation devices. (2025-2026)

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AMENDED IN SENATE MARCH 05, 2026

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**SENATE BILL****NO. 868**

Introduced by Senator Wiener

(Principal coauthor: Assembly Member Schultz)

~~(Coauthor: Senator Becker)~~ (Coauthors: Senators Arreguín, Becker, and McNerney)

(Coauthors: Assembly Members Connolly and Ward)

January 05, 2026

An act to add Chapter 13 (commencing with Section 8530) to Division 4.1 of the Public Utilities Code, relating to electricity.

### LEGISLATIVE COUNSEL'S DIGEST

SB 868, as amended, Wiener. Electricity: portable solar generation devices.

Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards.

This bill would exempt a portable solar generation device, as defined, from all interconnection requirements imposed by state law, the commission, electrical corporation rules, or local publicly owned electric utility rules, as specified. The bill would prohibit an electrical corporation or a local publicly owned electric utility from requiring a customer using a portable solar generation device to take specified actions, including, among other things, paying any fee or charge related to the device or the electricity the device feeds into a building's electrical system. *The bill would authorize an electrical corporation or a local publicly owned electric utility to require a customer using a portable solar generation device to notify the electrical corporation or local publicly owned electric utility, using a simple online registration form, of the address and size of the portable solar generation device, as provided.*

Under existing law, a violation of any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because a violation of a commission action implementing the bill's requirements would be a crime, the bill would impose a state-mandated local program.

Additionally, by imposing new duties on local publicly owned electric utilities, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** (a) The Legislature finds and declares all of the following:

- (1) Electricity is an essential resource, especially on hot summer days.
- (2) The rising cost of electricity is a barrier to basic necessities, such as air conditioning.
- (3) Interconnection fees and processes can add substantial costs and time to the adoption of customer-sited solar and energy storage projects.
- (4) It is the policy of the state to promote and encourage the use of solar energy systems and to limit obstacles to their use.

(b) It is the intent of the Legislature to encourage the installation of solar energy systems by removing obstacles to, and minimizing the costs of, those systems.

**SEC. 2.** Chapter 13 (commencing with Section 8530) is added to Division 4.1 of the Public Utilities Code, to read:

### CHAPTER 13. Portable Solar Generation Devices

**8530.** For purposes of this chapter, all of the following definitions apply:

- (a) "Electrical corporation" has the same meaning as defined in Section 218.
- (b) "Local publicly owned electric utility" has the same meaning as defined in Section 224.3.
- (c) "Portable solar generation device" means a moveable photovoltaic energy generation device that meets all of the following conditions:
  - (1) Has a maximum aggregated AC output of 1,200 watts ~~to a building's electrical system.~~ *per dwelling.*
  - (2) Is designed to be connected to a building's electrical system through a single standard electrical outlet.
  - (3) Is intended to offset the customer's onsite electricity consumption.
  - (4) *Meets the standards of the most recent version of the National Electrical Code.*
  - ~~(4)~~
  - (5) Is certified as a plug-in photovoltaic system by Underwriters Laboratories or an equivalent nationally recognized testing laboratory.
  - ~~(5)~~
  - (6) Includes a feature, certified by Underwriters Laboratories or an equivalent nationally recognized testing laboratory, that isolates the portable solar generation device from the building's electrical system to prevent the portable solar generation device from backfeeding electricity to the electrical grid during a power outage.

**8531.** (a) A portable solar generation device is exempt from all interconnection requirements imposed by state law, the commission, electrical corporation rules, or local publicly owned electric utility rules, including, but not limited to, any requirement to enter into an interconnection agreement.

(b) An electrical corporation or a local publicly owned electric utility shall not require a customer using a portable solar generation device to do any of the following:

(1) Obtain the electrical corporation's or local publicly owned electric utility's approval before installing or using the portable solar generation device.

~~(2) Provide notification or registration for the use of a portable solar generation device.~~

~~(3)~~

(2) Pay any fee or charge related to the portable solar generation device or the electricity the portable solar generation device feeds into a building's electrical system.

~~(4)~~

(3) Install any additional controls or equipment beyond what is integrated into the portable solar generation device.

*(c) An electrical corporation or a local publicly owned electric utility may require a customer using a portable solar generation device to notify the electrical corporation or local publicly owned electric utility, using a simple online registration form, of the address and size of the portable solar generation device. The notification shall not require approval of the customer's use of the portable solar generation device by the electrical corporation or local publicly owned electric utility.*

**SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

*SB 868 (Wiener) Plug Into The Sun Coalition Sign on Letter*  
[Click here to sign on](#)

March 10, 2026

Senator Scott Wiener  
California State Senate  
Sacramento, CA 95814

**RE: Support for SB 868 (Wiener) – The Plug Into The Sun Act**

Dear Senator Wiener,

As a coalition of leading environmental, consumer, low-income, tenants' rights, and clean energy organizations, we write to express our collective support for [SB 868, the Plug Into The Sun Act](#).

We thank you for your outstanding leadership in addressing the dual problems of energy insecurity and air pollution by clearing the way for the growth of a new consumer-oriented solution: Balcony Solar.

Californians need greater access to affordable and reliable electricity. This is a matter of public health, especially as temperatures rise. Meanwhile, the state's continued reliance on fossil fuels for electricity, heating and transportation perpetuates air quality problems which, in turn, drive more extreme temperatures. These dual problems are inextricably linked and require California's immediate attention.

Fortunately, California is not without solutions to help our state move forward. One of the most effective solutions is also the most obvious and the most politically popular: reduce red tape and expand access to the sun through "Balcony Solar".

This new technology, aka "plug-in solar," involves small, portable solar panels that require nothing more than a patch of sunlight and a standard electrical outlet to immediately provide power for a home. Because the devices are small, affordable and portable they are especially promising for California renters, giving them increased access to the sun.

Through SB 868, California can bring immediate utility bill relief to millions of households while contributing to the state's clean energy goals.

**Energy Insecurity**

As electricity bills soar, more and more California households face energy insecurity. In 2025, the California Public Policy Institute (PPIC) reported that 1.9 million California households had overdue electricity bills, and 50,000 had their service disconnected.<sup>1</sup>

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<sup>1</sup> From PPIC blog, "Low-Income Households Struggle with the Cost of Electricity Bills", August 2025.  
<https://www.ppic.org/blog/low-income-households-struggle-with-the-cost-of-electricity-bills/#:~:text=California%20household%20elec,ricity%20costs%20have, costs%20that%20exceed%20this%20threshold>.

Statistics about families falling behind in their monthly bill payments tell only part of the story. According to the Lawrence Berkeley National Labs (LBNL), the Energy Information Administration reports that millions of families facing energy insecurity resort to coping strategies such as keeping homes at uncomfortable and potentially dangerous temperatures or choosing between adequate heating or cooling and purchasing food. Researchers refer to this as the “heat or eat” dilemma.<sup>2</sup>

While California has a number of critical safety net strategies to help low-income households keep the lights on, there is a limit to these programs’ effectiveness as electricity costs and temperatures rise.<sup>3</sup> As the PPIC reports, most households receiving some form of assistance see their utility bills reduced by 45% or *less*. Tellingly, households receiving some form of assistance make up a substantial proportion of utility service disconnects.<sup>4</sup>

Furthermore, families earning an annual income above the cutoff for utility bill assistance still suffer when energy becomes unaffordable, as does the overall California economy as families spend a higher percentage of their income on utility bills instead of saving or making other investments.

### **The Dirty Energy-Increased Costs Feedback Loop**

While California has made significant progress promoting clean energy, the state is falling behind its 100% clean energy goals. Meanwhile, climate researchers continue to sound the alarm that the world must accelerate carbon reductions in order to stave off the worst impacts of climate change.

Yet, as temperatures rise, Californians will consume more energy, making zero carbon goals even harder to reach. And, as utility rates rise, the ability for working- and middle-class Californians to embrace decarbonization strategies such as switching to electric cars or electric appliances in the home is jeopardized.

