AGENDA

BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING

MONDAY, FEBRUARY 9, 2026

2:30 P.M.

Redwood Room – 2180 Milvia Street, Berkeley, CA 94704
Teleconference Location: 1027 Bancroft Way, Apt D, Berkeley, CA 94710

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

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: 161 760 2965**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email policycommittee@berkeleyca.gov. All Committee 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.

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.

California 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.

AGENDA

Roll Call

Public Comment

Review of Agendas

1. **Approval of Minutes: January 26, 2026**
2. **Review and Approve Draft Agenda:**
   a. 2/24/2026 – Regular City Council Meeting
3. **Adjournments In Memory**

Scheduling

4. **Council Worksessions Schedule**
5. **Council Referrals to Agenda Committee for Scheduling**
6. **Land Use Calendar**

Action Calendar

- **None**

Unscheduled Items

- **None**

Items for Future Agendas

- **Requests by Committee Members to add items to the next agenda**

Adjournment – Next Meeting Monday, February 23, 2026

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Additional items may be added to the draft agenda per Council Rules of Procedure.

Rules of Procedure as adopted by Council resolution, Article III, C3c - Agenda - Submission of Time Critical Items

Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.

If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.

The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.

Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee in advance of the meeting and retained as part of the official record.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900.

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.

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BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

MONDAY, JANUARY 26, 2026

2:30 P.M.

Redwood Room – 2180 Milvia Street, Berkeley, CA 94704

Teleconference Location – Marriott Marquis Washington D.C., 901 Massachusetts Avenue NW, Washington, DC 20001

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

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: 160 237 0121**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email policycommittee@berkeleyca.gov. All Committee meetings are recorded.

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Roll Call: 2:31 p.m. All present.

Public Comment – 12 speakers

Review of Agendas

1. **Approval of Minutes: January 12, 2026**
   Action: M/S/C (Taplin/Humbert) to approve the minutes of 1/12/2026.
   Vote: All Ayes.

2. **Review and Approve Draft Agenda:**
   a. 2/10/2026 – Regular City Council Meeting
   Action: M/S/C (Humbert/Taplin) to approve the agenda of 2/10/2026 with the changes noted below.
   - *Item Added: Zoning Adjustment Board Appeal: 2109 Virginia, Use Permit #ZP2024-0066 (City Manager) – rescheduled from 1/27/2026*
   - *Item 13 Density Bonus (Kesarwani) – Councilmember Blackaby added as a co-sponsor; referred to the Land Use, Housing & Economic Development Committee for consideration at their next meeting*
   - *Item 14 Hopkins Street (O'Keefe) – referred to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee*

   Vote: All Ayes.

3. **Adjournments In Memory** – None

Scheduling

4. **Council Worksessions Schedule** – received and filed

5. **Council Referrals to Agenda Committee for Scheduling** – received and filed

6. **Land Use Calendar** – received and filed

Action Calendar

- **None**

Unscheduled Items

- **None**

Items for Future Agendas

- **None**

Adjournment

Action: M/S/C (Taplin/Humbert) to approve the minutes of 1/12/2026.
Vote: All Ayes.

Adjourned at 3:06 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on January 26, 2026.

_____
Mark Numainville, City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@berkeleyca.gov.

DRAFT AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, February 24, 2026
6:00 PM

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

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

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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.

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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. Minutes for Approval
From: City Manager
Recommendation: Approve the minutes for the Council meetings of December 1, 2025 (closed), January 20, 2026 (closed and regular), January 27, 2026 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on February 24, 2026
From: City Manager
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.
Financial Implications: $200,000 - Various Funds
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

3. Contract: California Association of Environmental Health Administrators for Stormwater Inspections
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to execute a contract and any amendments with the California Association of Environmental Health Administrators (CAEHA) to conduct facility stormwater inspections in collaboration with the City's Environmental Health Division (EHD) in an amount not to exceed $100,000 for the period of February 1, 2026, through June 30, 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

4. Accept Grant Funds from the California Ocean Protection Council's Senate Bill 1 Sea Level Rise Adaptation Planning Grant Program and contract with Association of Bay Area Governments/San Francisco Estuary Partnership
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to accept the California Ocean Protection Council's Senate Bill 1 Sea Level Rise Adaptation Planning Grant Program funding in the amount of $223,151, and negotiate and execute a contract and any amendments, extensions, or change orders with the Association of Bay Area Governments/San Francisco Estuary Partnership, for the East Bay Crescent Sub-Regional Vulnerability Assessment and Shoreline Adaptation Planning, for the duration of March 1, 2026 through December 31, 2028.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

5. Contracts: Future Ford of Concord, Michael Stead Hilltop Ford and Nicholas K Corporation dba The Ford Store for Service, Parts, and Related Equipment for Ford Vehicles
From: City Manager
Recommendation: Adopt three Resolutions authorizing the City Manager to:
1. Execute a contract with Future Ford of Concord, to provide service, parts, and related equipment used on the City's Ford vehicles, in an amount not to exceed $690,000, for a period of three years.
2. Execute a contract with Michael Stead Hilltop Ford, to provide service, parts, and related equipment used on the City's Ford vehicles, in an amount not to exceed $690,000, for a period of three years.
3. Execute a contract order with Nicholas K Corporation dba The Ford Store, to provide service, parts, and related equipment used on the City's Ford vehicles, in an amount not to exceed $690,000, for a period of three years.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

6. Contract Awards: Du-All Safety LLC, Safe Business Solutions, and Safety Center, Inc. for Safety Training and Consulting Services to support the Public Works Department

From: City Manager

Recommendation: Adopt three Resolutions authorizing the City Manager to:

1. Execute a Contract and subsequent amendments with Du-All Safety, LLC dba Du-All, for safety training and consulting services in an amount not to exceed $70,000 for the initial contract period March 1, 2026, through February 28, 2029, with the option to extend the contract term for two additional years, for a total contract term not to exceed five years.
2. Execute a contract and subsequent amendments with Safe Business Solutions dba SBS, for safety training and consulting in an amount not to exceed $70,000 for the initial contract period March 1, 2026, through February 28, 2029, with the option to extend the contract term for two additional years, for a total contract term not to exceed five years.
3. Execute a Contract and subsequent amendments with Safety Center for safety training and consulting in an amount not to exceed $70,000 for the initial contract period March 1, 2026, through February 28, 2029, with the option to extend the contract term for two additional years, for a total contract term not to exceed five years.

Financial Implications: See report

Contact: Terrance Davis, Public Works, (510) 981-6300

7. Contract: Northern Recycling, LLC for Hauling and Processing of Compostable Materials

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Northern Recycling, LLC for hauling and processing compostable materials, in an amount not to exceed $16,091,834 for the five-year period March 1, 2026, to March 1, 2030, with a mutual option to extend the contract for an additional five years.

Financial Implications: See report

Contact: Terrance Davis, Public Works, (510) 981-6300

8. Contract: Koios Engineering, Inc. for Adeline Street, Woolsey Street, et al. Sanitary Sewer Rehabilitation Project

From: City Manager

Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project located on Adeline Street, Woolsey Street, et al., and accepting the bid from the lowest, responsive and responsible bidder, Koios Engineering, Inc., and authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed $3,931,889, which includes a 10% contingency of $357,444.

Financial Implications: See report

Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

9. Contract: Koios Engineering, Inc. for San Pablo Avenue, Sacramento Street, et al. Sanitary Sewer Rehabilitation Project
From: City Manager
Recommendation: Adopt a Resolution approving plans and specifications for the Sanitary Sewer Project located on San Pablo Avenue, Sacramento Street, et al., and accepting the bid of the lowest, responsive and responsible bidder, Koios Engineering, Inc., and authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed $4,660,295, which includes a 10% contingency of $466,029.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

10. Contract with Chargepoint, Inc. for City-Owned Electric Vehicle Charger Support Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a five-year contract for support services for City-owned electric vehicle (EV) chargers with Chargepoint, Inc. in an amount not to exceed $255,651.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

11. Contract No. 32500221 Amendment: Stommel Inc. dba Lehr for Hybrid Police Patrol Vehicle Supplies, Equipment, and Installation Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to the contract with Stommel Inc., dba Lehr for Hybrid Police Patrol vehicle supplies, equipment, and installation services. This amendment increases the contract amount by $125,000, for a new total amount not to exceed $525,000, and extends the contract term until December 15, 2027.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

12. Contract No. 32600081 Amendment: Metro Elevator for Maintenance, Repairs and Emergency Response Services for Citywide Elevators
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32600081 with Metro Elevator to provide maintenance, repairs, and emergency response services to increase the contract amount by $175,000 for a total not to exceed $350,000.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

13. Contract No. 107431-1 (10095B) Amendment: Green Halo Systems, Inc. Construction Debris Tracking
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 107431-1 (10095B) with Green Halo Systems, Inc. to increase the contract amount by $50,000, for a revised total not-to-exceed amount of $100,000, for construction and demolition debris tracking software services for the period of June 30, 2026, through June 30, 2028.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

14. Purchase Order: Turf Star Incorporated for one 2026 Model Toro Groundsmaster 31699 Triple Deck Sports Field Mower
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with Turf Star Incorporated for one 2026 Toro Groundsmaster 31699 Triple Deck Sports Field Mower, in an amount not to exceed $184,181.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

15. 2026 Traffic Circle Vegetation Policy and Maintenance Plan
From: City Manager
Recommendation: Adopt a Resolution to approve the 2026 Traffic Circle Vegetation Policy and Maintenance Plan, including the addition of five new California native plants to be included in the Suggested Traffic Circle Plantings list and the implementation of a modernized ArcGIS-based registration system for all program participants.
Financial Implications: None
Contact: Terrance Davis, Public Works, (510) 981-6300

Council Consent Items

16. Waterside Workshops Community Spring Fling: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund
From: Mayor Ishii (Author), Councilmember Taplin (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including $250 from Mayor Ishii and $250 from Councilmember Taplin to the Waterside Workshops for the Community Spring Fling with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Ishii and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Adena Ishii, Mayor, (510) 981-7100

Council Consent Items

17. Relinquishment of Council Office Budget Funds to Support the Berkeley Unified School District Historical Study
From: Councilmember Bartlett (Author)
Recommendation: Adopt a Resolution approving the expenditure of funds, including $500 from the discretionary Council office budget of Councilmember Ben Bartlett, to support the Berkeley Unified School District Historical Study. The funds will be relinquished to the City's General Fund from the discretionary Council office budget of Councilmember Ben Bartlett and the discretionary Council office budgets of any other Councilmembers who wish to contribute, and granted to the National Institute for Criminal Justice Reform, which is serving as fiscal sponsor for the study.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

18. The Berkeley Rule: Artificial Intelligence Municipal Framework *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*
From: Councilmember Bartlett (Author), Councilmember Tregub (Author)
Recommendation:
1. Adopt a resolution which affirms Berkeley's commitment to innovation in service of liberty, dignity, and the public good.
2. The City hereby endorses "The Berkeley Rule" and encourages City staff, commissions, and community partners to consider its Ten Principles in the planning, evaluation, and oversight of artificial intelligence systems. The Berkeley Rule: Put Residents First; Modernize City Services; Empower the Community; Ensure Transparency and Accountability; Standardize Operations; Certify Ethical Use; Protect and Prepare Our Workforce; Defend Civil Liberties; Social Advancement and Accessibility; and Catalyze Civic Wealth. The principles are meant to encourage the Artificial Intelligence (AI) industry to develop products and services aligned with these goals.
Policy Committee Recommendation: To send the item to Council with a positive recommendation, and that items 3 and 4 in the recommendation be amended to be less prescriptive.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Council Consent Items

19. Referral to City Manager and City Attorney: Removing On-Site Manager Exemption Loophole for Certain Multi-Family Properties that are Adjacent and/or Share the Same Common Area *(Reviewed by the Land Use, Housing & Economic Development Committee)*

From: Councilmember Tregub (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Taplin (Co-Sponsor)

Recommendation: Refer to the City Manager and City Attorney a proposal related to the removal of an on-site manager exemption loophole, which is currently used by certain Berkeley properties to circumvent California Code Regulation, Title 25, Paragraph 42, for certain multi-family properties that are adjacent and/or share the same common area. If the recommended regulation is enacted, it is the intent of the referral to apply it to subject properties in a prospective manner that ensures that the rights of sitting tenants continue to be fully protected (i.e., a fully occupied property will not be required to rent to an on-site manager until at least one unit becomes vacant in accordance to all applicable state and local laws governing good cause eviction protections). The referral further requests that the 4 x 4 Committee discuss and provide recommendations as to: - Any parameters that may limit the scope of this referral, including but not limited to situations in which one or more of the subject properties are owned by limited liability corporations (LLCs) and/or owners that own multiple other properties in Berkeley, California and/or beyond, with a total number of units or properties under ownership to be determined; - Any exemptions to the on-site manager requirement for certain circumstances, such as for hardship of the property owner and/or LLC and/or other circumstances in which the interest of justice may supersede the public interest of this requirement; and - Any other provisions pertinent to the efficient, just, and fair administration of the recommended regulation. *Policy Committee Recommendation: Send the item to the City Council with a qualified positive recommendation with the following amendments: 1. Reflect in the recommendation that the item is a referral to the City Manager and the City Attorney. 2. Clarify that the Rent Board's administration of the program is unchanged from the existing arrangement. 3. Provide additional information regarding the budgetary implications and how many properties are affected.*

Financial Implications: See report

Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

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 Calendar

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.

20. Amendments to Title 21 (Subdivisions Ordinance) and Title 23 (Zoning Ordinance) to implement Senate Bill (SB) 684
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion, adopt the first reading of an Ordinance to amend Berkeley Municipal Code Titles 21 (Subdivisions Ordinance) and 23 (Zoning Ordinance) to implement Senate Bill (SB) 684 by establishing: 1. A ministerial, SB 684–compliant path for small-lot subdivisions and related housing; and 2. A local Parcel-Map path for lower-density projects that meet minimum residential density requirements but do not qualify under SB 684.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar – Policy Committee Track Items

21. City of Berkeley's 2026 State and Federal Legislative Platform
From: Mayor Ishii (Author)
Recommendation: Adopt a Resolution approving the City of Berkeley's 2026 State and Federal Legislative Platform.
Financial Implications: See report
Contact: Adena Ishii, Mayor, (510) 981-7100

Information Reports

22. FY 2025 Fourth Quarter Investment Report: Ended June 30, 2025
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300

23. FY 2026 First Quarter Investment Report: Ended September 30, 2025
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300

24. Restaurant Inspection Audit Status Report
From: City Manager
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

25. A Guide to Measuring Performance in the City of Berkeley
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750

26. Safe Streets Citizen Oversight Committee (SSCOC) Workplan for FY25-26
From: City Manager
Contact: Amanda Montez, Commission Secretary, (510) 981-6300

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.*

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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:
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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.

