



Office of the City Manager

CONSENT CALENDAR  
September 9, 2025

To: Honorable Mayor and Members of the City Council  
From: Paul Buddenhagen, City Manager  
Submitted by: Jennifer Louis, Chief of Police  
Subject: Ordinance Amendment Relating to the Memorandum of Understanding (MOU) Compendium; Amending Berkeley Municipal Code Section 2.04.190

RECOMMENDATION

Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 2.04.190 to revise the required frequency of City Council approval for agreements, understandings, or policies between the Berkeley Police Department and other law enforcement agencies or private organizations.

FISCAL IMPACTS OF RECOMMENDATION

The proposed amendment would reduce the administrative burden and staff time currently required by the ordinance's annual reporting and public hearing process. By shifting to a triennial (every three years) approval cycle, staff will be better able to provide clear, concise and updated information to the Council, improving both efficiency and transparency.

CURRENT SITUATION AND ITS EFFECTS

Most agreements between the Berkeley Police Department and external agencies have been in place for several years and are periodically updated to ensure continued operational effectiveness. This allows daily law enforcement operations to proceed smoothly. Challenges that may arise are addressed through mutual cooperation and strong working relationships between agencies. Without these agreements or memoranda of understanding (MOUs), the Department's ability to operate efficiently would be significantly impaired.

Currently, BMC §2.04.190 provides:

"No such agreement, understanding or policy shall be valid or effective for more than one year following City Council approval, but each may be renewed or extended following the disclosure, public hearing and documentation procedures provided for in Sections 2.04.170 and 2.04.180 of this article."  
(Ord. 4640-NS § 5, 1973)

In compliance with this Ordinance, public hearings have been held on the following dates:

March 12, 1974 (Resolution No. 46,409 N.S.)  
March 11, 1975 (Resolution Nos. 47,103 N.S.; 47,104 N.S.; 47,105 N.S.)  
March 30, 1976 (Resolution No. 47,873 N.S.)  
March 22, 1977 (Resolution No. 48,630 N.S.)  
July 27, 1982 (Resolution No. 51,445 N.S.)  
October 16, 1984 (Resolution No. 52,458 N.S.)  
April 29, 1986 (Resolution No. 53,207 N.S.)  
September 19, 2006 (Resolution No. 63,432 N.S.)  
April 20, 2010 (Resolution No. 64,847 N.S.)  
November 8, 2011 (Resolution No. 65,505 N.S.)  
September 18, 2012 (Resolution No. 65,901 N.S.)  
September 18, 2012 (Resolution No. 65,902 N.S.)  
October 15, 2013 (Resolution No. 66,344 N.S.)  
October 28, 2014 (Resolution No. 66,836 N.S.)  
December 15, 2015 (Resolution No. 67,327 N.S.)  
March 14, 2017 (Resolution No. 67,870 N.S.)  
June 20, 2017 (Resolution Nos. 68,050 N.S., 68-051 N.S., 68-052 N.S., 68-053 N.S.)  
July 23, 2018 (Resolution No. 68,517 N.S.)  
July 22, 2025 (Resolution No. 71,902-N.S.)

As evidenced by the list above, there have been inconsistent intervals between hearings, with gaps in reporting by the Department. These gaps reflect the challenges of adhering to annual reporting requirements, particularly during times of resource constraints or competing operational priorities.

#### BACKGROUND

Berkeley Municipal Code (BMC) §§2.04.150 – 2.04.210 require City Council approval of agreements involving mutual aid, information sharing, or operational cooperation between the Berkeley Police Department and local, state or federal law enforcement agencies, military or private security organizations. Enacted in 1973 under Ordinance No. 4640-NS, these provisions mandate annual Council review.

The most recent Council approval occurred on July 22, 2025. That update was significantly delayed due to factors that included the COVID-19 pandemic, staffing limitations, the transition from legacy General Orders to updated Lexipol policy management, and protracted legal reviews.

While annual review was originally intended to ensure transparency and oversight, the administrative burden of annually reviewing over two dozen complex agreements, many requiring input from multiple agencies, has become impractical. Most agreements do not materially change from year to year and are already subject to periodic review.

To maintain accountability while easing the administrative burden, the Department has established an internal review process and now respectfully requests that the City Council amend BMC 2.04.190 to require review and approval every three years, rather than annually. This change maintains the goals of transparency and oversight while allowing staff to allocate time and resources more effectively.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or sustainability opportunities related to this recommendation.

#### RATIONALE FOR RECOMMENDATION

The proposed amendment preserves the intent of the original 1973 ordinance by ensuring regular oversight while introducing a more manageable reporting cycle. A triennial review process would promote efficient use of City resources without compromising transparency or accountability.

#### ALTERNATIVE ACTIONS CONSIDERED

The Council could choose to not amend the ordinance, in which case the existing annual reporting and approval requirements would remain unchanged.

#### CONTACT PERSON

Jennifer Louis, Chief of Police, 510-981-5900

#### Attachments:

1: Ordinance

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTION 2.04.190 RELATING TO THE  
MEMORANDUM OF UNDERSTANDING (MOU) COMPENDIUM

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code 2.04.190 is amended to read as follows:

**2.04.190 Period of validity--Renewal.**

No such agreement, understanding or policy shall be valid or effective for more than ~~three years~~one year following City Council approval, but each may be renewed or extended following the disclosure, public hearing and documentation procedures provided for in Sections [2.04.170](#) and [2.04.180](#) of this Article.

Section 2.

Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within fifteen (15) days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.