These negative dynamics work together in unfortunate harmony, making solving a variety of problems more and more difficult. Multi-dimensional solutions that can solve energy insecurity and climate change are urgently needed.

### **Customer-Sited Solar Energy: A Win-Win Solution**

Putting the power of the sun in the hands of everyone helps address all of the problems discussed above. When consumers can plug into the sun themselves, reducing their purchases of utility-supplied electricity, they can see immediate and significant utility bill reductions while contributing to the state’s clean energy goals.

According to LBNL, customer-sited solar panels significantly reduce energy insecurity. Their research shows that solar households are “44% less likely to report being unable to

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<sup>2</sup> See Lawrence Berkeley National Labs, “The effect of residential solar on energy insecurity among low- to moderate-income households,” March 2025, <https://emp.lbl.gov/publications/effect-residential-solar-energy>

<sup>3</sup> Social security net programs include CARE and FERA rate discounts, one-time bill payment assistance by the utilities, LIHEAP grants, and community-based organization support.

<sup>4</sup> Ibid, PPIC.

pay their electricity bills, 46% less likely to receive a disconnection notice from their electricity provider, 15% less likely to reduce their energy consumption to save money on energy costs, 34% less likely to forgo necessary expenses to pay an energy bill, and 20% less likely to keep the home at an uncomfortable temperature.”<sup>5</sup>

Meanwhile, customer-sited solar systems add together to make a sizable contribution to California’s clean energy goals and climate change solutions. To date, California consumers have collectively built 20 gigawatts of customer-sited solar, making up over 40% of the state’s total solar energy resources. Expanding the state’s market to include Balcony Solar can expand upon the state’s critically important rooftop solar market. In Germany, for example, consumers have added at least 4 gigawatts of solar energy in just four years through their emergent Balcony Solar market. California’s potential for Balcony Solar is even greater.

### **SB 868 Is Urgently Needed**

While portable solar energy devices are a no-brainer solution to many problems, unnecessary utility red tape threatens prohibitive costs and delays. A single, 400-watt Balcony Solar panel can, at its peak energy production, provide enough electricity to power a standard refrigerator, a home computer and a few lights. Two or more panels strung together can provide enough electricity to power a window-unit air conditioner. Throughout the year, a Balcony Solar system could cut a household utility bill by up to 20%-25% while costing between \$500-\$3,000 depending on size and the addition of a battery. As the market grows and red tape is reduced, costs will inevitably decline.

Yet, California utilities are already threatening to require, for even the smallest portable solar devices, interconnection agreements designed for larger, hard-wired systems. Utility interconnection will make Balcony Solar more expensive and time-consuming and put it out of reach for many California consumers before the technology reaches the market.

Meanwhile, California’s emergent Balcony Solar industry will also benefit modern safety standards.

Specifically, SB 868 will:

- Define a portable solar energy device as a device that meets a consumer’s on-site electricity needs;
- Establish mandatory safety standards for a portable solar energy device;
- Prohibit unnecessary utility red tape;
- Drive economies of scale for portable solar energy devices to help lower costs for all consumers.

### **Conclusion**

Growing consumer access to solar energy via modernizing and reducing red tape for Balcony Solar will lower energy bills, especially for renters, diversify energy resources, reduce strain on the electric grid, and help cut air pollution. For these and many other reasons, we enthusiastically support SB 868.

---

<sup>5</sup> Ibid, LBNL

Thank you, again, for your leadership.

Signed [Sign On Here](#),

Bernadette Del Chiaro  
Senior Vice President-California  
Environmental Working Group

Laura Deehan  
State Director  
Environment California

Caroline Torosis  
Mayor, City of Santa Monica

Dave Rosenfeld  
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Sarah Hubbard  
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Heather Seggel, self

Caroline Hicks, self

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Community Environmental Council

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Safe Alternatives for our Forest Environment

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Union of Concerned Scientists

Xochitl Cortez, Exec. Director  
Frontline Catalysts

Madison Vander Klay  
Sr. Manager Govt Affairs  
Building Decarbonisation Coalition Action Fund

Jeanna Harris, Club President  
Culver City Democratic Club



Brent Blackaby  
Councilmember District 6

CONSENT CALENDAR  
April 21, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Blackaby (Author), Councilmember O'Keefe (Co-sponsor),  
Councilmember Humbert (Co-sponsor)

Subject: Setting Measurable Goals and Metrics for Key City Priorities

RECOMMENDATION

Refer to the City Manager the development of 10-20 measurable goals and metrics that reflect key priorities for the City. These goals should focus on outcomes that matter most to residents, demonstrating both the impact of City government and the quality of life in our community.

After setting annual goals, the City should provide quarterly updates with progress towards those goals via an easily accessible dashboard on the city website or other mechanism. Also, the City should provide updates as a quarterly City Council agenda item, or other appropriate frequency.

Types of goals should be identified by analyzing similar work being done by other jurisdictions, and then quantifiable metrics for each goal should be set by staff and reviewed by City Council. How do peer cities and comparable jurisdictions define, structure, and establish outcome-based goals and metrics? What processes do they use to select them and align them with priorities? How do jurisdictions report on these goals and metrics, including the formatting, frequency, and accessibility of reporting to decision-making bodies and the public?

Goals should span a full range of City priorities, including housing production, public safety, transportation, public works, parks & recreation, homelessness, and economic development.

POLICY COMMITTEE RECOMMENDATION

On January 28, 2026, the Health, Life Enrichment, Equity & Community Committee adopted the following action: M/S/C (Tregub/O'Keefe) to send item to Council with a qualified positive recommendation to: explore a variety of frameworks and methodologies, interface with the public, and explore opportunities to quantify social costs and benefits. Vote: All Ayes

### FINANCIAL IMPLICATIONS

Staff time necessary to develop this program and work with Council and community to identify the key goals and metrics. Staff time necessary to develop a dashboard on the city website. Staff time necessary to update metrics on a quarterly basis.

### CURRENT SITUATION AND ITS EFFECTS

The Health, Life Enrichment, Equity, & Community Policy Committee (HLEEC) reviewed this item on January 28, 2026 and voted to send the item to Council with a qualified positive recommendation to explore a variety of frameworks and methodologies, interface with the public, and explore opportunities to quantify social costs and benefits.

The Auditor's Office prepared a special report, *A Guide to Measuring Performance in the City of Berkeley*, which addresses the HLEEC recommendations. The report outlines performance management best practices from the Government Finance Officers Association (GFOA) and the International City/County Management Association (ICMA), reviews common approaches used by comparable jurisdictions, and highlights examples of current performance measures within the City.

The report was presented at the February 24 Council meeting. Public comments reflected concern that the City does not already have comprehensive performance measures in place for its \$829 million budget, along with support for using performance measures to better direct limited resources to the areas of biggest impact.

Establishing clear goals and metrics is a Strategic Plan Priority Project, advancing our goals to:

- provide an efficient and financially healthy City government; and
- be a customer-focused organization that provides excellent, timely, easily accessible service and information to the community.

Currently, the city collects a significant amount of data about operations, but it is scattered among a wide variety of reports. Some data is hard to find.

To reach our goals and ensure transparency, it is essential to set measurable targets, track progress with synthesized data in a single accessible location, and regularly report results to City leadership and the public.

Outcome-based goals and metrics can also help inform resource allocation decisions. By showing our City is achieving intended results and where we need improvement, these goals provide insight into whether resources should be reallocated, increased, or adjusted to better support the City's priorities -- especially critical during times of budget shortages.

### BACKGROUND

Setting goals and measuring progress towards those goals is a key management practice of high-performing organizations. This practice unites stakeholders around a shared mission and clear definition of success, fostering transparency, accountability, and trust with the community by demonstrating our focus on key city priorities. It also

makes visible both the areas where we are excelling and the areas that require greater attention to achieve our goals.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No direct environmental impact.