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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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ADENA ISHII
MAYOR OF BERKELEY

CONSENT CALENDAR
February 24, 2026

To: Honorable Members of the City Council

From: Mayor Adena Ishii (Author), Councilmember Terry Taplin (Co-Sponsor)

Subject: Waterside Workshops Community Spring Fling: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including $250 from Mayor Ishii and $250 from Councilmember Taplin to the Waterside Workshops for the Community Spring Fling with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Ishii and any other Councilmembers who would like to contribute.

BACKGROUND

Established in 2007, Waterside Workshops is a non-profit community organization that engages youth and the community through hands-on learning in bicycle mechanics, wooden boatbuilding, and outdoor education. Waterside Workshops serves over 300 youth every year, offering a safe and supportive environment where they can learn and practice core job skills under the supervision of experienced, caring professionals.

On March 14, 2026, Waterside Workshops will be hosting its Community Spring Fling to officially launch the Street Level Cycling Club and highlight its programs & workshops. At this "season opener", current and former Waterside youth interns, community partners, families and friends will gather in celebration.

FINANCIAL IMPLICATIONS

No General Fund impact; $250 is available from Mayor Ishii's and $250 from Councilmember Taplin's budget discretionary accounts.

ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts associated with the recommendations in this report.

CONTACT PERSON
Mayor Adena Ishii
510-981-7100

Attachments: Resolution for Council Expenditures

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

AUTHORIZING THE EXPENDITURE OF DISCRETIONARY FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Mayor Adena Ishii has funds in her office discretionary account; and

WHEREAS, a California non-profit tax-exempt corporation, Waterside Workshops, seeks funds from the City of Berkeley not to exceed $500 per Councilmember, including the amount of $250 from the office of Mayor Adena Ishii to the Community Spring Fling; and

WHEREAS, this event will serve as a “season opener” to celebrate the official launch of Waterside Workshop’s Street Level Cycling Club and celebrate their programs & other workshops; and

WHEREAS, Waterside Workshops works in collaboration with schools and other partner organizations in Berkeley, helping youth grow into skilled, confident, and autonomous leaders; and

WHEREAS, Waterside Workshops continues to serve as a resource for youth by providing a variety of resources meant to offer essential job skills, and build community support.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to $500 per office shall be granted to Waterside Workshops to fund the following service of offering youth development opportunities to students in Berkeley through their spring kick-off celebration.

BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR
February 24, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett (Author)

Subject: Relinquishment of Council Office Budget Funds to Support the Berkeley Unified School District Historical Study

RECOMMENDATION:
Adopt a Resolution approving the expenditure of funds, including $500 from the discretionary Council office budget of Councilmember Ben Bartlett, to support the Berkeley Unified School District Historical Study. The funds will be relinquished to the City's General Fund from the discretionary Council office budget of Councilmember Ben Bartlett and the discretionary Council office budgets of any other Councilmembers who wish to contribute, and granted to the National Institute for Criminal Justice Reform, which is serving as fiscal sponsor for the study.

BACKGROUND:
In recent years, jurisdictions across the country have undertaken historical studies and truth-telling efforts to better understand how past public policies and institutional decisions contributed to racial inequities and ongoing disparities. These efforts are increasingly recognized as a necessary foundation for informed, defensible reparations-related policymaking.

In Berkeley, this work is at a critical juncture. The Berkeley Unified School District completed a Reparations Task Force process in 2024, which articulated the need for reparative action affecting Descendants, defined as individuals who are descendants of persons enslaved in the United States. The District is now moving from recommendations to implementation and requires a rigorous, well-documented historical record to inform policy decisions, resource allocation, and program design.

The Berkeley Unified School District Historical Study is designed to document how the District functioned both as a site of direct discrimination, through educational decisions and actions, and as an institution shaped by discriminatory municipal policies, including housing segregation, redlining, and land-use decisions. The study integrates archival research, quantitative data, and community testimony and will produce public-facing materials intended for use by district leadership, the Board of Education, policymakers, and the community.

Council office discretionary funds may be used to support this work because it serves a

clear municipal public purpose: advancing public understanding of local history, informing education and equity policy, and supporting transparent, evidence-based decision-making that affects Berkeley residents. In addition, the Historical Study will generate a research framework and set of practices that the City of Berkeley may leverage in the future to inform its own historical study or reparations-related work.

ENVIRONMENTAL SUSTAINABILITY:

No negative impact.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact; $500 is available from the discretionary council office budget of Councilmember Ben Bartlett.

CONTACT PERSON:

Councilmember Ben Bartlett bbartlett@cityofberkeley.info
James Chang jchang@cityofberkeley.info
Artemisia Ace aspencermace@cityofberkeley.info

ATTACHMENT:

1. Resolution

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

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCIL MEMBERS FOR A DONATION TO THE NATIONAL INSTITUTE FOR CRIMINAL JUSTICE REFORM TO SUPPORT THE BERKELEY UNIFIED SCHOOL DISTRICT HISTORICAL STUDY.

WHEREAS, Councilmember Ben Bartlett has surplus funds in his office expenditure account; and

WHEREAS, the National Institute for Criminal Justice Reform will receive funds in the amount of $500 from Councilmember Ben Bartlett's office expenditure account; and

WHEREAS, the National Institute for Criminal Justice Reform, through the students and researchers leading this effort, will support the Berkeley Unified School District Historical Study in documenting the District's role in direct educational discrimination, as well as the ways in which the District was shaped by discriminatory municipal policies; and

WHEREAS, the provisions of such a study would fulfill the municipal public purpose of providing community members with a framework of educational tools and practices that the City of Berkeley may use in the future to inform its own historical study or reparations-related work;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their office budgets, of an amount to be determined by each Councilmember, shall be granted to the National Institute for Criminal Justice Reform for the purpose of supporting the Berkeley Unified School District Historical Study.

2180 Milvia Street, Berkeley, Floor 5, CA 94704 ● Tel: (510) 981-7130 ● E-Mail: bbartlett@cityofberkeley.info

BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

IGOR TREGUB
COUNCILMEMBER, DISTRICT 4

CONSENT CALENDAR

February 24, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett (Author) and Councilmember Igor Tregub (Co-Author)

Subject: The Berkeley Rule: Artificial Intelligence Municipal Framework

RECOMMENDATION

1. Adopt a resolution which affirms Berkeley's commitment to innovation in service of liberty, dignity, and the public good.
2. The City hereby endorses "The Berkeley Rule" and encourages City staff, commissions, and community partners to consider its Ten Principles in the planning, evaluation, and oversight of artificial intelligence systems. The Berkeley Rule: Put Residents First; Modernize City Services; Empower the Community; Ensure Transparency and Accountability; Standardize Operations; Certify Ethical Use; Protect and Prepare Our Workforce; Defend Civil Liberties; Social Advancement and Accessibility; and Catalyze Civic Wealth. The principles are meant to encourage the Artificial Intelligence (AI) industry to develop products and services aligned with these goals.

POLICY COMMITTEE RECOMMENDATION

On January 28, 2026, the Health, Life Enrichment, Equity & Community Committee adopted the following action: M/S/C (Taplin/Tregub) to send the item to Council with a positive recommendation, and that items 3 and 4 in the recommendation be amended to be less prescriptive.. Vote: All Ayes.

BACKGROUND

The Berkeley Rule serves as a mental model for City staff, guiding effective, ethical AI deployment in municipal operations. This framework also signals to the private sector the AI tools and innovations Berkeley seeks to procure and pilot for municipal challenges.

Artificial Intelligence (AI) refers to computer systems and robotics technologies, including autonomous or semi-autonomous machines, that perform tasks typically requiring human intelligence, movement, or judgment. This includes, but is not limited to: recognizing speech, interpreting images, decision-support

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systems, independent analysis of information, generating text and images, and performing physical tasks through autonomous movement, manipulation, or interaction with the environment.

More specifically, AI systems use large datasets and advanced algorithms to identify patterns, make predictions, or generate content based on input data. Generative AI, a rapidly growing family of AI models, powers tools such as ChatGPT, Claude, Llama, and Gemini, which generates human-like text, images, or code. AI is having widespread impact across sectors. In government, it is being used to streamline service delivery, detect fraud, assist in emergency response, and analyze infrastructure maintenance needs. According to a 2023 report by the McKinsey Global Institute, generative AI could add up to $4.4 trillion annually to the global economy, while also reshaping labor markets and intensifying debates around fairness, transparency, and data privacy.[1] In the public sector, cities like New York, San Francisco, and Washington, D.C. are beginning to implement AI use policies that emphasize accountability, human oversight, and equity.[2]

The adoption of AI technologies is rapidly expanding, with an increasing number of individuals incorporating AI into their daily lives. According to a 2024 report by Statista, nearly 40% of Americans reported using AI-powered tools, such as virtual assistants, search engines, or recommendation systems, daily.[3] Furthermore, a 2024 survey by McKinsey found that 65% of businesses are already utilizing AI in some capacity, with significant integration into customer service, data analysis, and process automation.[4] These figures indicate that AI is not only being widely adopted by consumers but also becoming integral to various sectors, highlighting its broad utility and growing presence. Additionally, the AI services market is projected to reach $243 billion by 2025, highlighting the increasing reliance on AI across industries.[5] A significant 25% of enterprises are expected to deploy AI agents this year, demonstrating the growing adoption of AI-driven solutions to improve efficiency and decision-making.[6] McKinsey's 2023 report reveals that nearly half (49%) of tech leaders now say AI is fully integrated into their business

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[1] McKinsey & Company. *The Economic Potential of Generative AI: The Next Productivity Frontier*. June 2023. https://www.mckinsey.com/business-functions/mckinsey-digital/our-insights/the-economic-potential-of-generative-ai-the-next-productivity-frontier.

[2] City of New York. *AI Action Plan*. 2023 https://www.nyc.gov/assets/oti/downloads/pdf/reports/artificial-intelligence-action-plan.pdf

[3] Statista. (2024). Percentage of U.S. population using AI tools regularly. https://www.statista.com/forecasts/1480449/ai-tools-popularity-share-usa-adults

[4] McKinsey & Company. (2024). State of AI in Busineshttps://www.mckinsey.com/capabilities/quantumblack/our-insights/the-state-of-ai-2024

[5] Marr, B. (2025, March 10). 15 Mind-Blowing AI Statistics Everyone Must Know About Now. Forbes. https://www.forbes.com/sites/bernardmarr/2025/03/10/15-mind-blowing-ai-statistics-everyone-must-know-about-now/

[6] Marr, B. (2025, March 10). 15 Mind-Blowing AI Statistics Everyone Must Know About Now. Forbes. https://www.forbes.com/sites/bernardmarr/2025/03/10/15-mind-blowing-ai-statistics-everyone-must-know-about-now/

strategy, a clear indication of its essential role in modern organizational operations.[7] This widespread integration reflects the remarkable increases in AI usage, with enterprises harnessing its potential to streamline operations, enhance customer experiences, and drive growth.

The global AI market is projected to grow from $208 billion in 2023 to $1.85 trillion by 2030,[8] and over 65% of organizations worldwide are expected to adopt AI by 2024, a significant increase from just 20% in 2017.[9] Cities are already utilizing AI technologies in areas such as law enforcement, traffic management, and tenant screening, with over 40 major U.S. cities employing tools like predictive policing, automated license plate readers, and AI-powered chatbots, often without adequate oversight.[10] While the White House Blueprint for an AI Bill of Rights and NIST's AI Risk Management Framework offer valuable guidance on AI governance, neither provides enforcement mechanisms.[11] Additionally, over 45 states are now drafting or debating AI-specific legislation, signaling the growing need for formal regulation.[12]

As AI technology rapidly evolves, public and private institutions continue to develop coherent policies and frameworks. At the same time, public sentiment reveals growing concerns that aren't always reflected in the integration and use of AI. For example, in the YouGov[13] poll on AI regulation, many U.S. citizens still believe that there should be more regulation of AI. Accordingly, policy should meet the public's demand for proactive, growth-oriented regulation, while avoiding federal pre-emption.

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[7] McKinsey & Company. (2023). The State of AI. https://www.mckinsey.com/capabilities/quantumblack/our-insights/the-state-of-ai

[8] Artificial Intelligence - Worldwide ttps://www.statista.com/outlook/tmo/artificial-intelligence/worldwide

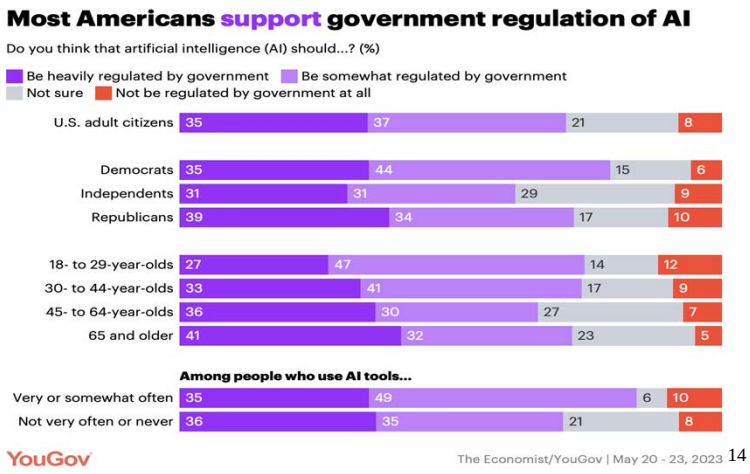
[9] McKinsey & Company. (2024)). The State of AI.https://www.mckinsey.com/capabilities/quantumblack/our-insights/the-state-of-ai-2024

[10] Brookings Institution (2023). The Geography of AI: Which Cities Will Drive the Artificial Intelligence Revolution? https://www.scirp.org/reference/referencespapers?referenceid=3933815

[11] The White House. (2022). Blueprint for an AI Bill of Rights https://bidenwhitehouse.archives.gov/ostp/ai-bill-of-rights/

[12] National Conference of State Legislatures. (2023). State Artificial Intelligence Legislation. https://www.ncsl.org/technology-and-communication/artificial-intelligence-2024-legislation

[13] Orth, Taylor. "Americans Are Divided on AI's Societal Impact, but Most Support Government Regulation." *YouGov*, May 25, 2023https://today.yougov.com/politics/articles/45747-americans-are-divided-artificial-intelligence-poll



[14]

AI Alignment

AI alignment is the process of incorporating human values and public goals into artificial intelligence systems to ensure they operate safely, ethically, and as intended.[15] Alignment helps mitigate unintended consequences, ensuring that AI systems operate as intended and are consistent with human values and goals. For example, if one were to ask a generative AI chatbot how to build a weapon, it may either respond with instructions or refuse to provide potentially dangerous information. Unlike older logic-based AI and software approaches whose responses are manually coded by human programmers, a modern machine learning based AI model's response is determined by how the creators arranged it. In addition, modern AI systems learn from vast amounts of data based on how people behave online. That data reflects real human beliefs and habits, including many conscious and unconscious biases. As a result, today's AI systems can only be guided in general terms rather than precisely aligned with human values. While using human-like language can help us understand how AI systems work, it may also lead to distorted notions about AI's capabilities.[16]

Any municipal AI framework should incorporate principles of alignment and transparency. A major challenge is that, since nearly every principle conflicts with others, nontrivial processes are needed to resolve contradictions that confront AI Alignment.[17] Deployments of AI systems should specify such processes.