CONTACT PERSON

Councilmember Brent Blackaby Council District 6 510-981-7160

Attachments:

1: A Guide to Measuring Performance in the City of Berkeley, Auditor's Report



**INFORMATION CALENDAR**  
February 24, 2026

**To:** Honorable Mayor and Members of the City Council  
**From:** Jenny Wong, City Auditor  *JW*  
**Subject:** A Guide to Measuring Performance in the City of Berkeley

**INTRODUCTION**

The Auditor’s Office developed a special report that provides a practical guide for departments and city leadership to develop meaningful performance measures in the City of Berkeley. We developed this report to provide city management and City Council with information to assist with the fiscal year 2027-2028 budget process.

**CURRENT SITUATION AND ITS EFFECTS**

Governments can use performance measures to understand operations, make informed decisions, and measure progress towards goals. Performance measures provide governments with the data they need to make service improvements and maintain accountability. Quality performance measures help prioritize limited resources on specific department or citywide goals. During a budget deficit period, performance measures can help city leadership focus resources on programs that are successful and matter most to the Berkeley community.

This report summarizes performance management best practices from leading organizations such as the Government Finance Officers Association (GFOA) and the International City/County Management Association (ICMA). We also reviewed Berkeley’s most recent budget books to identify the performance measures currently reported by a few departments. While this is not a comprehensive review of performance measures in every department, we provided three departments as examples to understand how the City currently presents and uses performance measures.

In addition, we reviewed performance measures from comparable jurisdictions to identify common practices and examples of how other cities structure and report performance measures. Finally, this report synthesizes best practices from comparable jurisdictions and leading organizations to develop opportunities for management consideration on performance management. To enhance the City’s performance measurement process, we suggest management consider organizing and streamlining reporting efforts, revisiting Strategic Plan goals and alignment of performance measures, and exploring outcomes-based budgeting.

**BACKGROUND**

We developed this report based on a request from Councilmember Blackaby asking our office to conduct benchmarking and best-practice research on outcome-based budget metrics and compare selected city departments’ budget materials with those of peer jurisdictions. This was following a related item he authored requesting the City Manager develop 10-20 measurable

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A Guide to Measuring Performance in the City of Berkeley

INFORMATION CALENDAR

goals and metrics that reflect key priorities for the City. That item was recently approved by the Health, Life Enrichment, Equity and Community Policy Committee.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with this report.

POSSIBLE FUTURE ACTION

City Council may recommend city management consider this framework when developing performance measures and citywide goals. This report provides a practical guide for departments and city leadership to develop meaningful performance measures in the City of Berkeley. The report also provides opportunities for management consideration regarding performance measure reporting and outcomes-based budgeting.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Quality performance measures help prioritize limited resources on specific department or citywide goals. During a budget deficit period, specific performance measures can help city leadership focus resources on programs that are successful and matter most to the Berkeley community. Further exploration of outcomes-based budgeting practices may have implications for how Berkeley structures and allocates its budget. Additional resources may be needed for departments to fully implement comprehensive outcomes-based budgeting.

CONTACT PERSON

Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

Attachments:

- 1: Report: A Guide to Measuring Performance in the City of Berkeley

Special Report

February 5, 2026

# A Guide to Measuring Performance in the City of Berkeley



BERKELEY CITY AUDITOR

Jenny Wong, City Auditor

Erin Mullin, Audit Manager

Kendle Kuechle, Auditor II



Promoting transparency and accountability in Berkeley government

A Guide to Measuring Performance in the City of Berkeley

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## Introduction

### Purpose

Governments can use performance measures to understand operations, make informed decisions, and measure progress towards goals. Performance measures provide governments with the data they need to make service improvements and maintain accountability. The purpose of this special report is to provide a practical, user-friendly framework for developing clear, meaningful performance measures in the City of Berkeley based on local government best practices.

This work is based on a request from Councilmember Blackaby asking our office to conduct benchmarking and best-practice research on outcome-based budget metrics and compare selected city departments' budget materials with those of peer jurisdictions. This was following a related item he authored requesting the City Manager develop 10-20 measurable goals and metrics that reflect key priorities for the City. That item was referred to the Health, Life Enrichment, Equity and Community Policy Committee.

This report is not an audit and does not evaluate departmental performance. This report focuses on performance measures that departments report in city budgets and uses three departments as examples. The report also highlights common performance measurement practices from comparable jurisdictions and identifies considerations that may support future performance management efforts in Berkeley.

### Scope and Methodology

To develop this report, we reviewed and summarized performance management best practices from leading organizations such as the Government Finance Officers Association (GFOA) and the International City/County Management Association (ICMA).

We also reviewed Berkeley's most recent budget books to identify the performance measures currently reported by departments. The analysis is limited to performance measures published in the budget books and does not include other performance data or reporting practices departments use in annual reports, dashboards, grant reporting, or internal management tools. We selected three departments as examples to understand how the City currently presents and uses performance measures, not to assess overall departmental performance. We interviewed leadership from these departments to understand their process for measuring performance, along with any challenges and opportunities in this area.

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*A Guide to Measuring Performance in the City of Berkeley*

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In addition, we reviewed performance measures from comparable jurisdictions to identify common practices and examples of how other cities structure and report performance measures. Finally, we synthesized best practices from comparable jurisdictions and leading organizations to develop opportunities for management consideration on performance management.

## Performance Measures: A Framework

### Background and Definitions

The Berkeley City Auditor's Office undertook this work as a research-focused, non-audit project in response to City Council interest in strengthening the City's use of performance measures to achieve goals and understanding best practices in this area. We prepared this report quickly to provide Council and city management with information to assist with the fiscal year 2027-2028 budget process. Performance measures are reported in Berkeley's budgets and can provide valuable information on how the City is achieving its goals.

#### What is a performance measure?

A **performance measure** is a quantitative measure or qualitative assessment of an agency's work. In other words, performance measures tell an agency how much or how well they are doing in specific areas – for example, the number of permits processed in a year or the customer satisfaction rating of a program. Performance measures are also referred to as performance metrics or Key Performance Indicators (KPIs). Governments use performance measures to collect information about operations, track progress towards goals, and make informed decisions.

**Performance management** is the use of performance measurement data to assess how well an organization is performing and to improve progress toward its goals.

#### Why are performance measures important?

Performance measures serve important purposes for different stakeholders:

- **Members of the public** can use performance measures to understand how city services are performing and how their taxpayer money is being used.
- **City Council** can use performance measures to inform budget and policy decisions. City Council can also use performance data to demonstrate that they are accountable to taxpayers and that the City is using public funds efficiently and effectively.
- **City management** can use performance data to prioritize resources and guide operational decisions. Performance data can help identify where additional investment may be needed and where programs are performing well.
- **Department leadership** can review performance data to improve operations. Performance measures allow departments to measure results, correct mistakes and demonstrate progress towards department-wide goals.

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Quality performance measures help prioritize limited resources on specific department or citywide goals. During a budget deficit period, specific performance measures can help city leadership focus resources on programs that are successful and matter most to the Berkeley community.

Performance measures are also used by external entities. Grantors may require grantees to report performance measures to demonstrate compliance with grant terms, such as the number of trees planted under a tree-planting grant. In other cases, the City is required to report data to external entities to ensure compliance with state or federal requirements. For instance, the state of California requires dispatch centers to answer 95% of 911 calls within 15 seconds, which requires Berkeley to collect and report on 911 call answer times.

The City of Berkeley uses public funds to provide services, and therefore is accountable to taxpayers, grant providers, state and federal agencies, and people who rely on City services, whether as a resident or visitor. The development and consistent use of clear, appropriate performance measures supports transparency, accountability, and informed decision-making across the organization.

## How to Develop Quality Performance Measures

The process of developing performance measures may require staff time and resources. However, quality performance measures can help leaders make better decisions about budget and priorities, resulting in future cost savings and efficiencies.

Developing high-quality measures typically starts with clearly defining department or division goals. The following framework outlines a practical approach for developing meaningful performance measures:

### Step 1: Identify stakeholder and population needs.

The first step involves identifying the population you serve as well as their needs and expectations. For example, the Berkeley Fire department serves residents and visitors who use emergency services, whereas the Berkeley Human Resources department mainly serves city staff and Berkeley job applicants. Understanding who the primary audience is helps clarify what success should look like.

Next, identify the population's key expectations or needs. For the Fire department, this could be *Berkeley residents expect a quick response to 911 calls*. For Human Resources, *city job applicants expect timely processing of job applications*. It may be beneficial to ask the community about their needs and priorities. The Santa Monica Human Services division

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redeveloped their performance measures in 2020 by asking the community through surveys and meetings, “What does an effective human service system in Santa Monica look like to you?” The division then developed key outcomes and measures based on those priorities.

### Step 2: Identify desired outcomes based on population needs.

The next step is to frame the population’s needs and expectations as an outcome of your work. For instance, *Berkeley residents receive a fast response to 911 calls, or job applicants receive a prompt review of their application.* This framing is important because it connects performance measures to results, ensuring that performance measures reflect what matters most to people using a service.

### Step 3: Determine how to measure these outcomes.

This step involves determining how to measure whether you are achieving desired outcomes. Some relevant questions to ask during this process are: how will people know whether we are successful? What data will demonstrate success in achieving these outcomes?

There are multiple types of performance measures that can be useful in measuring an agency’s work:

- **Inputs** – the resources used by an activity or process.  
Example: money or staff allocated to a program.
- **Outputs** – the goods or services delivered through a program.  
Example: number of interviews conducted, number of permits approved.
- **Efficiency** – the unit cost to deliver a product or service. This could also be a ratio of inputs to outputs.  
Example: building code enforcement complaints investigated per full-time employee, cost per successful foster home placement.
- **Outcomes** – how well an agency is providing services, or the overall benefit from a program or service.  
Example: reduction in traffic-related deaths, percentage of park users reporting satisfaction with park services.

Outcomes are considered the optimal performance measures, as they provide a clear measure of whether an agency is achieving its goals. However, other types of measures can provide

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important information or context associated with the desired outcome. Additional types of measures include benchmarks, which compare the performance of a service against peers or leaders in the field – for example, comparing Berkeley’s 911 response times to those of similar cities. Other measures include process measures, which describe aspects of a business process such as the error rate – for example, the percentage of paychecks with identified errors.

Performance measures should also be understandable to a broad audience. Good performance measures align with the SMART model: they are specific, measurable, achievable, results-oriented, and time-based or reported consistently over time.

**Step 4: Develop a data collection process.**

The next step is to determine how you will collect and maintain data to report on the selected performance measures. This could include identifying data sources, assigning staff, establishing frequency of data collection, and estimating any costs associated with collecting data.

**Step 5: Establish baselines and targets.**

It is also important to set meaningful targets for each performance measure. Initially, this involves gathering data on current performance to establish baselines. This will help determine the level of performance that is possible given current performance. The next step is to identify reasonable performance targets for each measure. Targets could be selected based on past performance data, data from comparable jurisdictions, standards from professional associations, or state and federal requirements. For example, *review all job applications within three weeks or respond to all fires within eight minutes*. If your department consistently falls short of targets, that indicates the targets are not feasible and should be updated.

Targets help readers to understand the context behind performance measures and if the City is successfully meeting its goals. Without targets, it can be difficult to establish accountability for performance measures. Targets should also signal when performance requires management attention or corrective action. However, performance data may not always be perfect. In some cases, it may be helpful to establish realistic short-term goals to track progress toward more ambitious long-term goals. This could demonstrate the department’s commitment to continuous improvement.

**Step 6: Establish reporting methods.**

The last step is to determine how and how often you will report performance measurement data. In the City of Berkeley, departments report on performance measures in the biennial budget book. However, there may be opportunities for additional reporting, such as a citywide annual report or a performance dashboard for users to access up-to-date information. It is important to

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standardize reporting periods and report data regularly so that stakeholders can track progress and view trends. Performance measure reporting should also provide context and a brief explanation of the measures for readers unfamiliar with the data, as well as communicate how each measure connects to desired outcomes.

## City of Berkeley Performance Measures.

### How does the City of Berkeley measure performance?

#### Background on Berkeley's Performance Measures

The City first reported on performance measures by department in the fiscal year (FY) 2022 budget book. In 2019, the Police and Planning departments participated in a pilot program to develop performance measures reflective of the City's Strategic Plan goals, with other city departments joining this effort in subsequent years. The FY 2022 budget book stated that departments would refine and improve their performance measures to make them better tools for decision-making and continuous improvement.

Berkeley departments continued to report performance measures in the FY 2023-2024 and FY 2025-2026 budget books. Some departments collect and report additional performance data outside of the budget process through annual reports, dashboards, or program-specific reporting. However, the budget book is the most centralized location to access performance measurement data by department.

#### Department Analysis

To illustrate how the City of Berkeley currently measures performance, we selected three city departments to highlight: Information Technology (IT); Parks, Recreation and Waterfront; and Police. The following analysis only reflects what is reported in the budget books, it is not a full assessment of departmental performance or reporting of performance.

Information Technology

Table 1. Information Technology Performance Measures

| Measure                                                                                               | Type of Measure | Target   | FY 22 Budget Actual                                     | FY 23-24 Budget Actual               | FY 25-26 Budget Actual                                             |
|-------------------------------------------------------------------------------------------------------|-----------------|----------|---------------------------------------------------------|--------------------------------------|--------------------------------------------------------------------|
| Metrics collected using network management tools that indicate the total "uptime" of the City servers | Outcome         | 99.999%* | 98.888% Data Server Uptime, 99.850% Phone Server Uptime | Not reported                         | Not reported                                                       |
| Number of queries answered on the first call by 311 (external)                                        | Process         | Increase | 84% first call resolution, 311                          | 84% first call resolution, 311       | 99.92% first call resolution, 311                                  |
| Number of queries answered on the first call by Help Desk (internal)                                  | Process         | Increase | 45% first call resolution, Help Desk                    | 45% first call resolution, Help Desk | 36% first call resolution, Help Desk                               |
| Abandoned calls divided by the total number of inbound calls received by 311 (external)               | Process         | Decrease | 15% abandon rate, 311                                   | 20% abandon rate, 311                | 31% abandon rate, 311                                              |
| Abandoned calls divided by the total number of inbound calls received by Help Desk (internal)         | Process         | Decrease | 21% abandon rate, Help Desk                             | Not reported                         | 13% abandon rate, Help Desk                                        |
| Count of projects and percent complete                                                                | Output          | n/a      | 326 total projects, 51% complete                        | Not reported                         | 25 of 48 projects or 52% complete                                  |
| Volume of requests                                                                                    | Input           | n/a      | Not reported                                            | Not reported                         | 117,593 total interactions, 311; 5004 total requests, Service Desk |

\*Target was 99.92% in FY 25-26

Note: This table reflects performance measures as reported in the budget books. We did not review the source data for accuracy.

Source: Auditor Analysis of FY 22, FY 23-24 and FY 25-26 City Budget Books

The IT department reports on metrics that touch on various aspects of their work, such as 311 Customer Service calls and network management. However, IT's published performance measures only capture a small portion of their overall work. According to the IT Director, some

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areas of their work should not be publicly reported or do not translate well into simple metrics, such as cybersecurity, infrastructure reliance, and system modernization.

Berkeley's IT department is also considering starting an IT Governance Committee to manage and prioritize technology and infrastructure projects. According to the IT Director, there could be future opportunities to add project management performance metrics related to projects managed by the Governance Committee to communicate progress and value without disclosing sensitive information.

Our analysis included a review of comparable cities to Berkeley and commonly reported performance measures among departments in other jurisdictions. To understand how other cities report performance, we reviewed publicly available information from several jurisdictions similar to Berkeley in terms of population size or location. The jurisdictions we selected were Hayward (CA), Fremont (CA), Oakland (CA), Pasadena (CA), Kirkland (WA), Redmond (WA), and Fort Collins (CO).

Direct comparisons across cities can be limited by differences in services, reporting structures, and overall goals and priorities. However, there were some common measures reported by IT departments in other cities that may be relevant to Berkeley:

- Number or percentage of service requests completed in a given timeframe.
- Number or percentage of projects completed.
- Percent of employees up to date on cybersecurity training.