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[14] Orth, Taylor. "Americans Are Divided on AI's Societal Impact, but Most Support Government Regulation."*YouGov*, May 25, 2023. https://today.yougov.com/politics/articles/45747-americans-are-divided-artificial-intelligence-poll

[15] Jonker, Alexandra, and Alice Gomstyn. "What Is AI Alignment?" IBM, April 17, 2025. https://www.ibm.com/think/topics/ai-alignment.

[16] De Kai. *Raising AI: An Essential Guide to Parenting Our Future*. 2025. MIT Press. https://dek.ai/raising-ai.

[17] De Kai. "Should A.I. Accelerate? Decelerate? The Answer Is Both." *New York Times*, December 10 2023. https://www.nytimes.com/2023/12/10/opinion/openai-silicon-valley-superalignment.html

Aligning AI with Berkeley's Values & Strategic Goals

When aligned with Berkeley values, AI can help advance the city's strategic goals, including social advancement, improved public services, environmental protection, and civic trust. As Berkeley adopts new technologies, AI could be used to support, not replace, human judgment, expand access to essential services, and accelerate progress on the priorities most important to residents. The following sections describe how AI can support the values and goals set forth in the City of Berkeley Strategic Plan:

1) **Improve residents' lives by delivering accessible and innovative services.**
   AI presents the opportunity to liberate residents from bureaucratic friction and unnecessary expense. When thoughtfully implemented, AI can streamline processes, support both residents and staff, and promote fairer access to public resources. The result is a more efficient, responsive, and inclusive city that better serves the community**.**

2) **Safeguarding civil liberties, equity, and democratic participation.**

   Berkeley's commitment to civil liberties and democratic governance requires that any use of AI protects privacy, free expression, and due process. As AI is integrated into City services, it must align with Berkeley's civil liberties framework and strengthen the protection of fundamental rights.

   AI systems should be transparent, include public input, and remain subject to human oversight. When guided by equity and democratic accountability, AI can support fair employment practices, workforce development, and inclusive economic growth while safeguarding labor rights.

   With strong privacy protections and meaningful community engagement, AI can reduce bureaucratic barriers, expand access to public resources, and advance Berkeley's commitments to justice, sustainability, and democracy.

3) **Create affordable housing and support services for our most vulnerable community members.**[18]

[18]City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.

AI-aligned decision tools can help Berkeley distribute housing assistance more equitably and improve planning for affordable housing..[1920] These systems could identify high-need areas, streamline application processes, and inform land-use decisions, making housing support more accessible and effective. AI can also support the City's efforts to produce, preserve, and protect housing by improving financing strategies, prioritizing maintenance, and targeting subsidies to prevent displacement and preserve existing units.

For example, this approach can directly support Berkeley's Middle Housing ordinance by enabling more efficient planning for duplexes, triplexes, and fourplexes across the city.[21] By expanding housing options and improving affordability, aligned AI tools can help advance Berkeley's commitment to housing security for its most vulnerable residents.[22]

4) Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

AI alignment can help advance the city's climate sustainability plans and goals such as the Berkeley's Climate Action Plan and Realize Vision 2050[23] by improving infrastructure condition assessments, emissions tracking, energy optimization, and environmental justice analysis. These tools can support smarter infrastructure planning, including water reuse systems, grid modernization, and targeted decarbonization efforts.[24]

AI can also strengthen climateresilience through monitoring of heat, air quality, and wildfire risk,[25] while supporting urban greening, irrigation management, solar and heat pump permitting, and enforcement in underserved neighborhoods.[26] By directing investments where they have the

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[19] Orozco, D., & Das, S. (2023). *How AI Can Help Cities Advance Housing Equity*. Brookings Institution. https://www.brookings.edu/articles/building-ai-cities-how-to-spread-the-benefits-of-an-emerging-technology-across-more-of-america/

[20] University of California, Berkeley Urban Displacement Project. (2022). *Using Data and Technology to Advance Housing Justice*. https://www.urbandisplacement.org/

[21] City of Berkeley. (2024). *Middle Housing Ordinance Overview*. https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/middle-housing-zoning#:~:text=Project%20overview,in%20a%20range%20of%20sizes.

[22] California Department of Housing and Community Development. (2023). *Affirmatively Furthering Fair Housing in Local Planning* *https://www.hcd.ca.gov/planning-and-community-development/affirmatively-furthering-fair-housing*

[23] https://berkeleyca.gov/sites/default/files/documents/2025-12-02%20Special%20Item%2001%20Sharing%20the%20Final%20Report%20of%20the%20Mayor.pdf

[24] World Economic Forum. (2022). *Harnessing Artificial Intelligence for the Earth*. https://www3.weforum.org/docs/Harnessing_Artificial_Intelligence_for_the_Earth_report_2018.pdf

[25] National Institutes of Health (2023). *Smart City Tools for Air Quality and Heat Monitoring* https://pmc.ncbi.nlm.nih.gov/articles/PMC10280551/

[26] Climate TRACE. (2023). *AI-Based Emissions Tracking Platform*. https://climatetrace.org/explore/#admin=&gas=co2e&year=2024&timeframe=100&sector=&asset=

greatest impact, AI can help Berkeley reduce emissions, optimize energy use, and promote environmental justice for a healthier, more sustainable future.

5) **Champion Social Advancement.**[27]

AI aligned with Berkeley's social advancement goals can help strengthen labor protections, uphold civil rights, and prioritize community needs across health, housing, and employment programs. By monitoring for disparate impacts and incorporating ongoing feedback from historically marginalized communities,[28], these systems can support equity, social mobility, and resident well-being.

AI can also expand public participation by making local democracy more accessible and understandable. Tools such asplain-language summaries, multilingual public comment translation, and participatory budgeting simulations can help residents engage more meaningfully in City decision-making[29].[30] Together, these uses of AI can make local government more transparent, inclusive, and responsive to the community.

6) **Provide an efficient and financially-healthy City government.**[31]

AI can help Berkeley shift away from regressive revenue models that rely on fines and fees and toward support, prevention, and equity. AI audits can identify the City's reliance on penalties that disproportionately impact low-income residents,[32] , while predictive tools can prevent fines through real-time reminders, hardship-based forgiveness, sliding-scale assessments, and service-based alternatives. This approach moves enforcement from punishment to restoration.

AI can also help the City maximize public assets and improve operational efficiency. By reusing proven models across departments, adopting open-source frameworks, and automating administrative oversight, Berkeley can reduce costs and increase transparency. AI tools can modernize lease and asset management by standardizing data, tracking city-owned properties in

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[27] City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.

[28]City of Berkeley. (2021). *Health Equity and Racial Justice Framework*. https://berkeleyca.gov

[29] Introducing OpenAI for Government https://openai.com/global-affairs/introducing-openai-for-government/

[30] Mozilla Foundation. (2023). *Building Inclusive AI for Public Engagement*.https://www.mozillafoundation.org/en/research/library/public-ai/

[31] City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.

[32] *Upturn. (2021). The Use of Fines and Fees in U.S. Cities. https://www.upturn.org*

real time, and flagging inconsistencies or renewal risks, addressing long-standing gaps in oversight.

In addition, AI can support responsible revenue generation by identifying underutilized assets, improving compliance, and optimizing systems such as parking, business licensing, and short-term rental enforcement. By modernizing asset and revenue management, Berkeley can strengthen accountability, improve efficiency, and support long-term fiscal health while advancing its equity goals.

7) **Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.**[33]

AI can help Berkeley monitor, maintain, and improve public infrastructure through predictive maintenance that identifies wear and tear in roads, water systems, lighting, and civic buildings. This approach allows the City to prioritize repairs, extend asset lifespans, and reduce costs and service disruptions.

AI can also improve transportation and mobility by reducing congestion, lowering emissions, and enhancing safety. Smart traffic systems can support Vision Zero goals, while accessible, real-time transit tools and AI-assisted public input can ensure community needs shape infrastructure decisions.

Within the education and youth service sectors, AI can help close opportunity gaps through personalized academic support, multilingual college and career guidance, and better targeting of resources. Together, these uses can help ensure Berkeley's public services are inclusive, efficient, and future-ready.

8) **Foster a dynamic, sustainable, and locally-based economy**[34]

AI could strengthen Berkeley's economy by connecting residents to emerging job markets and supporting small businesses with accessible, data-driven tools. By analyzing labor trends, AI could guide job training programs, inform local hiring, and support the City's Economic Dashboards and procurement strategies. For job seekers, AI-powered tools like resume builders, interview simulators, and job-matching platforms (e.g., Jobscan, LinkedIn AI Coach) help level

[33] City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.
[34] City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.

the playing field, especially for historically under-resourced communities.[35] Entrepreneurs benefit from AI assistants that explain permitting, grants, and legal basics in clear terms, lowering barriers to small business ownership.[36] AI assistants can help draft small business setup documents, such as incorporation forms, operating agreements, and basic contracts, lowering barriers to entry and reducing start-up costs. In the workplace, large language models (LLMs) integrated with tools like Microsoft 365 and Slack automate tasks like summarizing meetings, drafting emails, or translating documents boosting productivity and job satisfaction[37].[38] In fields like law and healthcare, they support professionals with document review and compliance checks.[39] For contractors, AI-powered rendering tools can generate visualizations and design options, making project planning faster, clearer, and more affordable.

The City can make these AI tools available to the broader community through libraries, workforce training centers, and small business resource hubs, ensuring that all residents benefit from the efficiencies and opportunities AI provides.

9) **Create a resilient, safe, connected, and prepared City**.

Aligned AI systems could are essential for enhancing public safety, emergency response, and urban resilience in Berkeley. These tools could support wildfire risk mapping, aiding zoning decisions and enforcement of defensible space in hillside neighborhoods, where threats are most acute. AI also enhances community preparedness, facilitates hazard response coordination, and supports data-driven resilience planning, as outlined in the City's Resilience Strategy. AI could improve public safety outcomes without expanding surveillance. The use of real-time language translation and medical history alerts during emergency calls enable quicker and more equitable responses for non-English speakers and individuals with disabilities. AI-assisted acoustic systems could distinguish between fireworks and gunfire more accurately, thereby reducing false alarms and fostering community trust. Predictive models analyzing heat, crime, and public health data

[35] Koustas, D., et al. (2023). Barriers to Employment and AI Tools. NBER. https://conference.nber.org/confer/2025/DTs25/farronato.pdf

[36] Ghosh, R. (2022). AI and Small Business Resilience. Brookings. https://www.brookings.edu/articles/hybrid-jobs-how-ai-is-rewriting-work-in-finance/

[37] Binns, R., et al. (2023). AI in Knowledge Work. Oxford Internet Institute.https://www.oii.ox.ac.uk/news-events/2023-the-year-ai-redefined-work-skills-and-the-future-of-employment/

[38] California State Bar. (2024). Ethical AI Use in Legal Services. https://www.calbar.ca.gov/Portals/0/documents/ethics/Generative-AI-Practical-Guidance.pdf

[39] Simbo.ai, "The Role of Artificial Intelligence in Streamlining Document Review Processes for Legal Practitioners in 2024," *Simbo.ai Blog*, accessed July 14, 2025, https://www.simbo.ai/blog/the-role-of-artificial-intelligence-in-streamlining-document-review-processes-for-legal-practitioners-in-2024-251528/.

could direct emergency outreach or mental health crisis teams to areas of highest need, avoiding reliance on carceral tools. In health and social services, AI could extend the City's reach to vulnerable residents. Tools could guide users through enrollment in programs like CalFresh, Medi-Cal, and city wellness initiatives using plain language and mobile-first design. Mental health chatbots could provide anonymous, culturally competent emotional support, encouraging early access to care. For frontline staff, AI could flag service gaps, track referrals, and monitor outcomes, creating a more coordinated and compassionate care system.

10) **Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community**[40]

Properly aligned AI can help Berkeley deliver faster, fairer, and more accessible public services. AI-powered virtual assistants can enhance 311 services, streamline workflows, and support public health communications by providing clear, real-time responses to resident inquiries around the clock, reducing wait times and service backlogs.AI dashboards can give City staff real-time insights to proactively address community needs, reinforcing Berkeley's commitment to transparency and responsive governance. Tools such as permit chatbots, proactive alerts, and simplified dispatch systems can reduce administrative burdens for both residents and staff.

Aligned AI can also modernize ticketing and permitting by making traditionally punitive processes more transparent and equitable. AI tools can guide residents through contesting tickets by explaining violations, assisting with evidence submission, supporting multilingual appeals, and tracking cases in real time. In permitting, AI can help complete applications, flag errors, triage requests, and accelerate low-risk approvals. Together, these tools can improve accountability, reduce bias, and make everyday interactions with City Hall more efficient and just.

11) **Attract and retain a talented and diverse City government workforce**[41]

AI alignment can modernize Berkeley's human resources systems by supporting inclusive hiring, reducing bias in recruitment, and strengthening employee training and advancement. AI tools can

[40]City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.

[41]City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.

help forecast staffing needs, identify skill gaps, and recommend professional development pathways, supporting the City's goal of building a diverse and future-ready workforce.

Properly aligned AI should support workers rather than replace them, reinforcing Berkeley's commitment to fair employment practices and workforce development. Public-sector examples show how AI can help identify internal talent, reduce turnover, and monitor indicators of burnout or attrition to support employee well-being.

To ensure these benefits, AI systems shouldoperate transparently and with ongoing oversight to enhance human decision-making. Emerging governance frameworks highlight the importance of fairness, explainability, and accountability when using AI in public-sector workforce management.

Potential Pitfalls of AI Systems

While holding significant promise, artificial intelligence also presents serious risks if not carefully governed. Without appropriate safeguards, AI systems could produce inaccurate or misleading outputs, often referred to as "hallucinations," that may result in flawed decisions in high-stakes areas such as housing, public benefits, policing, and financial catastrophe.[42] AI tools could also reinforce systemic biases if trained on incomplete or discriminatory data, leading to unequal treatment or outcomes, especially for communities of color, low-income residents, and people with disabilities.[43] Moreover, without transparent processes, the use of AI in surveillance or decision-making could violate privacy rights, reduce public trust, and erode due process protections, particularly when algorithms are used to allocate resources, flag individuals, or influence enforcement actions.[44]These dangers are amplified when AI systems operate without public scrutiny or accountability mechanisms. To successfully realize the benefits of AI while minimizing harm, the City of Berkeley should adopt a formal AI framework.