Some of these measures are outcome-oriented, such as the percentage of employees up-to-date on cybersecurity training. These measures illustrate how other IT departments measure their work and track progress toward goals.

**Parks, Recreation and Waterfront**

**Table 2. Parks, Recreation and Waterfront Performance Measures**

| Measure                                                                            | Type of Measure | Target   | FY 22 Budget Actual                                 | FY 23-24 Budget Actual                             | FY 25-26 Budget Actual                             |
|------------------------------------------------------------------------------------|-----------------|----------|-----------------------------------------------------|----------------------------------------------------|----------------------------------------------------|
| Number of community communications, including brochures, press releases and fliers | Output          | Increase | 26 communications                                   | 54 communications                                  | 54 communications                                  |
| Number of, and time spent at, community meetings/pop-ups                           | Input           | Increase | 24 community meetings/pop-ups, 48.5 hours           | 35 community meetings/pop-ups, 95 hours            | 35 community meetings/pop-ups, 95 hours            |
| Number of, and time spent at, Commission and Sub-Committee meetings                | Input           | Increase | 49 Commission and Sub-Committee meetings, 115 hours | 32 Commission and Sub-Committee meetings, 75 hours | 32 Commission and Sub-Committee meetings, 75 hours |
| Amount of fire fuel debris tonnage removed from the hills                          | Output          | Increase | 154.5 tons                                          | 327 tons                                           | 327 tons                                           |

Note: This table reflects performance measures as reported in the budget books. We did not review the source data for accuracy.

Source: Auditor Analysis of FY 22, FY 23-24 and FY 25-26 City Budget Books

The Parks, Recreation and Waterfront department reports on metrics related to forestry activities and community engagement. According to department leadership, their profession requires a significant amount of data collection and reporting beyond what appears in the budget book, such as data on water quality at city-run camps.

The department also collects qualitative feedback through focus groups for camps and other youth programs. In addition, the department reports on capital projects in the City’s Capital Improvement Program book. Department leadership noted that there may be opportunities to communicate more of the work they do through performance measures in the budget book, such as the number of capital projects completed.

Some benchmark cities reported the following performance measures that may be applicable to Berkeley’s Parks, Recreation and Waterfront department:

- Customer satisfaction rating for parks or recreation programming.
- Number of people accessing park areas or community programming.
- Parks maintenance requests responded to in a given timeframe.

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These measures include outcome measures, such as the customer satisfaction rating for parks or recreation programming, while other measures describe the workload or process of that department.

**Police**

**Table 3. Police Performance Measures**

| Measure                                                                                                             | Type of Measure | Target   | FY 22 Budget Actual                                                                                                                     | FY 23-24 Budget Actual                                                                                                                  | FY 25-26 Budget Actual                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------|-----------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| Number of deaths relating to vehicles/bicycles                                                                      | Outcome         | Decrease | 2 deaths (2 vehicle, 0 bicycle)                                                                                                         | 8 deaths (8 vehicle, 0 bicycle)                                                                                                         | 0 deaths                                                                                                                              |
| Number of accidents relating to vehicles/bicycles                                                                   | Outcome         | Decrease | 383 accidents (316 vehicle, 67 bicycle)                                                                                                 | 722 accidents (625 vehicle, 97 bicycle)                                                                                                 | 873 accidents (665 vehicle, 110 bicycle, 99 pedestrian)                                                                               |
| Police Department demographic information compared to community information                                         | Benchmark       | Parity   | The department is within 10% of parity for race, but not for gender. 86.5% male, 15.5% female; 14.9% Black, 10.6% Hispanic, 60.2% White | The department is within 10% of parity for race, but not for gender. 84.0% male, 16.0% female; 14.1% Black, 10.7% Hispanic, 60.4% White | The department is within 15.9% of parity for race, but not for gender. 85% male, 15% female; 14.1% Black, 10.7% Hispanic, 60.4% White |
| Number of uses of force                                                                                             | Outcome         | Decrease | 90 incidents                                                                                                                            | Not Reported (Reporting standard changed)                                                                                               | 0.05% of the 63,791 total calls for service.                                                                                          |
| Number of external personnel complaints made against the Police Department, compared to number of Calls for Service | Outcome         | Decrease | 24 complaints, 58,095 calls for service                                                                                                 | 23 complaints; 60,393 calls for service                                                                                                 | 36 complaints; 63,791 calls for service                                                                                               |
| Number of commendations the Police Department receives                                                              | Outcome         | Increase | 111 commendations                                                                                                                       | 137 commendations                                                                                                                       | 13 commendations                                                                                                                      |

Note: This table reflects performance measures as reported in the budget books. We did not review the source data for accuracy.

Source: Auditor Analysis of FY 22, FY 23-24 and FY 25-26 City Budget Books

The Berkeley Police department (BPD) reports on metrics in the budget book that include number of accidents, demographic parity, uses of force, commendations, and complaints. According to BPD, the department collects and reports on a significant amount of additional

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data through their online Transparency Hub and annual report. The department uses data frequently to make decisions, such as deployment and patrol capacity, based on crime trends and calls for service.

Department staff also noted that metrics such as 911 call response times and case clearance rates are straightforward indicators of police activity and service levels. BPD reports on these metrics in their annual report, though there may be opportunities to also include that information in the budget book.

Police departments in benchmark cities commonly reported the following performance measures:

- Average emergency services response times.
- Number of crimes per 1000 people.

These measures are the most frequently reported among the wide range of performance measures used by Police departments in other cities. Some cities also report metrics on case clearance rates or police staffing levels; information which may be useful to report in Berkeley.

The examples in this report show that Berkeley departments differ in the types of performance measures they report, reflecting the differences in their work along with data availability and reporting practices. The performance measures in benchmark cities illustrate how other jurisdictions report performance and may offer ideas for measures that can be developed in Berkeley. Developing outcome-oriented measures often requires additional time and resources to define outcomes and establish new data collection processes. However, these measures can ultimately support a strong performance management system in Berkeley.

### How do comparable cities report performance data?

We additionally reviewed reporting practices from comparable jurisdictions to understand how other cities structure and report performance data.

**Reporting methods:** Most benchmark cities report their performance measures in the budget book and use standardized reporting periods. Many report performance at least annually and include performance data from previous years in their budget books which allows readers to compare performance over time.

Some cities also use a dashboard to report on performance measures outside of the budget process. For example, Fort Collins, CO reports quarterly on their performance measures through an online dashboard. Pasadena, CA also reports performance data on a dashboard.

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Figure 1. Example – City of Pasadena IT Performance Measures

| Information Technology |                                                                                       |              |                |                |                |                        |                        |                        |                        |                |
|------------------------|---------------------------------------------------------------------------------------|--------------|----------------|----------------|----------------|------------------------|------------------------|------------------------|------------------------|----------------|
| #                      | Objective/Metric                                                                      | Council Goal | FY 2024 Actual | FY 2025 Target | FY 2026 Target | FY 2025                |                        |                        |                        | FY 2026 Actual |
|                        |                                                                                       |              |                |                |                | Q1 Actual (n = 270/27) | Q2 Actual (n = 270/27) | Q3 Actual (n = 270/27) | Q4 Actual (n = 270/27) |                |
| 1                      | Retention of critical services to be completed                                        |              |                |                |                |                        |                        |                        |                        |                |
|                        | • Within 1 day                                                                        | 0            | 100%           | 100%           | 100%           | 100%                   | 100%                   | 74%                    | 74%                    | 100%           |
|                        | • Within 3 days                                                                       | 0            | 40%            | 40%            | 40%            | 40%                    | 41%                    | 25%                    | 30%                    | 32%            |
|                        | • Within 1 week                                                                       | 0            | 40%            | 80%            | 80%            | 71%                    | 40%                    | 41%                    | 44%                    | 40%            |
|                        | • Within 30 days                                                                      | 0            | 90%            | 90%            | 90%            | 90%                    | 91%                    | 41%                    | 90%                    | 91%            |
|                        | • More than 30 days                                                                   | 0            | 1%             | 0%             | 0%             | 0%                     | 1%                     | 0%                     | 1%                     | 0%             |
| 2                      | Internal Customer Satisfaction Score for technology services and support              | 0            | 90%            | 100%           | 100%           | 91%                    | 91%                    | 95%                    | 96%                    | 91%            |
| 3                      | Network Availability Including Commercial Providers and DoT Managed Networks combined | 0            | 99.5%          | 100%           | 100%           | 99.8%                  | 100.0%                 | 99.2%                  | 99.9%                  | 99.7%          |

Source: City of Pasadena FY 2026 Budget Book

Four of the seven benchmark cities associate departmental performance measures with citywide goals or priorities. For example, Pasadena links department performance measures to specific City Council goals, which helps readers understand how departmental activities support broader city goals.

**Outcomes-based budgeting:** Some benchmark cities follow an innovative process known as outcomes-based budgeting, which means they make budget decisions and allocate resources based on key goals or outcomes. This allows governments to prioritize specific programs or initiatives that help them achieve desired results.

In Fort Collins, every program or service funded in the budget is connected to at least one strategic objective and has at least one performance metric so that the community can evaluate its success.

Redmond, WA uses a similar process called Budgeting by Priorities. The city allocates funding to their programs through Budget Offers which are associated with one of the city's four priorities: Healthy and Sustainable, Safe and Resilient, Strategic and Response, and Vibrant and Connected. Each Budget Offer includes a description of the program and two to three performance measures that evaluate the program's success. The Redmond FY 2025-2026 budget book states that this budgeting method allows the city to identify and fund programs that are most important to the Redmond community.

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Figure 2. Example – City of Redmond Budget Offer

**Budgeting by Priorities**  
Budget offer

**Healthy and Sustainable**

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Department Name: Public Works Id: 000267

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**Safe & Reliable Drinking Water**

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Providing clean, safe, and reliable drinking water is a top City priority. To provide this service to the community, Redmond manages a water supply that comes from municipal supply wells and from water purchased through Gresham Water Alliance. City programs protect this valuable resource and ensure Redmond's drinking water system is reliable and distributes drinking water that meets or exceeds the Environmental Protection Agency and Washington State Department of Health drinking water regulations.

**Performance Measures:**

Outcome: Environmental preservation responsibly balanced with growth

- Dashboard Indicator: Percentage of drinking water quality tests that meet compliance regulations
- Program Measure: Percentage of pressure reducing stations rebuilt each year
- Program Measure: Maintenance Report Card: Number of water main breaks per 100 miles of pipe

**Budgeting by Priorities**  
Budget offer

**Healthy and Sustainable**

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Department Name: Public Works Id: 000267

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**Safe & Reliable Drinking Water**

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**Budget Offer Summary**

Expenditure summary

|                 | Year 1                 | Year 2                 | Total                  |
|-----------------|------------------------|------------------------|------------------------|
| Ongoing Sal/Ben | \$4,186,252.04         | \$4,377,474.51         | \$8,563,726.55         |
| Ongoing-Other   | \$15,102,780.00        | \$15,106,793.81        | \$30,209,573.81        |
| One-Time-Other  | \$2,000,000.00         | \$0.00                 | \$2,000,000.00         |
| <b>Total</b>    | <b>\$21,289,032.04</b> | <b>\$29,484,268.32</b> | <b>\$50,773,300.36</b> |

|        | FY Year | FY Year? |
|--------|---------|----------|
| File # | 21.54   | 22.54    |

Source: City of Redmond FY 25-26 Budget Book

## Opportunities for Management Consideration

To strengthen Berkeley's performance management process, we identified opportunities for management consideration based on best practices literature and insight from comparable jurisdictions. These options may require additional staff time and coordination and would need to be balanced with other priorities.

### 1. Organize and streamline reporting efforts.

There has been variation in some departments' reported performance measures since fiscal year 2022. Maintaining the same measures over time and using standardized reporting periods for performance data could support comparability across years. This could also help Council and the public evaluate the City's progress toward its goals.

The City could also consider including prior years' performance measurement data in the budget book for easier comparison and clearer historical context. Berkeley may also consider supplementing budget book performance measure reporting with tools such as dashboards or annual performance measure reports to provide more timely updates between budget cycles.

### 2. Revisit Strategic Plan goals and alignment of performance measures.

There may be an opportunity for Berkeley to revisit Strategic Plan goals and consider how performance measures align with those goals. City Council approved Berkeley's nine Strategic Plan goals in January 2018. Since that time, there have been leadership changes in both Council and City management. Current leadership may decide to reevaluate whether the goals continue to reflect City priorities and determine if updates are necessary.

The FY 2022 and 2023-2024 budget books organized performance measures by Strategic Plan goal, though this structure was not included in the FY 2025-2026 budget book. As departments update their performance measures over time, it may be beneficial to reassess how department performance measures connect to broader citywide priorities.

### 3. Explore outcomes-based budgeting.

Some jurisdictions allocate funding by desired outcome rather than by department through a process known as outcomes-based budgeting. This type of approach typically requires significant coordination, clear outcomes, and mature performance data, and may not be feasible to implement at a citywide level in the near term.

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However, there may be opportunities to implement outcomes-based budgeting practices on a smaller scale. For example, city departments could develop more outcome-oriented performance measures and relate those measures to their department-wide goals. Departments could then assess how much of their budget is allocated toward achieving their goals, for example, dollars spent per service. Over time, this work can strengthen the connection between resources, activities, and results, provide useful context for future budget discussions, and can help the City prepare for potential outcomes-based budgeting efforts.

**Mission Statement**

Promoting transparency and accountability in Berkeley government.

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Cover photograph provided by the City of Berkeley.



BERKELEY CITY AUDITOR





PUBLIC HEARING  
April 21, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Janelle Rodrigues, Director of Human Resources

Subject: Conduct Public Hearing in Compliance with Assembly Bill 2561 / Government Code § 3502.3 Regarding Vacancies, Recruitment, and Retention Efforts

RECOMENDATION

Conduct a public hearing in compliance with Assembly Bill 2561 (AB 2561) / Government Code § 3502.3 (GC § 3502.3) regarding vacancies, recruitment, and retention efforts.

FISCAL IMPACTS OF RECOMMENDATION

There is no direct fiscal impact associated with conducting the public hearing required under GC § 3502.3.

CURRENT SITUATION AND ITS EFFECTS

**Status of Vacancies**

In calendar year 2025, the City of Berkeley’s average month-end vacancy rate was 15.0%, with a high of 16.1% and a low of 14.7%.

## Vacancy Information – General

| 2025                     | Jan   | Feb   | Mar   | Apr   | May   | Jun   | Jul   | Aug   | Sep   | Oct   | Nov   | Dec   |
|--------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| # of Vacancies Created   | 23    | 25    | 20    | 29    | 12    | 8     | 14    | 20    | 13    | 16    | 17    | 33    |
| # of Vacancies Filled    | 27    | 41    | 25    | 31    | 10    | 9     | 12    | 14    | 21    | 16    | 23    | 19    |
| # of Remaining Vacancies | 285   | 268   | 263   | 261   | 263   | 262   | 264   | 270   | 262   | 262   | 256   | 270   |
| # of Budgeted Positions  | 1767  | 1767  | 1767  | 1767  | 1767  | 1767  | 1778  | 1778  | 1778  | 1778  | 1778  | 1778  |
| % of Vacancies           | 16.1% | 15.2% | 14.9% | 14.8% | 14.9% | 14.8% | 14.8% | 15.2% | 14.7% | 14.7% | 14.4% | 15.2% |

- Average % of Vacancies at the End of Each Month: **15.0%**
- Highest % of Vacancies at the End of a Month: **16.1%**
- Lowest % of Vacancies at the End of a Month: **14.7%**

Data includes "Reduction in Force" positions (held vacant for FY 2026) as vacancies

### Bargaining Units with Vacancy Rates of at Least 20%

Of the City's eight bargaining units, only two had vacancy rates exceeding 20% as of December 31, 2025: the International Brotherhood of Electrical Workers (IBEW) and the Berkeley Chief Fire Officers Association (BFCOA).