Toward Artificial Intelligence Municipal Use Guidelines

Currently, the city lacks a consistent, citywide approach to AI deployment. Often, AI tools are independently applied, without a centralized inventory or standardized procurement and oversight protocols. This fragmented approach could result in operational vulnerabilities.

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[42]DigitalOcean. (2023). What Is AI Hallucination? https://www.digitalocean.com/resources/articles/ai-hallucination

[43]U.S. Government Accountability Office. (2021). Artificial Intelligence: An Accountability Framework for Federal Agencies and Other Entities. https://www.gao.gov/products/gao-21-519sp

[44] AI Now Institute. (2018). Algorithmic Accountability Policy Toolkit https://ainowinstitute.org/publications/algorithmic-accountability-policy-toolkit

To reap the benefits of AI while mitigating its risks, the City of Berkeley should develop an Artificial Intelligence Systems and Alignment framework that includes: Put Residents First; Modernize City Services; Empower Community; Ensure Transparency and Accountability; Standardize Operations; Certify Ethical Use; Protect and Prepare Our Workforce; Defend Civil Liberties; Social Advancement and Accessibility; and Catalyze Civic Wealth. Any framework should consider the elements herein referred to as the Berkeley Rule.

The Berkeley Rule:

I. **Put Residents First**

The City of Berkeley is committed to ensuring that any AI framework prioritizes the well-being of residents above all else. This policy aims to liberate residents from bureaucratic friction, eliminate unnecessary expense, and expand fair access to city services.

The City could seek to streamline internal operations, reduce operational costs, enhance the coordination and delivery of public services. Thoughtfully implemented, AI could improve workflows such as permitting, resident request routing, and document processing, resulting in faster and more consistent outcomes across departments. Cities like New York and San José are already seeing results: New York uses AI to prioritize housing inspections and assist with city service requests.[45] Likewise, San José uses predictive maintenance tools to identify infrastructure issues before they become costly emergencies.[46] More efficient permitting and service response times reduce delays and frustration for individuals and businesses. Improved infrastructure management powered by predictive tools means fewer service disruptions, better street conditions, and faster emergency responses. By enhancing coordination across departments, residents experience a more connected, responsive, and equitable government.

The City of Berkeley could use AI to rapidly review its municipal code to eliminate unnecessary reports and cut red tape. By automating routine administrative tasks, AI could allowBerkeley staff to focus on higher-impact work that encourages critical thinking, creativity, and direct public engagement. Moreover, AI-driven data analysis could also help departments identify gaps, target resources more efficiently, and support long-term planning in areas such as housing, workforce

[45] Mayor's Office of the Chief Technology Officer, City of New York. (2023). *AI Action Plan*. pg 2 https://www.nyc.gov/assets/oti/downloads/pdf/reports/artificial-intelligence-action-plan.pdf

[46] City of San José. (2023). *AI and Emerging Technology Strategy*. https://www.sanjoseca.gov

development, and public health by exploring cooperative care models that address current institutional insecurity. For example, this could include shared health coverage pools for freelancers and families, collective care planning for gig workers, wellness reward programs to encourage healthy habits, and neighborhood networks for exchanging caregiving services. The City should also consider recognizing and rewarding residents who contribute to improving city systems through civic dividends and benefits, thus ensuring that modernization directly supports the people who live and work in Berkeley.

The ultimate goal of AI adoption is to improve the lives of Berkeley residents. Any framework should be guided by the principle of improving service quality and efficiency, ultimately contributing to a higher quality of life for all community members and the eventual elimination of regressive fines, fees, and taxes.

II. Modernize City Services

The city should advocate for responsible use of AI in modernizing its municipal operations to improve efficiency, responsiveness, and service delivery. Potential use cases include 311 service triage, service kiosks, assistance with permits and licensing, emergency dispatch optimization, autonomous service delivery, maintenance, and transport, and emergency air deployments. AI systems could provide predictive solutions for vital infrastructure, such as roads, energy systems, and sidewalks, water systems, public health, and public buildings before routine problems become critical issues.

Berkeley could also utilize AI to develop and pilot new service models to make city services more accessible. For example, prepaid service savings programs might help residents secure discounted utilities, while optimized parking revenue systems and a community-owned broadband network could improve affordability and equity. Smart licensing processes and value-based pricing might guide development toward inclusivity. Additionally, predictive dashboards, better use of idle fleets, and AI-powered maintenance scheduling could streamline operations, reduce downtime, and make everyday services more reliable.

A key area for modernization is the city’s permitting process. The City could explore AI-powered tools to pre-check construction and building permit applications for compliance with zoning and building codes. This is likely to provide immediate feedback to applicants, reduce the

potential for costly errors, and significantly decrease staff review time and backlogs. To implement this without direct cost to taxpayers, the City could adopt models like CivCheck Permitting AI in Seattle, where the permit applicants pay a small pre-screening fee directly to the vendor.

Finally, to ensure accountability and public trust, the City could mandate explicit documentation of human oversight protocols and backup measures for all AI systems used in time-sensitive or safety-critical situations. This includes determining when and how much human intervention should be encouraged, as well as ensuring that non-automated options are available where applicable.

III. Empower the Community

Community trust is the foundation of ethical AI governance. For Berkeley to harness the benefits of artificial intelligence while safeguarding civil rights, residents should have a direct voice in how these systems are adopted and used.

AI Advisory Board: If resources permit the City of Berkeley could consider establishing an advisory board composed of labor representatives, community leaders, civil rights and disability advocates, entrepreneurs, ethicists, technologists, and academic experts to ensure that AI is utilized in an ethical, equitable, and transparent manner.

Digital Ombudsman: To further strengthen accountability, the City could consider implementing a dedicated AI Ombudsman, an AI bot, to serve as a public-facing point of contact for questions, concerns, and complaints regarding municipal AI use. This solution would support algorithmic redress by helping residents understand how decisions are made by AI systems, and by facilitating rapid review, appeal, or correction when errors or harms occur.

AI Sandbox: Similarly, the City should consider creating an AI Sandbox program to pilot innovative tools in low-risk environments. These pilot programs would be reviewed by the AI Advisory Board, evaluated with public input, and include opt-in participation only. This approach ensures that new AI technologies are tested responsibly, with community involvement and safeguards in place prior to broader implementation.

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IV. Ensure Transparency and Accountability

The City of Berkeley could consider maintaining a public AI use registry. This registry couldpresent a clear and accessible listing of every AI tool being used by City departments. For each system, the registry would provide detailed information, including what the system does, what data it uses, who oversees it, and how residents can ask questions or challenge its outcomes.

This registry could becritical for systems that impact high-stakes processes such as permits, housing applications, benefits, and enforcement. All entries should be written in plain language to ensure accessibility and kept up to date as new tools are adopted. By implementing this approach, the City can enhance public accountability and make sure residents are informed partners in the use of the new technology.

Moreover, vendors should demonstrate maximum possible explainability in AI systems deployed in high-stakes areas. Explainable AI means systems are designed so that their outputs can be interpreted by experts and made understandable to the public. Explainable AI is subject to significant technical limits, including misleading, contradictory, unstable, mismatched, counterintuitive explanations, as well as the illusion of explainability which is logically unavoidable.[47] User misinterpretation and human factors can lead to explainability pitfalls. While acknowledging the limitations, this registry could help build trust in the AI systems by improving the transparency and comprehensibility of their decision-making processes.

Building on its AI registry, Berkeley could expand transparency by introducing consent portals where residents manage how their data is used. Algorithmic bias tracking might help identify and address systemic inequities, while municipal data exchanges and open licensing marketplaces could create clear, accountable systems for sharing public data. These measures would ensure that the value of information is managed with fairness, oversight, and full resident awareness, and economic inclusion in the deployment of automated decision-making systems across all City operations.

[47] De Kai. *Raising AI: An Essential Guide to Parenting Our Future*, chapter 16. 2025. MIT Press. https://dek.ai/raising-ai

V. **Standardize Operations**

Berkeley should consider strengthening its AI governance by centralizing inventory management, streamlining procurement, and applying uniform oversight procedures across all departments. AI tools deployed in City operations should align with certain cybersecurity standards, including encryption in transit and at rest, regular audits, and protections against injection or tampering. To further strengthen privacy and civil liberties safeguards the city could employ:

a. Privacy Impact Assessments (PIAs) could include a public comment period and could be reviewed by the AI Advisory Board before AI system deployment.
b. Integrate the Resident Data Rights Charter, a clear process for residents to opt out of AI-processed data collection, modeled after the California Consumer Privacy Act (CCPA) principles.

To ensure strong compliance, the City could consider adopting the following operational standards:

1. Risk-Based Tiering Framework: The City should establish a risk-based tiering framework to classify AI systems based on their potential impact on residents. This framework, to be developed by the City Manager and reviewed by the AI Advisory Board, would include at a minimum:
    a. Tier 1: Low-Risk Systems: AI tools that support internal administrative tasks and do not directly impact the public's rights or safety. Examples: meeting summarizers, internal project management software.
    b. Tier 2: Medium-Risk Systems: AI tools that interact with the public in non-critical ways or assist City employees in making decisions with a low-to-moderate impact. Examples: public information chatbots, initial sorting tools for permit applications.
    c. Tier 3: High-Risk Systems: AI systems that have a significant direct impact on residents' rights, safety, finances, or access to essential services, or that manage critical infrastructure. Examples: systems used in housing or benefits eligibility, law enforcement, or critical infrastructure management. The principles outlined in the Berkeley Rule would apply to all tiers, with specific procedural suggestions scaling with the level of risk.

2. National Institute of Standards and Technology (NIST) Guidelines: All AI systems should consider adhering to the NIST frameworks as the foundation for enforcement mechanisms.
    a. External Applications: For constituent-facing use cases, the City should considerpursuing ISO27001 and/or ISO9001 certifications, ideally within 12 months of deployment. For applications involving personally identifiable information (PII), SOC2 compliance would be encouraged. Tools like Vanta or Workstreet can support these efforts.
        i. ISO 27001 and ISO 9001 are internationally recognized standards that help organizations manage information security and quality
        ii. ISO 27001 focuses on establishing an Information Security Management System (ISMS)
        iii. ISO 9001 focuses on establishing a Quality Management System (QMS).
        iv. SOC2, or System and Organization Controls 2, is a framework developed by the American Institute of Certified Public Accountants (AICPA) to assess and report on the controls of a service organization relevant to security, availability, processing integrity, confidentiality, and privacy.
    b. Internal Applications: Policies should consider enforcing NIST standards with periodic internal audits. Vendors such as can provide cost-effective solutions to ensure compliance.
    c. Regulatory Parallels: Identify existing policies and referrals that regulate the use of technologies, hard and software.
        i. Example: Council's 2017 referral to develop a franchise application policy for robotic deliveries.[48]

3. Procurement Standards: All external vendors, whether providing platform applications or custom development work for the City, would comply with these measures. A procurement framework should include a checklist to verify compliance or establish reasonable timelines for vendors to meet these guidelines. Standard contract templates

[48] Councilmember Ben Bartlett. (2017, December 19). *Personal Delivery Service Franchise Agreements*. City of Berkeley, District 3. https://records.cityofberkeley.info/PublicAccess/api/Document/AY6Z5utuMHPCP6K72V2ETpqWhGYOZF7GÉhPtOJPDmkxowc51ObuEKBjeoFzegHorIARtR4LfcRwbJpbwojXg3yY%3D/

(MSAs) would include language for correction timelines in response to adverse events or audit findings.

4. Considerations for Return on Investment (ROI) Posture:
    a. Direct ROI: Key performance indicators (KPIs) for AI deployments would include measurable benchmarks, such as time saved in administrative tasks, reduced turnaround times for policy implementation, and other quantifiable outcomes. Pilot programs should follow a structured framework to validate vendor claims.
    b. Indirect ROI: AI initiatives should align with Berkeley's core values, such as affordability, access, education, environmental sustainability, and social advancement. Vendors might justify how their solutions support these goals, ensuring no adverse impacts on these key pillars. Agentic LLM deployments would include guiding principles in their context windows to notify users and administrators of any misalignment with City values.
5. Possible Ongoing Governance and Evaluation: deployed systems could benefit from the following:
    a. Annual Re-validation: The AI Advisory Board could conduct and publish an annual review of all Tier 3 (High-Risk) systems to re-validate their safety, performance, and equity impacts.
    b. Incident Response: All issues reported to the Digital Ombudsman could be investigated and logged in the public AI Use Registry to further assure transparency. Significant incidents would be escalated to the AI Advisory Board for formal review and remediation.
6. System Decommissioning: A formal decommissioning plan could be encouraged for all Tier 3 (High-Risk) systems and specify the protocols for data processing, retention and disposal in compliance with City Auditor and public records requirements, and include a plan for the transition of public services to ensure continuity.
7. Government AI (GovAI) Coalition: the city should consider joining the Government AI (GovAI) Coalition facilitated by the City of San Jose[49] at no cost and partner with other cities to evaluate the adoption of its toolkits and practices.

[49] https://www.sanjoseca.gov/your-government/departments-offices/information-technology/ai-reviews-algorithm-register/govai-coalition

By implementing these suggested operational standards, compliance measures, and procurement accountability practices, Berkeley can ensure that AI systems are deployed responsibly, transparently, and in alignment with the City's strategic goals, while maximizing both direct and indirect benefits for its residents.

VI. Certify Ethical Use

The City of Berkeley could consider collaborating with not-for-profit organizations to establish independent AI ethics certification programs, ensuring safety, fairness, and accountability in its work with vendors who build and deploy artificial intelligence systems. These certifications should establish clear guidelines for safety, environmental responsibility, justice, and transparency. To achieve this, the City can partner with organizations with expertise in technology, policy, civil rights, and public interests to develop standards for its procurement procedures.

Certifications should include independent audits, inclusive design principles, and community impact protections to ensure that AI systems align with Berkeley's values. The City should prioritize workforce transition plans, explicit equitable targets, and methods to track performance and results over time in all AI-related contracts.

To further support ethical use, the City could establish a formal appeals mechanism for decisions made or influenced by AI systems. This mechanism would allow citizens to contest outcomes, request human review, and receive timely and accessible explanations.

By implementing an ethical use certification program and ensuring accountability measures, Berkeley should set a high standard for the responsible and transparent deployment of AI technologies.

VII. Protect and Prepare Our Workforce

As the City introduces more AI tools into its government operations, it should ensure that its workforce is supported and protected. Before rolling out a new system, departments could prepare a Workforce Impact Statement that examines how the technology may alter job duties, identifies any trainings, and outline opportunities for employees to transition into new roles. These plans should be reviewed by a labor-management team that includes union representatives, with the goal of no layoffs resulting from AI adoption. Instead, AI should be utilized to automate repetitive tasks, freeing up time for public service and creating space for meaningful work.

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The City should also invest in retraining and upskilling programs, ensuring that employees have access to continuing education, technical certifications, and cross-training opportunities to remain competitive and fulfilled in their roles. New professional development pathways should be created to help staff grow alongside advancing technology, reinforcing Berkeley's commitment to a strong, future-ready public workforce. During its implementation, to foster an inclusive approach to regulation development,staff engagement initiatives could be pursued through employee surveys and internal research to better understand their attitudes, expectations, and knowledge of AI threats and capabilities, while also empowering them to take the lead in developing case proposals.

As part of its ethical AI framework, the City could invest in public-sector innovation fellowships, rotational learning programs, and incentives for internal talent development. By protecting worker rights and preparing employees for the future of municipal service, Berkeley can lead in equitable workforce transformation.

VIII. Defend Civil Liberties

The City of Berkeley should safeguard civil liberties by not using facial recognition, biometric surveillance, or real-time tracking unless approved by the City Council, and then only after a robust public process is conducted and clear legal safeguards are in place. One potential use could be the use of a Privacy Impact Assessment (PIA). These AI systems assessments should not use sensitive or personal data, and any use thereafter should require a formal PIA to be completed before deployment. The privacy and civil liberties protections would identify what data is being used, how it is protected, and whether there are safer alternatives. The results of these assessments would be made public to ensure transparency and accountability.

The City could consider developing a set of Resident Data Rights to accentuate transparency andgive people more control over their information in order to ensure it is as transparent as possible when AI is being used, how decisions are being made, and how to request human review or deletion of their data.

Furthermore, the City of Berkeley affirms that all AI systems with enforcement capabilities should preserve human judgment at the point of action. No automated system may take punitive or coercive measures, such as issuing citations, restricting access, or initiating legal consequences

without meaningful human oversight, and rapid appeal. Nor may any AI system employ martial force under any circumstance. These safeguards ensure that innovation serves to protect due process, community trust, and individual freedom.

IX. Social Advancement and Accessibility

AI developers could be encouraged to create a productized approach for Risk Assessment for high-impact AI technologies, particularly those used in housing, public safety, and transportation, and code enforcement to encourage AI systems to improve life for all residents. These evaluations should include pre-deployment social impact forecasts, conducted by third-party auditors using demographic data, scenario modeling, and participatory input to identify and mitigate potential harms. If these evaluations uncover biased outcomes, harmful system behavior, or deeper structural inequities, the City could take immediate action to correct both the technology and the underlying condition.

Berkeley can ensure that its AI systems promote fairness and inclusive outcomes by adopting standardized bias assessment frameworks. Tools developed by the Algorithmic Justice League and requirements such as New York City's Local Law 144 can help measure, disclose, and mitigate disparate impacts across communities.

Berkeley could use AI to promote cultural growth and shared prosperity. With AI as an accessible tool for social advancement, residents might have opportunities to co-invest in local solar and renewable energy projects, crowdfund green infrastructure, and share in the benefits of climate impact returns. Housing equity programs and land stewardship trusts could expand access to stable homes. Meanwhile, cultural life would be free to flourish through community-funded art restoration, neighborhood business pools, festival revenue sharing, and pop-up market activations. By blending sustainability with cultural vitality, these initiatives could ensure that AI benefits every resident in our community.

X. Catalyze Civic Wealth

Cities everywhere struggle with budget deficits and shrinking revenue bases. Berkeley has the opportunity to move beyond this scarcity model. Beyond compliance and cost recovery, AI offers a transformational path to design new forms of civic wealth and municipal entrepreneurship. This approach opens pathways to shared value creation and community-owned innovation rather than relying on regressive fines, fees, or incremental efficiencies.

Artificial intelligence presents opportunities for the City of Berkeley, in partnership with nonprofit organizations, local innovators, and mission-aligned enterprises, to explore new ways of maximizing the value of public assets and advancing shared prosperity. Potential applications include identifying underutilized land, supporting dynamic leasing strategies, and forecasting value-based permitting opportunities responsive to changing economic conditions. Predictive tools may help surface untapped revenue potential, inform collaborative public-private and public-benefit partnerships, and support innovative models of municipal and community entrepreneurship.

Through such partnerships, AI-enabled systems could help activate vacant land, open rooftops for solar energy and urban farming, and optimize public facilities for broader community use. Digital billboards and archival collections may be responsibly licensed to generate cultural revenue, while vehicles and public equipment could be managed through shared-use models that return value to the community. Concepts such as community venture funds, real estate investment pools, and land value growth sharing illustrate ways residents might participate more directly in the city's prosperity. Emerging data-driven opportunities, including municipal data markets, neighborhood sentiment exchanges and digital twin licensing, further highlight Berkeley's potential role as a hub of civic and digital innovation.

More broadly, AI creates space to prototype new civic economies through cross-sector collaboration, where services are co-produced, benefits are equitably shared, and public data serves as a platform for innovation. Illustrative examples include decentralized licensing for local creators, micro-contracting opportunities for small businesses, and revenue-sharing models that support community infrastructure. In this context, public benefit–sharing approaches in civic technology collaborations reflect Berkeley's values, including shared intellectual property arrangements, royalty structures, open-source access, and reinvestment of proceeds into community-led initiatives and digital equity efforts.

In this vision, AI becomes a catalyst for inclusive prosperity and long-term fiscal resilience.

The City's commitment to its strategic plan would benefit from a high-level framework being codified into operational AI standards. The absence of a formal review process for algorithmic systems has allowed for multiple pathways of adoption, each with variable levels of risk, due process protection, and labor input. These Ten guidelines should serve as the foundation of Berkeley's AI Framework and be

embedded in the Berkeley Rules: Put Residents First; Modernize City Services; Empower Community; Ensure Transparency and Accountability; Standardize Operations; Certify Ethical Use; Protect and Prepare Our Workforce; Defend Civil Liberties; Social Advancement and Accessibility; and Catalyze Civic Wealth.

Comparative Civic Innovation Models

San Jose - Human-centered design principles guide the development of systems, and privacy safeguards protect sensitive information.[50] Security and safety are ensured through safeguards, and personnel empowerment is prioritized through education, training, and collaborative opportunities. These concepts should be linked to community benefits and human monitoring to ensure reliable AI deployment.

Boston - The 2023 "Interim Guidelines for Using Generative AI"[51] from the City of Boston emphasize that public servants are still responsible for AI-generated material and offer a framework for responsible experimentation with programs like ChatGPT, Bard, and DALL·E. While cautioning against relying too heavily on unconfirmed AI results and encouraging the equitable, open, and safe use of these tools, the City encourages learning through workshops and provides contacts and resources for further research.[52]

Seattle - The City of Seattle has announced its Generative Artificial Intelligence (AI) policy, which enables staff to utilize new technologies while adhering to established standards. The policy requires employees to obtain AI technology through approved procurement channels, review output to ensure consistency with City standards, attribute AI-generated content to the AI system, and ensure data is free of harmful bias, privacy concerns, and complies with the State of Washington Public Records Act and City policies. The guideline also requires a human to oversee the AI technology review.[53]

Washington, D.C.- Washington, D.C.'s AI Values and Strategic Plan outlines[54] a citywide approach for the safe, equitable, and effective use of artificial intelligence in local government. The plan, based on five

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[50] AI Reviews & Inventory | city of san josé. Accessed June 30, 2025. https://www.sanjoseca.gov/your-government/departments-offices/information-technology/digital-privacy/ai-reviews-algorithm-register

[51] City of Boston, *Interim Guidelines for Using Generative AI*, Version 1.1, prepared by Santiago Garces, Chief Information Officer, May 18, 2023.https://www.boston.gov/sites/default/files/file/2023/05/Guidelines-for-Using-Generative-AI-2023.pdf

[52] City of Boston. *City of Boston Interim Guidelines for Using Generative AI*. Boston, MA: City of Boston, May 2023.https://www.boston.gov/sites/default/files/file/2023/05/Guidelines-for-Using-Generative-AI-2023.pdf

[53] "Responsible Artificial Intelligence (AI) Program." Responsible Artificial Intelligence (AI) Program - Tech. Accessed June 30, 2025. https://www.seattle.gov/tech/data-privacy/the-citys-responsible-use-of-artificial-intelligence

[54] District of Columbia Office of the Chief Technology Officer, *DC's AI Values and Strategic Plan*, 2023.https://techplan.dc.gov/page/dcs-ai-values-and-strategic-plan

guiding principles: transparency, accountability, justice, privacy, security, and inclusivity; emphasizes the wise application of AI to enhance public services while protecting the rights of residents.

Denver - The act mandates high-risk AI and system developers and deployers to protect the public from the risks of algorithmic discrimination. Developers must provide detailed disclosures, publicly summarize their systems, and notify the attorney general. Employers might implement risk management policies, conduct impact assessments, notify consumers, and provide mechanisms for data correction. Compliance with risk management framework provides an affirmative defense. [55]

Chicago- Chicago's AI Principles[56], which place a strong emphasis on accountability, transparency, equity, dependability, privacy, and public involvement, provide a framework for the moral and efficient application of AI in local government. The city also places a high priority on public trust through interdisciplinary cooperation and participatory governance, emphasizing ongoing assessment and adapting AI systems in response to public input and real-world effects.

New York - The New York State Comprehensive guidelines for the responsible use of AI systems by state agencies, especially those that could have an immediate impact on the public, are established under NYS-P24-001: Acceptable Use of Artificial Intelligence Technologies. The regulation requires human oversight, which means that no entirely automated judgments that have a significant impact on the public are permitted. Instead, humans must continue to be held accountable and participate in the decision-making process. It encourages transparency by requiring public-facing systems to disclose their use of AI and places a strong emphasis on fairness by mandating authorities to monitor and correct bias. Agencies are required to maintain an AI inventory, which is submitted to the Office of Information Technology Services (ITS), and conduct risk assessments using the NIST AI Risk Management Framework. Strict privacy and data security guidelines are also included in the policy.

City Investments and Capacity Development

Berkeley has already committed significant internal resources toward digital transformation. The City's Information Technology Department has expanded cloud capabilities and data infrastructure. The Office

[55] "Consumer Protections for Artificial Intelligence." Consumer Protections for Artificial Intelligence | Colorado General Assembly, May 8, 2024. https://leg.colorado.gov/bills/sb24-205.

[56] City of Chicago. *AI Principles*. Department of Innovation and Technology. Accessed June 30, 2025. https://www.chicago.gov/city/en/sites/chitech/home/roadmap-for-AI/ai-principles.html.

of Economic Development has initiated pilot partnerships with local tech firms and universities.[57] Departments, including Planning, Finance, and Public Works, are exploring data-driven tools to increase responsiveness and optimize staffing.

Summary: Berkeley's Path to Responsible AI Governance

The proposed guidelines of the Berkeley Rule: Put Residents First; Modernize City Services; Empower Community; Standardize Operations; Ensure Transparency and Accountability; Certify Ethical Use; Protect and Prepare Our Workforce; Defend Civil Liberties; Social Advancement and Accessibility; and Catalyze Civic Wealth provide an aspirational framework for the responsible use of AI which prioritizes civil liberties, public trust and benefit with substantial human oversight. Such policies should anchor AI oversight in procurement discretion, ethical review, and internal use controls.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

City of Berkeley Strategic and Policy Commitments

The City of Berkeley has adopted numerous strategic plans, ordinances, and administrative regulations that implicitly support but do not yet explicitly govern the responsible deployment of artificial intelligence (AI) within municipal operations. While these policies reflect strong commitments to transparency, social justice, privacy, and technological innovation, none currently provide detailed standards for the procurement, oversight, or ethical evaluation of AI systems.

Context at the State and Federal Level

California Consumer Privacy Act (CCPA): Provides baseline privacy rights for California residents, including the right to access, delete, and opt out of the sale of personal data. While not designed for municipal use cases, its principles inform best practices for consent, transparency, and data minimization in AI deployment.[58]

Automated Decision Systems Accountability Act (AB 2930): The **Automated Decision Systems Accountability Act (AB 2930)** is proposed California legislation that would require government agencies to assess the risks and impacts of automated decision systems (ADS) used in public services. It mandates

[57] U.S. Economic Development Administration, *Regional Technology and Innovation Hubs Program*, accessed June 25, 2025, https://www.eda.gov/funding/programs/regional-technology-and-innovation-hubs.

[58] California Department of Justice, *California Consumer Privacy Act (CCPA)* 5, https://oag.ca.gov/privacy/ccpa.

transparency, equity analysis, and documentation of how such systems affect individuals, particularly in high-stakes areas like housing, healthcare, education, and public safety. Agencies would be required to conduct impact assessments, mitigate potential harms, and disclose the use and function of these systems to the public.

In alignment with AB 2930, the City of Berkeley could proactively collaborate with the **California Office of Data and Innovation (ODI)** to ensure that local AI deployments meet the highest standards of transparency, equity, and ethical oversight. This partnership would support Berkeley's efforts to pilot responsible AI practices, contribute to statewide standards, and share best practices for municipal implementation of ADS accountability frameworks.

ENVIRONMENTAL SUSTAINABILITY

The proposed resolution could advance Berkeley's environmental sustainability and climate resilience goals by guiding the ethical and strategic use of artificial intelligence (AI) within city operations. AI can support emission reductions, infrastructure efficiency, and climate adaptation through applications like smart energy management, predictive climate analytics, and digital permitting for green infrastructure. The framework ensures that these tools are deployed in alignment with the City's Climate Action Plan and Resilience Strategy, while centering on environmental justice and equitable access to environmental data.

Recognizing AI's substantial resource demands, particularly from energy-intensive model training and data processing, the resolution includes measures to assess and mitigate the environmental footprint of high-computation systems. Vendors should disclose projected energy usage and emissions, and the City should favor cloud-native, carbon-conscious, and open-source solutions that minimize resource consumption. These safeguards ensure that Berkeley's use of AI enhances, rather than undermines, its long-term environmental and equity commitments.

PROJECTED FISCAL OUTCOMES WITH AI

The fiscal impacts of implementing the proposed Artificial Intelligence (AI) governance resolution are expected to be moderate and manageable within existing departmental budgets, particularly in the early phases. The proposal is designed to leverage existing staff capacities, align with current procurement and digital modernization practices, and utilize external certification infrastructure rather than creating new regulatory bodies or bespoke municipal frameworks.

Artificial Intelligence should be considered for its potential to help staff workload and operational costs by automating routine tasks and streamlining service delivery. Establishing ethical safeguards, workforce protections, and oversight mechanisms may demand upfront time and coordination, but doing so is essential to ensure that AI deployment aligns with City values and avoids unintended harm.

Short-term costs primarily involve staff time for compliance integration, legal review, and development of an AI Use Registry, activities that could be absorbed through existing resources or targeted grants. Over the mid-term, minor capacity adjustments may support equity reviews and staff training.

Long-term benefits are anticipated through improved operational efficiency, enhanced revenue recovery, reduced legal exposure, and increased access to external innovation funding.

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ATTACHMENTS AND MATERIALS

1. Resolution

ATTACHMENT 1

Resolution establishing “The Berkeley Rule” artificial intelligence framework and vision to maximize public benefit through innovation and accountability.

WHEREAS, Artificial Intelligence (AI) technologies offer transformative potential to improve the lives of residents, enhance municipal services and operational efficiency, and support data-driven policymaking within the City of Berkeley; and

WHEREAS, responsibly deployed AI could streamline service delivery, reduce bureaucratic friction, improve emergency response, and enhance infrastructure resilience, while ensuring alignment with Berkeley’s values of transparency, sustainability, and social advancement; and

WHEREAS, the City acts solely in its proprietary capacity as a municipal service provider and market participant, exercising discretion over its own procurement, deployment, operations, and service delivery, and does not regulate or impose obligations on private-sector or individual uses of AI outside of City contracts or activities; and

WHEREAS, the City recognizes the risks associated with AI, including algorithmic bias, privacy violations, and procedural opacity, and is committed to mitigating these risks through ethical oversight, transparency, and public accountability; and

WHEREAS, the City of Berkeley hereby endorses "The Berkeley Rule," a values-based framework for the ethical adoption, procurement, deployment, and oversight of AI systems, ensuring alignment with Berkeley’s strategic goals and community values; and

WHEREAS, "The Berkeley Rule" incorporates the following principles to guide the use of Artificial Intelligence systems in municipal operations:

1. *Put Residents First*: Centering AI use on serving the health, safety, prosperity, and well-being of residents by improving access to essential services, reducing bureaucratic friction and eliminating unnecessary expense.

2. *Modernize City Service*s: Leveraging AI with human oversight to upgrade service delivery. Ensure fairness and reliability by enhancing efficiency, responsiveness, and accessibility in City operations, including 311 services, permitting, and faster emergency response.

3. *Empower the Community*: Consider participatory governance models, such as an AI Oversight Advisory Board of diverse stakeholders to ensure ethical use, with public reporting, a Digital Ombudsman to support algorithmic review and redress, and an AI Sandbox to test new tools with community input, foster learning, and spark innovation and entrepreneurship.

4. *Ensure Transparency and Accountability*: AI Use Registries to provide residents accessible information about AI systems, their purpose, data use, and oversight mechanisms.

5. *Standardize Operations*: Operational consistency and safeguards, including centralized inventory management, streamlined procurement procedures, uniform oversight protocols, and adherence to robust cybersecurity and compliance standards, and rapid communication, to ensure responsible, transparent, and equitable adoption of AI systems.

6. *Certify Ethical Use*: Collaborating with independent organizations to establish AI ethics certification programs, ensuring voluntary vendor compliance with principles of fairness, transparency, environmental responsibility, and the preservation of humanity.

7. *Protect and Prepare Our Workforce*: Ensure that City employees grow alongside technological change by requiring Workforce Impact Statements for AI systems, providing retraining opportunities, and empowering existing workers via AI adoption.

8. *Defend Civil Liberties*: Build community trust, protect privacy, due process, and individual freedom. Prohibit unchecked surveillance, ban martial force, ensure residents control their data, encourage privacy impact assessments, and guarantee that all enforcement-related AI includes human oversight and the right to rapid appeal.

9. *Social Advancement and Accessibility*: Ensure AI expands opportunity and representation, reflecting the needs of all residents. Encourage equity risk evaluations for high-impact systems, pro-actively address harms and disparities, and design accessible tools through inclusive, community-led processes.

10. *Catalyze Civic Wealth*: Harness AI to optimize non-regressive revenue streams and spark new civic economies through municipal entrepreneurship. Generate public wealth for community reinvestment and deliver material benefits to all residents.

NOW, THEREFORE, BE IT RESOLVED, that the City of Berkeley affirms its values of ethical, aligned, and transparent AI use by endorsing "The Berkeley Rule," a municipal AI Framework for consideration that prioritizes commitment to innovation in service of liberty, dignity, and the public good.

02a.19

Igor Tregub
Councilmember, District 4

CONSENT CALENDAR
FEBRUARY 24, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmembers Igor Tregub (Author), Ben Bartlett (Co-Sponsor), Terry Taplin (Co-Sponsor)

Subject: Referral to City Manager and City Attorney: Removing On-Site Manager Exemption Loophole for Certain Multi-Family Properties that are Adjacent and/or Share the Same Common Area

RECOMMENDATION

Refer to the City Manager and City Attorney a proposal related to the removal of an on-site manager exemption loophole, which is currently used by certain Berkeley properties to circumvent California Code Regulation, Title 25, Paragraph 42, for certain multi-family properties that are adjacent and/or share the same common area. If the recommended regulation is enacted, it is the intent of the referral to apply it to subject properties in a prospective manner that ensures that the rights of sitting tenants continue to be fully protected (i.e., a fully occupied property will not be required to rent to an on-site manager until at least one unit becomes vacant in accordance to all applicable state and local laws governing good cause eviction protections). The referral further requests that the 4 x 4 Committee discuss and provide recommendations as to:

- Any parameters that may limit the scope of this referral, including but not limited to situations in which one or more of the subject properties are owned by limited liability corporations (LLCs) and/or owners that own multiple other properties in Berkeley, California and/or beyond, with a total number of units or properties under ownership to be determined;
- Any exemptions to the on-site manager requirement for certain circumstances, such as for hardship of the property owner and/or LLC and/or other circumstances in which the interest of justice may supersede the public interest of this requirement; and
- Any other provisions pertinent to the efficient, just, and fair administration of the recommended regulation.

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4x4 COMMITTEE RECOMMENDATION

The item was previously referred to the 4x4 Joint Committee on Housing of the Berkeley City Council and Rent Stabilization Board. On January 23, 2026, the committee took the following action:

> M/S/C (Alpert/Blackaby) Motion to make a positive qualified recommendation with the following qualifications: 1. keep current enforcement measures, 2. and to acquire more information on financial implications. Roll call vote. YES: Blackaby, Lunaparra, Tregub, Alpert, Johnson, Marrero, Twu; NO: None; ABSTAIN: None; ABSENT: Bartlett. Carried: 7-0-0-1.

POLICY COMMITTEE RECOMMENDATION

On February 2, 2026, the Land Use, Housing, and Economic Development Committee adopted the following action:

> M/S/C (Tregub/Lunaparra) to send the item to the City Council with a qualified positive recommendation with the following amendments: 1. Reflect in the recommendation that the item is a referral to the City Manager and the City Attorney. 2. Clarify that the Rent Board's administration of the program is unchanged from the existing arrangement. 3. Provide additional information regarding the budgetary implications and how many properties are affected.
> Vote: Ayes – Tregub, Lunaparra; Noes – None; Abstain – None; Absent – Bartlett (recused).

FINANCIAL IMPLICATIONS

Financial implications may include staff time associated with writing and reviewing, the recommended language. Based on discussions at the 4x4 Joint Committee on Housing of the Berkeley City Council and Rent Stabilization Board, it is likely that existing enforcement mechanisms through the Rent Stabilization Board can be employed on a complaint-driven basis and that the number of Berkeley properties that may currently benefit from the on-site property manager loophole is quite small in number. As such, these financial implications are likely to be limited and cost-contained. The Rent Stabilization Board can enforce the proposed provision as part of its existing enforcement program.

CURRENT SITUATION AND ITS EFFECTS

California Code Regulation, Title 25, Paragraph 42 (CCR 25 ¶42) includes the following requirements (germane language is emphasized in **bold**):

"**A manager, janitor, housekeeper, or other responsible person shall reside upon the premises and shall have charge of every apartment house in which there are 16 or more apartments**, and of every hotel in which there are 12 or more guest rooms,

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in the event that the owner of an apartment house or hotel does not reside upon said premises. Only one caretaker would be required for all structures under one ownership and on one contiguous parcel of land. **If the owner does not reside upon the premises of any apartment house in which there are more than four but less than 16 apartments, a notice stating the owner's name and address, or the name and address of the owner's agent in charge of the apartment house, shall be posted in a conspicuous place on the premises."**[1]

Over the past several months, it has come to our attention that at several contiguous properties in Berkeley have, in total, over 16 apartments but fulfill neither the on-site "manager, janitor, housekeeper, or other responsible person" nor the "notice stating the owner's name and address" requirement. The properties in question share an entrance, common area space, and required amenities such as garbage and recycling collection and appear to have been part of a single parcel that was, somewhere over the course of their operation as apartment buildings, subdivided into separate parcels such that, individually, the number of apartment units on each parcel numbered less than sixteen ("16").

It is the intent of this referral to explore local pathways to close this loophole and ensure that the integrity of CCR 25 ¶42 is restored in the face of efforts to subdivide a parcel with contiguous multifamily rental properties or hotels that otherwise, based on the number of apartments or hotel rooms would be subject to the "on-site manager, housekeeper, or other responsible person" provision. While not specifically the subject of this item, in the intent of this item is to reveal how, if at all, the "notice" section of CCR 25 ¶42 is being enforced for existing properties on a parcel that, in total, includes between four ("4") and sixteen ("16") units. Based on Rent Stabilization Board staff comments at the 4x4 Joint Committee on Housing of the Berkeley City Council and Rent Stabilization Board at its January 23, 2026, meeting, the Berkeley Rent Stabilization Board currently administers a process to resolve complaints under CCR 25 ¶42. Committee members recommended that the Rent Stabilization Board should continue to administer this section of the code should the on-site manager loophole be removed.

RATIONALE FOR RECOMMENDATION

The lack of an on-site manager within contiguous properties have, in total, over 16 apartments but fulfill neither the on-site "manager, janitor, housekeeper, or other responsible person," sometimes coupled with the nonexistence of a "notice stating the owner's name and address," in contravention to the spirit, if not the letter, of CCR 25 ¶42 has led to significant adverse impacts to the neighbors as well as the sitting

[1] https://govt.westlaw.com/calregs/Document/I3F1C71434C8611ECB533000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1

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occupants of the properties in question. These have included but not been limited to: poor or nonexistent garbage and/or recycling collection; slow or non-existent efforts on the part of the property owner and/or off-site manager to comply with “warranty of habitability” and/or health and safety requirements; and inability to effectively mitigate for noise violations. It is the intent of this recommendation to address a clear loophole in the state code that has been exploited by some property owners and LLCs to the detriment of the residents and neighbors of the subject properties.

ENVIRONMENTAL SUSTAINABILITY

Indirect environmental sustainability benefits may result from these items, particularly around improved enforcement of disaggregation between recyclable, non-recyclable, and compostable items within subject multifamily housing buildings that currently do not have an on-site manager but would be required to under language contemplated by this referral.

CONTACT PERSON

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ADENA ISHII
MAYOR OF BERKELEY

CONSENT CALENDAR
February 24, 2026

To: Honorable Mayor and Members of the City Council

From: Mayor Adena Ishii

Subject: City of Berkeley's 2026 State and Federal Legislative Platform

RECOMMENDATION

Adopt a Resolution approving the City of Berkeley's 2026 State and Federal Legislative Platform.

CURRENT SITUATION AND ITS EFFECTS

The proposed 2026 State and Federal Legislative Platform outlines the City's legislative priority areas related to homelessness, housing, economic development, infrastructure, public safety, sustainability and the environment, and health. In addition, the platform supports the City's efforts to seek federal and state funding assistance in the areas of affordable housing and homelessness, infrastructure improvements and climate resiliency. These legislative priorities support the City's long-term Strategic Plan goals, including providing state-of-the-art, well-maintained infrastructure; creating affordable housing and housing support services; creating a resilient and safe city, and continuing to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

RATIONALE FOR RECOMMENDATION

A formally adopted legislative platform clearly indicates the City's policy and funding priorities, allowing for more effective, targeted advocacy for the City's needs at the state and federal level.

BACKGROUND

The City Manager and City Department Directors provided input regarding the priority areas and projects to include within the 2026 legislative platform. The 2026 legislative platform largely updates the prior City Council approved 2024 platform.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
While adopting the legislative platform will not directly impact climate or improve environmental sustainability, these items will be supported by the platform through related policy and funding priorities.

FISCAL IMPACTS OF RECOMMENDATION
Formal adoption and use of a legislative platform, by clearly indicating the City of Berkeley's priorities, may increase the City's effectiveness when competing for federal or state funding opportunities.

ALTERNATIVE ACTIONS CONSIDERED
The City could choose not to formally adopt a legislative platform. This could result in missing funding opportunities and a less clear position, voice or impact during state and federal level policy discussions and decisions.

CONTACT PERSON
Mayor Adena Ishii
(510) 981-7100

Attachments: 1: Resolution Exhibit A: City of Berkeley's 2026 State and Federal Legislative Platform

RESOLUTION NO. ##,###-N.S.
CITY OF BERKELEY 2026 STATE AND FEDERAL LEGISLATIVE PLATFORM

WHEREAS, the City of Berkeley has an interest in indicating to state and federal government the City's own legislative platform; and

WHEREAS, said platform can improve the City's ability to influence state and federal policy; and

WHEREAS, said platform can improve the City's effectiveness when competing for state and federal funding opportunities; and

WHEREAS, the City of Berkeley 2026 State and Federal Legislative Platform clearly outlines the City's policy and funding priorities.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council approves Exhibit A, the City of Berkeley's 2026 State and Federal Legislative Platform.

Exhibits A: City of Berkeley 2026 State and Federal Legislative Platform

TOWNSEND
PUBLIC AFFAIRS
EST TPA 1998

M E M O R A N D U M

To: **The Honorable Adena Ishii and Members of the Berkeley City Council**
CC: **Paul Buddenhagen, City Manager**

From: Christopher Townsend, President, Townsend Public Affairs, Inc.
Niccolo De Luca, Vice President
Carlin Shelby, Deputy Director
Kerri West, Senior Associate
Joseph Melo, Federal Deputy Director
Joe Hansen, Federal Legislative Analyst

Date: **February 24, 2026**
Subject: **Draft 2026 State and Federal Legislative Agenda**

In consultation with the City of Berkeley, Townsend Public Affairs, Inc. (TPA) has prepared this draft 2026 Legislative Platform. The City's legislative platform for 2026 reflects the priorities of the Mayor, the City Council, and the people of Berkeley. The platform will include advocating for legislation, regulations, and funding that is consistent with the City's adopted goals.

Once adopted, this blueprint will be shared with key stakeholders in the State Legislature and Governor's Administration as well as Congress. However, it will be necessary to remain nimble and responsive as we move through the legislative year. Our legislative agenda will be fluid as some issues will be addressed with introduced legislation.

TPA has proudly partnered with the City of Berkeley for nearly 16 years, delivering meaningful results through sustained advocacy and strategic engagement. Over the course of this partnership, we have advanced seven City-sponsored legislative proposals signed into law, collaborated on more than 90 pieces of legislation, and helped secure over $23 million in state and federal funding for the City's priority projects.

Proposed Legislative Priorities for 2026

It is expected that the State Legislature in 2026 will maintain its focus on its recent priorities including efforts to counter federal actions, homelessness and behavioral health, housing and greater access, public safety, and transportation and infrastructure. This will also be Governor Newsom's final year in office. The State Legislature reconvened on January 5, 2026 to resume legislative activities. Legislators may begin introducing new pieces of legislation, many of which may be like bills that did not advance in 2025, the second year of the two-year legislative cycle.

In Washington, DC, Congressional Leaders and the White House have primarily focused on non-local issues, though opportunities remain in infrastructure, transportation, housing, and public safety. Many funding opportunities and programs are restarting operations following mass layoffs of federal civil service employees and structural changes to program administration. The federal government shutdown having significantly delayed legislative action this fall, we expect substantive activity in the Spring of 2026.

Federal and State Legislative Monitoring and Potential Action

The following legislative priorities are being recommended for monitoring, analysis, and potential action. The City Council may choose to take a position on a piece of legislation, continue to monitor without a position, or determine if any further response is required.

TPA maintains a constantly updated matrix of state legislation and in years past have presented recommendations after session has started then providing rolling updates. TPA will monitor legislative activity in the following areas.

Homelessness
Policy Priorities: 1) Prevent displacement of tenants and residents 2) Expand emergency, transitional, and permanent housing opportunities 3) Expand resources and housing alternatives for unhoused persons who suffer with severe mental illness or substance use disorder who may also require conservatorship 4) Support legislative efforts that require counties to partner with cities when receiving direct allocation of homeless funds and have a regional focus in the expenditure of state funds 5) Support legislative efforts that will allocate State homeless dollars such as the HHAP program and others, based off city point-in-time count numbers 6) Support legislative changes to Coordinated Entry requirements that allow local governments to prioritize based on local unsheltered needs and encampment resolution for housing placements 7) Support legislative efforts that have a focus on keeping people in housing, once placed, for many years which could include legislative changes to emergency shelter crisis declarations 8) Support legislative efforts that address racial disparities in homelessness 9) Support legislative efforts that provide state funded minimum basic income for those who are unhoused or at risk of becoming unhoused
Funding Priorities: 1) Expand funding for homeless services (e.g., the wrap around services necessary for transitional and permanent housing), non-congregate shelters and emergency shelters, as well as operating costs for permanent supportive housing 2) Funding for permanent housing interventions that reduce and prevent homelessness 3) Support for more mental health and behavioral health outreach services; incentivize County provision of In-Lieu of Services in the CalAIM system change 4) Funding for targeted homeless prevention programs that provide financial assistance, legal and housing navigation services 5) Funding for employment, wage-earning programs for homeless people 6) Funding for substance abuse services 7) Support funding efforts for non-congregate shelter and allow existing rent subsidies sources to be used to subsidize the rent at these programs 8) Support funding for homeless services (e.g., the wrap around services necessary for transitional and permanent housing) and emergency shelters, as well as operating costs for permanent supportive housing 9) Investment in extremely low income housing for those experiencing homelessness 10) Investment in mental health treatment across the continuum of care, including efforts to support or encourage creation of additional board and care beds as well as subacute treatment and psychiatric skilled nursing facilities
Housing
Policy Priorities: 1) Help promote and support housing legislation to enable the construction of more housing at various income levels; fight to repeal Article 34 which requires a local vote to authorize building affordable housing.

2) Support legislation that advances the creation or funding of affordable housing projects
3) Pursue updates to the State building code, if necessary, and to promote innovative forms of housing construction, including Prohousing codes like single stair.
4) Support legislative and funding efforts relating to housing preservation and acquisition and operation
5) Support legislative efforts to reduce the voter threshold for passage of affordable housing bonds
6) Oppose legislative efforts to limit the ability of voters to raise revenues for local government services either by raising voter threshold requirements or prohibiting them from approving real estate transfer tax increases.
7) Support legislative efforts to repeal or reform the Ellis Act and the Costa–Hawkins Rental Housing Act
8) Support policy efforts to utilize the enhanced, lower bond finance threshold of 25% for the Low-Income Housing Tax Credit (LIHTC), supplement other affordable housing development programs
9) Work with UC Regents to help support more opportunities for student housing
10) Support legislative efforts that clarify recent ADU related legislation and count ADUs towards RHNA goals
11) Support efforts that also encourage other forms of housing such as co-ops, land trusts, social housing, public housing, and other efforts
12) Advocate for the restoration of any proposed reductions in funding to affordable housing programs including the Multifamily Housing Program, Transit Oriented Development Program, Infill and Infrastructure Grant Program, and others.
13) Streamline Surplus Lands Act
14) Housing Element reform – shorten the time HCD has from 18 months to 6 months (or just generally less) to give local jurisdictions the additional year to complete the housing element. Current timelines are too short for local jurisdictions.

Funding Priorities:

1) Support for soft-story seismic retrofits
2) Funding for housing programs that that support Affirmatively Furthering Fair Housing
3) Funding for innovative programs to prevent displacement and address hazardous housing conditions
4) Enhance funding of state programs for operating costs that support permanent affordable housing for individuals with area median income up to 120 percent (which includes extremely low-income up to moderate incomes, i.e., workforce housing)
5) Enhance funding opportunities for existing state programs to help support bicycle and pedestrian infrastructure in connection to housing
6) Develop a state funding program that can support small sites acquisition and rehab (like San Francisco)
7) Expand funding for transit-oriented development and affordable housing on transit agency sites
8) Support funding for remediation of hazardous sites (to make viable for housing)
9) Support efforts to create more student housing funding opportunities
10) Support funding for rehabilitation of low-income housing for older adults

Economic Development

Policy Priorities:

1) Support funding for arts and cultural spaces, arts education, and outdoor commerce
2) Measures providing for new tax increment financing opportunities (i.e., business district establishment or Enhanced Infrastructure Financing Districts) to support commercial districts as well as infrastructure and affordable housing
3) Efforts to encourage the development of sectors (and real estate sites) that align with quality job opportunities in local manufacturing, light industrial, bioscience, research and development, and other priority industry sectors. This includes environmental remediation of large industrial sites for redevelopment into research and development and/or life sciences use

4) Cannabis Tax reform which includes lowering taxes and tax simplification
5) Support efforts to address the digital divide
6) Support legislation relating to Online Sales Tax Distribution Formula reform that enhances city revenue
7) Support legislative and other efforts for programs that create pathways out of poverty, including guaranteed income programs
8) Support State funded small business displacement funds similar to tenant relocation funds to help small businesses relocate if their existing space is lost due to building demolition for housing.

Funding Priorities:

1) Support funding for environmental remediation at the Pacific Steel site and other toxic sites throughout the City
2) Support funding for the seismic retrofit and renovation of public landmarked municipal buildings (Civic Center, Veterans Building)
3) Loan access for minority- and women-owned businesses who experience difficulties in accessing loans from private banks

Infrastructure

Policy Priorities:

1) Support developing climate smart, resilient infrastructure to address growing climate threats and address deferred maintenance
2) Funding for programmatic implementation of hardware and software to ensure security
3) Funding for programmatic initiatives to advance use of technology in partnership with delivering cutting edge and strategic programs
4) Funding for upgrading and updating outdated technological infrastructure
5) Measures affecting funding for roads, transit, “last mile” projects and goods movement as well as alternative modes of transportation (bikes, ebikes, e-scooters, etc.), and support the needs of the disabled community
6) Support efforts to ensure funding programs within the federal 2026 Surface Transportation Reauthorization Act will support locally controlled urban infrastructure projects, multi-modal projects, and projects in disadvantaged communities
7) Support efforts to help commuters and increase public transportation and last mile expansion
8) Measures that tax ride sharing networks and help reduce vehicle congestion
9) Measures that support data sharing of TNCs with local government
10) Support regional transportation projects that would provide a benefit to the City and surrounding communities
11) Support for public infrastructure projects including the Ashby/North Berkeley BART Development, Berkeley Pier/Ferry Terminal Project, Maudelle Shirek (Old City Hall), Veterans Building, Transfer Station, Dispatch Center Modernization and San Pablo Park and Pool
12) Increasing resiliency of public infrastructure from threats of climate change
13) Support for public infrastructure that supports ADA access to all City facilities including buildings, Right of Way, and Parks
14) Support equity in infrastructure by improving City facilities and amenities in South and West Berkeley
15) Expand EIFD resources to include services for underserved communities

Funding Priorities:

1) Increased funding for bicycle and pedestrian safety improvements to reduce traffic collisions and achieve Vision Zero objectives
2) Increased funding for utility undergrounding, especially in high fire zones
3) Increased funding to address the wildland urban interface and fire safety
4) Funding to electrify and add e-charging in public facilities and for the public fleet and to provide public e-charging stations

5) Funding for the Safe Routes to School program
6) Funding to enhance and build recreation facilities to address neighborhood youth engagement and enrichment. (i.e., San Pablo Park and Pool)
7) Funding for cyber security and necessary, related technological improvements
8) Funding for riding transit especially when linked to housing

Public Safety

Policy Priorities:

1) Support automated speed enforcement legislation and seek alternatives to sworn traffic/parking enforcement
2) Support efforts to have non-sworn staff to investigate and report taking
3) Support disaster preparedness, training, response, and resilience efforts, particularly WUI wildfire safety
4) Criminal justice reform
5) Support additional efforts to help prevent violence such as mental health services, supporting street outreach teams, focusing on other individuals before they are at risk
6) Support efforts that reimagine public safety and incorporate community-based organizations to help address problems
7) Support efforts to increase peace officer accountability and provide a means of decertifying police officers who engage in serious misconduct
8) Support legislative efforts that seek to legalize safe crossings for pedestrians aka 'jaywalking', allows cyclists to treat stop signs as yield signs, red lights as stop signs and yield at traffic light intersections if they're making a right-hand turn, and other related efforts
9) Support legislative modifications to the CalVIP program to help cities such as Berkeley
10) Support legislation and funding to improve fire safety, including undergrounding utilities

Funding Priorities:

1) Support funding opportunities for alternative traffic enforcement efforts
2) Support funding opportunities for violence prevention services
3) Support funding opportunities for dispatch and service redesign or expansion
4) Support funding opportunities to modernize law enforcement efforts that enhance situational awareness, and help officers respond faster and more effectively to ongoing crimes
5) Support wildland fire mitigation grants to support home hardening, vegetation management and suppression and response such as low or no-interest loan/grant programs to assist homeowners in clearing hazardous vegetation and hardening homes in high fire hazard zones
6) Support funding opportunities for community paramedicine and alternative destination protocols
7) Support funding/resources for analysis, development and implementation of road network for wildfire evacuation programs
8) Support funding for park access and ADA amenities
9) Support funding for criminal justice diversion initiatives and ensure programs funded levels committed under Proposition 47 are maintained
10) Support funding for law enforcement engagement and community-centered collaborative approaches in support of reimagining public safety efforts (Gun Violence Intervention and Prevention Program)

Sustainability and the Environment

Policy Priorities:

1) Support legislative efforts to incentivize Low-Carbon Construction: ability to and tools for incentivizing lower-carbon construction with fees from higher-carbon construction projects
2) Support legislative efforts relating to electric bicycles: legislation to subsidize electric bicycle purchase, in coordination with electric vehicle subsidies
3) Support legislative efforts to expand transportation alternatives by water (ferry)
4) Support legislative efforts to expand funding for electric vehicle charging in the public right of way

5) Measures that provide new tools and potential revenue opportunities to address illegal dumping
6) Measures that support regional planning for a climate change strategy which includes sea level rise
7) Support efforts for gray water capture
8) Remediation of open space to expand public green/open space

Funding Priorities:

1) Support technological advancements that reduce our draw on paper and nonrenewable resources
2) Support development of software infrastructure to support current and emerging initiatives in the most sustainable way possible
3) Funding to support ongoing movement towards sustainable systems that require forward thinking processes and modern technological systems
4) Support funding to address sea level rise along waterfront and Aquatic Park (inclusive of state lands)
5) Support funding for electrification and seismic retrofitting of care and shelter facilities
6) Support funding for low-income solar and battery installation
7) Support for reaching Climate Action Plan, Clean Water, and Resilience Plan goals
8) Support funding for Zero Waste efforts
9) Support funding for more EV charging stations at apartments and elsewhere

Health

Policy Priorities:

1) Support legislative efforts to enhance greater access to hospitals and health care
2) Support legislative efforts that will require counties to partner with cities relating to unspent Prop 63 mental health funds
3) Support legislative efforts that support and increase psychiatric care facilities and acute care facilities
4) Support legislative efforts to protect the rights of women and reproductive health
5) Support legislative efforts that increase services such as mental health, substance abuse, treatment beds and other services for people living in encampments and in unsheltered settings
6) Support legislative efforts that existing mental health and substance programming prioritize people who are referred by the homeless system
7) Support legislative efforts that soften data sharing constraints at the Federal level: HIPAA contains broad information-sharing allowances among “treatment providers” for the purposes of “care coordination”—issue guidance defining homeless encampment or homeless-serving teams as “treatment providers” and making it clear that information can be shared on a need-to-know basis
8) Support federal legislative efforts to ensure health care access for all Berkeley residents.
9) Support legislative efforts related to oversight of guardians, receivership, conservatorship and other forms of care

Funding Priorities:

1) Support funding and regulatory changes to advance for emergency readiness, particularly in relation to public health
2) Support funding efforts relating to mental health treatment, substance abuse treatment, and other relates services
3) Support funding efforts for CARE Court implementation
4) Focus on funding health services for underserved communities

Miscellaneous

Policy Priorities:

1) Support funding for adopted state legislative items-- no more unfunded mandates
2) Support efforts by national groups, including the US Conference of Mayors, National Association of County Organizations, Association of Metropolitan Planning Organizations, National Low Income Housing Coalition, and Local Officials in Transportation (LOT) Coalition that align with City priorities.

One Time State and Federal Funding Priorities for "Member Request" Consideration

As we have seen at both the Federal and State level, new initiatives and various funding opportunities have taken form over the last year. This also includes both legislative provisions that direct approved funds to be spent on specific projects, sometimes referred to as "Member Requests" or "Congressionally Directed Spending".

As it relates to state and federal "Member Requests"/ "Congressionally Directed Spending", our recommended strategy is for the adopted Legislative Platform to include a handful of funding buckets that capture various project themes. This provides the City with the highest amount of flexibility as it is important to not only reflect the priorities of the state and federal lawmakers who sponsor these requests, but also to ensure that the City's projects fit the eligibility requirements of the various state and federal funding sources.

These buckets include:

- *Affordable Housing/Homelessness* which could include funding to reduce unsheltered homelessness including outreach and mental health services, non-congregate shelter, housing subsidies and gap funding for affordable housing and permanent supportive housing projects including new construction and acquisition and rehabilitation of housing.

- *Infrastructure Improvements* which could include funding for enhancements to public infrastructure including landmark sites, active transportation enhancements which include bicycle and pedestrian upgrades at various city locations such as the Car Free Telegraph project.

- *Climate Resiliency* which could include funding for reducing risk of fires in the wildland urban interface, sea level rise, and other related items.

Process for Reporting/Next Steps

In addition to weekly legislative updates and other communications we send to the City Team, TPA suggests verbal reports to the City Council when the State Legislature is on recess. For example, we would report out in April while they are on Spring Recess, during July while they are on Summer Recess, and in November or December when Session has concluded.

Due to the ever-changing nature of legislation in Sacramento and Washington, TPA will provide monthly updates which can be shared with the City Council.

BERKELEY CITY AUDITOR

INFORMATION CALENDAR
February 24, 2026

To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor

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

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.

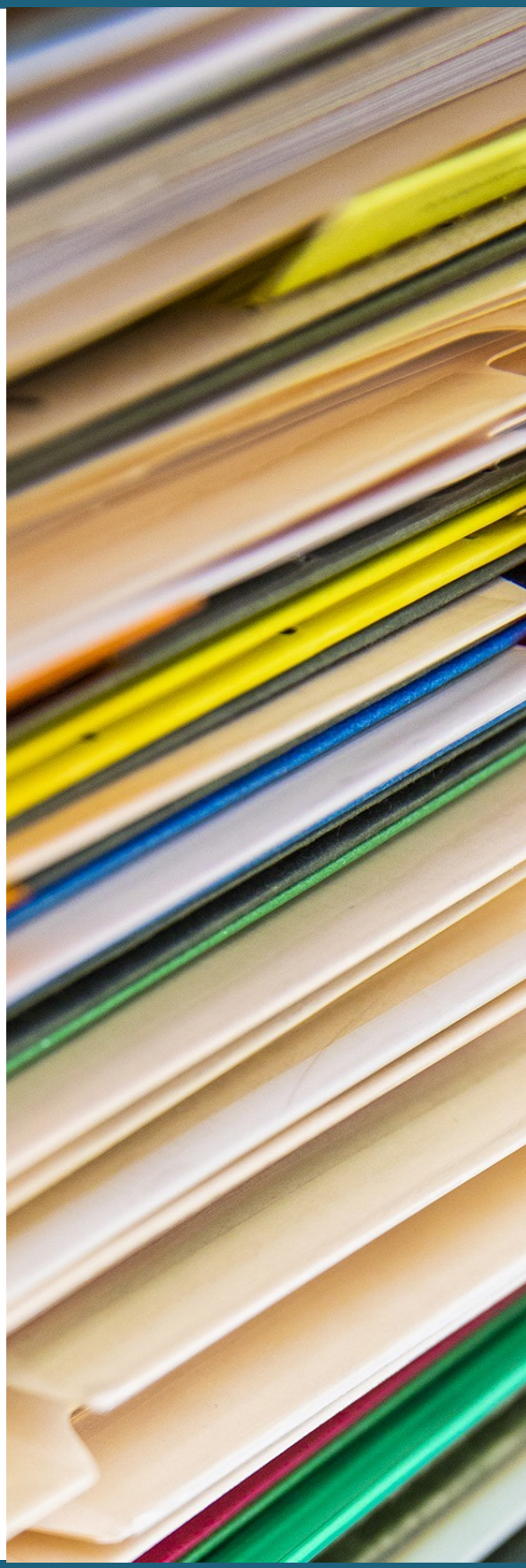
CONTACT PERSON
Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

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

Table of Contents

Introduction 3
Purpose 3
Scope and Methodology 3
Performance Measures: A Framework 5
Background and Definitions 5
How to Develop Quality Performance Measures 6
Step 1: Identify stakeholder and population needs. 6
Step 2: Identify desired outcomes based on population needs. 7
Step 3: Determine how to measure these outcomes. 7
Step 4: Develop a data collection process. 8
Step 5: Establish baselines and targets. 8
Step 6: Establish reporting methods. 8
City of Berkeley Performance Measures. 10
How does the City of Berkeley measure performance? 10
Information Technology 11
Parks, Recreation and Waterfront 13
Police 14
How do comparable cities report performance data? 15
Reporting methods: 15
Outcomes-based budgeting: 16
Opportunities for Management Consideration 18
1. Organize and streamline reporting efforts. 18
2. Revisit Strategic Plan goals and alignment of performance measures. 18
3. Explore outcomes-based budgeting. 18

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.

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.

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

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

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

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

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 flyers	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.

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

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.

Figure 1. Example – City of Pasadena IT Performance Measures

Information Technology											
						FY 2025					
#	Objectives/KPIs	Council Goal	FY 2024 Actual	FY 2025 Target	FY 2026 Target	Q1 Actual (as of 9/30/24)	Q2 Actual (as of 12/31/24)	Q3 Actual (as of 3/31/25)	Q4 Actual (as of 6/30/25)	FY 2025 Actual
1	Percentage of incidents and service requests completed:									
	a. Within 1 day	C	32%	30%	35%	36%	35%	29%	29%	32%
	b. Within 3 days	C	40%	45%	45%	43%	41%	35%	35%	39%
	c. Within 1 week	C	48%	60%	60%	51%	48%	42%	44%	46%
	d. Within 30 days	C	96%	98%	98%	98%	97%	97%	96%	97%
	e. More than 30 days	C	4%	2%	2%	2%	3%	3%	4%	3%
2	Internal Customer Satisfaction Score for technology services and support.	C	98%	100%	100%	97%	97%	96%	96%	97%
3	Network Availability including Commercial Providers and DoIT Managed Networks combined.	C	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.

Figure 2. Example – City of Redmond Budget Offer

Budgeting by Priorities

Budget offer

Healthy and Sustainable

Department Name: Public Works **Id:** 0000267

Safe & Reliable Drinking Water

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 Cascade 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

Department Name: Public Works **Id:** 0000267

Safe & Reliable Drinking Water

Budget Offer Summary

Expenditure summary

	Year 1	Year 2	Total
Ongoing-Sal/Ben	$4,136,262.94	$4,377,474.51	$8,513,737.45
Ongoing-Others	$15,472,783.00	$15,876,793.61	$31,349,576.61
One-Time-Others	$20,000.00	$0.00	$20,000.00
Total	$19,629,045.94	$20,254,268.12	$39,883,314.06

	FTE Year1	FTE Year2
FTEs	24.54	24.54

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.

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.

Audit Team

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https://berkeleyca.gov/your-government/city-audits/city-auditor-reports

Cover photograph provided by the City of Berkeley.

BERKELEY CITY AUDITOR

Safe Streets Citizen Oversight Committee

INFORMATION CALENDAR
February 24, 2026

To: Honorable Mayor and Members of the City Council

From: Safe Streets Citizen Oversight Committee (SSCOC)

Submitted by: Douglas Legg, Chairperson, SSCOC

Subject: Safe Streets Citizen Oversight Committee (SSCOC) Workplan for FY25-26

INTRODUCTION

This work plan outlines the SSCOC's objectives and actions for its inaugural year, Fiscal Year 2025-26.

CURRENT SITUATION AND ITS EFFECTS

As the first proceeds from the parcel tax will not be deposited with the City until December 2025, there will be limited expenditures made during the fiscal year. The Department of Public Works does not anticipate issuing its first report on Measure FF activities and expenditures until August 2026. As such, the committee intends to educate itself on the state of pavement and sidewalk conditions and safety challenges in the City of Berkeley. We hope to learn from the Department of Public Works about the baselines they are working from to achieve the goals set forth in the parcel tax measure.

The Fiscal Year 2025-2026 Workplan was adopted at the November 19, 2025, meeting of the SSCOC as item 7 on the agenda:

> Adoption of the FY25-26 Workplan and Information Report to Council- *Chair*
> Public Speakers- 0
> Action: M/S/C (Gerhardstein/Lutzker) To adopt the Workplan and submit it to Council with the following edit:
> Edit the second bullet of the section titled "January/February" to read:
> "Presentation by Public Works on their framework and plan for evaluating progress toward meeting the pavement condition, sidewalk repair and fatal and severe crash elimination (Vision Zero) goals in the City."
> Voice Vote: Ayes:6; Noes: None; Abstain: None; Absent: Fraser, Kesselman

The Committee's Workplan supports the City's Strategic Plan Priorities, advancing the goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

Approved in November 2024, Measure FF authorized the City of Berkeley to levy a parcel tax to finance street and sidewalk repair and traffic safety improvement. The revenues from the measure are to be used only for the purposes of enhancing streets, sidewalks and pedestrian paths within the City limits by funding the following types of projects:

1) Repair, repaving and reconstruction of streets, sidewalks and pedestrian paths
2) Safety improvements to streets, sidewalks and pedestrian paths
3) Environmental enhancements to sidewalks and pedestrian paths.

The goal of the tax is to achieve the following by December 31, 2036:

1) Raise Berkeley's Pavement Condition Index (PCI) to or above 70 (rated as "Good" by the Metropolitan Transportation Commission), ideally with no streets having a PCI below 50
2) Eliminate the backlog of damaged sidewalks and pedestrian paths in Berkeley
3) Significantly reduce or eliminate fatal and severe traffic crashes throughout the city, particularly involving pedestrians or cyclists.
4) Achieve the above three goals in a way that is in line with current best practices, ensures accessibility for all users, enhances the sustainability and resiliency of Berkeley's public right-of-way facilities, and provides benefits to Berkeley's entire community.

The Safe Streets Citizen Oversight Committee (SSCOC) was established following the passage of City of Berkeley Measure FF to review expenditures and progress reports from the City Manager and City Auditor to ensure compliance with the measure, evaluate the impacts and outcomes of tax expenditures on the measures state goals, and prepare public reports on the committee's findings.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Improved PCI enhances the sustainability and resiliency of Berkeley's public right-of-way facilities and provides benefits to Berkeley's entire community with reduced emissions through better vehicle milage, improved drainage to the bay with green infrastructure improvements and safer roads to encourage fewer cars and increased pedestrian and bicycle use.

POSSIBLE FUTURE ACTION

None at this time.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION
None at this time.

CONTACT PERSON
Amanda Montez, Senior Management Analyst, Public Works (510) 981-6317

Attachments:
1: Workplan

City of Berkeley
Safe Streets Citizen Oversight Committee (SSCOC)
FY 2025-26 Work Plan

Introduction

Approved in November 2024, Measure FF authorized the City of Berkeley to levy a parcel tax to finance street and sidewalk repair and traffic safety improvement. The revenues from the measure are to be used only for the purposes of enhancing streets, sidewalks and pedestrian paths within the City limits by funding the following types of projects:

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FY 2025-26 Work Plan

This work plan outlines the SSCOC's objectives and actions for its inaugural year, Fiscal Year 2025-26. As the first proceeds from the parcel tax will not be deposited with the City until December 2025, there will be limited expenditures made during the fiscal year. The Department of Public Works does not anticipate issuing its first report on Measure FF activities and expenditures until August 2026. As such, the committee intends to educate itself on the state of pavement and sidewalk conditions and safety challenges in the City of Berkeley. We hope to learn from the Department of Public Works about the baselines they are working from to achieve the goals set forth in the parcel tax measure.

October/November

- Discussion of the current paving plan and City's Pavement Condition Index scores and distribution throughout the City to provide context to planned Measure FF expenditures.
- Presentation on projects related to streets, sidewalks, safety improvements and environmental enhancements included in the Capital Improvement Plan adopted by the City Council in June 2025.
- Review the status of filling positions in Public Works Measure FF staffing plan and expenditures on projects which received funding from City Council in the FY 2025-26 budget.
- Presentation on criteria staff plan to use in prioritizing Measure FF projects.

January/February

- Review of the Draft FY 2027-31 CIP projects related to streets, sidewalks, safety improvements and environmental enhancements.
- Presentation by Public Works on their framework and plan for evaluating progress toward meeting the pavement condition, sidewalk repair and fatal and severe crash elimination (Vision Zero) goals in the City.
- Review the status of filling positions in Public Works Measure FF staffing plan and expenditures on projects which received funding from City Council in the FY 2025-26 budget.

April/May

- Review of the new 5-year pavement plan and its assumptions about Measure FF and other funding sources.
- Review adopted FY 2027-31 CIP.
- Review anticipated Measure FF budget and projects for FY 2026-27.
- Discuss annual report to Council and information and data that the Committee would like City staff to provide to support preparation of the report.

October

- Final first report submitted to City Council.

Upcoming Worksessions and Special Meetings	
Scheduled Dates	
Feb 10 (5pm)	RRV Council Referral Prioritization (Part 2)
Feb 23 (6pm)	Special Meeting for Land Use Appeals (2425 Durant, 2298 Durant, and 2029 University)
Feb 24 (4pm)	Community Health Improvement Plan (HHCS)
March 10 (4pm)	Economic Dashboards (OED)
March 24 (4pm)	Berkeley Police Department Annual Report

Unscheduled Presentations and Special Meetings

1. 5-Year Paving Plan & Hopkins Street Paving

Future Information Reports

1. Affordable Housing Fee Feasibility Study
2. Berkeley Fire Department Annual Report

	City Council Referrals to the Agenda & Rules Committee and Unfinished Business for Scheduling
	None

CITY CLERK DEPARTMENT
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL

Address	Board/ Commission	Appeal Period Ends	Public Hearing
NOD – Notices of Decision			
1740 University Avenue (convert commercial building to mixed-use)	ZAB	2/9/2026	
1752 Shattuck Avenue (modify a State Density Bonus project to request a concession)	ZAB	2/9/2026	
1899 Oxford Street (construct 7-story mixed-use building)	ZAB	2/9/2026	
2108 Eunice Street (construct second-story addition)	ZAB	2/9/2026	
Public Hearings Scheduled			
2109 Virginia Street (Demolish 2-story commercial building)	ZAB		2/10/2026
2425 Durant Avenue (demolish existing, and construct new residential building)	ZAB		2/23/2026
2298 Durant & 2360 Ellsworth Street (construct residential building)	ZAB		2/23/2026
2029 University Avenue (Multifamily) (construct 23-story residential building)	ZAB		2/23/2026
2029 University Avenue (Student-Oriented) (construct 23-story residential building)	ZAB		2/23/2026
Remanded to ZAB or LPC			
Notes			
ZAB: Zoning Adjustments Board			
LPC: Landmarks Preservation Commission			

1/30/2026