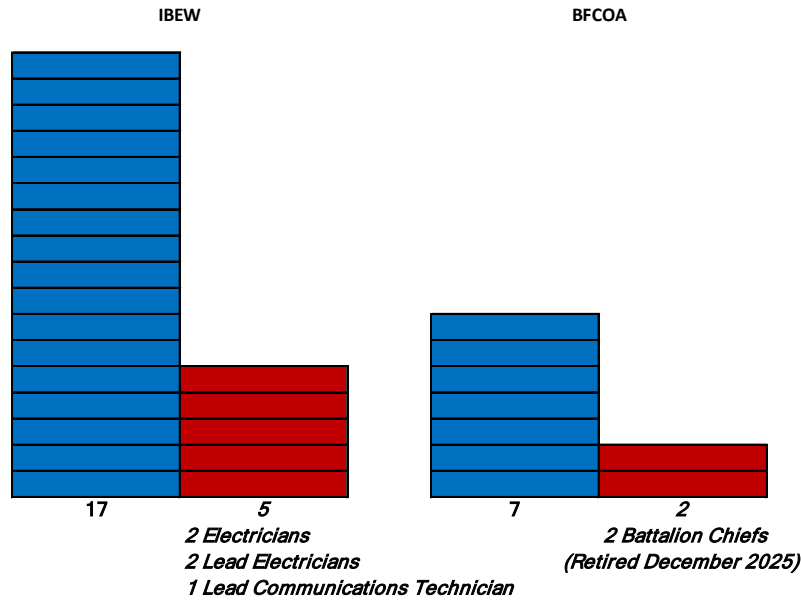
| 12/31/2025                                               | # of Vacancies | # of Budgeted Positions | % of Vacancies |
|----------------------------------------------------------|----------------|-------------------------|----------------|
| Berkeley Chief Fire Officers Association                 | 2              | 7                       | 28.6%          |
| Berkeley Fire Fighters Association                       | 21             | 133                     | 15.8%          |
| Berkeley Fire EMS Professionals Association              | 1              | 32                      | 3.1%           |
| Berkeley Police Association                              | 27             | 179                     | 15.1%          |
| International Brotherhood of Electrical Workers (IBEW)   | 5              | 17                      | 29.4%          |
| Public Employees Union                                   | 35             | 241                     | 14.5%          |
| SEIU Community Services & PT Recreation Activity Leaders | 77             | 486                     | 15.8%          |
| SEIU Maintenance & Clerical Chapters                     | 81             | 538                     | 15.1%          |
| Unrepresented                                            | 22             | 146                     | 15.1%          |

Bargaining Units at or exceeding 20% vacancy rate as of December 31, 2025:

- **Berkeley Chief Fire Officers Association:** 2 Battalion Chiefs (2 Retired December 2025 / Both positions filled January 2026)
- **International Brotherhood of Electrical Workers (IBEW):** 2 Electricians, 2 Lead Electricians, 1 Lead Communications Technician

IBEW ended the year with a vacancy rate of 29.4%, representing 5 vacant FTEs out of 17 budgeted FTEs. The vacancies included Electrician (2 out of 7 budgeted FTEs), Lead Electrician (2 out of 3 budgeted FTEs), and Lead Communications Technician (1 out of 1 budgeted FTE). The Lead Communications vacancy resulted from a recent promotion of a bargaining unit member into the Communications Supervisor vacancy.

BFCOA ended the year with a vacancy rate of 28.6%, representing 2 vacant FTEs out of 7 budgeted FTEs. Both vacancies were Battalion Chief positions vacated by retirements on December 26 and December 29, 2025. These positions were filled in January 2026, reducing the vacancy rate to 0% within one month.



All represented employee groups have been notified of the public hearing and given the opportunity to attend and present, as required by the statute.

**Recruitment and Retention Efforts**

The City continues to actively address vacancy rates through multi-pronged recruitment and outreach strategy. Efforts include maintaining a contract with branding and marketing consultants; operating a dedicated career website ([www.berkeley.careers](http://www.berkeley.careers)) to showcase employment opportunities; enhancing the City’s social media presence on platforms such as Instagram, Facebook, LinkedIn through professionally designed advertisements; and conducting targeted outreach through paid, algorithm-based advertisements, specialized mailing lists for candidates with relevant certifications or professional affiliations, and tools such as LinkedIn Recruiter for direct candidate engagement.

These strategies have enabled the City to consistently hire at a rate that exceeds attrition and to maintain a low overall vacancy rate.

To address vacancies in IBEW-represented classifications, the City maintained a continuous Electrician recruitment throughout the year, utilized marketing and outreach tools, regularly screened applications, and administered multiple examinations. Approximately 230 applicants applied throughout the year; of these, 25 applicants

passed the minimum qualification screening, and 8 passed both the written and performance exam.

### **Obstacles in the Hiring Process**

In April 2025, the City instituted a hiring freeze to address the structural deficit in the General Fund. To balance the fiscal year 2026 budget, the City implemented several measures, including removing funding for 44.4 vacant positions and one temporary position. In addition, all budgeted and authorized positions were required to undergo an exception review process by the City Manager and Budget team before proceeding with recruitment, exam, selection, and appointment. Exceptions were granted when a position was deemed mission-critical, essential to business operations, had a significant impact on public health and safety, posed a substantial compliance risk, could result in potential liability, or could lead to a significant loss of revenue. In anticipation of addressing the ongoing structural deficit positions were held vacant while the City made efforts to develop departmental budget reduction plans.

### **BACKGROUND**

On September 22, 2024, Governor Newsom signed AB 2561 into law, codified as GC § 3502.3, effective January 1, 2025, amending the Meyers-Milias-Brown Act (MMBA). AB 2561 creates a new obligation for public agencies to publicly address the status of their vacancies. Under AB 2561 and GC § 3502.3, public agencies are required to assess and address vacancy rates on an annual basis; information on the status of vacancies, recruitment, and retention efforts at least once per fiscal year prior to the adoption of the next fiscal year's budget; and identifying any policies, procedures, and recruitment activities that may present obstacles in the hiring process. Additional obligations may apply if the vacancy rate in a bargaining unit exceeds 20%.

Effective January 1, 2025, in compliance with the new legal obligations for public agencies under AB 2561 / Government Code (GC) § 3502.3, the City is required to do the following:

1. **Public Hearing:** At least once each fiscal year, at a public hearing before the City Council, the City shall present information regarding the status of vacancies, recruitment, and retention efforts (GC § 3502.3 (a)(1)) and identify any necessary changes to policies, procedures, and recruitment activities that may lead to obstacles in the hiring process (GC § 3502.3(a)(3)). If the City adopts an annual or multi-year budget during the fiscal year, this presentation must occur prior to the City Council's adoption of the final budget. (GC § 3502.3 (a)(2).)
2. **Employee Organization Participation:** The City shall allow the recognized employee organization for each bargaining unit at the City to make presentations

during the public hearing concerning vacancies, recruitment, and retention efforts. The City has eight bargaining units. (GC § 3502.3 (b).)

3. **Additional Reporting for High Vacancy Rates:** If vacancies within a single bargaining unit meet or exceed 20% of authorized full-time positions in that bargaining unit, upon request of the recognized employee organization for that bargaining unit, the City must provide additional information during the public hearing, including: (1) the total number of vacancies; (2) the number of applicants; (3) the average time to fill positions; and (4) opportunities to improve compensation and working conditions for employees in that bargaining unit. (GC § 3502.3 (c).)

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental impacts or opportunities associated with the subject of the report.

#### RATIONALE FOR RECOMMENDATION

The City fulfills its legal compliance with AB 2561 / GC § 3502.3 by conducting a public hearing before the agency's governing body at least once per fiscal year prior to the adoption of the next fiscal year's budget and identifying any necessary changes to policies, procedures, and recruitment activities that may lead to obstacles in the hiring process.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Janelle Rodrigues, Director of Human Resources, (510) 981-6807.

#### ATTACHMENT

1. Assembly Bill 2561 (AB 2561) - Text

**Assembly Bill No. 2561**

CHAPTER 409

An act to add Section 3502.3 to the Government Code, relating to public employment.

[Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2561, McKinnor. Local public employees: vacant positions.

Existing law, the Meyers-Milias-Brown Act (act), authorizes local public employees, as defined, to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on matters of labor relations. The act requires the governing body of a public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations and to consider fully presentations that are made by the employee organization on behalf of its members before arriving at a determination of policy or course of action.

This bill would, as specified, require a public agency to present the status of vacancies and recruitment and retention efforts at a public hearing at least once per fiscal year, and would entitle the recognized employee organization to present at the hearing. If the number of job vacancies within a single bargaining unit meets or exceeds 20% of the total number of authorized full-time positions, the bill would require the public agency, upon request of the recognized employee organization, to include specified information during the public hearing. By imposing new duties on local public agencies, the bill would impose a state-mandated local program. The bill would also include related legislative findings.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement shall be made pursuant to these statutory provisions for costs mandated by the state pursuant to this act, but would recognize that a local agency or school district may pursue any available remedies to seek reimbursement for these costs.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares as follows:

(a) Job vacancies in local government are a widespread and significant problem for the public sector affecting occupations across wage levels and educational requirements.

(b) High job vacancies impact public service delivery and the workers who are forced to handle heavier workloads, with understaffing leading to burnout and increased turnover that further exacerbate staffing challenges.

(c) There is a statewide interest in ensuring that public agency operations are appropriately staffed and that high vacancy rates do not undermine public employee labor relations.

SEC. 2. Section 3502.3 is added to the Government Code, to read:

3502.3. (a) (1) A public agency shall present the status of vacancies and recruitment and retention efforts during a public hearing before the governing board at least once per fiscal year.

(2) If the governing board will be adopting an annual or multiyear budget during the fiscal year, the presentation shall be made prior to the adoption of the final budget.

(3) During the hearing, the public agency shall identify any necessary changes to policies, procedures, and recruitment activities that may lead to obstacles in the hiring process.

(b) The recognized employee organization for a bargaining unit shall be entitled to make a presentation at the public hearing at which the public agency presents the status of vacancies and recruitment and retention efforts for positions within that bargaining unit.

(c) If the number of job vacancies within a single bargaining unit meets or exceeds 20 percent of the total number of authorized full-time positions, the public agency shall, upon request of the recognized employee organization, include all of the following information during the public hearing:

(1) The total number of job vacancies within the bargaining unit.

(2) The total number of applicants for vacant positions within the bargaining unit.

(3) The average number of days to complete the hiring process from when a position is posted.

(4) Opportunities to improve compensation and other working conditions.

(d) This section shall not prevent the governing board from holding additional public hearings about vacancies.

(e) The provisions of this section are severable. If any provision of this section or its application is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(f) For purposes of this section, “recognized employee organization” has the same meaning as defined in subdivision (a) of Section 3501.

SEC. 3. The Legislature finds and declares that Section 2 of this act, which adds Section 3502.3 to the Government Code, furthers, within the

meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

It is in the public interest, and it furthers the purposes of paragraph (7) of subdivision (b) of Section (3) of Article I of the California Constitution, to ensure that information concerning public agency employment is available to the public.

SEC. 4. No reimbursement shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code for costs mandated by the state pursuant to this act. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Part 7 (commencing with Section 17500) and any other law.

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**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

CALIFORNIA GOVERNMENT CODE § 3502.3 (ASSEMBLY BILL 2561)

**The public may participate in this hearing by remote video or in-person.**

The Department of Human Resources is proposing a public hearing in accordance with California Government Code § 3502.3 (Assembly Bill 2561), which states that a public agency must once per fiscal year present the status of vacancies, recruitment and retentions efforts at a public hearing before the adoption of an annual budget.

The hearing will be held on April 21, 2026, at 6:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City’s website at <https://berkeleyca.gov/> as of April 9, 2026. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

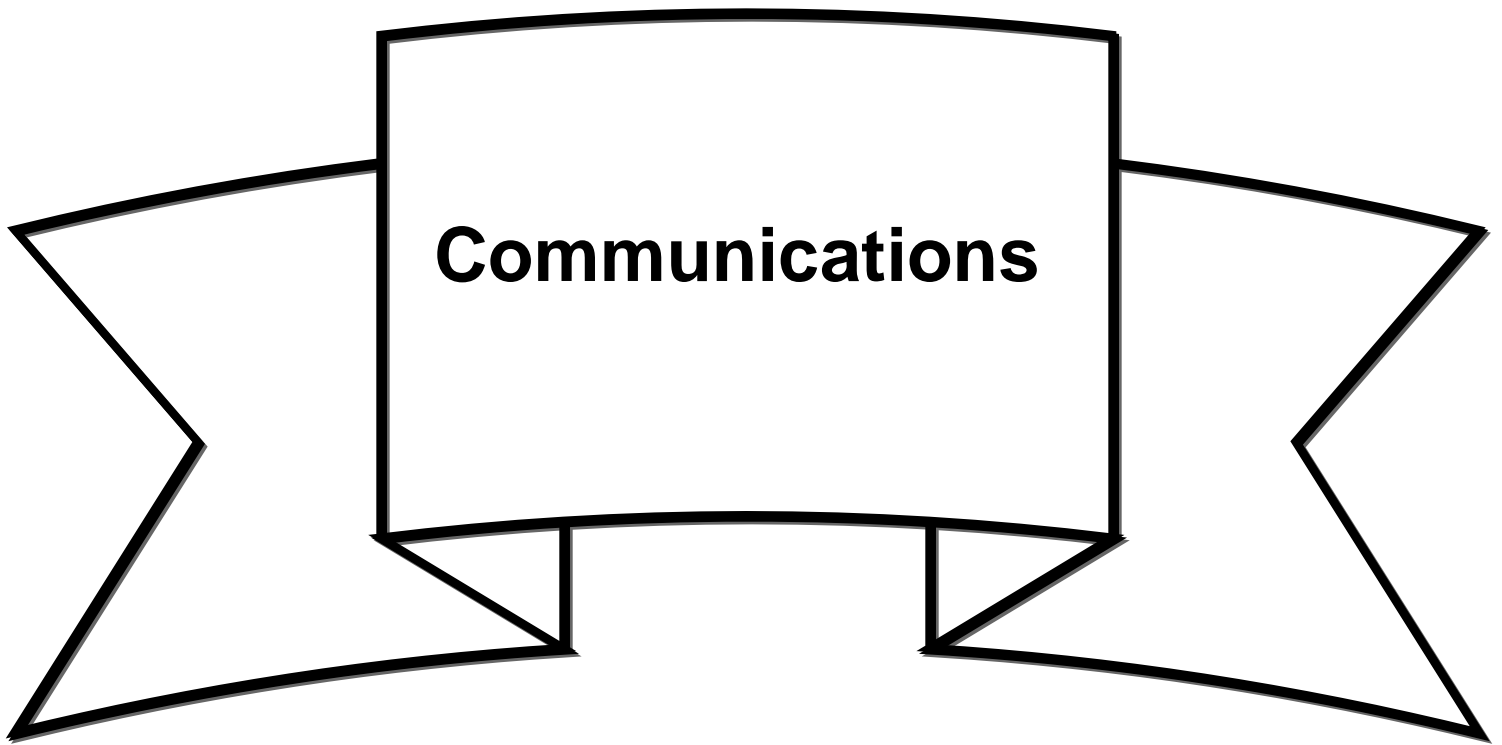
For further information, please contact Janelle Rodrigues at 510-981-6807. Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to [council@berkeleyca.gov](mailto:council@berkeleyca.gov) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or [clerk@berkeleyca.gov](mailto:clerk@berkeleyca.gov) for further information.

**Published:** April 10, 2026 – The Berkeley Voice

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on April 9, 2026.

Mark Numainville, City Clerk



All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

City Clerk Department

2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

Records Online

<https://records.cityofberkeley.info/>

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF