



AGENDA
BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING

MONDAY, FEBRUARY 23, 2026

2:30 P.M.

Redwood Room – 2180 Milvia Street, Berkeley, CA 94704

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: 160 719 2723**. 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: February 9, 2026**
- 2. Review and Approve Draft Agenda:**
 - a. 3/10/2026 – 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, March 9, 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](mailto: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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I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on Thursday, February 19, 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](mailto:policycommittee@berkeleyca.gov).*



## BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

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](mailto:policycommittee@berkeleyca.gov). All Committee meetings are recorded.

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**Roll Call:** 2:32 p.m. All present.

**Public Comment** – 2 speakers

## **Review of Agendas**

**1. Approval of Minutes: January 26, 2026**

**Action:** M/S/C (Humbert/Taplin) to approve the minutes of 1/26/2026.

**Vote:** All Ayes.

**2. Review and Approve Draft Agenda:**

a. 2/24/2026 – Regular City Council Meeting

**Action:** M/S/C (Taplin/Humbert) to approve the agenda of 2/24/2026 with the changes noted below.

- *Item Added: Minnesota Eviction Moratorium (Lunaparra) – added to Consent Calendar*
- *Item 18 Artificial Intelligence (Bartlett) – rescheduled to March 10, 2026*
- *Item 21 Legislative Platform (Ishii) – scheduled for 2/24 Action Calendar*

Order of Action Items

Item 20 Ordinance Amendments

Item 21 Legislative Platform

**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 (Humbert/Taplin) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 2:48 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on February 9, 2026.

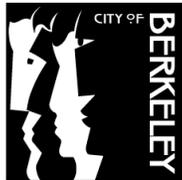
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Mark Numainville, City Clerk

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**DRAFT AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, March 10, 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. Re-Establishment of the Downtown Berkeley Property and Business Improvement District (DPBID)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution declaring intent to establish the Downtown Berkeley Property and Business Improvement District (DPBID) for the ten-year period beginning July 1, 2026, and ending June 30, 2036, with operations to occur over the ten-calendar year period beginning January 1, 2027, and ending December 31, 2036. Set a public hearing for May 19, 2026, on establishment of the DPBID, and direct the City Clerk to conduct all necessary proceedings for establishment of the DPBID.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

## Consent Calendar

### 2. **Ashby BART East Lot Transit Oriented Development Request for Proposal Framework**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to release a Request for Proposals (RFP) and Notice of Funding Availability (NOFA) to solicit proposals from development teams (comprised of developers, service providers, and architects) regarding their plan, capacity, experience, and interest in developing the currently Bay Area Rapid Transit Agency (BART)-owned, future City-owned property known as the East Lot located at Adeline Street and Woolsey Street in South Berkeley.

**Financial Implications:** See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

### 3. **Contract No. 32300149 Amendment: mySidewalk, Inc. for HHCS Web-Based Population Health Data Platform**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or designee to execute an amendment to Contract No. 32300149 with mySidewalk, Inc. for an additional \$50,618 for a total not to exceed amount of \$207,928, and to extend the contract term end date to April 24, 2027.

**Financial Implications:** \$50,618 - Various Funds

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

### 4. **City Contracts: Outdated Process Led to Non-Competitive Contracts**

**From: Auditor**

**Recommendation:** We recommend City Council request that the City Manager report back by Fall 2026, and annually thereafter, regarding the status of our audit recommendations until reported fully implemented by the Finance Department and other relevant departments. The audit includes 13 recommendations to clarify for staff when non-competitive contracts and amendments are appropriate, as well as to improve transparency and efficiency in the contracts process overall. The City management agreed or partially agreed to our findings and recommendations. Please see our report for their complete response.

**Financial Implications:** See report

Contact: Jenny Wong, Auditor, (510) 981-6750

## Council Consent Items

5. **Resolution Rescinding Berkeley Police Department's Pepper Spray Reporting Requirement** *(Reviewed by the Public Safety Committee)*  
**From: Councilmember Kesarwani (Author)**  
**Recommendation:** Adopt a Resolution rescinding Berkeley Police Department's current required notification process for reporting pepper spray via the Berkeley Police Department Use of Pepper Spray Report after each incident. Further, maintain the recording of pepper spray use within the existing use of force reporting system to minimize the administrative burden on staff. The department's current transparency measures already provide the public with detailed data on all use of force incidents.  
*Policy Committee Recommendation: To send the item with a qualified positive recommendation to Council that includes 1) inviting Police Accountability Board review, 2) reaffirming the existing reporting requirements that remain in effect, and 3) direction to the Berkeley Police Department to work to maximize the availability of the reports through the Transparency Hub and the Annual Report.*  
**Financial Implications:** None  
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
6. **Entertainment Zone Ordinance** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*  
**From: Councilmember Taplin (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)**  
**Recommendation:** Refer for drafting to the City Attorney an ordinance enabling entertainment zones in Berkeley: Refer to the City Manager for the initiation of a merchant stakeholder engagement process and develop entertainment zone management plans for potential zones in the vicinity of the following locations and organizational leads: Downtown: Downtown Business Association, Gilman: Gilman District Merchants Association, South Side Telegraph Business Improvement District San Pablo University Avenue Association  
*Policy Committee Recommendation: To send the item to the City Council with a qualified positive recommendation to more clearly articulate guidance on the intersection of the proposed amendments with applicable State law.*  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

## Council Consent Items

7. **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
8. **Referral: Strengthen Berkeley’s Micromobility Regulatory Framework to Improve Public Safety, ADA Accessibility, and Operator Accountability** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*  
**From: Councilmember Tregub (Author), Councilmember Blackaby (Co-Sponsor)**  
**Recommendation:** Refer to the City Manager and Transportation and Infrastructure Commission the development of recommendations to enhance safety and eliminate or reduce conflicts between shared micromobility devices and pedestrians/wheelchair users on Berkeley’s sidewalks.  
*Policy Committee Recommendation: To forward the item to Council with a positive recommendation.*  
**Financial Implications:** See report  
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

## Council Consent Items

9. **Citywide Guidelines on Artificial Intelligence** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

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

**Recommendation:** Refer to the City Manager to develop official, citywide guidelines for the secure, ethical, and effective use of Artificial Intelligence (AI) tools by City of Berkeley employees. The policy should align with Berkeley's values, promote innovation and progress, and safeguard privacy and public trust. The City Manager should review policies adopted by other California cities and develop Berkeley-specific principles to guide staff usage of AI. The following principles should form the foundation of Berkeley's policy: 1. Create safeguards against introduction of bias through use of AI systems 2. Protect data privacy and ensure cybersecurity compliance 3. Maintain human oversight and accountability 4. Explore opportunities to integrate AI into operations management 5. Foster collaboration and cross-departmental exchange of AI knowledge 6. Ensure transparency and compliance with Public Records Laws 7. Periodic review and improvement Developing a clear and responsible AI policy will help the City of Berkeley harness emerging technologies to better serve the community while upholding equity, integrity, and public confidence in city operations and services.

*Policy Committee Recommendation: To send item to Council with a positive recommendation.*

**Financial Implications:** Staff time

Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150

10. **Berkeley Free Clinic Critical Renovations: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

**From: Councilmember Lunaparra (Author), Councilmember Taplin (Co-Sponsor)**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Vice Mayor Lunaparra's discretionary fund, \$500 from Councilmember Taplin's discretionary fund, and funds from any other Councilmembers who would like to contribute, to the Berkeley Free Clinic for critical renovations at its new location at 830 University Avenue, with funds relinquished to the City's general fund for this purpose.

**Financial Implications:** See report

Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170

## 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*

## Action Calendar

*one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

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

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

## Action Calendar – Public Hearings

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

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

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

- 11. Amendments to BMC Title 23 (Zoning) to Update the Regulation of Nonconforming Lot Coverage, Floor Area Ratio and Density for Residential Uses in Selected Zoning Districts**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt the first reading of an ordinance amending BMC Title 23 Section 23.324.050 to update the regulation of nonconforming lot coverage, FAR and density for residential uses in the Residential Multi-Unit 1 (R-1), Residential Multi-Unit 2 (R-2), Residential Multi-Unit 2A (R-2A), and Mixed Use-Residential (MU-R) Zoning Districts.  
**Financial Implications:** None  
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 12. Amendments to the Berkeley Election Reform Act Regarding the Return of Unspent Public Matching Funds, Reuse of Campaign Materials, Campaign Expenditures and Cost of Living Adjustments**  
**From: Fair Campaign Practices Commission**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt an ordinance amending the Berkeley Election Reform Act, BMC Chapter 2.12.  
**Financial Implications:** None  
Contact: Sam Harvey, Commission Secretary, (510) 981-6950

## Action Calendar – Public Hearings

**13. Appeal of Special Assessment Tax Lien and of the Need for Abatement Action at 2750 Cedar Street**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion adopt a Resolution denying the property owners' appeal of a special assessment tax lien and of the necessity and cost of City abatement actions and allowing the special assessment lien for \$24,831.37 for 2750 Cedar Street (APN 058 221102001) to be recorded with the County of Alameda.

**Financial Implications:** See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400

## Action Calendar – Policy Committee Track Items

**14. Budget Referral to Reissue the Request for Proposal (RFP) to Support Berkeley-Based Non-Profit Food Assistance Providers Serving Food Insecure Households and to Incorporate Food Insecurity as a Funded Category in Future Community Agency Grant Funding Cycles**

**From: Councilmember Kesarwani (Author)**

**Recommendation:** Refer to the City Manager to reissue and fund a Request for Proposal (RFP) process as a short-term measure to support Berkeley-based non-profit food assistance providers serving food insecure households. Like the RFP that was issued in August 2024, funds are intended for (but not limited to) the following needs: Expansion of capacity to service more people experiencing food insecurity, such as purchase of equipment; Hiring of additional staff to serve more people; and/or Other emerging needs to be determined. Refer \$300,000 annually in funding to the biennial FY 2026-27 to FY 2027-28 budget process to fund qualified proposals resulting from the RFP. Further, refer to the City Manager to establish food insecurity as a funded category for the Community Agency RFP process for future funding cycles to ensure city funds are permanently allocated to address this key priority and maximize sustainability for relevant non-profits.

**Financial Implications:** See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

## Action Calendar – Policy Committee Track Items

- 15. Resolution Opposing Bureau of Land Management Oil and Gas Leasing and Drilling on California Public Lands and Parks**  
**From: Councilmember Tregub (Author)**  
**Recommendation:** Adopt a Resolution opposing the Bureau of Land Management’s (BLM) proposed oil and gas leasing and development on approximately 1.6 million acres of California public lands, including areas adjacent to Bay Area parks such as Mount Diablo State Park, Pinnacles National Park, Henry W. Coe State Park, and Black Diamond Mines Regional Preserve; and refer to the City Manager to send a letter to the BLM Central Coast Field Office, the U.S. Secretary of the Interior, and California’s Congressional delegation urging withdrawal of the Draft Supplemental Environmental Impact Statements and cessation of all new oil and gas lease sales on California public lands.  
**Financial Implications:** Staff time  
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
- 16. Project to Increase Telegraph and Claremont Housing (PITCH) Rezoning**  
**From: Councilmember Humbert (Author), Mayor Ishii (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Refer to the City Manager the Project to Increase Telegraph and Claremont Housing (PITCH) as a standalone rezoning effort to proactively and equitably increase housing stock in southeast Berkeley’s high-resource areas. This project would seek to: 1. Rezone the Telegraph Avenue corridor south of Parker Street to the Oakland border at Woolsey Street from the current C-C (Commercial-Corridor) district to the C-T (Telegraph Avenue Commercial) district (or similar), allowing for taller mixed-use housing development, with a goal of base zoning of 8 stories/85 feet. 2. Identify and upzone specific auto-oriented C-N (Neighborhood Commercial) parcels in the Claremont and Ashby area (near Domingo Avenue) from their current 2–3 story limits to 4–6 stories using existing or new zoning districts. 3. Allocate funding from the District 8 office budget to begin required planning and California Environmental Quality Act (CEQA) review for the proposed zoning changes.  
**Financial Implications:** See report  
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180

## Public Comment – Items Not Listed on the Agenda

### Adjournment

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To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor *zw*

Subject: City Contracts: Outdated Process Led to Non-Competitive Contracts

RECOMMENDATION

We recommend City Council request that the City Manager report back by Fall 2026, and annually thereafter, regarding the status of our audit recommendations until reported fully implemented by the Finance Department and other relevant departments. The audit includes 13 recommendations to clarify for staff when non-competitive contracts and amendments are appropriate, as well as to improve transparency and efficiency in the contracts process overall. The City management agreed or partially agreed to our findings and recommendations. Please see our report for their complete response.

FISCAL IMPACTS OF RECOMMENDATION

Reducing the use of non-competitive contracts could help the City ensure it is not overpaying for services. As the City faces a budget deficit, it is important that the City gets the best value for the goods and services it purchases. Updating the Purchasing Manual and related training and procedures will likely take an upfront investment of staff time but could reduce the workload for General Services and staff in the long run. Getting a comprehensive and integrated electronic contract management system, as recommended by the audit, would require financial investment, but could address the challenges we identified related to current paper contract process, including delays and lost contracts.

CURRENT SITUATION AND ITS EFFECTS

In fiscal year 2024, 94 of the 218 contracts executed did not have documented evidence of competition. The total value of these contracts was approximately \$43 million compared to \$102 million in competitive contracts. The non-competitive contracts included 26 authorized by Council Resolution, 53 through waivers of competition approved by the City Manager, and 15 through other or unclear means.

Most of the City's largest active contracts had documented evidence of going through competition or meeting the Purchasing Manual criteria for exceptions, but two recycling contracts did not. In fiscal year 2022, Berkeley executed contracts for recycling services for nearly \$85 million over ten years without seeking bids from other contractors. Although pursuing competition is an established best practice and the City's Purchasing Manual states that service contracts above \$50,000 must go through formal competition, neither the City Charter nor the Berkeley Municipal Code explicitly required service contracts like these recycling contracts to be competitive.

Of the 53 approved waivers of competition, 38 percent did not clearly meet the criteria in the Purchasing Manual, meaning the City could likely have pursued competition. For example, while waivers for classification and compensation studies were used, there was no documentation that this was an emergency. By requesting waivers for the same service from different contractors in a similar time period, this indicated that it would have been feasible to request quotes instead.

Once a contract is in place, the City can use amendments to increase the dollar amount. Our audit found the City had 95 active service contracts that began at or below the formal competition threshold of \$50,000 but were later amended above the threshold. On average, these amendments added \$218,026 in total to each contract. According to Finance, there are circumstances when contract amendments are reasonable. To comply with this, staff need clear guidance to understand when amendments are appropriate or when the contract should be re-competed.

Paper contracts, unclear guidance, and short staffing led to delays and the overuse of non-competitive contracts. For example, in a sample of 23 amended service contracts, 16 contracts (or 70 percent) lasted for over five years. According to the Director of Finance, the general rule is for most contracts to go back out to bid every five to seven years. However, this guidance was not written in the City's purchasing policy. In fact, Berkeley did not have any published guidance for staff on contract amendments. Additionally, in fiscal year 2024, most of Berkeley's contracts were still reviewed and signed on paper, meaning staff hand-delivered them to different departments for approvals. During our audit, the City adopted DocuSign for some parts of the contracting process and an interdepartmental team was looking into purchasing a digital contracting system. However, short staffing and turnover in General Services and across the City made it more difficult to improve the contract process.

BACKGROUND

The City uses contracts for most services that are not done by city staff, like public artwork and towing, and for specialized goods like fire trucks. The City typically uses simpler purchase orders rather than contracts to buy goods, like office furniture and equipment for parks maintenance. The General Services Division in the Finance Department reviews and processes all purchases of goods and services for the entire City, but staff in each department have a responsibility in purchasing goods and services for their department.

Competition among contractors helps ensure that the City is accountable for public funds spent on contracts and can get the best value for Berkeley residents. However, competition is not always possible or appropriate, so City policies allow for non-competitive contracts in specific circumstances, such as when emergency maintenance is needed. This primarily occurs through either Council authorization or a waiver of competition approved by the City Manager.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

Implementing our recommendations will decrease reliance on non-competitive contracts. Additionally, they will improve the contracting process overall through clearer, more consistent guidance and improved systems.

CONTACT PERSON

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

Attachments:

1: Audit Report: City Contracts: Outdated Process Led to Non-Competitive Contracts

Audit Report
February 19, 2026

City Contracts: Outdated Process Led to Non-Competitive Contracts



BERKELEY CITY AUDITOR

Jenny Wong, City Auditor

Caitlin Palmer, Audit Manager

Katie Wysong, Auditor I



City Contracts: Outdated Process Led to Non-Competitive Contracts

Report Highlights

February 19, 2026

Findings

1. In fiscal year 2022, the City authorized nearly \$85 million in recycling contracts over 10 years without competition. Inconsistent rules made it difficult for staff to know when to waive competition. Our analysis of fiscal year 2024 waivers found that 38 percent did not clearly meet the Purchasing Manual criteria. City Council authorized additional non-competitive contracts for community-based organizations. Additionally, amended service contracts that started below the threshold for Council approval increased by an average of \$218,026 per contract without competition.
2. Berkeley used paper contracts hand-delivered between departments and lacked a centralized digital system, creating delays and misplaced contracts. Additionally, the Purchasing Manual was missing key guidance, and training for staff was limited. Short staffing and turnover also made it difficult for the City to address these concerns and improve the contracting process.

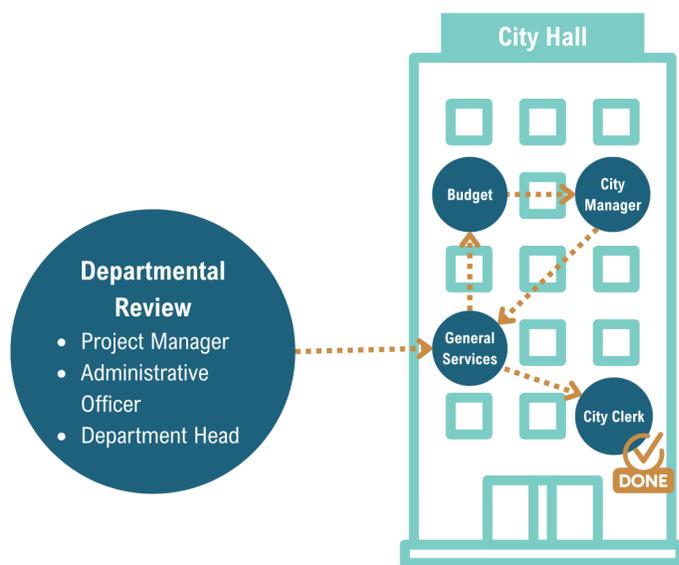
Objectives

1. How does Berkeley use non-competitive contracts?
2. Why does Berkeley use non-competitive contracts when competition is possible?

Recommendations

We recommend the City add explicit competition requirements to the Berkeley Municipal Code for service contracts. We also recommend the City update the Purchasing Manual and contract forms for consistency and clarity, as well as expand training for staff. We recommend the City continue pursuing a comprehensive, integrated digital contracting system, as budget allows.

Moving paper contracts throughout City Hall created opportunities for delays.



Source: Auditor analysis of contract review sheet for new expenditure contracts

Why This Audit Is Important

Competition among contractors helps ensure that the City is accountable for public funds spent on contracts and can get the best value and best fit for Berkeley residents. Open and fair competition for contracts promotes ethical and inclusive purchasing practices. However, in fiscal year 2024, Berkeley executed 94 contracts without documented competition for a total value of \$43 million. While it is not practical or possible for every contract to go through competition, it is important that the City uses competition when feasible.



For the full report, visit [the City Auditor's website.](#)

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Introduction

Competition among contractors helps ensure that the City is accountable for public funds spent on contracts and can get the best value for Berkeley residents. Best value may include not only lowest price, but also the quality of the good or service and fit with Berkeley's specific needs. However, Berkeley spends millions of dollars on contracts that are not competitive. While it is appropriate, even necessary, for some contracts to be non-competitive, it is important that the City pursues competition when possible. Although we found no evidence of misconduct in Berkeley during our audit, contract corruption cases in neighboring jurisdictions emphasize the importance of having open, competitive contracting processes. A competitive process can discourage favoritism and guard against waste and fraud.

Competition has additional benefits for equity and fairness. According to a consultant report commissioned by the Berkeley City Council, "minority and women-owned business enterprises" lost out on an estimated \$21.7 million in contract dollars with the City of Berkeley between 2016-2019. In general, a fair and open competitive process can encourage additional contractors to seek City contracts, including from historically excluded groups.

This audit focuses on contracts that were not competitive and were subject to the requirements of the Berkeley Municipal Code and the City's Purchasing Manual. We did not evaluate the City's competitive selection processes or staff's compliance with them, nor the management of contracts after execution.

Objectives

The objectives of this audit are to address the following questions:

1. How does Berkeley use non-competitive contracts?
2. Why does Berkeley use non-competitive contracts when competition is possible?

Scope and Methodology

We reviewed expenditure contracts executed between July 1, 2023, and June 30, 2024 (fiscal year 2024). We also analyzed subsets of all expenditure contracts active in the City's financial system as of March 6, 2025, including the largest dollar value contracts and service contracts approved at or below the threshold for City Council approval, then later amended to exceed it. Additionally, we reviewed Berkeley's laws, policies and procedures related to contracts, researched best practices and other jurisdictions' policies, and interviewed relevant staff and

leadership. This audit focused on the City's contracting processes, and we did not audit individual contracts or contractors.

Background

Berkeley uses formal and informal competition to select contractors depending on the cost and type of purchase.

Depending on the expected cost and type of purchase, the City uses different formal and informal competition to select a contractor (Table 1).

- **Formal competition involves a structured public process.** For supplies, equipment and materials, the City Charter requires the City to select the vendor with the lowest bid that meets the City's criteria after publicly issuing an Invitation for Bids (IFB). For more complex purchases, such as professional services, the City selects the contractor with the best value based on the criteria set in the posted Request for Proposals (RFP).
- **For informal competition,** departments are required to reach out directly to at least three contractors for written quotes and then select the contractor with the lowest cost or best value. Informal competition allows for more flexible timelines and does not require City Council approval.

The General Services Division in the Finance Department reviews and processes all purchases of goods and services for the entire City, but staff in each department have a responsibility in purchasing goods and services for their department. The City uses contracts for most services that are not done by City staff, like public artwork and towing, and for specialized goods like fire trucks. The City typically uses simpler purchase orders rather than contracts to buy goods like office furniture and equipment for parks maintenance.

Table 1: City Purchasing Requirements by Price and Type¹

Purchase Value	Competitive Purchasing Process
Services	
Under \$5,000	Purchase Order with 3 verbal quotes
\$5,000 - \$25,000	Purchase Order with informal competition (3 written quotes)
\$25,000 - \$50,000	Contract with informal competition (3 written quotes)
Over \$50,000	Contract with formal competition (Request for Proposal or Request for Qualifications)
Goods	
Under \$5,000	Purchase Order with 3 verbal quotes
\$5,000 - \$100,000	Purchase Order with informal competition (3 written quotes)
Over \$100,000	Purchase Order or contract with formal competition (Invitation for Bid)
Construction	
Under \$5,000	Purchase Order with 3 verbal quotes
\$5,000 - \$25,000	Purchase Order with informal competition (3 written quotes)
\$25,000 - \$200,000	Contract with informal competition (3 written quotes)
Over \$200,000	Contract with formal competition (Invitation for Bid)

Source: Auditor analysis of Berkeley’s Purchasing Manual as of end of fiscal year 2024

The benefits of competitive contracts are well-established. According to the U.S. Government Accountability Office, competitive contracts can save taxpayers money, improve contractor performance, curb fraud, and promote accountability for results. Competition is a critical tool for achieving the best return on the government’s investment. Berkeley’s Purchasing Manual requires all purchases to be made through a competitive process unless they meet specific criteria described in the next section.

In some cases, the City can select a contractor without competition.

Competition is not always possible or appropriate, so City policies allow for non-competitive contracts in specific circumstances, such as when emergency maintenance is needed. In these cases, non-competitive contracts give the City flexibility to respond quickly to emergencies or meet a need where competition is not feasible or practical.

During the audit period, the Purchasing Manual allowed the City Manager to waive the competition requirement for contracts under the cost threshold for formal competition in specific circumstances (Figure 1). Departments could request waivers of competition if there was only one contractor that provided a good or service, or competition was otherwise found to be inadequate. Waivers were also allowed in emergencies when competition was not feasible or practical. The Purchasing Manual also required departments to conduct market research to

¹ Solicitation is the process of reaching out to contractors, which ideally results in competition among contractors. We use the term competition to refer to competitive solicitation for simplicity.

justify the business case for the waiver, and whenever possible, avoid requesting items that could only be obtained from a sole or single source.

Figure 1: Purchasing Manual Criteria for Non-Competitive Contracts

The Purchasing Manual only allows sole or single source contracts when:



Source: Auditor analysis of Berkeley's Purchasing Manual as of end of fiscal year 2024

City Council can also waive competition for specific contracts or broader categories of purchases. Once a contract is in place, the City can use amendments to increase the dollar amount and extensions to extend the duration of a contract without new competition. Even if the contractor offered the best value when selected, years later, a different contractor may be more affordable or better suited for the City's needs.

Though non-competitive contracts are sometimes the most appropriate or practical option, if the City over-relies on non-competitive contracts, it runs the risk of:

- Overpaying for services,
- Not getting the best quality service,
- Having fewer opportunities for new and small businesses, including historically marginalized contractors, and
- Creating more opportunities for bribery or corruption between staff, officials, and contractors.

Over 40% of the contracts executed in fiscal year 2024 did not clearly go through competition.

Ninety-four of the 218 contracts executed, or formally approved, in fiscal year 2024 did not have documented competition (Figure 2). The total value of these contracts was approximately \$43 million compared to \$102 million in competitive contracts. Competitive contracts include both those with formal and informal competition, as well as contracts that piggybacked on other jurisdictions' contracts.

Figure 2: Berkeley executed 94 contracts in fiscal year (FY) 2024 without documented competition for a total value of \$43 million.

Berkeley executed 94 contracts in FY 2024 without documented competition...



...for a total value of \$43 million.



Source: Auditor analysis of expenditure contracts executed in fiscal year 2024 from Records Online and Berkeley's financial system

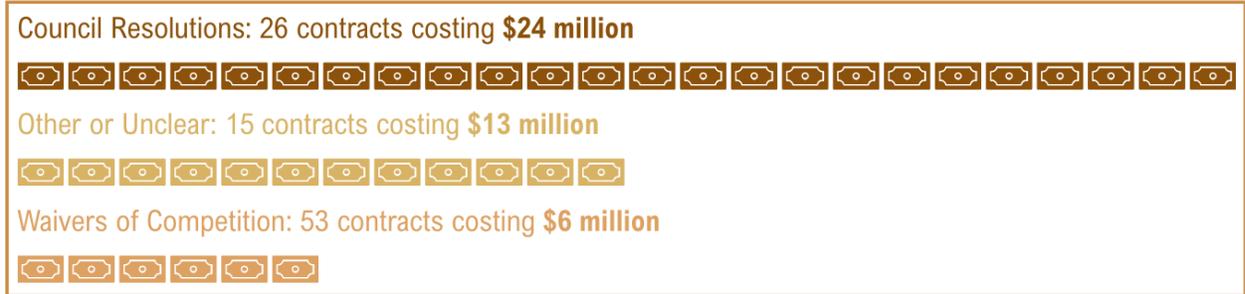
Berkeley awarded 30 percent of contract dollars without competition in fiscal year 2024.

According to a recent benchmarking survey of public procurement entities from NIGP: The Institute of Public Procurement (NIGP), Berkeley was similar to the median responding jurisdiction, which awarded 30 percent of contract dollars without competition.

City Council authorized 26 non-competitive contracts through Council Resolutions, which made up the majority of the cost associated with non-competitive contracts (Figure 3). The group of non-competitive contracts with the second highest total cost were 15 "other or unclear" contracts. These included contacts that were missing in Records Online, the City's electronic document repository, or where competition was marked as "not required" on the contract review

form, such as leases or the City Attorney’s contracts for legal services.² Most of the non-competitive contracts executed in fiscal year 2024 had a waiver of competition, but that group had the lowest total cost.

Figure 3: Breakdown of non-competitive contracts



Source: Auditor analysis of expenditure contracts executed in fiscal year 2024 from Records Online and Berkeley’s financial system

Note: “Other or unclear” include contracts missing from Records Online, leases, license agreements, contracts with no evidence of competition, or where marked as not required. The dollar amounts for the contracts missing from Records Online are based on data in the City’s financial system.

² The City Charter (Section 113) and Berkeley Municipal Code (2.56.040) give the City Attorney independent contracting authority for legal services contracts. The Berkeley Municipal Code does not address competition for service contracts, including legal services. Other jurisdictions, such as the City of Santa Monica, as well as California state agencies, explicitly exempt legal services from competitive process requirements.

Berkeley spent millions of dollars on non-competitive contracts when competition was likely possible.

We found that most of the City's largest active expenditure contracts had evidence of competition or of meeting the Purchasing Manual criteria for exceptions, but two non-competitive recycling contracts totaling nearly \$85 million did not. Additionally, inconsistent rules may have made it difficult for staff to know when it was appropriate to waive competition. As a result, 38 percent of waivers in fiscal year 2024 did not clearly meet the criteria set in the Purchasing Manual. City Council authorized additional non-competitive contracts with community-based organizations. Furthermore, service contracts that started at or below the \$50,000 formal competition threshold and were later amended increased by an average of \$218,026 per contract. We did not audit individual contracts or contractors.

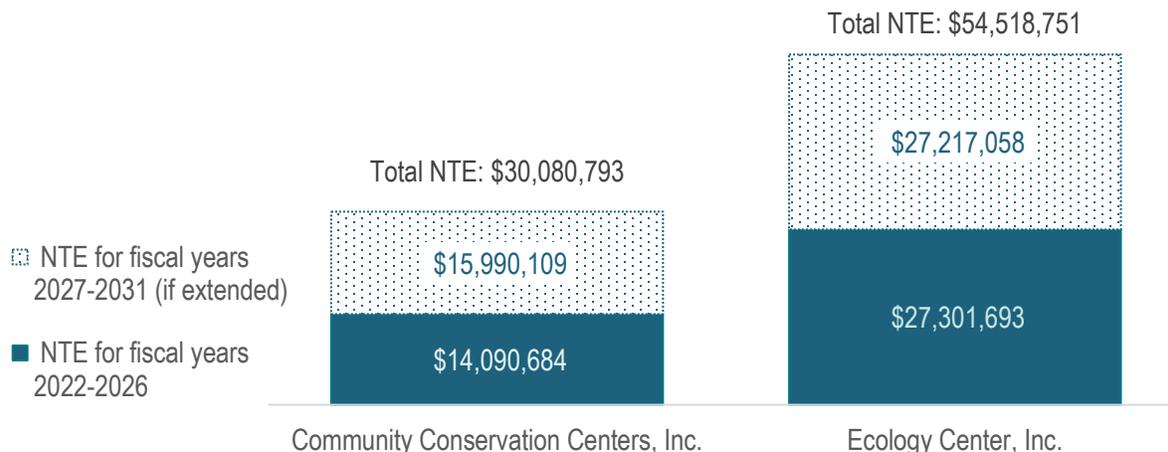
The City authorized nearly \$85 million in recycling contracts over 10 years without competition.

In fiscal year 2022, Berkeley executed recycling contracts with the Ecology Center, Inc. and Community Conservation Centers, Inc. for nearly \$85 million over ten years without seeking bids from other contractors. Together, the contracts have a not-to-exceed amount of \$41,392,377 for fiscal years 2022 through 2026, with optional five-year extensions which would bring to total not-to-exceed amount to \$84,599,544 (Figure 4). We found that most of the City's 100 largest contracts had documented evidence of competition or of meeting the Purchasing Manual criteria for exceptions, but these two recycling contracts did not.³

Berkeley has contracted with the Ecology Center and Community Conservation Centers for recycling services since the 1980s (Appendix 1). A review of public City records since the 1980s found no documented evidence of competition. We reviewed the authorizing Council Resolutions to understand the City's process for awarding and amending these contracts, but did not audit these individual contracts or contractors. While these contracts may offer the best value or best fit for Berkeley, it is difficult for the City to determine that without open competition among all potential contractors.

³ We reviewed the 100 largest expenditure contracts in the City's financial system. We found that 22 were likely expired because they had an expiration date before June 30, 2025 in the City's financial system. The remaining 78 contracts also included one legal services contract, one lease, and one settlement agreement that fell outside the City's standard expenditure contract process.

Figure 4: The recycling contracts will have a total not-to-exceed (NTE) of nearly \$85 million dollars if the City takes the optional five-year extensions.



Source: Auditor analysis of current recycling contracts

Note: NTE stands for “not-to-exceed.” City Council authorizes the City to spend up to that amount on the contract. We did not assess how much the City has spent on each contract.

Prior to authorizing these non-competitive contracts, there were proposals to pursue competition for the City’s recycling services. In 2011, an outside consultant recommended that the City issue an RFP for the recycling materials processing operations performed by Community Conservation Centers, and end the contract with the Ecology Center to have the City take over recycling pick-up. The Zero Waste Commission disagreed with the report’s recommendations citing incomplete and missing information and cost-benefit analyses, and a lack of an adequate and inclusive process. In 2020, Public Works staff requested that City Council authorize an RFP for the recycling processing operations done by Community Conservation Centers, but City Council voted to remove it from the list of proposed RFPs. According to Public Works staff reports to Council in 2021, third-party reviews found both contractors’ costs reasonable when compared to surrounding communities. The report also stated that both contractors received mostly “satisfied” or “very satisfied” responses to a third-party customer satisfaction survey. Ultimately in 2021, City Council voted to authorize new sole source contracts with both contractors without issuing RFPs.

Although pursuing competition is an established best practice, neither the City Charter nor the Berkeley Municipal Code explicitly required service contracts like these recycling contracts to be competitive (Table 2). The City Charter required purchases of supplies, equipment, and materials above a dollar amount set by the Municipal Code to be awarded to the lowest responsive bidder. It also required City Council to authorize these purchases. The language in the corresponding Municipal Code section only discusses the thresholds for Council approval.

The Purchasing Manual states service contracts above \$50,000 must go through formal competition. However, this policy was not included in the City Charter and Berkeley Municipal Code. In other jurisdictions like Oakland and San Francisco, city codes explicitly require competition for service contracts with some exceptions. During the audit, Berkeley’s Purchasing Manual also said only City Council can waive competition for contracts over the Council approval threshold. However, there was no guidance on how City Council should decide and document these decisions.

Table 2: Neither the City Charter nor the Berkeley Municipal Code explicitly requires service contracts to be competitive.

City Charter	Berkeley Municipal Code
Discusses purchases of supplies, equipment or materials above BMC threshold but does not specifically require competition for service contracts.	Sets thresholds for Council Approval, but does not discuss competition: <ul style="list-style-type: none"> • Public Projects and Facility Improvements - \$200,000 • Supplies, Equipment and Materials - \$100,000 • Other Expenditures, which includes services - \$50,000

Source: Berkeley City Charter, Article XI and Berkeley Municipal Code 7.18

It may be reasonable for City Council to waive competition in unique circumstances, but the lack of clear standards allows large contracts to be awarded without competition when they could have been opened to competition. Overusing non-competitive contracts may make it difficult to assess if the City is getting the best value or best fit for goods and services. Berkeley may also be perceived as operating on favoritism.

City management approved some waivers that did not meet the Purchasing Manual criteria.

Thirty-eight percent of waivers City management approved in fiscal year 2024 did not clearly meet the criteria set in the Purchasing Manual at the time, meaning the City could likely have pursued competition under the current policy. For example, Human Resources used six waivers in a month and half, including three for classification and compensation studies. There may have been an urgent need for these services, but the form did not document that this was an emergency. By requesting three waivers for the same service from three different contractors, this indicated that it would have been feasible to request quotes from at least three contractors (Table 3).

In another example, a waiver for drug and alcohol testing cited immediate need because the previous contract had already been expired over two years. However, the long timeframe

indicates that it was not an emergency. The waiver form even states that the lack of advanced planning does not constitute an immediate need.

Finally, a department requested a waiver for legislative services because the contractor previously worked effectively with the City and had knowledge of the region and the City's lobbying. However, the rationale did not explain why another firm would be unable to provide the same or better services. The General Services Manager at the time noted on the waiver that the department should consider competing soon.

There were also many cases when the rationale for waivers did meet the Purchasing Manual's criteria, according to our assessment. For example, the City's labor contracts require the City to provide staff memberships to the YMCA, therefore the City must contract with the YMCA specifically.

We also found cases when departments unnecessarily completed and attached the waiver of competitive solicitation. In several cases, contract packets included both waivers of competition and City Council approval of the sole-source negotiations of contracts. In another example, a department had already done informal competition. In this case, General Services staff explained that the department already had the necessary documentation and did not need to complete a waiver, creating additional work and confusion.

Table 3: Many waivers met the Purchasing Manual criteria, but 38 percent did not.

Examples that Likely Met the Purchasing Manual Criteria

Purchase	Department Rationale	Why Likely Eligible
Hazardous Vegetation Treatments & Removal	The previous RFP only resulted in one response. The City needed three vendors, so awarded two additional single source contracts while preparing a new RFP.	Competition inadequate: The RFP did not attract sufficient interest. The City needed to continue the work while taking steps to attract more responses.
Transfer Station Rain/Stream Gauge	The City needs equipment in place at the transfer station within three months to comply with a legal mandate.	Emergency: The City had a limited time to make the purchase before facing legal consequences.
Employee Fitness Memberships	Labor contracts require the City to provide staff memberships to the YMCA.	One viable source: There was only one source the City could provide the fitness memberships that complied with the labor contracts.

Examples that Likely Did NOT Meet the Purchasing Manual Criteria

Purchase	Department Rationale	Why Likely Ineligible
Classification & Compensation Studies	Human Resources had six waivers in a month and half, including three for classification and compensation studies. All cited a “dire situation” and the fact that “an informal or formal RFP process would be further detrimental” to addressing the situation.	There may have been an urgent need for these services, but there was no documented evidence that it was an emergency. By requesting three waivers for the same service from three vendors, they indicate that it would have been feasible to request quotes from at least three vendors.
Drug & Alcohol Testing Services	The previous contract expired over two years earlier. Publicly competing these services would create a gap in services and negatively impact multiple operational processes.	Since the contract had already been expired for two years, the long timeframe indicates it was not an emergency.
Tailored Legislative Funding & Advocacy Strategy	The vendor has previously worked effectively with the City and has knowledge of the region and the City’s lobbying.	This does not explain why another firm would not be able to provide these services. Familiarity is not a sufficient reason for a sole source contract and can be seen as favoritism. Additionally, the General Services Manager noted on the waiver, "Consider competing in near future."

Source: Auditor analysis of contracts with waivers of competitive solicitation in fiscal year 2024 from Records Online

A potential cause of the inconsistent use of waivers is the fact that, during the audit period, the City’s Purchasing Manual and waiver of competition form had different criteria for when waivers are justified (Table 4). For example, the waiver form had categories for “specialized service” and “immediate need,” which were different than the categories specified in the Purchasing Manual. As a result, inconsistent criteria may have made it difficult for staff to understand when it is appropriate to use a waiver of competitive solicitation. According to the Procurement Excellence Network, document consistency can reduce review time.

Table 4: The categories on the form staff use to request approval for a waiver did not match the criteria in the Purchasing Manual.

Purchasing Manual	Waiver of Competition Form
<p>Sole or single source procurement, or non-competitive solicitation, may only be used following informal or formal solicitation when:</p> <ul style="list-style-type: none"> • Only one viable source is found for the needed product or service; • Competition is found to be inadequate; or • There is an emergency and it is impractical for the City to seek competitive bids. 	<p>Explanation must clearly state why this exception meets the required criteria.</p> <ul style="list-style-type: none"> • Service is very specialized; • This product or service can only be provided by this contractor (sole source); • This service and/or product must be provided immediately; or • Other category. <i>Note: The lack of advanced planning does not constitute an immediate need.</i>

Source: Berkeley’s Purchasing Manual and Waiver of Competitive Solicitation form as of the end of fiscal year 2024

City Council authorized additional non-competitive contracts for community-based organizations.

Beyond waivers of competition approved by the City Manager, City Council also authorized non-competitive contracts for community-based organizations through a separate process. In fiscal year 2024, we found three instances where City Council awarded new contracts totaling \$417,400 to community-based organizations through budget referrals without any competition. According to an April 2025 Council item for Resolution 71,719, community-based organizations seeking one-time financial assistance have historically appealed directly to councilmembers to sponsor a budget referral outside of the City’s established procurement process. While it is appropriate for the City to contract with community-based organizations, it is important that the process is open and transparent for all community-based organizations and does not privilege certain organizations above others who may be equally or more deserving of financial support. To help address this issue, City Council passed a resolution to establish a more open

and transparent application process for community-based organizations to apply for emergency funding.

To promote fair and transparent procurement, it is important that decisions about contracts meet ethical standards to prevent conflicts of interest, but Berkeley's process to do that was limited. Berkeley requires certain employees and officials to complete the Form 700 financial interest disclosure form to comply with California state law, which includes disclosure of involvement in non-profit organizations. However, the Form 700 does not collect information about other relationships that may exist, such as friendships, that may bias a decision. In Berkeley, the only contractors required to complete a Form 700 were consultants that make government decisions or act in a staff capacity that would require a Form 700 if that role was held by a City employee. Berkeley's RFP and RFQ boilerplates also required interested contractors to disclose potential conflicts of interest, but these do not apply to non-competitive contracts.

In comparison, a best practice analysis from Atlanta's Ethics Office found that requiring potential contractors, in addition to City officials and employees, to continuously disclose relationships, serves as a checks and balance system between the two groups. It also helps maintain compliance and transparency in the government procurement process. In addition to the Form 700, San Francisco requires City officers and employees to publicly disclose any personal, professional, or business relationships with anyone involved in a government decision they make.

Contracts starting below the formal competition threshold were amended by an average of \$218,026 per contract without additional competition.

As of March 2025, the City had 95 active service contracts that began at or below the formal competition threshold of \$50,000 but were later amended above the threshold. On average, these amendments added \$218,026 in total to each contract. Since these service contracts started below \$50,000, they did not require City Council approval or formal competition. The contracts then increased without meeting the requirements for competition that apply to larger dollar values. We found some contracts which originally had waivers of competitive solicitation and were later amended by large amounts. For example, one contract that started at \$50,000 was amended to \$737,092 over 6 years, nearly 15 times the original cost. All of the service

contract amendments over \$50,000 in our sample received City Council or Board approval,⁴ as required by the Finance Department. According to Finance staff, there are circumstances when contract amendments are reasonable. To comply with this, staff need clear guidance to understand when amendments are appropriate or when the contract should be re-competed.

While Berkeley's policy sets dollar thresholds for when a new contract must go through a formal competitive process, there was no documented citywide guidance for when existing contracts should be re-competed rather than amended. According to the U.S. Government Accountability Office, competitive contracts can help save taxpayers money. When Berkeley relies on existing contractors without competition, the City may lose out on the potential financial benefits of competition. In a sample of 23 amended contracts, 16 contracts (or 70 percent) lasted for over five years. According to the Director of Finance, the general rule is for most contracts to go back out to bid every five to seven years. However, this guidance was not written in the City's purchasing policy. In fact, Berkeley did not have any published guidance for staff on contract amendments. Standard guidance on when amendments are appropriate and when contracts need to be re-competed could help address confusion about the amendment process that staff shared. Clear expectations may help reduce use of amendments instead of competition.

We also identified three City Attorney contracts for legal services which grew by over 20 times their original amount, including one which started at \$50,000 in 2018 and grew to \$4,167,000 as of August 2025. Because the City Charter and Berkeley Municipal Code give the City Attorney the authority to enter into legal services contracts,⁵ the amendments do not require City Council approval unlike other City contracts above the Council approval threshold. This different process for the City Attorney's Office does not provide the same level of public oversight and transparency compared to new contracts and contract amendments that are reviewed by City Council at public meetings.

⁴ In our sample, contracts from the Library and the Rent Board received authorization from their boards rather than City Council.

⁵ The City Charter (Section 113) and Berkeley Municipal Code (2.56.040) give the City Attorney independent contracting authority for legal services contracts. The Berkeley Municipal Code does not address competition for service contracts, including legal services. Other jurisdictions, such as the City of Santa Monica, as well as California state agencies, explicitly exempt legal services from competitive process requirements. We did not evaluate best practices for competition of legal services contracts.

Recommendations

- 1.1. To ensure Berkeley is getting the best value for recycling services, we recommend that Public Works pursue open competition on the City's recycling contracts.
- 1.2. To ensure large contracts have adequate competition, we recommend City Council work with City management and the City Attorney to propose updates to the Berkeley Municipal Code Chapter 7.18 to require competition for service contracts that City Council approves.
- 1.3. To ensure clear standards for waiving competition, we recommend that the Finance Department update the waiver of competitive solicitation form to be consistent with the Purchasing Manual.
- 1.4. To ensure transparency, we recommend that City management work with the Finance Department, Human Resources, and the City Attorney's office to strengthen the City's existing ethical standards, including guidance for City officials, staff, and contractors regarding disclosing personal, professional, and business relationships.
- 1.5. To ensure City staff have guidance on how to appropriately use amendments, we recommend that the Finance Department develop and distribute written policies and procedures on contract amendments, including when contracts are required to go back out for competition.
- 1.6. To increase transparency of spending on legal services contracts, we recommend that the City Attorney's Office regularly report legal services contracts and amendments to City Council.

Paper contracts, unclear guidance, and short staffing led to delays and overuse of non-competitive contracts.

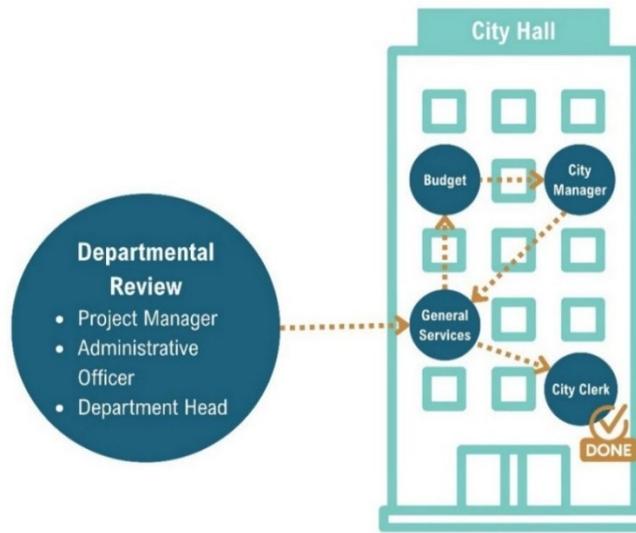
During our audit period, Berkeley used paper contracts that needed to be hand-delivered between departments, creating some delays and misplaced contracts. Lack of electronic tracking of waivers or the type of competition used for contracts made it difficult for management to analyze or monitor the use of waivers or analyze competition citywide. Additionally, the Purchasing Manual was missing key guidance, and training for staff was limited. Short staffing and turnover also made it difficult for the City to address these concerns and improve the contract process. Together, these conditions caused delays, errors, and greater reliance on non-competitive contracting to keep City services running.

Berkeley used paper contracts that need to be hand-delivered between departments.

In fiscal year 2024, most of Berkeley's contracts were still reviewed and signed on paper, meaning staff hand-delivered them to different departments for approvals (Figure 5). During the scope of our audit, Berkeley did not have a comprehensive digital contract management system. In fiscal year 2024, it took an average of 37 days between when the contract was dropped off to General Services and when it was given to the City Clerk's office, according to an internal tracking spreadsheet. Departments conducted additional levels of review prior to it arriving at General Services, meaning the entire process took even longer.⁶

⁶ This does not include the City Attorney review, which is only required when not using a pre-approved contract boilerplate, according to the Purchasing Manual and review form. However, the City Attorney has said they should review all contracts.

Figure 5: Moving paper contracts throughout City Hall created opportunities for delays.



Source: Auditor analysis of contract review sheet for new expenditure contracts

Some department staff said this outdated process created delays, so they had to use the shorter non-competitive contract process to maintain City services. Some staff stated that they needed to amend a contract or use a waiver of competition for a contract that could have been competed because they needed additional time to complete the full RFP and contract review processes, especially if they were short staffed. One General Services staff member also said that many of the waivers of competition they reviewed came from a lack of planning for future contracts. However, the waiver form specifically notes that the lack of advanced planning does not constitute an immediate need. If the City continuously amends contracts instead of going out to competition, it could potentially miss out on new contractors and savings. According to the Procurement Excellence Network, streamlining the procurement process is essential to freeing up staff time to focus on improving the performance of programs and services and, in turn, results for residents.

Staff also explained that it was hard to track where a contract was in the review process. Figure 6 shows some locations where staff dropped off paper contracts throughout the routing process. Contracts awaiting signatures could sit unsigned at staff members' desks for days while they were out of the office, or could even be misplaced or lost. During our audit, General Services staff found four unsigned contract amendments for \$500,000 each sitting in a box under a desk. The contracts were approved, and the department could spend the money. However, the contracts were not formally amended, so the liability terms of the contract were not finalized.

Figure 6: Staff had to deliver paper contracts between departments.

Source: Auditor photos of Finance Department and the City Clerk contract locations

Since the City's financial system did not track the contract review process, General Services staff created a separate spreadsheet to give departments some insight into where the contract was in the approval process. However, at the start of the audit period, any Berkeley staff member could edit the sheet, leading to the potential for intentional or accidental changes to the information. This has since been addressed.

While waivers of competition were available in the individual contract file, the City did not centrally track waivers overall in an electronic format nor the type of competition used for contracts, making it difficult for management to understand the use of waivers across all city departments or identify trends over time. Berkeley's current system makes it very time-consuming to conduct this analysis, especially determining how much money is spent competitively versus non-competitively. For this report, we manually reviewed hundreds of contract PDFs to assess if they were competitive or not. Regular analysis of the City's spending on purchases is important for supporting management decisions and better oversight of contractor relationships.

The City has begun to explore options for digitizing the contracts process. During our audit, Berkeley adopted DocuSign, a more efficient and trackable digital signature software for some parts of the City's contracting process, such as approving waivers of competition and extension letters. However, various General Services staff members explained that the software is not set up to effectively manage the full contract review process. Additionally, a cross-departmental team led by the City Manager's Office is looking into purchasing a digital contract management system to improve the contracting process. However, given the City's current budget limitations, they want to make sure it provides significant value to the City.

The Purchasing Manual was missing key guidance and training for staff was limited.

Berkeley's Purchasing Manual was missing sixteen of the minimum necessary parts of a procurement policy manual defined as industry best practices during the audit (Table 5). For example, Berkeley's Purchasing Manual did not have a definitions section to help ensure that all staff understand the terms referenced in the manual and how they are used in the City of Berkeley. It also did not include a process for suspending or debarring contractors who violate City law or fail to meet contract obligations.

The Purchasing Manual also had limited or conflicting guidance on key purchasing topics. Information on sole or single-source contracts was separated across three different sections and did not align with the information on the required waiver form itself, making it difficult for staff to know how to use them correctly. There was also no written guidance on amendments or extensions, in the Purchasing Manual or elsewhere, including when they should go back out to competition. There was also very limited guidance on piggybacking or cooperative agreements, which allow staff to use a competitively bid contract from another jurisdiction. Piggybacking could be a way to save staff time while ensuring the best price, but only if staff have appropriate guidance. In our analysis of fiscal year 2024 contracts, departments used different procedures for piggybacked contracts from waivers of competition to authorizing Council Resolutions to no contract at all.

Table 5: Berkeley’s Purchasing Manual was missing key elements, as defined by industry best practices.

Element	Element Aspects that are Missing or Incomplete	Element Aspects that are Included
Definitions - Defines key terms	1	0
Organizational Structure - Establishes roles and responsibilities	2	1
Vendor Selection – Provides guidance for evaluating vendor proposals and developing a contract	1	5
Specifications – Provides guidance for drafting specifications to ensure maximum competition	1	0
Ethics – Includes guidelines to ensure the procurement process is fair and resolve violations to stated policy	5	2
Personnel – Outlines required qualifications and training for procurement staff	3	0
Other Initiatives – Provides guidance for procurement-related initiatives, such as prioritizing minority and women-owned businesses or local businesses	3	3
TOTAL	16	11

Source: Auditor analysis of NIGP: The Institute for Public Procurement’s Principles and Practices of Public Procurement and the City of Berkeley’s Purchasing Manual as of the end of fiscal year 2024.

Staff in each City department have responsibilities related to purchasing goods and services for their department, but the City did not have clear policies and procedures so that staff could easily navigate the purchasing process. In a listening session hosted by the City Manager in February 2025, some staff members representing most City departments shared that they did not understand the rules of purchasing. This confusion can end up requiring more General Services staff time to either individually walk staff through the process or correct errors once submitted. According to best practices, the Purchasing Manual should simplify, clarify, and reflect the laws governing purchasing in way that is useable for staff across the City. To fill in the gaps from the citywide Purchasing Manual, some departments have created their own manuals to support their staff.

Staff also shared that there were few training opportunities or resources for department staff to learn about the contract process. In addition to a clear Purchasing Manual, it is important that all staff with a role in procurement have a clear and consistent understanding of the rules. Prior to May 2025, contract training was inconsistent. However, between May and July 2025, the Finance Department conducted five contract trainings. The Procurement Excellence Network recommends continuous training and coaching of staff on procurement best practices. Having

clear, documented policies and procedures also increases consistent application of purchasing rules during times of transition or understaffing.

Short staffing and turnover made it more difficult to improve the contract process.

The General Services Division has had repeated vacancies in key positions in the past five years making it difficult to improve the contract process. The General Services Manager position leading the division has been vacant since November 2024 (Figure 7). The Director of Finance is primarily acting in that role after the previous General Services Manager left the City after less than three months. Previously, the Finance Department used a waiver of competition to contract a consultant to cover the position while they hired a full-time staff member. Another key position, the Contract Administrator, was vacant for almost a year until April 2025, and for substantial time prior to 2021. Government finance departments across the country have also struggled to fill purchasing positions. According to a 2022 report from the Government Finance Officers Association, procurement clerks, buyers and purchasing agents are in high demand and have a high ratio of job postings per filled positions. Positions with a relatively higher ratio will take longer to fill since competition for candidates is higher.

Figure 7: Key General Services positions have been repeatedly vacant, especially in the last two years.



Source: Finance Department and auditor review of employee data

These Finance Department vacancies strained General Services staff capacity, and they reported taking on the work of these vacant positions in addition to their own responsibilities. The turnover and understaffing made it difficult for General Services staff to review and provide substantive feedback on contract documents, and delayed contracts during our audit period,

according to staff. Overworked staff may also not be able to appropriately prioritize procurements and focus resources on the highest risk purchases, including non-competitive contracts. Short staffing and turnover made it difficult for the division to make changes to improve the contracting process that could limit non-competitive contracts, such as implementing additional training and updating manuals.

Limited General Services staff capacity also means that while the City has started to collect contractor demographic information, they have not had the capacity to complete a formal analysis of this data. City leadership has not determined responsibility for managing demographic data from potential contractors to facilitate data analytics. The analysis could inform changes to the City's policy to promote fairness and increased competition.

Recommendations

- 2.1. To increase efficiency and accountability in the contract process, we recommend that City management work with the Finance Department to adopt a comprehensive and integrated electronic contract management system, as funds are available.
- 2.2. To more easily assess the use of non-competitive contracts, we recommend that the Finance Department track what type of competition is used for each contract and maintain documentation in an accessible format as part of the new contract management system.
- 2.3. To ensure consistent application of standards, we recommend the Finance Department update the Purchasing Manual and any additional guidance documents for staff to include complete sections on key topics such as amendments, piggybacking, ethics, and suspension or debarment of contractors who engage in misconduct.
- 2.4. To ensure clarity in the primary guidance on purchasing for all City staff and consistent application of standards, we recommend the Finance Department work with the City Attorney and City management to update the Purchasing Manual with a table of contents, clear definitions, and consistent language and standards across the Purchasing Manual and related forms, boilerplates, templates, and other additional guidance documents.
- 2.5. To ensure that City staff know how to use the contracting process correctly and efficiently, we recommend that the Finance Department offer and publicize a regular procurement training program for staff from other departments.

- 2.6. To ensure adequate resource support for City contracts, we recommend that City management assess Finance Department staff positions needed to provide oversight and prioritize filling these positions when possible.
- 2.7. To ensure the City makes progress towards promoting fairness in contracts, we recommend that City management formally assign responsibility for managing the demographic data from potential contractors to facilitate data analytics and implementing prior recommendations related to contractor outreach and the contracting process.

Management Response

We provided a draft of this report to the City Manager, the Finance Department, and the City Attorney for review and comment. City management agreed or partially agreed with our findings, conclusions, and recommendations. We generally expect the City to implement audit recommendations within two years of report issuance. City management provided the implementation dates and corrective action plan below. We will be conducting our standard recommendation follow-up process after the audit is issued. We have not yet confirmed to what extent any recommendations may have been implemented prior to the audit release date.

Recommendation 1.1: To ensure Berkeley is getting the best value for recycling services, we recommend that Public Works pursue open competition on the City's recycling contracts.

Management Response: Agree

Implementation Date: To be determined

Corrective Action Plan: Will assess and develop timeframe for 2026

Recommendation 1.2: To ensure large contracts have adequate competition, we recommend City Council work with City management and the City Attorney to propose updates to the Berkeley Municipal Code Chapter 7.18 to require competition for service contracts that City Council approves.

Management Response: To be determined

Implementation Date: To be determined

Corrective Action Plan: To be determined

Recommendation 1.3: To ensure clear standards for waiving competition, we recommend that the Finance Department update the waiver of competitive solicitation form to be consistent with the Purchasing Manual.

Management Response: Agree, this was completed in November 2025

Implementation Date: November 2025

Corrective Action Plan: The language in both the Competitive Solicitation Waiver form and the Purchasing Manual has been updated to be consistent.

Recommendation 1.4: To ensure transparency, we recommend that City management work with the Finance Department, Human Resources, and the City Attorney's office to strengthen the City's existing ethical standards, including guidance for City officials, staff, and contractors regarding disclosing personal, professional, and business relationships.

Management Response: Partially agree

Implementation Date: To be determined

Corrective Action Plan: Will incorporate into guidance for staff. Will work on solutions for contractor disclosures but need to determine how best to incorporate given potential enforcement challenges.

Recommendation 1.5: To ensure City staff have guidance on how to appropriately use amendments, we recommend that the Finance Department develop and distribute written policies and procedures on contract amendments, including when contracts are required to go back out for competition.

Management Response: Agree

Implementation Date: November 2025

Corrective Action Plan: This information is in the updated purchasing manual and the contract training class.

Recommendation 1.6: To increase transparency of spending on legal services contracts, we recommend that the City Attorney's Office regularly report legal services contracts and amendments to City Council.

Management Response: Agree

Implementation Date: April 30, 2026

Corrective Action Plan: The City Attorney's Office will report new legal services contracts and amendments to the City Council on an annual basis beginning with contracts entered into Q1 2026. The reports will not include any confidential or attorney-client privileged information.

Recommendation 2.1: To increase efficiency and accountability in the contract process, we recommend that City management work with the Finance Department to adopt a comprehensive and integrated electronic contract management system, as funds are available.

Management Response: Agree

Implementation Date: Partially implemented July 2025

Corrective Action Plan: Several departments have implemented DocuSign for the full contract routing process (about 65% of city contracts). Citywide, DocuSign has been adopted for all extension letters and waivers. There are budget and resource constraints to purchasing software that would integrate with the City's current financial system. However, a multi departmental work group has been working for several months on bringing electronic contracts management system recommendations to the City Manager for a new system.

Recommendation 2.2: To more easily assess the use of non-competitive contracts, we recommend that the Finance Department track what type of competition is used for each contract and maintain documentation in an accessible format as part of the new contract management system.

Management Response: Partially Agree

Implementation Date: July 2025

Corrective Action Plan: By implementing DocuSign for all waivers, the process itself has all the necessary information to track quantity, date, and all approvals. This solution will not add additional steps, time or expense which is helpful given limited resources and financial constraints. We continue to assess for use in potential new systems.

Recommendation 2.3: To ensure consistent application of standards, we recommend the Finance Department update the Purchasing Manual and any additional guidance documents for staff to include complete sections on key topics such as amendments, piggybacking, ethics, and suspension or debarment of contractors who engage in misconduct.

Management Response: Agree

Implementation Date: November 2025

Corrective Action Plan: The updates have been made.

Recommendation 2.4: To ensure clarity in the primary guidance on purchasing for all City staff and consistent application of standards, we recommend the Finance Department work with the City Attorney and City management to update the Purchasing Manual with a table of contents, clear definitions, and consistent language and standards across the Purchasing Manual and related forms, boilerplates, templates, and other additional guidance documents.

Management Response: Agree

Implementation Date: Partially implemented

Corrective Action Plan: Ongoing process to improve guidelines and process flows.

Recommendation 2.5: To ensure that City staff know how to use the contracting process correctly and efficiently, we recommend that the Finance Department offer and publicize a regular procurement training program for staff from other departments.

Management Response: Agree

Implementation Date: May 2025

Corrective Action Plan: We have already had several sessions of Contract Training classes and will continue them in 2026.

Recommendation 2.6: To ensure adequate resource support for City contracts, we recommend that City management assess Finance Department staff positions needed to provide oversight and prioritize filling these positions when possible.

Management Response: Agree

Implementation Date: In process

Corrective Action Plan: All vacancies in the Finance Department are in the process of being filled including the General Services Manager and Buyer.

Recommendation 2.7: To ensure the City makes progress towards promoting fairness in contracts, we recommend that City management formally assign responsibility for managing the demographic data from potential contractors to facilitate data analytics and implementing prior recommendations related to contractor outreach and the contracting process.

Management Response: Agree

Implementation Date: September 24, 2025

Corrective Action Plan: This was assigned to the DEI Officer.

Methodology and Compliance

To gain an understanding of General Services operations and internal controls, and to achieve our audit objectives, we used the following methodology:

- We reviewed the City Charter, Berkeley Municipal Code, Purchasing Manual, other internal policies and procedures, review forms, and past reports and audits. We also attended one of the contract training sessions offered by the Finance Department.
- We compared Berkeley's practices against published best practices and guidance from organizations such as NIGP: The Institute for Public Procurement, the Procurement Excellence Network, and the U.S. Government Accountability Office. We also reviewed related audits from other jurisdictions and spoke with the auditors.
- We interviewed a range of stakeholders to understand how the contract process works both within General Services and from the perspective of other departments. This included General Services staff and staff from six other city departments regularly involved in the contracts process

Our scope focused on two datasets from the City's financial system: (1) all expenditure contracts marked as posted in the City's financial system as of March 6, 2025 and (2) expenditure contracts executed in fiscal year 2024. Since the City's largest contracts often last years, they likely would not have been captured in our dataset of contracts executed in fiscal year 2024, even though these contracts were active in this year. Therefore, we also reviewed 100 of the City's largest expenditure contracts in the City's financial system. We found that 22 were likely expired because they had an expiration date in the City's financial system before June 30, 2025. We did not verify if there were cases when the contracts were extended, but the expiration date in the City's financial system had not been updated. We included only the remaining 78 active contracts in our analysis. Additionally, we identified the largest contracts based on the revised total in the City's financial system. It is possible the not-to-exceed written in some contracts was greater than what was listed in the financial system depending on variations in how the amount is entered, such as entering only one year's worth of funds at a time for a multi-year contract. We did not include purchase orders in our definition of contracts.

We performed a risk assessment of the City's contract practices and procedures to identify potential internal control weaknesses, including fraud risks, within the context of our audit objectives. This included a review of selected policies and procedures, as well as interviews with internal staff.

The City's financial system does not indicate the type of competition the City used for each contract. Therefore, we used the publicly available contract information in Records Online to determine the competition for all expenditure contracts executed in fiscal year 2024 and the 100 largest active contracts. We reviewed the contract packet for each contract to assess if it was competitive or not, as well as to ensure consistency in contract information between the City's financial system and the contract itself. We validated the determination of the non-competitive contracts with the responsible department. We did not assess the effectiveness of the competition – i.e., if they received multiple bids – only if the department reported using competition.

We did additional testing of a subset of the contracts identified above. For example, among the contracts from fiscal year 2024 that used waivers of competitive solicitation, we also assessed if they met the Purchasing Manual criteria for waivers. We also analyzed the active service contracts that began at or below \$50,000 and were later amended above that threshold. We tested a sample of 25 contracts amended under the City Manager, as well as five additional amended City Attorney contracts, for competition and compliance with policy requirements for review and approval. We also reviewed the Contracts Log spreadsheet managed by the General Services team. For specific contracts, we also reviewed additional documentation from Council Resolutions, Council Items and other documentation.

Data Reliability

We assessed the reliability of the City's financial system and Records Online data by reviewing it for reasonableness and completeness. We also interviewed staff responsible for managing the systems and inputting the data. We were also able to validate the information across the two systems to ensure the data matched. We identified a few instances of incomplete data, however, we determined that the data is sufficiently reliable to address the audit objectives.

Independence

According to Article XI of the Berkeley Charter, the City Auditor is responsible for countersigning, numbering and registering all contracts for the City of Berkeley. Given updates in technology, in recent years, this responsibility involved no actual oversight as contracts were already executed by the time they reached the City Auditor's office. The City Auditor's Office assigned the executed contract a number and recorded it. The City Auditor's Office did not have a role in reviewing or approving contracts, or ensuring that contracts followed City policy.

In November 2018, the City began using the ERMA financial system, which automatically numbered all contracts. To reduce redundant steps, the City Auditor officially designated responsibility to countersign contracts as registrant to the Finance Department. In 2024, the City updated the Berkeley Municipal Code (2.24.050.C) to reflect this change.

To reduce the threat to our independence, we limited our work by excluding areas overseen by our office.

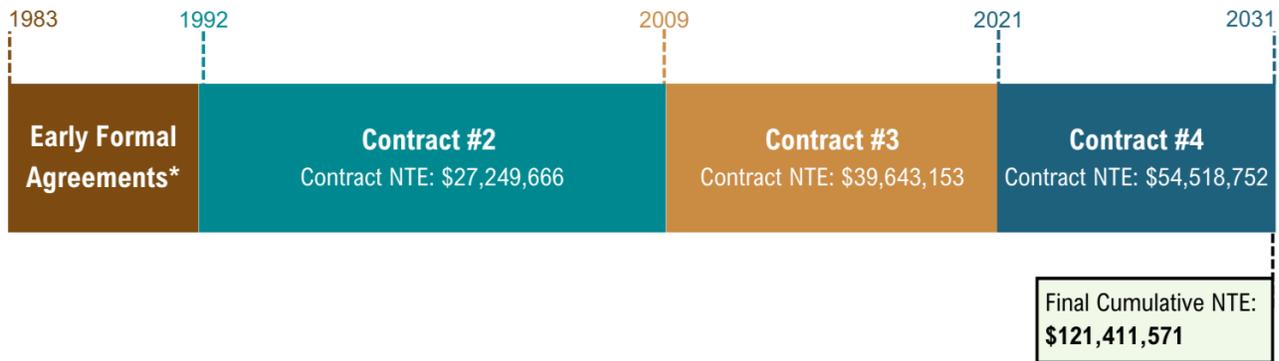
Statement of Compliance

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix 1: Timelines of the City’s Recycling Contracts

Figure 8 and Figure 9 show the history of the City’s contracts with the Ecology Center and Community Conservation based on review of authorizing Council Resolutions and other related documents. We reviewed the authorizing Council Resolutions to understand the City’s process for awarding and amending these contracts, but we did not audit these individual contracts or contractors.

Figure 8: Berkeley has contracted with the Ecology Center since the 1980s.



Source: Auditor analysis of Council Resolutions and contract documents on Records Online

*The resolutions authorizing the early contracts and amendments did not include dollar amounts, so we were unable to assess the not-to-exceed amount for these contracts.

Note: NTE stands for “not-to-exceed.” City Council authorizes the City to spend up to that amount on the contract. We did not assess whether the City spent the full amount on each contract.

Figure 9: Berkeley has contracted with Community Conservation Centers (CCC) since the 1980s.



Source: Auditor analysis of Council Resolutions and contract documents on Records Online

*The resolutions authorizing the early contracts and amendments did not include dollar amounts, so we were unable to assess the not-to-exceed (NTE) amount for these contracts.

**We were unable to calculate the contract NTE prior to 2005 due to inconsistent reporting and documentation.

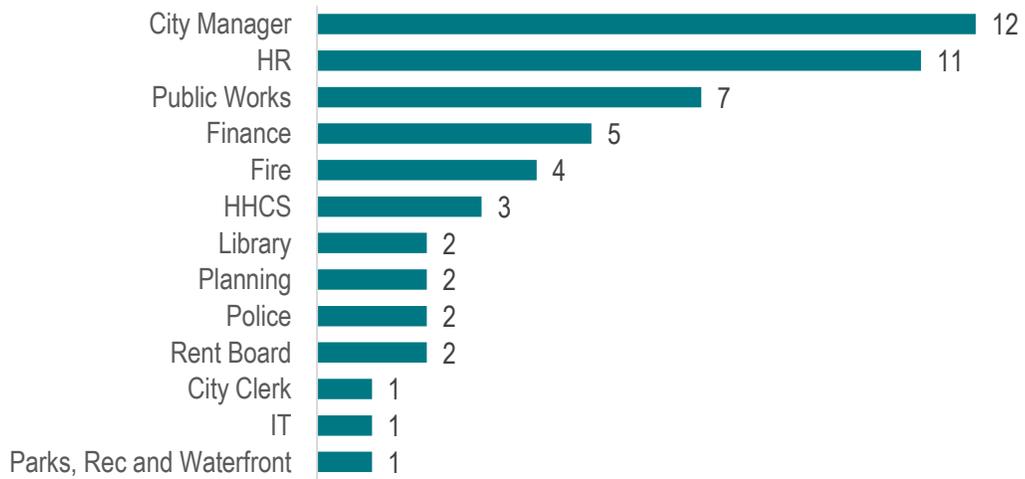
***This is an underestimate of the total cost of this contract, as the original not-to-exceed was the total gross receipts resulting from the sale of the City's recyclable materials minus 7.5 percent of those gross receipts which was to be paid to the City annually. Later amendments added additional one-time payments which account for the reported NTE. We did not analyze or calculate the total gross receipts for this report.

Note: City Council authorizes the City to spend up to that amount on the contract. We did not assess whether the City spent the full amount on each contract.

Appendix 2: Contracts with Waivers Executed in Fiscal Year 2024

Figure 10 shows the total number of contracts executed in fiscal year 2024 that used a waiver of competition, broken down by department.

Figure 10: Number of non-competitive contracts executed via waiver in fiscal year 2024 by department.



Source: The City's financial system and auditor assessment of contracts in Records Online

Appendix 3: Largest Active Non-Competitive Contracts

In Table 6, the term “active” refers to the contract’s status in the City’s financial system. The contractor and description also come from the City’s financial system. The contract length in years is based on the expiration date in the City’s financial system as of September 29, 2025. The total contract amount is based on the contract itself and any subsequent amendments as of September 29, 2025.

Table 6: List of non-competitive contracts among the City’s 100 largest active contracts, largest to smallest

Contractor	Description	Total Contract Length (in years)	Total Contract Amount	Met PM Criteria?
ECOLOGY CENTER, INC	RESIDENTIAL RECYCLING COLLECTION SERVICES	5	\$54,518,752	NO
COMMUNITY CONSERVATION CENTER, INC	RESIDENTIAL & COMMERCIAL RECYCLING OPERATIONS	5	\$30,080,783	NO
BAY AREA COMMUNITY SERVICES	PATHWAY STAIR CENTER	8	\$15,168,616	YES
EVICION DEFENSE CENTER	HOUSING RETENTION PROGRAM	5	\$8,294,683	YES
BERKELEY CONVENTION & VISITOR	TOURISM BSNSS IMPROV DIST MKTG SVCS	8	\$7,966,000	YES
TELEGRAPH PROPERTY & BUSINESS	TELEGRAPH BUS. IMPROVE DIST.	10	\$7,410,024	YES
INSIGHT HOUSING	INTERM HOUSING AT SUPER 8 MOTEL	5	\$7,295,634	YES
DOWNTOWN BERKELEY ASSOCIATION	PROPERTY BASE BID ASSESSMENT (DPBID)	5	\$7,285,257	YES
EBMUD	EBMUD PW SEWER BILLING SERVICES / COLLECTIONS	10	\$6,100,000	YES
MOTOROLA SOLUTIONS INC	MUNICIPAL LEASE - RADIO & EQUIPMENT LEASE	7	\$5,818,116	YES

Contractor	Description	Total Contract Length (in years)	Total Contract Amount	Met PM Criteria?
RENNE PUBLIC LAW GROUP	MISCELLANEOUS SERVICES, NO. 1 - Legal Services	7	\$4,167,000	N/A*
SENTRY CONTROL SYSTEMS, INC	PARKING ACCESS & REVENUE COLL	9	\$2,915,355	YES

Source: The City’s financial system and auditor assessment of contracts in Records Online

* N/A indicates that we did not assess whether this contract met the Purchasing Manual criteria for competition because the City Charter (Section 113) and Berkeley Municipal Code (2.56.040) give the City Attorney independent contracting authority for legal services contracts. The Berkeley Municipal Code does not address competition for service contracts, including legal services.

Appendix 4: Active Service Contracts Amended Over the Threshold for Competition

The contracts listed in Table 7 are the top 10 active service contracts by total dollar value that began at or below the formal competition threshold of \$50,000 and were later amended to increase the cost of the contracts. The term “active” refers to the contract’s status in the City’s financial system.

The contractor, department, description, and revised total come from the City’s financial system. The original total is based on the contract posted in Records Online. The revised total includes any amendments recorded in the financial system as of March 2025.

We did not review the contract file for every contract nor determine which ones were initially competitive. This list is intended to highlight that the amendment process can lead to increases for contracts with no guidance for when competition may be needed.

Table 7: List of ten largest service contracts which began at or below \$50,000 and were amended above \$50,000 as of March 2025, largest to smallest

Contractor	Department	Description	Original Total	Revised Total
RENNE PUBLIC LAW GROUP	City Attorney	MISCELLANEOUS SERVICES, NO. 1 - Legal Services	\$50,000	\$4,167,000
BURKE, WILLIAMS & SORENSEN, LLP	City Attorney	EXTERNAL LEGAL COUNSEL	\$10,000	\$1,208,266
L.J. KRUSE CO	Library	BPL HVAC Building Maintenance	\$16,000	\$843,020
YOUTH SPIRIT ARTWORKS	Health, Housing, and Community Services	TAY CASE MANAGEMENT & LINKAGE SVCS.	\$50,000	\$737,092
BRISCOE IVESTER & BAZEL LLP	City Attorney	Outside Legal Counsel re: Ruegg & Ellsworth v. COB	\$30,000	\$725,000
CIVICMAKERS, LLC	IT	Coaching & Training Svcs	\$35,000	\$529,025
SLOAN SAKAI YEUNG & WONG LLP	HR	LEGAL SVCS-LABOR NEGOTIATION SUPPORT	\$45,000	\$484,587
MSR MECHANICAL, LLC	Public Works	ON-CALL HVAC SVCS	\$50,000	\$448,515
ATTHOWE FINE ART SERVICES	City Manager	As-Needed Fine Art Services	\$49,950	\$400,000

Contractor	Department	Description	Original Total	Revised Total
ACCUTITE ENVIROMENTAL ENGINEER	Public Works	STORAGE TANK MAINT & TESTING	\$50,000	\$382,496

Source: Records Online and the City's financial system

Mission Statement

Promoting transparency and accountability in Berkeley government.

Contributors

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[Copies of our audit reports are available on our website.](#)

Cover photograph by the City Auditor's Office.



BERKELEY CITY AUDITOR



Rashi Kesarwani
Councilmember, District 1

CONSENT CALENDAR
March 10, 2026

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Resolution Rescinding Berkeley Police Department's Pepper Spray Reporting Requirement

RECOMMENDATION

Adopt a resolution rescinding Berkeley Police Department's current required notification process for reporting pepper spray via the Berkeley Police Department Use of Pepper Spray Report after each incident. Further, maintain the recording of pepper spray use within the existing use of force reporting system to minimize the administrative burden on staff. The department's current transparency measures already provide the public with detailed data on all use of force incidents.

POLICY COMMITTEE RECOMMENDATION

On Thursday, January 29, 2025, the Public Safety Policy Committee adopted the following action: M/S/C (Blackaby/O'Keefe) to send the item with a qualified positive recommendation to Council that includes

- 1) Inviting Police Accountability Board review,
- 2) Reaffirming the existing reporting requirements that remain in effect, and
- 3) Direction to the Berkeley Police Department to work to maximize the availability of the reports through the Transparency Hub¹ and the Annual Report.

Vote: All Ayes.

Per the recommendation of the Public Safety Policy Committee this item seeks to reaffirm the goal of enhancing transparency within our police department and welcomes the Police Accountability Board's input in reviewing this item and information shared about officers' use of force.

¹ Berkeley Police Transparency Hub: <https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/>

This item also recommends a referral to the City Manager requesting the Berkeley Police Department edit the Transparency Hub Use of Force webpage to:

- Enhance the definitions for the various Use of Force levels and clearly identify pepper spray use as Level 3;
- Include clear navigational guidelines so users can more easily access the open data portal and seek information on chemical agent use.

CURRENT SITUATION AND ITS EFFECTS

Currently, the Berkeley Police Department (BPD) must notify the City Council and the Police Accountability Board within seven days every time pepper spray is used by the Police Department. The required BPD Use of Pepper Spray Report is comparable to the Use of Force Report, which is also required to be filed for these types of incidents. This duplicates both staff's efforts and the information captured and creates an unnecessary administrative burden.

Under current policy, every deployment of pepper spray goes through the full review structure required by Policy 300 which includes documentation and supervisory evaluation. Under the current policy, officers must additionally prepare a second report for Council and the Police Accountability Board that contains nearly the same facts already captured in the use-of-force review. The two processes run side by side and track nearly identical information, which creates extra work without adding anything meaningful to the record.

The documentation and supervisory evaluation for reporting an incident that gets uploaded to the Open Data Portal on the Transparency Hub and also gets reported using the BPD Use of Pepper Spray Report (see attachment 2) is largely identical and outlined below.

Scenario 1 is the anatomy of a pepper spray use incident that gets uploaded onto the Transparency Hub:

When there is any use of force incident involving a BPD officer, including use of force incidents involving pepper spray:

- Officers will fill out a report that includes information about:
 - The incident itself, including time, date, location where the incident occurred and level of use of force. This includes use of force incidents involving chemical agents (including pepper spray), listed as level 3, and whether the incident resulted in an arrest;
 - The suspect themselves, including age, race, sex, subject altered state, and use of force reason;
 - The Officer involved, including the officer role (for example, trainee, Primary Officer, Cover Officer, etc.)

- Once the report has been completed, the Supervising Officer/Sergeant of the team will fill out a report for the use of force incident. This involves looking for completion and compliance in reporting. This process includes:
 - Reviewing the case report, and
 - Reviewing the Body Worn Camera videos
- Once the Supervising Officer report has been completed, it is then reviewed by:
 - The Lieutenant of the unit, then handed off to
 - A police captain who approves the report

Once finalized, the information is added to the database and the Transparency Hub.

Scenario 2 is the anatomy of a pepper spray use incident that gets filled out and reported using the BPD Use of Pepper Spray Report:

When there is any use of force incident involving pepper spray:

- The officer involved will complete the *entire* process explained in scenario 1 above. *In addition,*
- The officer involved will separately fill out the BPD Use of Pepper Spray Report form (attachment 2)
- Officers will fill out a report that includes information about:
 - The incident itself, including time, date, location where the incident occurred. This includes use whether first aid was administered for the subject.
 - The suspect themselves, including age, race, sex, and use of force reason;
 - The Officer involved, including the officer role (for example, trainee, Primary Officer, Cover Officer, etc.)
- The report is reviewed by:
 - The Supervising Officer/Sergeant of the unit, then handed off and reviewed by
 - The Lieutenant of the unit, then handed off and reviewed by
 - A Captain in the department, then handed off and reviewed by
 - The Police Chief, who then shares the information with
 - The City Manager, who then sends an email sharing the report to
 - The City Council including the Mayor, for their situational awareness.

The notable areas where the two systems of reporting are not exactly the same are:

- 1) Personally identifiable information is NOT included on the open data portal on the Transparency Hub to maintain privacy of individuals; this type of information could be included in the BPD Use of Pepper Spray Report; and
- 2) The information reported on the BPD Use of Pepper Spray Report is NOT shared with the public.

The Department already publishes detailed information on all use of force incidents through its Transparency Hub which is continuously updated and always available to the public at all times. That system shows when pepper spray is used and places it within the broader context of overall use of force reporting. Because the public already receives this comprehensive, routine data an additional stand-alone pepper spray report no longer serves a unique purpose. That report is neither available to the public nor does it further the department's transparency goals. The proposed change is an efficiency measure that would simply eliminate the additional and duplicative reporting mechanism; it would maintain the reporting of pepper spray use as it currently exists within the Transparency Hub.

BACKGROUND

In 1997, the Berkeley City Council instituted a separate notification process for reporting pepper spray use.² That requirement helped build accountability and oversight during an era of evolving police practices and before reporting mechanisms were significantly improved. That time pre-dated the Department's Transparency Hub and came before BPD implemented a comprehensive use of force reporting mechanism that contains vast quantities of data and documents all related incidents, including all those involving pepper spray. Currently this website is updated daily. This overhaul of reporting procedures has made the separate pepper spray notification via the BPD Use of Pepper Spray Report obsolete.

PROPOSED CHANGES AND RATIONALE FOR RECOMMENDATION

The proposed resolution would eliminate the mandate requiring Council notification for every use of pepper spray via the BPD Use of Pepper Spray Report. All incidents will continue to be documented through the existing use of force reporting system and be readily available to the public on the Transparency Hub. This adjustment simplifies administrative procedures and avoids duplicative reporting while preserving transparency and accountability. The current reporting framework captures all instances of pepper spray use alongside other use of force incidents. Maintaining a separate notification requirement burdens staff with redundant documentation and is not readily available to the public. The change will streamline operations and allow personnel to devote more attention to critical matters without sacrificing public oversight.

² See Attachment 3

FISCAL IMPACTS

No significant additional expenditures are anticipated. The proposed change is expected to yield administrative efficiencies that may result in minor cost savings.

CONTACT PERSON

Councilmember Rashi Kesarwani, District 1

(510) 981-7110

ATTACHMENTS

- 1) Resolution
- 2) Berkeley Police Department Use of Pepper Spray Report
- 3) Minutes for the Regular City Council Meeting, September 16, 1997

RESOLUTION NO. ##,###-N.S.
RESOLUTION RESCINDING THE PEPPER SPRAY INCIDENT NOTIFICATION
REQUIREMENT

WHEREAS, in 1997 the City Council established a requirement for the Berkeley Police Department to notify Council each time pepper spray is used as a measure to bolster accountability; and

WHEREAS, the separate notification process was introduced at a time when reporting mechanisms were limited and provided necessary oversight; and

WHEREAS, the Berkeley Police Department has since implemented a comprehensive use-of-force reporting system that documents all related incidents, including those involving pepper spray; and

WHEREAS, the continued requirement for separate notification creates redundant administrative tasks that strain City resources; and

WHEREAS, rescinding the notification requirement will simplify reporting procedures and allow staff to concentrate on more critical operational matters while preserving public transparency.

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

1. The requirement for the Berkeley Police Department to notify the City Council every time pepper spray is used is hereby rescinded.
2. All pepper spray incidents shall be recorded as part of the established use-of-force reporting system in accordance with current departmental protocols.

Please print and route through Chain of Command to the Office of the Chief.

_____ Duty Supervisor
_____ Watch Commander
_____ Operations Captain
_____ Chief of Police

MINUTES
BERKELEY CITY COUNCIL
REGULAR MEETING

Tuesday, September 16, 1997

Section A. Preliminary Matters

1. **Roll Call:** 8:00 p.m.

Present: Councilmembers Armstrong, Breland, Maio, Olds, Shirek, Spring, Woolley, Worthington, Mayor Dean and Deputy City Manager Rucker.

Absent: None.

2. **Ceremonial Matters:**

- a. Proclaimed September 20 as Berkeley Coastal Clean-up Day
- b. Proclaimed the 25th Anniversary for Telegraph Avenue Arts and Crafts Vendors
- c. Proclaimed September 14 - September 20 as Constitution Week

3. **Comments From The Public:** Lenore Anderson; Nancy Delaney; Ashley Krey; Sally Hindman; Howard Jeter; Ed Joseph; Charles Robinson; David Todtfeld; Margaret Bartelt; Russell Bates; Tom McAninley.

Section B. Action On Minutes

Meetings of May 13 (regular), June 3 (regular), June 10 (regular), June 17 (regular, special), June 24 (regular, special), July 8 (regular), July 15 (regular), July 22 (regular, special), July 25 (special), and July 31 (special), 1997.

Action: Minutes held over at the request of Mayor Dean.

Section D. Consent Calendar

The Consent Calendar was moved by Councilmember Breland, seconded by Councilmember Spring, and adopted by unanimous vote of the Council, unless otherwise stated:

(a) From City Manager:

1. **Loan Agreements with the Redevelopment Agency**

Recommendation: Adopt a Resolution authorizing the City Manager to prepare loan agreements with the Redevelopment Agency for the purpose of financing Agency administration, overhead and capital projects in the West Berkeley Redevelopment Project Area and presenting for final approval on October 28, 1997. The debt obligations to conform substantially to the following: 1) a multi-year loan agreement for an aggregate amount to pay for administrative and overhead expenses through the year 2012 and 2) a loan from the City to fund Capital Projects. Expense: Not to exceed \$3.31 million.

Action: Adopted Resolution No. 59,150-N.S. (Abstain: Olds, Dean)

2. **Contract: Totland Park Renovations**

Recommendation: Adopt a Resolution approving plans and specifications for Totland Park renovations; accepting the bid of CLD Construction; authorizing the City Manager to execute a contract and any amendments for a period of 120 days. Expense: \$49,950

Action: Adopted Resolution No. 59,151-N.S.

3. **Donation for San Pablo Park Play Equipment Project**

Recommendation: Adopt a Resolution accepting a donation from Eminent Software Inc. through Berkeley Partners for Parks for planned improvements within the tot area at San Pablo Park. Donation: \$3,000

Action: Adopted Resolution No. 59,152-N.S.

4. **Contract: University Avenue Interconnect Replacement Project**

Recommendation: Adopt a Resolution approving plans and specifications for the University Avenue Interconnect Replacement Project; accepting the bid of St. Francis Electric, Inc.; and authorizing the City Manager to execute a contract and any amendments to install traffic signal interconnect cable along University Avenue between Milvia and Sixth Street for the period September 15, 1997 to June 30, 1998. Expense: \$340,000

Action: Adopted Resolution No. 59,153-N.S.

5. **Contract: Municipal Parking Lot at Dwight Way and Eighth Street**

Recommendation: Adopt a Resolution appropriating funds from the Off-Street Parking Fund; and authorizing the City Manager to execute a contract and any amendments with the Berkeley Chamber of Commerce to manage and operate the new City Parking Facility at Dwight Way and Eighth Street for a time period of two years. Expense: \$23,170

Action: Adopted Resolution No. 59,154-N.S.

6. **Contract: West Campus Swim Center Pool Renovation Project**
Recommendation: Adopt a Resolution approving plans and specifications for the West Campus Swim Center Pool Renovation Project; accepting the bid of Western Water Features, Inc.; and authorizing the City Manager to execute a contract and any amendments to upgrade the swimming pool at the West Campus Swim Center for the period September 15, 1997 to June 30, 1998. Expense: \$223,700
Action: Adopted Resolution No. 59,155-N.S.

 7. **Contract: West Berkeley Senior Center Roof Replacement**
Recommendation: Adopt a Resolution approving plans and specifications for the West Berkeley Senior Center roof replacement; accepting the bid of Pioneer Roofing Organization; authorizing the City Manager to execute a contract and any amendments for a period of 35 calendar days. Expense: \$44,952
Action: Withdrawn by the City Manager.

 8. **Contract: North Berkeley Senior Center Upper Exterior Siding Repair**
Recommendation: Adopt a Resolution approving the plans and specifications for North Berkeley Senior Center upper exterior siding repair; accepting the bid of the lowest responsible bidder; authorizing the City Manager to execute a contract and any amendments for the period September 26, 1997 to January 1, 1998. Expense: \$115,000
Action: Adopted Resolution No. 59,156-N.S.
- (b) From Mayor and Council:
1. **Gray Panthers Proclamation**
From: Councilmember Maio
Recommendation: That Council approve the reading of a proclamation at the September 23rd Council meeting declaring Friday, September 26, 1997 as Gray Panthers Day and allowing representatives from the Gray Panthers to comment.
Action: Approved recommendation to add proclamations to September 23rd meeting.

 2. **Support Survival of the Traditional Hopi/Dineh (Navajo) Peoples**
From: Councilmember Worthington
Recommendation: That Council: 1) Adopt a Resolution which outlines the severity of the situation at Big Mountain regarding survival of the cultural existence of the Traditional Hopi/Dineh (Navajo) Peoples, 2) Send letters to President Clinton, Congressman Dellums and Senators Feinstein and Boxer urging them to establish new emergency hearings to investigate the issues occurring in northeast Arizona and a request for creation of a National Historic Cultural and Environmental Preserve and the return of those relocatees to the Joint Use Area and nearby lands, 3) Formally request the elders of both the Hopi and Dineh tribes be sought out and included in these hearings, 4) Call upon other U.S. cities to join us in lobbying Congress and the President to put an end to the injustices being performed with our government's approval, 5) Send a letter to Executives of Peabody Coal and the parent company, Hanson, Inc. asking them to put an end to the ecosystem destruction and devastation of cultural existence of the native peoples, 6) Send a letter to the Bureau of

Indian Affairs in Arizona and to Ada Deer, Assistant Secretary for Indian Affairs, calling upon them to act upon their responsibilities to protect and preserve the traditional cultures, and 7) Send letters to the Hopi Tribal Council and Tribal Police Chief, and Senator McCain voicing the City of Berkeley's disapproval of their actions and encouraging interest of the traditional peoples, culture and sustainment of the ecosystem ahead of corporate interests, such as those of Peabody Coal, or others.

Action: Adopted Resolution No. 59,157-N.S.

3. **Enforcement of Permit Parking Zone**

From: Councilmember Spring

Recommendation: That Council 1) request the City Manager inform all City staff and the Berkeley Unified School District of the rules regarding the preferential permit parking zones in the Civic Center area, 2) continue the project started by MAGNA representatives of daily identification of individual license plate numbers and car owners that park for more than two hours in Zone C and 3) report back to Council in seven months.

Action: Approved recommendation.

4. **Establish an Additional Zoning Adjustments Board**

From: Mayor Dean

Recommendation: That Council refer to the Zoning Adjustments Board (ZAB) and the City Manager the question of establishing an additional Zoning Adjustments Board and request a report back with recommendations by the end of November 1997.

Action: Removed from Consent Calendar by Councilmember Maio. Moved, seconded, carried (Shirek/Maio; Noes - Woolley, Dean) to table the item.

5. **Prevention of Storm Damage from Expected Early and Heavy Winter Rains**

From: Councilmembers Armstrong, Olds, Woolley and Mayor Dean

Recommendation: That Council direct the City Manager to take immediate steps to prevent storm damage expected to occur as a result of early and heavy rains due to El Nino. Steps should include but not be limited to the following: 1) Clean out all storm drains throughout the City, paying special attention to areas where past problems have occurred, 2) Plan ahead to prevent damage from occurring in landslide areas and 3) Take action to ensure that creeks are inspected prior to the onset of winter storms. In addition, request the City Manager prepare an oral report including a City-wide schedule of cleaning storm drains no later than the October 7th Council meeting.

Action: Removed from Consent Calendar by Councilmember Maio. Moved, seconded, carried (Spring/Maio; Abstain - Armstrong, Olds, Woolley, Dean) to ask the City Manager to schedule a Council discussion with a report back in October on Public Works' work plan and priorities and schedule for storm drain cleanouts. The report should also include information on what is being done by the County and by other cities to prepare for El Nino. Mayor Dean and Councilmembers Armstrong, Olds and Woolley asked that the record reflect that they abstained because they feel that the storm related issues are not being addressed.

6. **Investigation of California Gas Prices**

From: Mayor Dean

Recommendation: That Council support Senator Boxer in her investigation of the rise in California gas prices by sending letters of support to Senator Boxer, Attorney General Reno and Secretary of Energy Pena and endorse a letter writing campaign allowing Berkeley residents to express their support for the investigation.

Action: Approved recommendation.

7. **Dragonfly Preschool**

From: Councilmember Breland

Recommendation: That Council direct the City Manager to investigate the financial status and any assistance needed to keep the Dragonfly Preschool Program in the community and to include low-income residents, and report back by October 7th Council Meeting.

Action: Removed from Consent Calendar by Councilmember Olds. Moved, seconded, carried (Breland/Olds) to adopt the recommendation as amended to also request the City Manager to report back on October 7th or as soon as possible thereafter as to why the Preschool did not receive funding from the Housing Advisory Commission; how community welfare reform monies might be utilized; and a list of other preschools that might be eligible for welfare reform monies.

8. **Waiver of Fees for Youth Forum for West Berkeley Youth**

From: Councilmember Breland

Recommendation: Adopt a Resolution waiving fees for the rental of the James Kenny Recreation Center, providing for the taping of a film by BTV Channel 25, providing for staff support, and for all necessary permits; and directing the City Manager to find financial support for the West Berkeley Youth Forum sponsored by the West Berkeley Council Subcommittee.

Action: Adopted Resolution No. 59,158-N.S.

9. **25th Anniversary of Arts and Crafts Vendors on Telegraph**

From: Councilmember Worthington

Recommendation: That Council issue a proclamation at the September 16th City Council meeting in honor of the 25th Anniversary of the Arts and Crafts on Telegraph Avenue to be held on September 21, 1997.

Action: Removed from Consent Calendar by Councilmember Worthington. Moved, seconded, carried (Worthington/Spring) to approve recommendation. Proclamation presented by Councilmember Worthington.

Section G. Reports For Action

(a) From City Manager:

1. **Memorandum of Understanding for Fire Protection**

Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and execute a Memorandum of Understanding (MOU) with the cities of El Cerrito, Richmond, Kensington Fire Protection District, Contra Costa County Fire Protection District and the East Bay Regional Park Fire Department for the exchange of fire protection. Expense: None

Action: Moved to Consent Calendar by Councilmember Armstrong. Adopted **Resolution No. 59,159-N.S.**

2. **Air/Surface Easement at 1904 Sixth Street**

Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute an Easement Grant Deed with Rue-ell Enterprises for a ten-foot wide by 152-foot deep air/surface easement over the southerly portion of City-owned lot at 1904 Sixth Street. Revenue: \$16,000

Action: Withdrawn by the Deputy City Manager.

(b) From Mayor and Council:

1. **Interim Measures on the Use of Pepper Spray**

From: Councilmember Spring

Recommendation: That Council: 1) approve an interim policy that every time pepper spray is used by the Police Department, that the Officer involved will fill out a Use of Pepper Spray Report similar to the Use of Force Report presently in effect, and send to the Council and Police Review Commission within 7 days, 2) put seals on the triggers of the canisters, 3) no pepper spray will be used as crowd control by the Berkeley Police Department, 4) the City of Berkeley will investigate legal and other actions to be taken against UC Berkeley Police over abuse of pepper spray and other weapons, and 5) Council will view up to ten minutes of the video of UC Berkeley Police use of pepper spray on demonstrations for affirmative action at the September 16, 1997 Council meeting.

Actions: The video was shown.

Moved, seconded, carried (Maio/Spring) to approve an interim policy for City of Berkeley Police Department use of pepper spray to include: 1) Every time pepper spray is used by the Police Department a Use of Pepper Spray Report similar to the Use of Force Report presently in effect will be completed and sent through regular Police Department channels and to the Council and Police Review Commission; 2) the Report will be sent to the Council as an off-agenda report within seven days, 3) Seals will be put on the triggers of the canisters, 4) No pepper spray will be used as crowd control, and 5) The Police Chief will return to the Council with a report on all past and present uses of Pepper Spray.

Moved, seconded, carried (Maio/Spring) to 1) Ask the City Attorney to advise the Council on any legal actions Council might pursue as it relates to the University and University Police Department's actions to protect the students and their civil rights and any other effective actions the Council might take, and 2) The City continue working with the University of California at Berkeley to promote improved oversight and training to better equip the University Police to handle sensitive and volatile situations.

Moved, seconded, carried (Armstrong/Olds) to endorse the ASUC Bill in support of reforming the UC Police Review Board as presented by ASUC Senators at this meeting, and send a letter to the University officials informing them of Council's endorsement.

Section H. Reports For Information

(a) From City Manager:

1. **South Side Pedestrian Lighting Study (CR 97-53)**
Action: Received and filed.
2. **Unsafe Bedroom Window Security Bars (CR 97-64)**
Action: Received and filed.
3. **Survey Regarding Economic Impact of Smoking Ordinance (to be delivered)**
Action: Withdrawn by the City Manager.

(c) From Others:

1. **Notices of Decision for 2683 Le Conte Avenue and City Right-of-Way and Eastern Portion of Daley's Scenic Park District**
From: Landmarks Preservation Commission
Action: Councilmember Maio moved to Action. Received and filed.

Section I. Priority Items

1. **PRESENTATION ON ELECTRIC POWER SUPPLY OPTIONS**
 - a. City Manager Information Report

Action: Presentation made. Moved, seconded, carried (Maio/Worthington; Absent - Woolley) to adopt the following staff recommendations: 1) The City should not join the ABAG electric power purchase pool this year. This pool applies to electricity serving municipal facilities only. The team believes that greater savings may be available through other vehicles and that the relatively modest projected savings are offset by price uncertainty, administrative cost, metering costs, and advance payments. If Council decides

otherwise, it must act by September 16 or wait for another year; 2) The City should explore other options for electric power supply for municipal facilities. Those options should include participating in the State of California's power pool, pooling with another public agency(ies) or pooling with loads in the Berkeley community. The City should explore opportunities to include electricity generated from renewable resources into its supply contract(s). Staff will explore these options; 3) The City will need to change its procedures to collect revenues related to electricity sales pursuant to the utility users tax, franchise ordinance and business license tax. Staff are working on the new procedures; 4)The City should explore opportunities to increase competition for electric services within the community (not just for municipal facilities). Options range from encouraging private companies to market in Berkeley, to encouraging non-governmental buyers' groups to aggregating municipal and community loads for bulk power purchase. Staff intends to initiate a preliminary study of these options in 1998 after there is some experience with this new market.

2. **LIBRARY PROJECT UPDATE BY BOARD OF LIBRARY TRUSTEES**

Action: Presentation postponed at the request of the Library Board.

Section J. Communications

The following communications were read, noted and filed unless referred to the City Manager as noted:

1. Joan M. Torykian, P.O. Box 9267, regarding parking places at 2555 Virginia Street. **Referred by Breland.**
2. Patrick R. Craig, P.O. Box 545, regarding Parking Citation Center. **Referred by Breland, Maio, Spring, Woolley and Mayor Dean.**
3. Charles L. Smith, 61 San Mateo Road, regarding tall trees as a hazard in the City. **Referred by Shirek.**
4. Russell G. Clemens PhD EE, Caja 93 San Blas, Nayarit, Mexico, regarding the discontinuance of oil.
5. Damien Curry, 1815 Curtis Street, regarding commuters using Curtis, Delaware and Hearst Streets. **Referred by Maio.**
6. Emilie Keas, 2141 Virginia Street, regarding building units at under-market prices.
7. Bernard J. Finkle, 21 Kingston Road, regarding affordable homes to be built at 1320 and renovate at 1314 Haskell Street. **Referred by Breland.**
8. Charles V. Shank, Director, Lawrence Berkeley National Laboratory, regarding soil containing tritium. **Referred by Olds.**

9. Richard C. Atkinson, President, University of California, 300 Lakeside Drive, Oakland, regarding on-site burial of tritium waste at Lawrence Berkeley National Laboratory.
10. Deborah Walton, Richard Graham, Carol Jenkins and Ronaldo Beber, 2319, California Street, regarding Krage Use Permit. **Referred by Breland and Mayor Dean.**
11. Anne Ireland, 10944 San Pablo Avenue, regarding Roisin McAliskey's release. **Referred by Breland.**
12. Communications regarding off-leash dog use from Doug Manson, 5228 Felicia Avenue, Livermore and Josie Lemon, 6429 Regent Street, Oakland. **Referred by Breland and Woolley.**
13. John Woodbury, Director and Matt Williams, Director, Alameda-Contra Costa Transit, 1600 Franklin, Oakland, regarding BART strike.
14. Ellen Marionthal, The Cutting Room, 2079 University Avenue, regarding Parole Office located on University Avenue. **Referred by Olds, Spring, Woolley and Mayor Dean.**
15. Sydney Twinshek, 1805 Bonita Avenue, regarding homeless people occupying Ohlone Park. **Referred by Breland, Maio and Spring.**
16. Jeff Issenberg, Program Coordinator, Friday Night Live, 39355 California Street, Fremont, regarding supporting Berkeley's Youth Commission's Youth Day Celebration.
17. Jeff Hobson, 2315A Russell Street, regarding 1320 Haskell Street. **Referred by Breland.**

Section K. Adjournment

Meeting adjourned at 10:50 p.m. in memory of Albert Perez, Jason Jenkins and Connie Barton.

This is to certify that the foregoing is a true and correct copy of the minutes of September 16, 1997, as approved by the Berkeley City Council.

Attest:


City Clerk



BERKELEY CITY COUNCILMEMBER
TERRY TAPLÍN
DISTRICT 2

02a.06

CONSENT CALENDAR
March 10, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author), Councilmember Rashi Kesarwani (Co-Sponsor), Councilmember Cecillia Lunaparra (Co-Sponsor)

Subject: Entertainment Zone Ordinance

RECOMMENDATION

Refer for drafting to the City Attorney an ordinance enabling entertainment zones in Berkeley:

Refer to the City Manager for the initiation of a merchant stakeholder engagement process and develop entertainment zone management plans for potential zones in the vicinity of the following locations and organizational leads:

- Downtown Downtown Business Association
- Gilman Gilman District Merchants Association
- South Side Telegraph Business Improvement District
- San Pablo University Avenue Association

POLICY COMMITTEE RECOMMENDATION

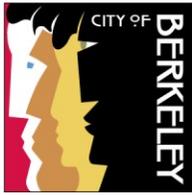
On February 11, 2026, the Health, Life Enrichment, Equity & Community Committee adopted the following action: M/S/C (Tregub/O’Keefe) to send item to Council with a qualified positive recommendation to encourage staff discretion in determining additional zones for entertainment. Vote: All Ayes.

SUMMARY:

Establishing Entertainment Zones would increase foot traffic, stimulate local spending, and support community-building by enabling outdoor events and pedestrian-oriented commercial activity. Initial zones in Downtown, South Side/Telegraph, and Gilman would build on existing arts, food, and entertainment assets to help stimulate and invest in key commercial corridors.

FISCAL IMPACTS OF RECOMMENDATION

Ordinance Drafting and Management Plan development will require staff time over a multi-month period. Drafting and development should leverage existing allocated resources. Continuing work alongside the entertainment zone leads would be covered

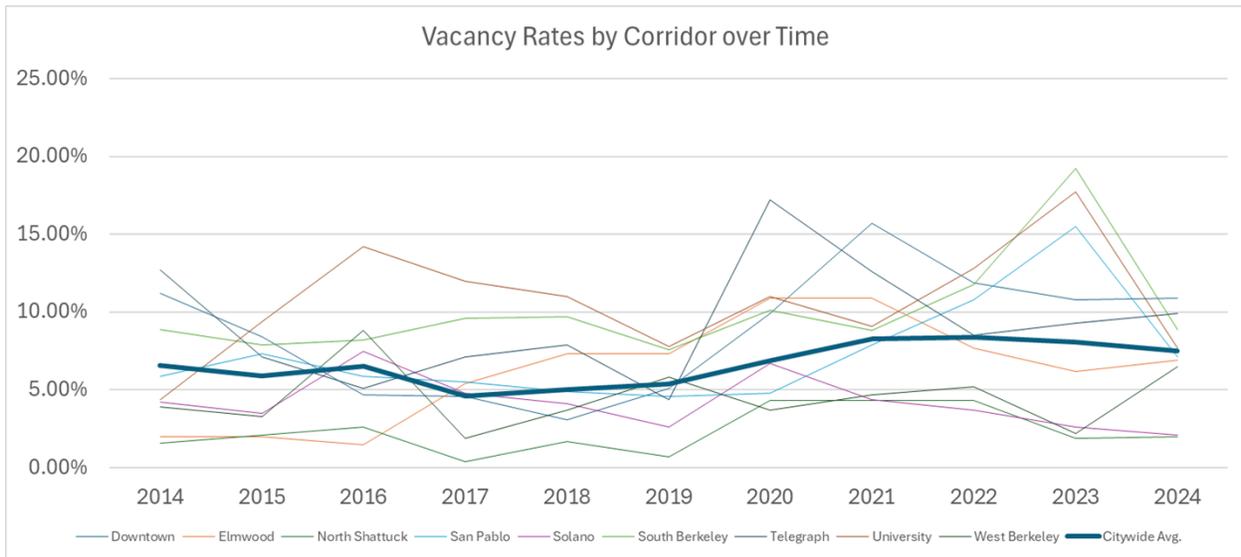


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DISTRICT 2

by related fees for events and existing allocated resources thus making the program self-funding. No additional funding is anticipated.

CURRENT SITUATION AND ITS EFFECTS

Since the 2020 pandemic we have seen far higher store front vacancies than in the years prior to the pandemic. While some corridors have seen improvements since pre-pandemic levels, the citywide average continues to lag behind even the highest of pre-pandemic levels.



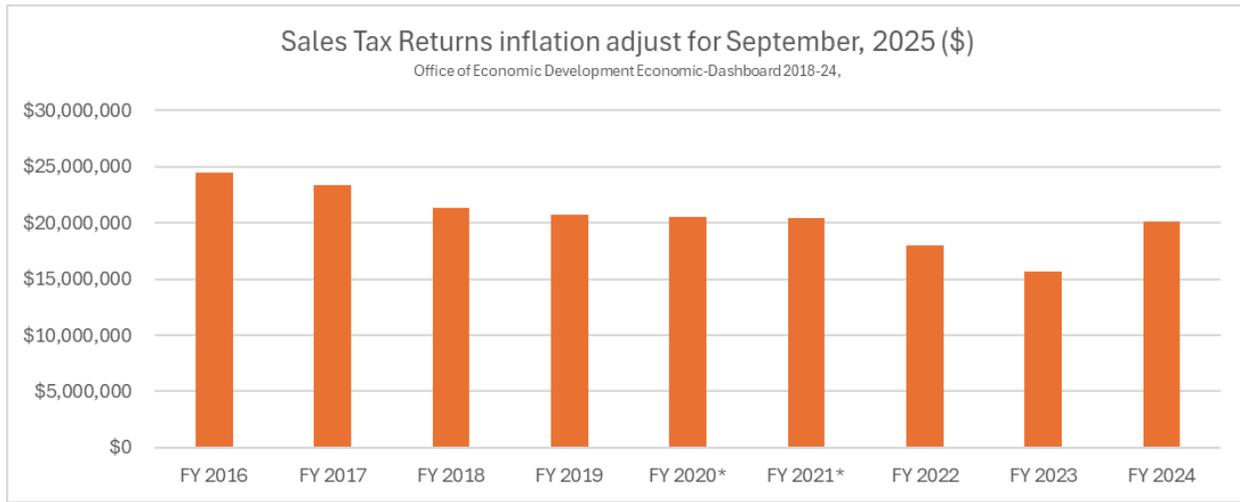
The commercial vacancy crisis has hit the entire country, the transition to online work has led many office buildings to remain low. The San Francisco Bay Area has been particularly hard with office vacancies continuing to sit above 20%¹. These trends lead to lower overall economic activity. As workers are not moving through spaces as much, they physically pass less businesses, thus spending is down². We can see this reflected in the city’s real year-over-year sales tax returns. Despite an increase in July 2021, we still see waning returns particularly since the pandemic.

¹ <https://www.commercialcafe.com/blog/national-office-report/>

² Dinh, Emily, "Commercial Property Vacancies in American Cities" (2024). *University Honors Theses*. Paper 1505. <https://doi.org/10.15760/honors.1537>



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Implementing Entertainment Zones will lead to an increase in pedestrian activity. Opening businesses to pedestrian pathways leads to an increase in economic activities in those areas³. On top of economic growth, there is an opportunity for community development. Street closures have shown to lead to getting to know neighbours better and walking on the street being more pleasant⁴.

Designated areas allow for infrastructure for street closures to exist. Support for these areas would allow the city and event planners to create permanent installations to support street events. Such as lowering bollards, street narrowing, and other accommodations.

These are the areas we are proposing to start with entertainment zones:

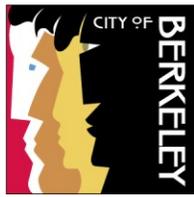
Downtown Entertainment Zone:

Downtown Berkeley functions as the City's primary commercial hub. It is represented by the Downtown Business Association founded in 2012 from predecessors dating back to 1989. It represents 187 property owners on the corridor⁵. The district contains a high share of arts and entertainment uses, 15.3% of all ground-floor commercial space, compared with 4.8% citywide-strengthening its role as a regional destination. The Q4

³ Yoshimura, Yuji, et al. "Street pedestrianization in urban districts: Economic impacts in Spanish cities." *Cities*, vol. 120, 1 Jan. 2022, p. 103468, <https://doi.org/10.1016/j.cities.2021.103468>.

⁴ Kingham, Simon, et al. "Streets for Transport and Health: The Opportunity of a temporary road closure for neighbourhood connection, activity and Wellbeing." *Journal of Transport & Health*, vol. 18, Sept. 2020, p. 100872, <https://doi.org/10.1016/j.jth.2020.100872>.

⁵ <https://www.downtownberkeley.com/about/>



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2024 ground floor commercial vacancy rate was 10.91%, up slightly from 10.78% in 2023 and higher than the 9.9% recorded in 2020.⁶

South Side Entertainment Zone:

South Side focuses on Telegraph making up a large amount of the city's student population and businesses targeted towards the student demographic. The corridor has the city's highest percentage of food & Beverage at 32% of ground floor space. The corridor is represented by the Telegraph Businesses comprising property owners. Telegraph's ground floor inventory of retail accounts for 37.2% of the business mix, slightly more than the 31.3% observed citywide. The Q4 2024 ground floor commercial vacancy rate was 9.9%, slightly higher than 2023 (9.3% but much lower than the 17.20% recorded in 2020.⁶

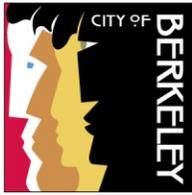
Gilman Entertainment Zone:

The Gilman District Entertainment Zone is focused around the series found south of Gilman along the low traffic Fourth and Fifth streets. The Gilman commercial district area is represented by the The Gilman District Merchants Association founded as a merchant's association in 2025. The area has the highest concentration of wineries in the City. Data is not currently available for the ground floor commercial vacancy rate of the neighborhood. However, with the growth of the Gilman District Street Fair and Hammerling First Fridays there is already lots of activity in street events to further invest in.⁶

San Pablo Area Entertainment Zone:

The San Pablo Area Entertainment Zone is on the road just south of University Avenue. The zone will be represented by the University Avenue Association founded in 1969. The San Pablo Area is reported as the entire street from the borders of the city, the area in question is mostly food and beverage businesses. The Q4 2024 ground commercial vacancy has seen a drop in 2024 from 15.55% in 2023 to 7.09% in 2024, this is still above the pre-pandemic level of 4.90% but a trend in the right direction. The retail sales tax has also increased in the last year, up 13% from 2023.⁶

⁶https://berkeleyca.gov/sites/default/files/documents/Attachment2_Commercial%20District%20Dashboards_2024_Q4.pdf



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Each Entertainment Zone will require an individual Management Plan. The Management Plan will be written by the City Manager's office and will include legal drinking age enforcement system, days and hours of operation of the entertainment zone, types of alcoholic beverages allowed, and the approved cup types.

BACKGROUND

In early American history, consumption of alcohol was common in all manner of places. Despite the perception of puritanism restricting alcohol availability, there were essentially no towns in which you could not find an establishment or home making a distributing alcohol. While early public consumption laws did exist, they were more targeted at public drunkenness not at public consumption.

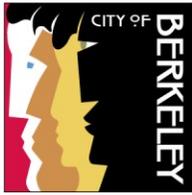
In the beginning of the 20th century, the temperance movement had started. States and counties across the country adopted stricter and stricter alcohol controls from banning sales on Sunday to allowing local municipalities to go fully dry.

The 18th amendment was ratified in 1933 and created a comprehensive national prohibition on alcohol. No sales or consumption of any alcoholic drinks were allowed in any public place. This created a nationwide ban on public alcohol consumption, the first of their kind. The 21st amendment would later repeal the 18th, allowing states to regulate their alcohol consumption laws locally. Many states or locals opted to maintain prohibition operating as dry or damp counties and continue to do so to this day.

Modern open container laws became widespread after World War II. Urban renewal pushed to regulate street behaviors and reduce perceived disorder, particularly that of lower-class residents, leading to restrictions on public consumption. Vagrancy-laws failed to take hold and work arounds to target homeless people were written, such as public consumption. The rise of the automobile led to adoption of open-container-in-vehicle laws to discourage drunk driving.

California allowed its counties and municipalities to handle local open container laws while tackling age limitations at the state level. This was enforced with the California Department of Alcoholic Beverage Control (ABC) created by constitutional amendment in 1955. Major cities such as San Francisco, Los Angeles, and San Diego all enacted bans on public consumption.

In 2023 Senate Bill No. 76 was signed into law. This allowed the City and County of San Francisco to create "Entertainment Zones". These zones would be designated areas for



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businesses to sell alcohol for consumption off premises. Since the bill passed, San Francisco has implemented 15 entertainment zones throughout the city.

In 2024 Senate Bill No. 969 was signed into law. This expanded the Entertainment Zone items statewide. Thus far only two additional cities have implemented them:

Sacramento with two zones and Santa Monica with one. Additional cities in California have begun the process of implementing their own Entertainment Zones under SB 969 such as Oakland, San Jose, Auburn and others.

Entertainment Zones allow for alcoholic beverages to be consumed off the premises of an establishment selling them. Cities must decide the bounds of the entertainment zone by ordinance. The city must have a process or procedure to ensure people consuming alcohol within the zone are of legal drinking age. The following must be established and shared with California Department of Alcoholic Beverage Control:

1. A copy of the ordinance establishing (or modifying) the entertainment zone.
2. Information to identify the boundaries of the entertainment zone.
3. The days and hours of operation of the entertainment zone.
4. The types of alcoholic beverages permitted within the entertainment zone.
5. The approved nonglass and nonmetal containers in which alcoholic beverages may be authorized.

The Zones must include at least one business licensed to sell alcohol.

Before enacting the ordinance to create an entertainment zone, the city must notify local law enforcement and request feedback on:

1. Potential health and safety impacts of the entertainment zone
2. The entertainment zone;s boundaries, days and hours of operation, types of alcoholic beverages permitted, and approved containers.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Concentration of events towards transit accessible locations could lower carbon output.

RATIONALE FOR RECOMMENDATION

Activating public spaces in commercial districts will streamline special events, encourage arts and cultural programming, facilitate economic cross-pollination across nightlife industries, and attract commercial tenants⁷.

⁷ Behmanesh, Hossein, and Andre Brown. "Improving the design and management of temporary events in public spaces by applying urban design criteria." *Journal of Urban Management*, 5 July 2025, <https://doi.org/10.1016/j.jum.2025.06.010>.



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ALTERNATIVE ACTIONS CONSIDERED

No Action

The Council could elect not to establish Entertainment Zones and continue to rely on authorizing temporary street closures and special events on a case-by-case basis without creating permanent Entertainment Zones. This option allows flexible targeted activation and would avoid new implementation efforts and costs. However, it requires repeated staff review, provides limited predictability for businesses and residents, and does not support long-term infrastructure investments or sustained activation of public space.

Alternative Economic Development Strategies

The Council could pursue other economic development measures. Such as business assistance programs, zoning adjustments, or corridor marketing efforts, without permitting off-premises alcohol consumption. While these strategies may contribute to commercial recovery, they do not directly address pedestrian activation, cultural programming, or nightlife-related economic cross-pollination at the scale enabled by Entertainment Zones.

CONTACT PERSON

Terry Taplin, Councilmember, District 2, (510) 981-7120

Attachments:

- 1: Draft Ordinance
- 2: Reference Map of Downtown Entertainment Zone
- 3: Reference Map of South Side Entertainment Zone
- 4: Reference Map of Gilman Entertainment Zone
- 5: Reference Map of San Pablo Entertainment Zone
- 6: San Francisco Entertainment Zone Ordinance
- 7: San Francisco Front Street Entertainment Zone Management Plan
- 8: Oakland Entertainment Zone Ordinance

DRAFT CITY OF BERKELEY ENTERTAINMENT ZONE ORDINANCE

- I. BMC 13.45.010 – Definitions
 - A. The following definitions apply in this chapter:
 1. "ABC" means the California Department of Alcoholic Beverage Control.
 2. "Alcoholic beverage" has the same meaning as in California Business and Professions Code section 23004.
 3. "City manager" means the city manager or designee.
 4. "Entertainment zone" has the same meaning as in California Business and Professions Code section 23039.5.
 5. "Entertainment zone event" means a street event during which the consumption of one or more types of alcoholic beverages is authorized on public streets, sidewalks, or public rights-of-way within the boundaries of an entertainment zone established in accordance with this chapter.
 6. "Entertainment Zone Activation Plan" means a plan approved by the city manager for the management and regulation of the entertainment zone and during permitted special events.
 7. "Open container" means any bottle, can, glass, jug, box, or other receptacle that is open or has been opened and contains any alcoholic beverage.
- II. BMC 13.45.020 - Entertainment zone controls
 - A. No person shall conduct an entertainment zone event without obtaining a street event permit issued pursuant to chapter 13.44.
 - B. The issuance of a street event permit for an entertainment zone event does not excuse a person selling alcoholic beverages from complying with all applicable state and local laws and regulations, including the following:
 1. ABC license and permitting requirements;
 2. California Business and Professions Code sections 23357, 23358, and 23396;
 3. All other laws governing the sale and consumption of alcoholic beverages;
 4. Chapter 13.44;
 5. Any conditions attached by the City Manager or designee upon issuance of a street event permit.
 - C. A person may possess an open container and consume an alcoholic beverage on any public street, sidewalk, or public right-of-way within an

entertainment zone during an entertainment zone event if the open container or alcoholic beverage was purchased from either:

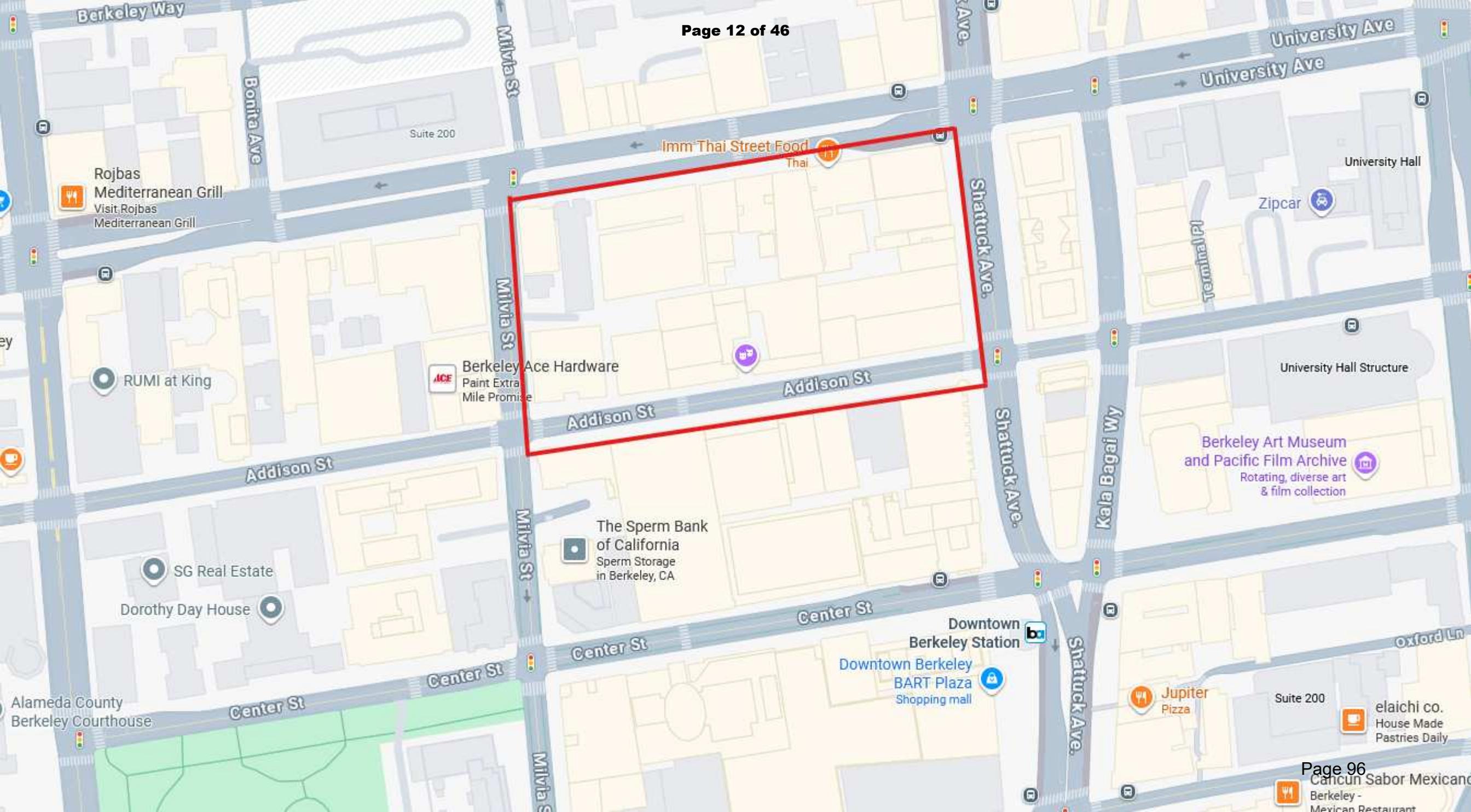
1. A premises that is authorized to permit consumers to leave the premises with open containers for consumption off the premises within an entertainment zone, pursuant to California Business and Professions Code section 23357, 23358, or 23396; or
2. A person that is authorized by an ABC permit or license to sell alcoholic beverages within the entertainment zone.

III. BMC 13.45.030 - Implementation

- A. The city manager has the authority to issue administrative policies for the implementation of this chapter.
- B. The city manager shall not issue a street event permit authorizing an entertainment zone event in an entertainment zone before doing the following:
 1. Issuing an entertainment zone activation plan that:
 - a. Establishes a process or procedure to readily identify individuals in possession of alcoholic beverages within the entertainment zone as being 21 years of age or older;
 - b. Requires any person seeking a street event permit for an entertainment zone event to comply with the applicable insurance requirements, rules, and regulations; and
 - c. Imposes requirements not otherwise imposed by state or local law, including additional requirements for permissible beverage containers, additional restrictions on the hours of operation for entertainment zone events, and other restrictions on time, place, and manner.
 2. Transmitting a copy of this plan to ABC.
 3. In consultation with the City Manager's Office and the Police Department, providing the following information to ABC, pursuant to California Business and Professions Code section 25690, subdivision (b):
 - a. A copy of the ordinance establishing or modifying the entertainment zone;
 - b. Information necessary to identify the boundaries of the entertainment zone;
 - c. The days and hours of operation of the entertainment zone;
 - d. The types of alcoholic beverages allowed within the entertainment zone; and
 - e. The approved non-glass and non-metal containers in which alcoholic beverages may be possessed within the entertainment zone.

- C. Any holder of an ABC license or permit that wishes to allow customers to leave the premises with open containers for consumption off the premises during an entertainment zone event shall provide the city manager with a copy of the notice required under California Business and Professions Code sections 23357, 23358, or 23396, as applicable. The notice shall be provided to the city manager at the same time the notice is provided to ABC.
- IV. BMC 13.45.040 – Entertainment Zone Locations
- A. Pursuant to California Business and Professions Code sections 23039.5 and 25690, the City Council hereby establishes the following entertainment zones, which include adjacent sidewalks, and adjacent premises specified in section 13.45.020.B.1.
1. Downtown Arts District Entertainment Zone. All public streets, sidewalks, and public rights-of-way on: Addison Street from the center of the right-of-way line of Milvia Street to the eastern right-of-way line of Shattuck Avenue; Shattuck Avenue from the center of the right of-way of University Avenue to the southern right-of-way line of Addison Street; Eastern side of Milvia Street from the center of right-of-way of University Avenue to the southern right-of-way of Addison Street; and Southern side of University Avenue from center of the right-of-way on Milvia to eastern right-of-way line of Shattuck Avenue.
 2. Gilman District Entertainment Zone. Camelia Street from the eastern right-of-way line of Fifth Street to the eastern right-of-way line of the UPRR right-of-way; Fifth Street from the southern right-of-way line of Camelia Street to the southern right-of-way line of Gilman Street; and Fourth Street from the southern right-of-way line of Page Street to the southern right-of-way line of Gilman Street.
 3. Southside Entertainment Zone. Durant Avenue from the eastern right-of-way line of Sather Lane to a delineated line of the eastern edge of Assessor’s Parcel Number 55-1872-14; and Telegraph Avenue from the northern right-of-way line of Durant Avenue to the northern right-of-way line of Channing Way.
 4. San Pablo Area Entertainment Zone. San Pablo Avenue from the southern right-of-way line of University Avenue to the northern right-of-way line of Cowper Street.
- V. BMC 13.45.050 Hours of an entertainment zone event
- An entertainment zone event may only occur between the hours of 10:00 a.m. and 11:59 p.m., subject to any additional limitations imposed by any of the following:
- A. ABC permit or license;

- B. The entertainment zone activation plan; or
 - C. The street event permit for the entertainment zone event.
- VI. BMC 13.45.060 Entertainment Zone insurance and indemnity requirements
- A. Prior to issuance of a street event permit for an entertainment zone event, the permit applicant shall submit evidence of general liability insurance coverage, which must be at no cost to the city, and which must comply with all of the following:
 - 1. The policy limit per occurrence must be in an amount as determined by the city manager;
 - 2. The policy must cover all losses and damages as specified in subsection C of this section;
 - 3. The policy must be endorsed to provide that the city, its officers, employees, and agents are named as additional insureds;
 - 4. The policy must be endorsed to stipulate that the policy will operate as primary insurance and that no other insurance covering the city or other named insured will be called on to contribute to a covered loss; and
 - 5. The policy must include a liquor liability endorsement.
 - B. No person shall conduct an entertainment zone event without the insurance required by this section being in full force and effect.
 - C. The street event permit holder shall defend, indemnify, and hold harmless the City, its officers, agents, volunteers and employees from and against all actions, losses, damages, liability, costs, and expenses of every type and description, including attorneys' fees, arising directly or indirectly, in whole or in part, from the acts or omissions of the permit holder or its officers, agents, volunteers and employees.
- VII. BMC 1345.070 Violation – Penalty
- A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to BMC Chapter 1.20.
 - B. Violations of this chapter are hereby declared to be a public nuisance.
 - C. Any person who violates a provision of this chapter is liable for civil penalties. Amount of the penalty shall be as follows:
 - 1. First violation: up to \$500
 - 2. Second violation within one year: up to \$1,000
 - 3. Third and subsequent violations within one year: up to \$2,500
 - D. All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy to enforce this chapter.



Imm Thai Street Food Thai

Rojbas Mediterranean Grill
Visit.Rojbas Mediterranean Grill

University Hall

Zipcar

RUMI at King

ACE Berkeley Ace Hardware
Paint Extra Mile Promise

University Hall Structure

Addison St

Addison St

Berkeley Art Museum and Pacific Film Archive
Rotating, diverse art & film collection

Addison St

The Sperm Bank of California
Sperm Storage in Berkeley, CA

Center St

Downtown Berkeley Station

Downtown Berkeley BART Plaza
Shopping mall

Center St

Center St

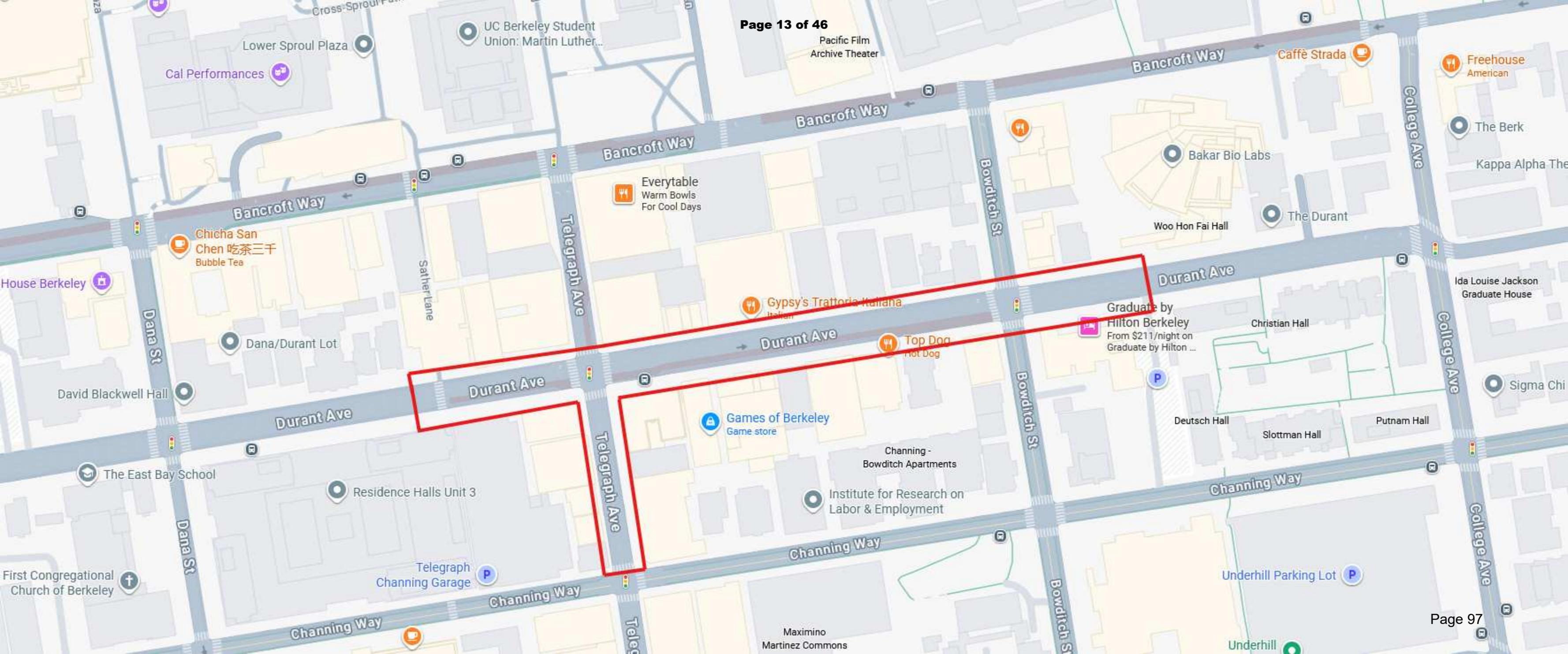
Center St

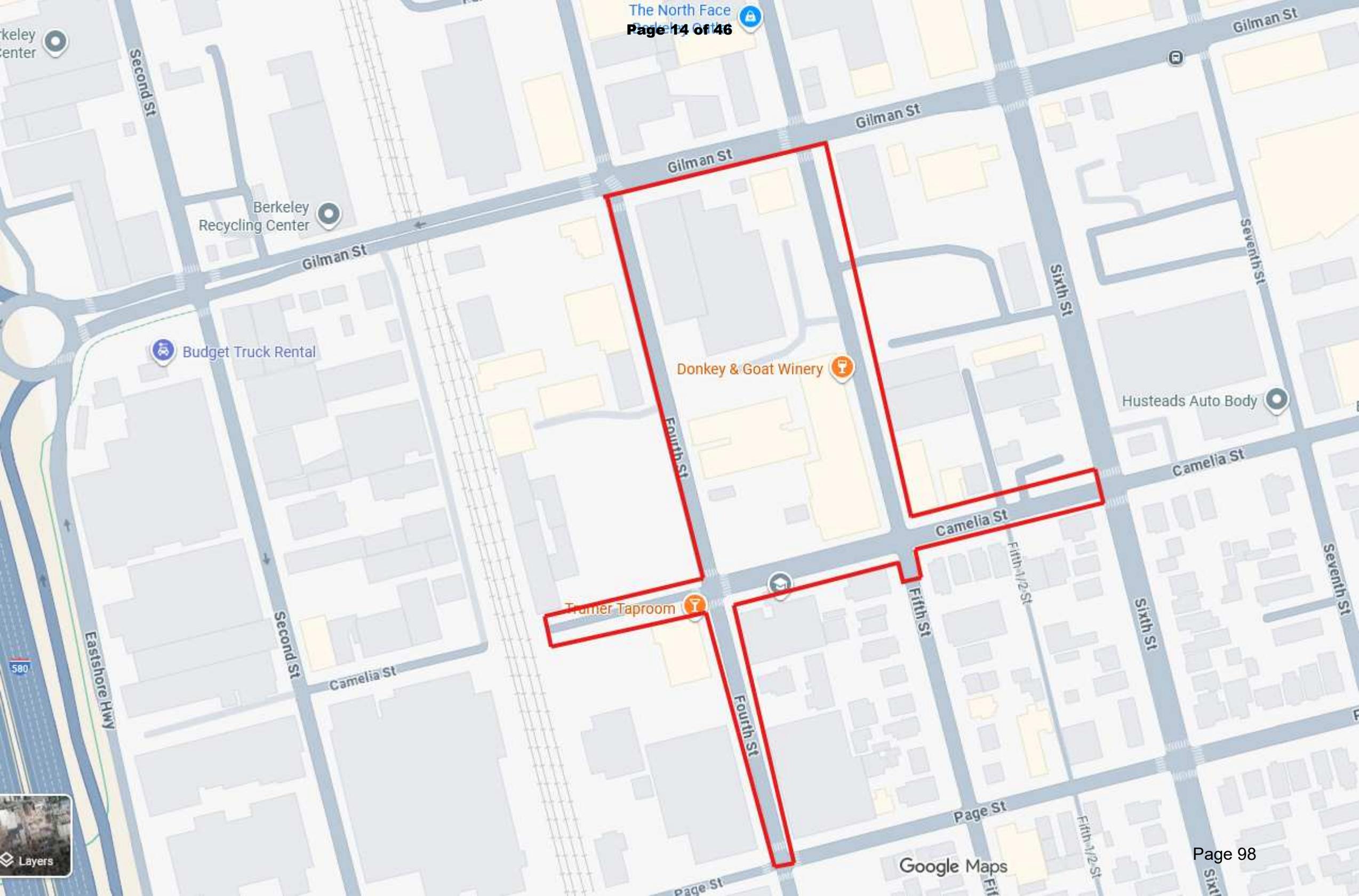
Downtown Berkeley BART Plaza

Jupiter Pizza

Suite 200

elaichi co. House Made Pastries Daily





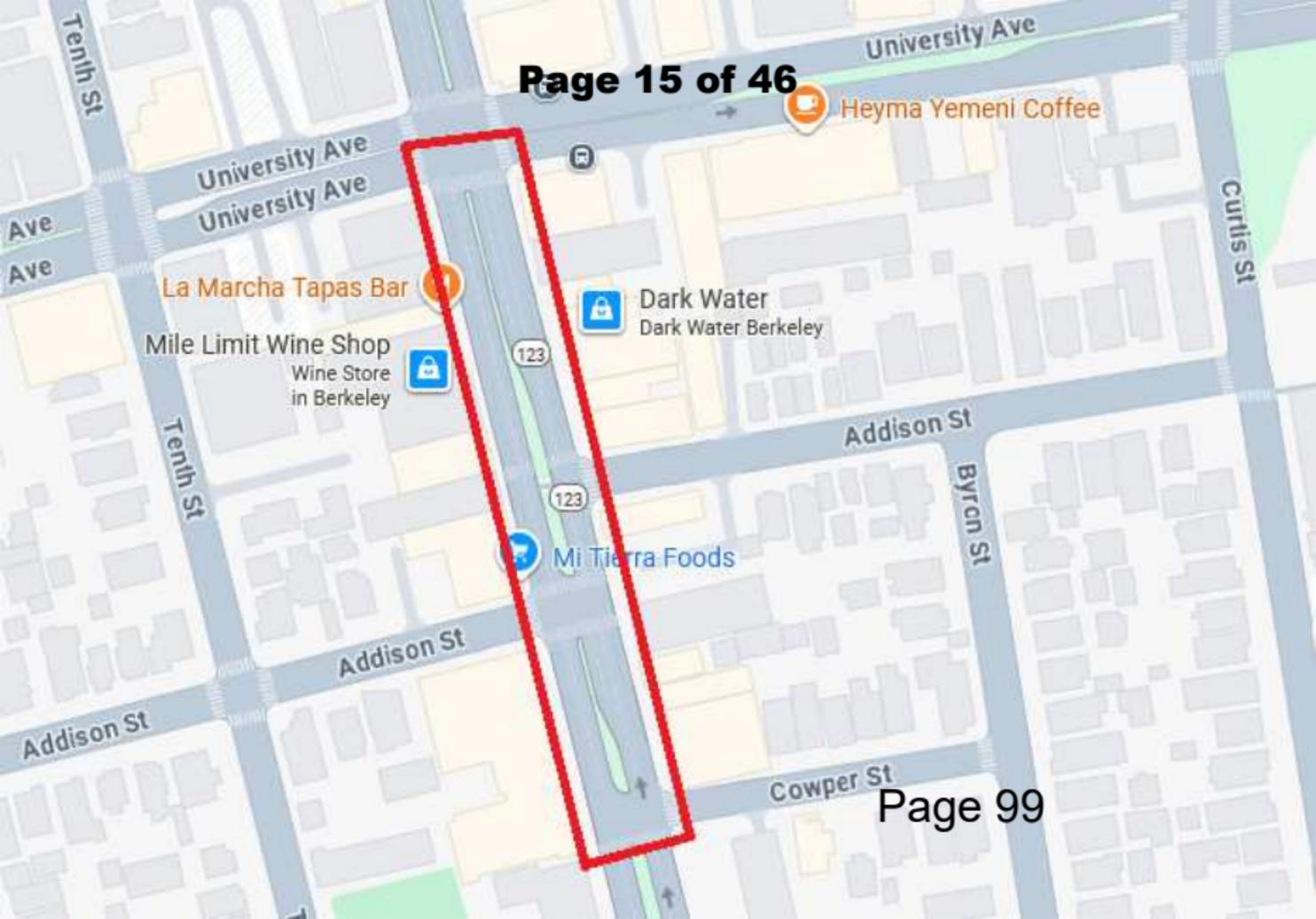
Berkeley Recycling Center

Budget Truck Rental

Donkey & Goat Winery

Husteads Auto Body

Transfer Taproom



Heyma Yemeni Coffee

La Marcha Tapas Bar

Mile Limit Wine Shop
Wine Store
in Berkeley

Dark Water
Dark Water Berkeley

Mi Tierra Foods

1 [Administrative, Police, Transportation Codes - Entertainment Zones]

2

3 **Ordinance amending the Administrative, Police, and Transportation Codes to allow the**
4 **establishment and management of Entertainment Zones in which the outdoor**
5 **consumption of alcoholic beverages during designated events is allowed, subject to**
6 **certain conditions; to establish insurance requirements for Entertainment Zone events;**
7 **to establish an Entertainment Zone on Front Street between California Street and**
8 **Sacramento Street; to allow the outdoor consumption of alcoholic beverages in areas**
9 **subject to a Shared Space permit where the permit holder also holds a permit or**
10 **license from the California Department of Alcoholic Beverage Control; and affirming**
11 **the Planning Department’s determination under the California Environmental Quality**
12 **Act.**

13

14 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
15 **Additions to Codes** are in *single-underline italics Times New Roman font*.
16 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
17 **Board amendment additions** are in double-underlined Arial font.
18 **Board amendment deletions** are in ~~strikethrough Arial font~~.
19 **Asterisks (* * * *)** indicate the omission of unchanged Code
20 subsections or parts of tables.

18

19 Be it ordained by the People of the City and County of San Francisco:

20

21 Section 1. General Findings.

22 (a) The COVID-19 pandemic had a devastating impact on San Francisco’s
23 restaurants, bars, and entertainment venues. Finding new ways to attract residents, workers,
24 and visitors to our downtown and neighborhood commercial corridors will be critical to the
25 continued recovery of our nightlife sector and our economy.

1 (b) Across the country, numerous states, including Michigan, Ohio, North Carolina,
2 and Kansas, have found success enlivening communities through the designation of areas
3 where businesses may sell alcoholic beverages for consumption within public spaces
4 adjacent to their licensed premises.

5 (c) In 2023, the State of California adopted Senate Bill 76, which authorizes the City
6 and County of San Francisco to create by ordinance entertainment zones to enable
7 restaurants and bars to sell open containers of approved alcoholic beverages for consumption
8 during special events.

9
10 Section 2. CEQA Findings.

11 The Planning Department has determined that the actions contemplated in this
12 ordinance comply with the California Environmental Quality Act (California Public Resources
13 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
14 Supervisors in File No. 240475 and is incorporated herein by reference. The Board affirms
15 this determination.

16
17 Section 3. The Administrative Code is hereby amended by adding Chapter 94B,
18 consisting of Sections 94B.1 to 94B.4, to read as follows:

19 **CHAPTER 94B. ENTERTAINMENT ZONES**

20 **SEC. 94B.1. DEFINITIONS.**

21 *For the purposes of this Chapter 94B, the following definitions shall apply:*

22 *(a) "ABC" means the California Department of Alcoholic Beverage Control.*

23 *(b) "Entertainment Zone" has the meaning set forth in Section 23039.5 of the California*
24 *Business and Professions Code, as may be amended from time to time.*

1 (c) “Entertainment Zone Event” means a special event permitted or licensed by ABC that
2 occurs within the boundaries of an Entertainment Zone established in accordance with this Chapter
3 94B and within the hours permitted by this Chapter 94B and the Management Plan for the
4 Entertainment Zone.

5 (d) “Management Plan” means a plan approved by the Office of Economic and Workforce
6 Development (OEWD) for the management and regulation of Entertainment Zone Events.

7 **SEC. 94B.2. ENTERTAINMENT ZONE CONTROLS.**

8 (a) All commercial entities and organizations sponsoring or selling alcoholic beverages at an
9 Entertainment Zone Event shall comply with all applicable state and local laws and regulations,
10 including but not limited to the following:

11 (1) All applicable ABC license and permitting requirements;

12 (2) Sections 23357, 23358, and 23396 of the California Business and Professions Code,
13 as may be amended from time to time;

14 (3) All other laws governing the sale and consumption of alcoholic beverages and any
15 and all permits and licenses issued pursuant thereto;

16 (4) Transportation Code, Division I, Article 6;

17 (5) Transportation Code, Division II, Article 200, Sections 205 and 206; and

18 (6) Any applicable Management Plan issued by the Office of Economic and Workforce
19 Development under this Chapter 94B.

20 (b) Open alcoholic beverages may be consumed on any public street, avenue, sidewalk,
21 stairway, alley, or thoroughfare within an Entertainment Zone during an Entertainment Zone Event, as
22 set forth in Police Code Section 21, subject to any other restrictions imposed by state or local law.

23 (c) All open alcoholic beverages consumed during an Entertainment Zone Event shall be
24 purchased only from a premises located within the Entertainment Zone that is authorized under
25 California Business and Professions Code Section 23357, 23358, or 23396, as may be amended from

1 time to time, to permit consumers to leave the premises with open containers of alcoholic beverages for
2 consumption off the premises, or an organization that is authorized by an ABC special event permit or
3 license to make such sales within the Entertainment Zone.

4 **SECTION 94B.3. IMPLEMENTATION.**

5 (a) Within 90 days of the effective date of this Chapter 94B, OEWD shall issue rules for the
6 implementation of this Chapter. OEWD may revise these rules from time to time as it deems
7 appropriate.

8 (b) Within 90 days of the establishment or modification of an Entertainment Zone, OEWD shall
9 do the following:

10 (1) in consultation with the Police Department, provide the following information to
11 ABC, pursuant to Section 25690 of the California Business and Professions Code:

12 (A) A copy of the ordinance establishing or modifying the Entertainment Zone;

13 (B) Information as may be necessary to identify the boundaries of the
14 Entertainment Zone;

15 (C) The days and hours of operation of the Entertainment Zone;

16 (D) The types of alcoholic beverages permitted within the Entertainment Zone;

17 and

18 (E) The approved nonglass and nonmetal containers in which alcoholic
19 beverages may be authorized; and

20 (2) issue a Management Plan for the Entertainment Zone, as follows:

21 (A) The Management Plan shall establish a process or procedure to readily
22 identify individuals purchasing or consuming alcoholic beverages within the Entertainment Zone as
23 being 21 years of age or older;

24 (B) The Management Plan shall require that any person or organization seeking
25 a City permit under Division I, Article 6 or Division II, Section 206 of the Transportation Code for an

1 Entertainment Zone Event shall comply with the insurance requirements applicable to that permit, and
2 all rules and regulations authorized by the Transportation Code;

3 _____ (C) The Management Plan may include requirements not otherwise imposed by
4 state or local law, including but not limited to additional requirements for approved beverage
5 containers, additional restrictions on the hours of operation for Entertainment Zone Events, and other
6 time, place, and manner restrictions; and

7 _____ (D) Upon issuance or revision of a Management Plan, the Office of Economic
8 and Workforce Development shall transmit a copy of that Plan to ABC.

9 (c) Any holder of an ABC license or permit that wishes to allow customers to leave the
10 premises with open containers of alcoholic beverages for consumption off the premises during an
11 Entertainment Zone Event shall provide to the Office of Economic and Workforce Development a copy
12 of the notice provided to ABC under Section 23357, 23358, or 23396 of the California Business and
13 Professions Code, as applicable, at the same time such notice is provided to ABC.

14 **SEC. 94B.4. FRONT STREET ENTERTAINMENT ZONE.**

15 (a) All public streets, sidewalks and public rights-of-way on Front Street between California
16 Street and Sacramento Street are hereby designated as the Front Street Entertainment Zone under
17 Sections 23039.5 and 25690 of the California Business and Professions Code.

18 (b) An Entertainment Zone Event within the Front Street Entertainment Zone must receive a
19 permit for the use of a public street under Transportation Code Division I, Section 6.6 or 6.16 or
20 Transportation Code Division II, Section 206.

21 (c) Outdoor consumption of alcoholic beverages within this Entertainment Zone is authorized
22 during any Entertainment Zone Event on any day of the year between the hours of noon and 11:59pm,
23 inclusive, subject to any additional limitations imposed by any ABC permit or license and by the
24 Management Plan for this Entertainment Zone.

25

1 Section 4. Article 1 of the Police Code is hereby amended by revising Section 21 to
2 read as follows:

3 **SEC. 21. CONSUMING ALCOHOLIC BEVERAGES ON PUBLIC STREETS, ETC.,**
4 **OR ON PUBLIC PROPERTY OPEN TO PUBLIC VIEW PROHIBITED; PENALTY.**

5 (a) Except as specified in this Section 21, No person shall consume any alcoholic
6 beverage in any quantity on any public street, avenue, sidewalk, stairway, alley, or
7 thoroughfare within the City and County of San Francisco; nor shall any person consume any
8 alcoholic beverage within 15 feet of any public way or thoroughfare while on a private
9 stairway, doorway, or other private property open to public view without the express or implied
10 permission of the owner, the owner's his agent, or the person in lawful possession thereof;
11 ~~provided, however, that,~~

12 (b) ~~The~~ provisions of this Section 21 shall not apply to

13 (1) the interior portion of any private dwelling, habitat, or building;

14 (2) ~~to~~ the consumption by persons in the areas herein designated of any duly
15 prescribed and dispensed medication having alcoholic content; ~~or~~ and

16 (3) ~~to~~ those persons consuming alcoholic beverages while viewing a parade for
17 which a permit has been granted pursuant to Section 367 of this Code.

18 (c) Further, this Section 21 shall not be applicable in the following areas:

19 (1) those prescribed areas and during such time for which permission for
20 temporary use or occupancy of public streets and appurtenant areas has been granted by:

21 (1)(A) The Board of Supervisors pursuant to the provisions of Section
22 2.70 of the Administrative Code;

23 (2)(B) The Department of Public Works pursuant to the provisions of
24 Article 5.2 of the Public Works Code for a business establishment anywhere in San Francisco
25

1 that meets the requirements of a Restaurant or Bar use, defined in Planning Code Section
2 102, as interpreted by the Zoning Administrator; ~~or~~

3 ~~(A)(C)~~ The Department of Public Works pursuant to the provisions of
4 Article 5.2 of the Public Works Code for a business establishment that had a valid tables and
5 chairs permit and California Department of Alcoholic Beverage Control beverage license or
6 permit on the effective date of this Section 21; and

7 (D) Any Shared Spaces permit under Administrative Code Chapter 94A where
8 the business establishment holding that permit has a California Department of Alcoholic Beverage
9 Control beverage license or permit allowing the consumption of alcoholic beverages in the area
10 designated by the Shared Spaces permit; and

11 (2) Any Entertainment Zone under Administrative Code Chapter 94B during an
12 Entertainment Zone Event.

13 ~~(db)~~ **Penalty.** Any person who shall violate the provisions of this Section 21 shall be
14 guilty of an infraction, the penalty for which shall be a fine of not less than \$25 nor more than
15 \$100.

16
17 Section 5. Division I, Article 6 of the Transportation Code is hereby amended by
18 revising Section 6.7, to read as follows:

19 **SEC. 6.7. CONDITIONS.**

20 Any permission for the temporary use or occupancy of a public street authorized by
21 the City shall be subject to the following conditions:

22 * * * *

23 (l) Applicants for permission to hold a street fair on a predominantly commercial street
24 shall comply with the following requirements for insurance coverage. For purposes of this
25 subsection (l), a “predominantly commercial street” shall mean a street block on which at least

1 50% of front footage of private property on the ground floor of the street is used for
2 commercial purposes. A street block shall be measured from street intersection to street
3 intersection, but shall not include any alley intersection.

4 (1) Applicants shall maintain in force, during the full term of the permit,
5 insurance as follows:

6 (A) General Liability Insurance with limits not less than \$500,000 each
7 occurrence Combined Single Limit Bodily Injury and Property Damage, including Contractual
8 Liability, Personal Injury, Broadform Property Damage, Products and Completed Operations
9 Coverages;

10 (B) If any vehicles will be operated by the applicant in connection with
11 street fair activities under the permit, Automobile Liability Insurance with limits not less than
12 \$500,000 each occurrence Combined Single Limit Bodily Injury and Property Damage,
13 including owned, non-owned and hired auto coverages, as applicable; and

14 (C) If the applicant has employees, Workers' Compensation with
15 Employers' Liability limits not less than \$500,000 each accident.

16 (2) General Liability and Automobile Liability Insurance policies shall be
17 endorsed to provide the following:

18 (A) Name as additional insureds the City and County of San Francisco,
19 its officers, agents, and employees; *and*

20 (B) That such policies are primary insurance to any other insurance
21 available to the Additional Insureds with respect to any claims arising out of activities under
22 the permit, and that insurance applies separately to each insured against whom claim is made
23 or suit is brought.

24 (3) Certificates of insurance, in format and with insurers satisfactory to the City
25 evidencing all applicable coverages shall be furnished to the City not less than 10 working

1 days prior to the date of the event and before commencing any operations under the permit,
2 with complete copies of policies to be furnished to the City upon request.

3 (4) The insurance requirement of this subsection (l) shall be waived by the
4 Board of Supervisors if the applicant certifies in writing that (A) the purpose of the street fair is
5 First Amendment expression and (B) the cost of obtaining insurance is so financially
6 burdensome that it would constitute an unreasonable prior restraint on the right of First
7 Amendment expression, or that it has been impossible for the applicant to obtain insurance
8 coverage.

9 (5) Notwithstanding subsection (l)(1) of this Section 6.7, an applicant seeking
10 permission for the temporary use or occupancy of a public street for an Entertainment Zone Event
11 under Administrative Code Chapter 94B shall maintain insurance coverage in a form and amount
12 satisfactory to the City, which shall not be less than the coverage required by subsection (l)(1) of this
13 Section 6.7.

14 * * * *

15 (p) Entertainment Zone Events. In addition to complying with all applicable provisions of this
16 Article 6, any person or organization seeking permission for the temporary use or occupancy of a
17 portion of a public street for an Entertainment Zone Event as defined in Administrative Code Section
18 94B.1 shall comply with all applicable provisions of Administrative Code Chapter 94B.

19
20 Section 6. Effective Date. This ordinance shall become effective 30 days after
21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
23 of Supervisors overrides the Mayor's veto of the ordinance.

1 Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the "Note" that appears under
6 the official title of the ordinance.

7
8 APPROVED AS TO FORM:
9 DAVID CHIU, City Attorney

10 By: /s/ Victoria Wong
11 VICTORIA WONG
12 Deputy City Attorney

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City and County of San Francisco

Tails Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 240475

Date Passed: June 25, 2024

Ordinance amending the Administrative, Police, and Transportation Codes to allow the establishment and management of Entertainment Zones in which the outdoor consumption of alcoholic beverages during designated events is allowed, subject to certain conditions; to establish insurance requirements for Entertainment Zone events; to establish an Entertainment Zone on Front Street between California Street and Sacramento Street; to allow the outdoor consumption of alcoholic beverages in areas subject to a Shared Space permit where the permit holder also holds a permit or license from the California Department of Alcoholic Beverage Control; and affirming the Planning Department's determination under the California Environmental Quality Act.

June 10, 2024 Rules Committee - RECOMMENDED

June 18, 2024 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

June 25, 2024 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 240475

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/25/2024 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

Handwritten signature of London N. Breed
London N. Breed
Mayor

Handwritten date 7/3/24
Date Approved

Front Street Entertainment Zone Management Plan

Updated March 12, 2025

San Francisco Office of Economic and Workforce Development

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SECTION I: SAN FRANCISCO ENTERTAINMENT ZONE PROGRAM OVERVIEW

1. About San Francisco Entertainment Zones

Entertainment Zones are designated areas in San Francisco where people can buy open container drinks (alcoholic drinks “to-go”) from local bars, restaurants, wineries, and breweries and enjoy them outside in common spaces like plazas, sidewalks, and streets during certain hours. Learn more at www.sf.gov/entertainmentzones.

2. Program Objectives

Guiding objectives for San Francisco’s Entertainment Zone Program include:

- a. Activate commercial corridors downtown and citywide
- b. Increase revenue for San Francisco restaurants and bars
- c. Catalyze broader economic stimulus
- d. Ensure equitable distribution of program benefits
- e. Amplify the perception of San Francisco as a vibrant cultural hub

SECTION II: FRONT STREET ENTERTAINMENT ZONE ORDINANCE

1. San Francisco Admin. Code Sec. 94B.4

San Francisco Admin. Code Sec. 94B.4 specifies the location, hours, and permit requirements for the Front Street Entertainment Zone.

- a. **Permissible Area** - All public streets, public rights-of-way, and sidewalks on Front Street between California Street and Sacramento Street, and all establishments holding permits or licenses from ABC that are adjacent thereto, are hereby designated as the Front Street Entertainment Zone under Sections 23039.5 and 25690 of the California Business and Professions Code.
- b. **Permissible Hours** - Outdoor consumption of alcoholic beverages within this Entertainment Zone is authorized during any Entertainment Zone Event on any day of the year between the hours of noon and 11:59pm, inclusive, subject to any additional limitations imposed by any ABC permit or license and by the Management Plan for this Entertainment Zone.
- c. **Street Closure Permit Requirement** - An Entertainment Zone Event within the Front Street Entertainment Zone must receive a permit for the use of a public street under Transportation Code Division I, Section 6.6 or 6.16 or Transportation Code Division II, Section 206, or other applicable authority of the SFMTA.

SECTION III: FRONT STREET ENTERTAINMENT ZONE VISION

1. Overview

The Front Street Entertainment Zone Operators aim to create a dynamic entertainment destination that reshapes how people perceive downtown San Francisco. Their vision is to establish a flexible urban amenity that caters to both the local community and visitors. See the Front Street Entertainment Zone Vision Rendering in the Appendices (Section V.1). Three main objectives steer their vision:

- a. Implement signature special events that draw attention and signal change
- b. Offer more frequent and reoccurring events that keep people staying downtown longer and engaging in new ways
- c. Create a “third place” that supports impromptu and planned gatherings and entertainment through temporary and permanent streetscape improvements

2. Operators

The Front Street Entertainment Zone is operated in partnership by the following groups:

a. Entertainment Zone Lead

As Entertainment Zone Lead, [Downtown SF Partnership](#) coordinates the Participating Businesses and Community Partners to manage the Entertainment Zone in alignment with the Management Plan and serves as the Point of Contact for inquiries (see Section IV.2)

b. Participating Businesses

As participating businesses, [Schroeder’s](#), [Harrington’s Bar and Grill](#), and [Royal Exchange](#) may serve open containers for consumption within the Entertainment Zone.

c. Community Partners

As Community Partners, [BOMA San Francisco \(Building Owners and Managers Association of San Francisco\)](#) and [BXP](#) provide input and support on the operation of the Entertainment Zone.

3. Activation and Programming

a. Events

The Front Street Entertainment Zone Operators plan to offer various types of events that cater to a range of interests:

- **Signature Events:** Special one-day events aim to attract a cross-section of downtown workers and visitors. Examples include celebrations for national or cultural holidays, wine walks, movie screenings, themed parties, art showcases, and dance parties. Signature events could attract thousands of people over an eight-hour period.

- **Regular Activation:** Recurring events, held monthly or weekly, could include live music performances and games.

b. Design

The Front Street Entertainment Zone Operators aim to enhance the area with low-cost physical and programmatic interventions that cultivate a sense of place and pride.

- **Physical Improvements:** This might involve planters with lush greenery, movable furniture for flexible use, overhead string lighting, branded banners affixed to street poles, and street and wall murals.
- **Programmatic Elements:** This might include performances by small musical groups, bands, and DJs, along with engaging activities such as ping-pong tables, kid-friendly games, and book readings.

c. Arts, Culture, and Entertainment

The Front Street Entertainment Zone Operators will curate artistic, cultural, and entertainment programming that draws on the district's layered cultural history to create a welcoming and inclusive experience.

4. Economic Development and Community Benefit

a. Maximizing Economic Benefit for Participating Businesses

The Front Street Entertainment Zone Operators will prioritize strategies that enhance economic benefits for brick-and-mortar bars selling open containers, including:

- **Placemaking as Economic Development:** The proposed activation and programming can draw new customers to Front Street. By creating a clean, safe, and sociable street atmosphere with engaging signature and regular events, the Front Street Entertainment Zone will encourage people to socialize and linger, ultimately benefiting Participating Businesses.
- **Media Promotion:** The Entertainment Zone Lead will leverage its social media channels and collaborate with the public relations firm BerlinRosen to generate positive media coverage about Front Street's success as California's first Entertainment Zone. This can attract more visitors to boost sales for participating bars.

b. Collaboration for Broader Economic Stimulus

The Front Street Entertainment Zone Operators are committed to collaborating with diverse businesses to stimulate economic growth throughout the neighborhood. The Entertainment Zone Lead has a history of collaboration and cross-promotion with ground-floor businesses for event programming and activation.

SECTION IV: ENTERTAINMENT ZONE OPERATING REQUIREMENTS

1. Compliance, Modification, and Evaluation

The operating requirements established in this section shall be considered mandatory and binding conditions for the operation of the Front Street Entertainment Zone. Failure to comply with these conditions or the creation of any significant health or safety concerns resulting from the operation of the Entertainment Zone may result in the modification or suspension of the Entertainment Zone. The Office of Economic and Workforce Development reserves the right to publish an updated management plan with revised operating requirements at any time.

Additionally:

- Any Participating Business holding a liquor license that fails to comply with these operating requirements will be reported to the San Francisco Police Department, which may transmit the information to the California Department of Alcoholic Beverage Control. Non-compliance could result in the business's future ineligibility to participate within the Entertainment Zone.
- The San Francisco Office of Economic and Workforce Development will evaluate the Entertainment Zone's compliance with the conditions of this Management Plan every two years. Both the Entertainment Zone Lead and Participating Business must promptly respond to requests for information during this evaluation process. Failure to meet these conditions may lead to modification or suspension of the Entertainment Zone.

2. Entertainment Zone Lead and Point of Contact

The Entertainment Zone Lead must serve as the designated Point of Contact that should be contacted with inquiries about the operation of the Entertainment Zone. The designated Entertainment Zone Lead and Point of Contact for the Front Street Entertainment Zone is:

Downtown SF Partnership
Address: 235 Montgomery Street, Suite 828
Email: info@downtownsf.org
Phone: 415-634-2251

3. Participating Businesses

Only licensed restaurants, bars, breweries, and wineries are eligible to participate in selling open containers for consumption within the Entertainment Zone. The following establishments are confirmed to participate in the Entertainment Zone:

Schroeder's
Address: 240 Front Street

Harrington's Bar and Grill
Address: 245 Front Street

Royal Exchange

Address: 301 Sacramento Street (with patrons entering the Entertainment Zone only through Royal Exchange's Front Street entrance)

Any other businesses wishing to participate must notify the San Francisco Office of Economic and Workforce Development and the California Department of Alcoholic Beverage Control.

4. Location, Hours and Information

a. Location of Operation

Subject to all other applicable requirements, the Front Street Entertainment Zone may operate within the entire area permitted by S.F. Admin Code Sec. 94B.4, Front Street between Sacramento and California Streets. A map can be found in the Appendix (Section V.2).

b. Hours of Operation

The Front Street Entertainment Zone may operate **any Wednesday, Thursday, Friday, and Saturday year-round between 12:00 PM to 11:00 PM**, subject to all requirements included in this management plan, including a street closure permit from SFMTA.

Additional "**signature events**" may be permitted outside these regular operating hours, **on any day of the year between 12:00 PM and 11:59 PM** with the required permit from SFMTA and prior approval from OEWD.

Businesses may only sell open containers for consumption within the Entertainment Zone during these hours. Businesses are prohibited from selling open containers for consumption within the Entertainment Zone outside these hours.

c. Event Notification

In order to host an Entertainment Zone event, at least 14 days prior to the event the Entertainment Zone Lead must:

- Email notification to all of the following OEWD and SFPD addresses:
entertainmentzones@sfgov.org; tobius.l.moore@sfgov.org;
gregory.d.burchard@sfgov.org; loren.chiu@sfgov.org
 - Email notification must include:
 - event date and hours of operation
 - event name
 - brief description
 - attendance estimate
 - The Entertainment Zone Lead must receive confirmation of receipt from OEWD prior to operating the Entertainment Zone for the event.

d. Website

The Entertainment Zone Lead must provide the following accurate, up-to-date information on a public website or event page:

- Location and basic information on the operation of the Entertainment Zone
- Calendar or list of upcoming events
- Contact information for the Entertainment Zone Lead
- Link to the City's dedicated Entertainment Zone web page (www.sf.gov/entertainmentzones) and email address (entertainmentzones@sfgov.org)

5. Health and Safety Measures

a. Age Verification

Patrons of all ages may be admitted into the Entertainment Zone. Alcohol-serving businesses may admit patrons under the age of 21 if allowed by their liquor license.

During the duration of any Entertainment Zone event, every patron purchasing an alcoholic beverage for consumption in the Zone or drinking an alcoholic beverage within the Zone must be wearing a wristband identifying them as 21 years of age or over. All of the businesses within the Zone must use a single style of wristband agreed upon prior to the operation of any Entertainment Zone event.

If a patron is not wearing a wristband, staff within licensed businesses may check patrons' IDs to confirm their age and provide them wristbands. For larger events, staff or volunteers may also choose to check patrons' IDs and distribute wristbands at the entrances to the Entertainment Zone or other locations within the Zone.

b. Safety and Security

Every business participating within the Entertainment Zone is responsible for the safety and security of their patrons and the surrounding neighborhood. A security plan shall be submitted to the appropriate San Francisco Police Department (SFPD) District Station prior to any Entertainment Zone event, and the SFPD-approved security plan shall be followed during the entirety of the event.

Where Entertainment Zone events follow a recurring format/site plan (i.e., recurring weekday afternoon happy hours), the Entertainment Zone events may operate pursuant to one security plan governing all of the events of that format. For any unique or larger-scale event, a unique security plan shall be submitted to and approved by SFPD prior to the event.

During Entertainment Zone events, each business participating within the Entertainment Zone shall always have at least one staff member on site who is able to provide a copy of this management plan and the approved security plan and is aware of all relevant conditions within these plans.

Within 24 hours of any violent incident, or any time SFPD responds to a call for service at or within the Entertainment Zone, any business connected to that incident or call for service,

or the permit holder of the SFMTA street closure permit for the Entertainment Zone, shall complete and send an incident report to their SFPD District Station Permit Officer.

c. Signage

The boundaries of the Entertainment Zone must be clearly marked by easily visible signage posted at every intersection around the perimeter of the zone. This signage must instruct patrons not to carry alcoholic beverages outside the Entertainment Zone (e.g., “No Alcoholic Beverages Beyond This Point”).

Signs must be illuminated well enough to be sufficiently visible during nighttime hours of the Zone’s operation.

6. Cup Requirements

a. Material

A licensed business within the Zone must serve any alcoholic beverage for consumption in the Zone in a compostable or reusable cup.

A business may not serve any alcoholic beverage for consumption in the Zone in any metal or glass container.

b. Disposal

The Entertainment Zone Lead or Participating Businesses will provide receptacles sufficient for patrons to dispose of their compostable cups or return their reusable cups before exiting the Entertainment Zone.

7. Permits

a. Street Closure Permit

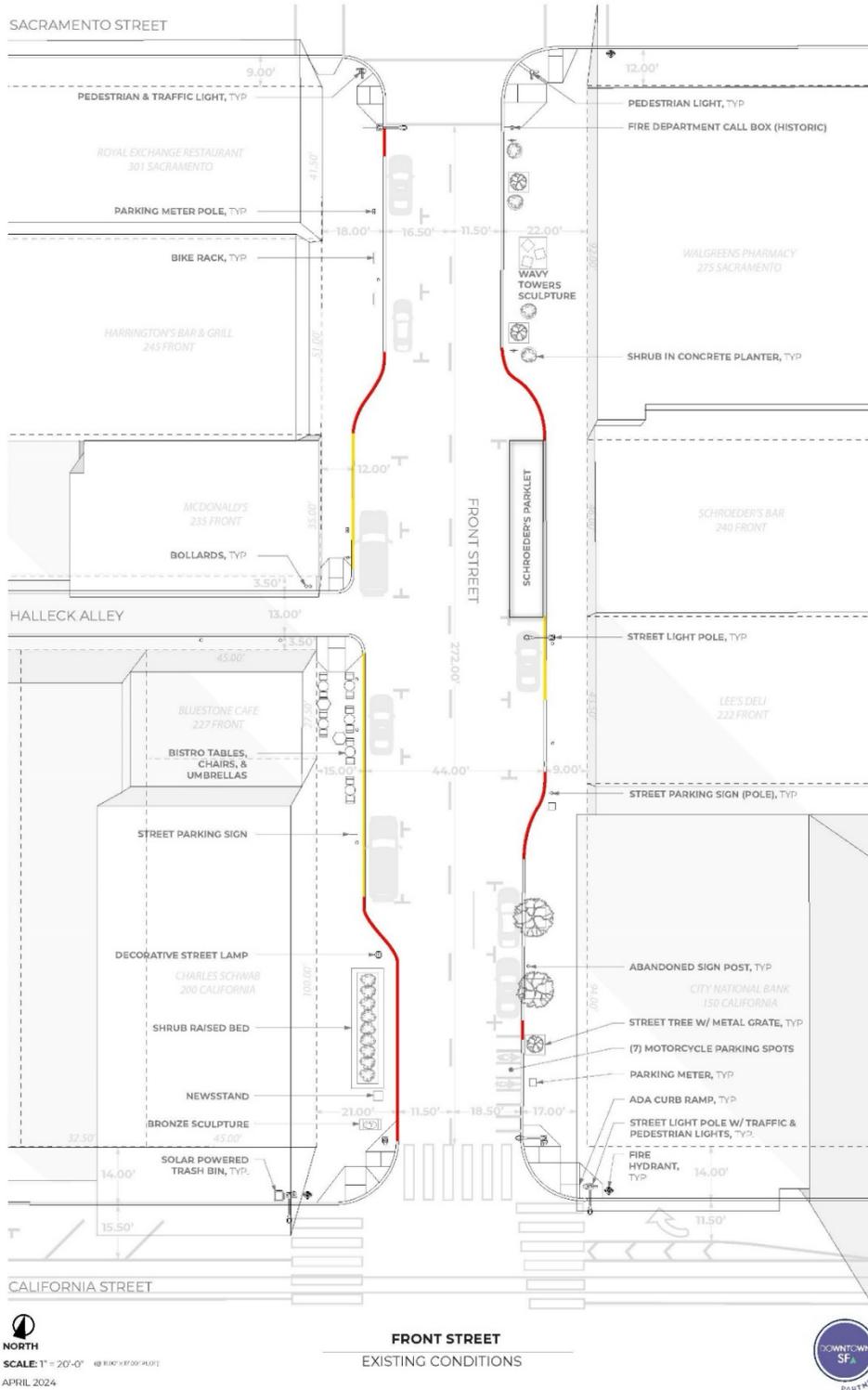
An Entertainment Zone event may only be held in conjunction with an approved street closure permit issued through the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT). The operation of the Entertainment Zone shall be subject to any conditions imposed upon the street closure permit.

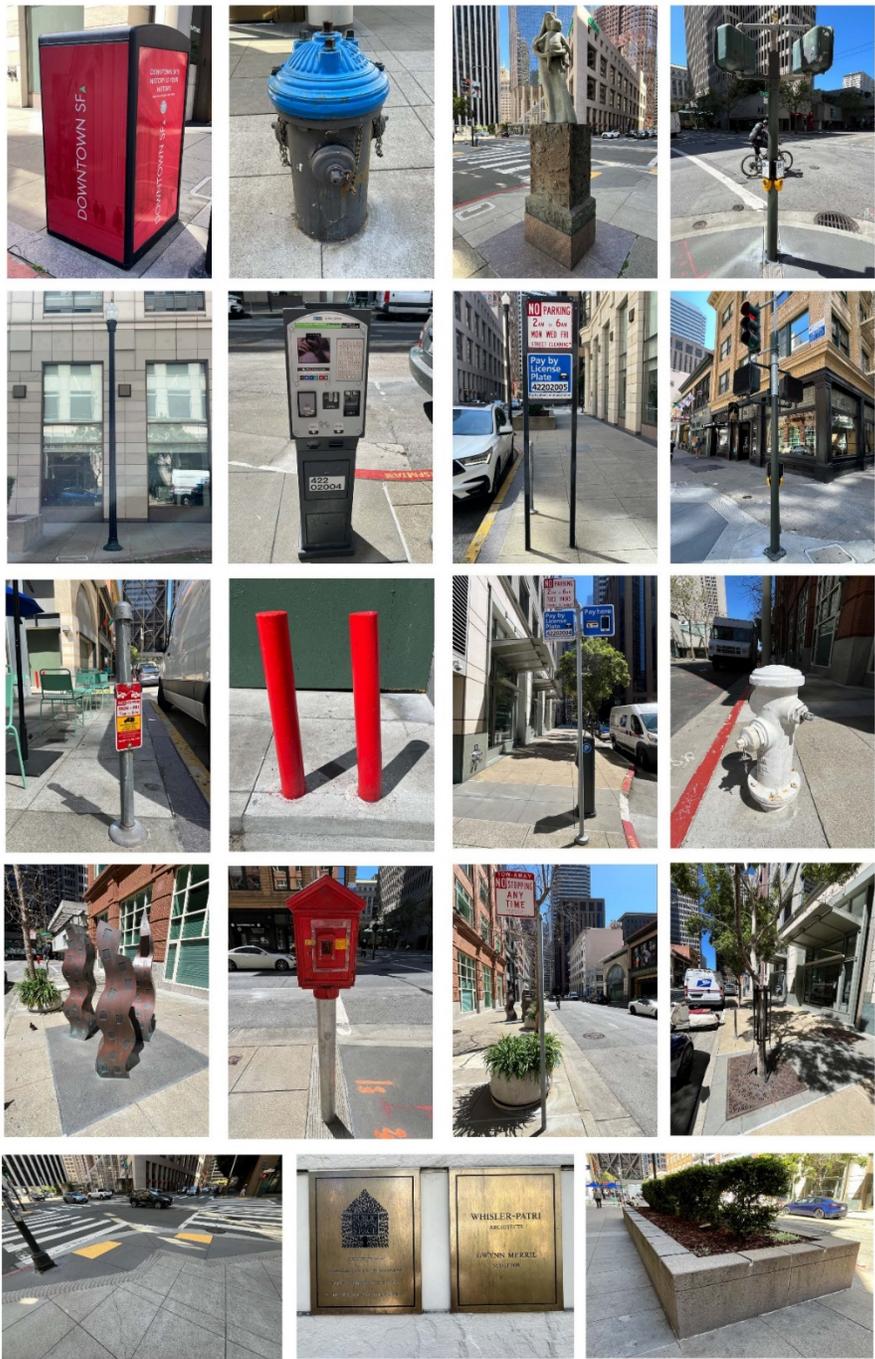
8. Insurance

The holder of the street closure permit shall maintain sufficient insurance as required by ISCOTT during the operation of any Entertainment Zone event.

SECTION V: APPENDICES

1. Front Street Entertainment Zone Map and Existing Infrastructure

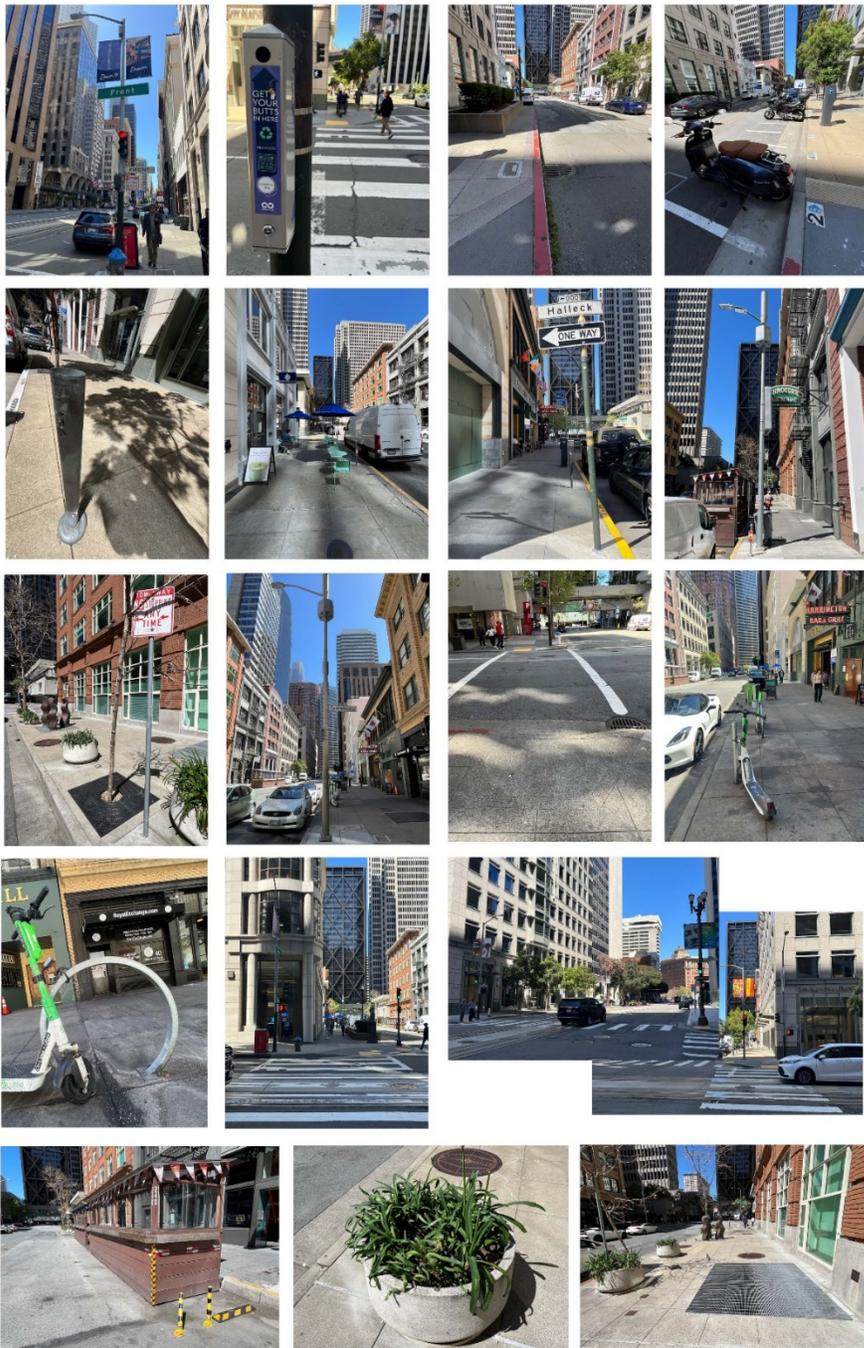




APRIL 2024

FRONT STREET
EXISTING INFRASTRUCTURE





APRIL 2024

FRONT STREET
EXISTING INFRASTRUCTURE CONT.



2. Front Street Entertainment Zone Vision Rendering



Rendering courtesy of Gensler



AGENDA REPORT

TO: City Council and Members of the Public **FROM:** At-Large Councilmember Rowena Brown

SUBJECT: Town Alive: Economic Activation Zones **DATE:** November 13, 2025

RECOMMENDATION

Adopt The Following Pieces Of Legislation:

(A) A RESOLUTION (1) ESTABLISHING ECONOMIC ACTIVATION ZONES UNDER THE TOWN ALIVE PROGRAM TO SUPPORT ENTERTAINMENT ZONES AND RESPONSIBLE ARTIFICIAL INTELLIGENCE (AI) ACTIVATION ZONES IN THE CITY OF OAKLAND, BRINGING INNOVATIVE PROGRAMMING TO PUBLIC AND COMMUNITY SPACES; AND (2) AUTHORIZING THE CITY ADMINISTRATOR TO AWARD, NEGOTIATE AND EXECUTE A GRANT AGREEMENT WITH THE OAKLAND FUND FOR PUBLIC INNOVATION IN AN AMOUNT NOT TO EXCEED ONE MILLION DOLLARS (\$1,000,000) TO IMPLEMENT THE TOWN ALIVE PROGRAM FOR A TWO-YEAR TERM FROM NOVEMBER 1, 2025, THROUGH OCTOBER 31, 2027

(B) AN ORDINANCE (1) ADDING CHAPTER 9.54 OF TITLE 9 OF THE OAKLAND MUNICIPAL CODE TO ESTABLISH AND REGULATE ENTERTAINMENT ZONES PURSUANT TO SB 969 (2024) TO PROMOTE ECONOMIC ACTIVATION; (2) MAKING OTHER CONFORMING CHANGES TO SECTIONS 9.08.180 AND 9.08.190 OF THE OAKLAND MUNICIPAL CODE; (3) CLASSIFYING AN ENTERTAINMENT ZONE EVENT AS A TIER TWO OR TIER THREE_SPECIAL EVENT PURSUANT TO CHAPTER 9.52 OF THE OAKLAND MUNICIPAL CODE; AND (4) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

EXECUTIVE SUMMARY

The **Town Alive** initiative establishes **Economic Activation Zones**—designated areas that re-energize Oakland’s public spaces, strengthen small businesses, and connect residents to innovation opportunities.

The program launches with two pilot components:

1. **Entertainment Zones** to activate commercial corridors with family-friendly outdoor events and cultural festivals
2. **Responsible Artificial Intelligence (AI) Activation Zones** to foster equitable, community-based innovation and create hubs for community-based AI programming

Together, these pilots make Oakland’s economy more vibrant, inclusive, and future-ready.

The proposed pieces of legislation formally launch the Town Alive initiative; enable four pilot Entertainment Zones (Jack London District, Broadway Valdez/Northlake District, Temescal District, and Uptown Downtown), which permit outdoor alcohol consumption as authorized by Senate Bill 969 (2024); and authorize \$1,000,000 in grant funding to provide initial support for programming across Oakland, administered by the Oakland Fund for Public Innovation.

BACKGROUND / LEGISLATIVE HISTORY

Since the COVID-19 pandemic, Oakland has been rebuilding its local economy to address several [significant challenges](#), such as employment recovery, downtown revitalization, consumer confidence, and tourism generation. Many of our commercial corridors are in particular need of structured opportunities for economic and cultural activation.

Town Alive bridges that gap by:

- Reviving local commercial corridors through safe, family-friendly programming.
- Partnering with community institutions to expand access to the growing responsible AI economy.

Oakland’s economic recovery depends on reconnecting people to places—and ensuring innovation benefits every neighborhood.

Entertainment Zones Under Senate Bill 969

[Senate Bill \(SB\) 969](#) (Weiner, 2024) authorizes cities to establish designated “entertainment zones” where to-go alcoholic beverages from licensed bars, restaurants, breweries, and wineries may be consumed in public streets, sidewalks, or other public rights-of-way during permitted special events. Cities across California—including [San Francisco](#), [San Jose](#), [Santa Monica](#), and [Sacramento](#)—have already established or launched Entertainment Zones to support local businesses, activate commercial corridors, and enhance cultural life.

SB 969 requires a city, county, or city and county that establishes an entertainment zone to (1) establish a process or procedure by which persons in possession of alcoholic beverages in the entertainment zone may be readily identifiable as being 21 years of age or older; and (2) provide to the California Department of Alcoholic Beverage Control (ABC) a copy of the ordinance establishing or modifying the entertainment zone and identifying the entertainment zone’s boundaries, days and hours of operation, types of alcoholic beverages permitted, and approved non-glass and nonmetal containers, pursuant to Section 25690 of the California Business and Professions Code.

Before enacting an ordinance to establish or modify an entertainment zone, a city, county, or city and county shall notify local law enforcement and request feedback about both of the following: (1) potential health and safety impacts that might be generated by the entertainment zone and strategies to mitigate those impacts; and (2) the entertainment zone’s proposed boundaries, days and hours of operation, types of alcoholic beverages permitted, and approved non-glass and nonmetal containers, pursuant to Section 25692 of the California Business and Professions Code.

SB 969 requires that a city that establishes an entertainment zone, or its designated subordinate officer or body, shall review the operation of the entertainment zone every two years following the adoption of the entertainment zone to ensure that the entertainment zone is being maintained in a manner that protects the health and safety of the general public.

Responsible AI

AI is technology that can perform tasks that would normally require human intelligence. The pace of AI adoption and commercialization has increased significantly in recent years. [Current estimates](#) count tens of thousands of AI-related companies worldwide, as startups and existing businesses work to build products spanning the spectrum from narrow daily tools to large generative models.

Private investment in AI [crossed the \\$100 billion mark](#) in 2024 and accounted for a major share of global venture capital, with generative AI companies receiving particular focus. Business adoption has increased as well, with [surveys showing](#) AI use by organizations jumping from about 55% in 2023 to roughly 78% in 2024.

AI has also spurred a historic amount of policy and legislation compared to past emerging technologies. At the state level alone, [over 1,600 AI bills](#) have been proposed nationwide since 2019.

[Responsible AI](#) refers to the use of AI systems in ways that are ethical, transparent, accountable, and aligned with community wellbeing. Responsible AI presents the opportunity to leverage the rapid development of AI to advance Oakland’s economic and community development goals and transform how the City delivers services.

ANALYSIS AND POLICY ALTERNATIVES

Entertainment Zones

Entertainment Zones will create opportunities for outdoor gatherings, performances, and cultural festivals in Oakland’s commercial corridors to celebrate Oakland’s diversity and creativity. Utilizing SB 969 (as detailed above), adjacent bars and restaurants will be permitted to sell alcohol in to-go containers for on-site consumption within the designated zones during permitted events. Entertainment Zone programming is proposed to launch in summer 2026.

Implementation Landscape

Several jurisdictions across the state have already launched Entertainment Zones to revitalize their commercial corridors:

City	Program Status	Key Features
San Francisco	It was the first City to receive state authorization and launched its program in June 2024. Now has 21 Entertainment Zones.	Includes Chase Center, Valencia St, Front St, and Fisherman’s Wharf zones
San Jose	Established Entertainment	Location selection prioritized

	Zones in June 2025.	existing pedestrian-friendly spaces, like the Post Street Pedestrian Mall.
Santa Monica	Established the Third Street Promenade Entertainment Zone in May 2025.	The Entertainment Zone has standard hours every weekend, and isn't reliant on specific events.
Sacramento	Established three Entertainment Zones in June 2025.	Includes an Entertainment Zone surrounding the city's Convention Center.

Pilot Entertainment Zone Locations

To promote public safety, maintain manageable capacity, and effectively test the model, Oakland will launch four pilot Entertainment Zones. Potential locations were evaluated based on the following criteria:

- Concentration of bars and restaurants that serve alcohol
- Potential Entertainment Zone lead organizer has a strong track record of hosting similar events in the neighborhood
- Geography that easily enables street and/or plaza closures
- Impacts to public transit & alternatives for traffic diversion
- Public safety impacts

The four pilot locations are:

- Jack London District (D2 & D3)
- Broadway Valdez/Northlake District (D3)
- Temescal District (D1)
- Uptown Downtown (D3)

Precise zone boundaries are depicted in **Attachment A**.

Future Entertainment Zone Locations

Any neighborhood commercial corridor in Oakland can become an Entertainment Zone in the future.

Beginning in 2026, new Entertainment Zones will be designated through the following process:

1. Contacting their Councilmember and the Economic & Workforce Development Department (EWD) to begin the process
2. Receiving City Council approval by ordinance establishing the zone
3. Developing a Management Plan with EWD outlining programming, safety, and operations
4. Applying for Entertainment Zone event funding (if applicable)

Management Plans

Management Plans are tailored plans for each Entertainment Zone to establish location-specific requirements for operations, public health, and public safety during Entertainment Zone events. The plans will be produced by the Economic & Workforce Development Department and the lead community partner for the Entertainment Zone (e.g., a Business Improvement District), in collaboration with community partners and relevant City departments.

Management Plans will include:

- The lead community partner for the Entertainment Zone and businesses that will be selling to-go alcoholic drinks in the Zone
- A description of the potential programming to activate the Zone
- The precise Zone boundaries, hours, advance notice window and other logistical details
- Measures to ensure public health and public safety at events
- Procedures for ensuring that anyone in the Entertainment Zone with alcohol is at least 21 years old
- Requirements for uniform cups for outdoor alcohol consumption
- City permits that apply to the Zone's proposed programming

Several peer cities also require Management Plans for their Entertainment Zones, including [San Francisco](#) and [Santa Monica](#).

Responsible AI Activation Zones

The City of Oakland recognizes the growing role of Responsible AI and emerging technologies in shaping economic opportunity, workforce development, and public service delivery. Responsible AI Activation Zones will serve as physical and programmatic hubs to advance equitable, community-based AI innovation, ensuring that AI technologies are developed, implemented, and governed in alignment with Oakland's values of equity, transparency, and inclusion.

Programming within the Responsible AI Activation Zones will connect residents, students, and small businesses to opportunities in the technology sector, including:

- Community education events and professional conferences
- Civic technology pilots
- Student internships & showcases
- Small business support for responsible AI adoption
- Workforce development programs

Programming will prioritize preparing local workers, especially those from historically disadvantaged communities, for opportunities in AI-related and impacted industries, ensuring that the economic benefits of AI are shared equitably, mitigating negative impacts, and promoting digital literacy.

Programs will be led and coordinated through the **Oakland Fund for Public Innovation (OFPI)**, in partnership with **Laney College**, the **Unity Council's Unity Tech Hub**, and **Mills College at Northeastern University**, providing citywide access to resources and training.

Programming Partners

Responsible AI Zone programming will be located in three hubs across the city, which will host community programming:

- **Laney College:** Laney College launched the first Applied AI program in California, and anchors an area adjacent to downtown that includes the Oakland Museum of California and the Henry J. Kaiser Center for the Arts.
- **Unity Tech Hub:** The Unity Tech Hub is a partnership between the Unity Council and Google to increase community access to tech education, workforce development, and business development. The Unity Tech Hub will ensure access for Central Oakland neighborhoods to programming.
- **Mills College at Northeastern University:** Mills at Northeastern already hosts several AI initiatives, including the Bridge to AI program for Oakland Unified School District students, and partnerships with the business community. Mills at Northeastern will ensure access for East Oakland neighborhoods to programming.

Oakland Fund for Public Innovation

[OFPI](#) is a 501(c)(3) nonprofit organization whose mission is to improve the prosperity, safety, and quality of life for all Oaklanders by establishing innovative public-private partnerships in our most vulnerable communities. OFPI achieves its mission by partnering with government agencies to pilot new strategies to meet the needs of Oaklanders, and by scaling the most promising solutions

OFPI's mission and approach are strongly aligned with the vision for the Town Alive program. OFPI is proposed to be the project manager for program implementation, which will entail:

- Serving as the fiscal sponsor for the program, receiving and managing funds in accordance with nonprofit accounting and compliance standards, including disbursements, contracting, and reporting
- Supporting program design, curriculum development, and project management in coordination with City departments
- Hiring and supervising a Program Manager, who will be employed through OFPI and dedicated to advancing the Town Alive program, particularly stewarding the development of the Responsible AI Activation Zones
- Supporting future fundraising efforts, in partnership with the **Kapor Foundation**, which works to ensure equitable access to the technology industry, to sustain and expand the Town Alive program

FISCAL IMPACT

On June 11, 2025, the City Council adopted [Resolution No. 90827 C.M.S.](#), which approved the FY 2025–2027 Biennial Budget, including One Million Dollars (\$1,000,000) for “Economic Opportunity Zones” across two years with Five Hundred Thousand Dollars (\$500,000) in each year. The proposed legislation will support initial Town Alive programming with these funds.

Funding for “Economic Opportunity Zones” is available in the General Purpose Fund (1010), Economic Development Organization (85411), Third-Party: Grant Contracts Earned Account (54912), Entertainment & Activate Project (1008217), Administration Program (IP03).

The funding will include an allowable administrative fee not to exceed Ten Percent (10%) or One Hundred Thousand Dollars (\$100,000) and a program management fee not to exceed Two Hundred Fifty Thousand Dollars (\$250,000) total over the two years.

Program	FY26 Budget	FY27 Budget	Total
Entertainment Zones	\$100,000	\$300,000	\$400,000
AI Activation Zones	\$250,000	Fundraise	\$250,000
Program Manager	\$125,000	\$125,000	\$250,000
Administrative Costs (10%)	\$50,000	\$50,000	\$100,000
Total	\$500,000	\$500,000	\$1,000,000

PUBLIC OUTREACH / INTEREST

Councilmember Brown’s office has engaged extensively with community members and community partners in developing this proposal over the last six months via direct meetings, including ongoing collaboration with potential Entertainment Zone lead organizations and Responsible AI Activation Zone programming partners.

COORDINATION

Councilmember Brown’s office consulted with the City Administrator’s Office, Economic and Workforce Development Department, Department of Transportation, Public Works Department, Police Department, Planning & Building Department, City Attorney’s Office, and the Port of Oakland to develop this legislation.

SUSTAINABLE OPPORTUNITIES

Economic: The Town Alive program will energize local commercial corridors and expand access to the responsible AI economy. This initiative implements a two-pronged strategy to advance Oakland’s continued economic recovery by supporting small businesses, increasing tax revenue, and offering new workforce development opportunities.

Environmental: At present, AI is incredibly [energy- and water-intensive](#), and AI data centers also have [negative local environmental impacts](#) on neighboring communities, such as air and noise pollution. As the City increases its use of AI to improve services and works to ensure equitable access for Oaklanders to economic opportunities in the AI sector, it will be imperative to collaborate with state and federal government partners on legislation and regulations to address the environmental impacts of AI.

Race & Equity: Entertainment Zones will strengthen small businesses and revitalize Oakland’s commercial corridors. As the program expands citywide, it will create greater economic opportunity for businesses owned by historically disadvantaged communities—improving outcomes in entrepreneurship, employment, and neighborhood vitality. Energizing

these corridors will also drive tax growth, helping sustain and expand key City services that advance equity across multiple areas, including economic development, housing, public health, education, public safety, environmental quality, and transportation. Similarly, **Responsible AI Activation Zones** will promote equitable access to one of the fastest-growing sectors of the economy. These zones will help close gaps in education, income, and wealth—mitigating downstream inequities that affect overall community wellbeing. Finally, the City must continue to collaborate with state and federal partners to address the racialized environmental impacts emerging from the global proliferation of AI technologies.

ACTION REQUESTED OF THE CITY COUNCIL

Adopt The Following Pieces Of Legislation:

(A) A RESOLUTION (1) ESTABLISHING ECONOMIC ACTIVATION ZONES UNDER THE TOWN ALIVE PROGRAM TO SUPPORT ENTERTAINMENT ZONES AND RESPONSIBLE ARTIFICIAL INTELLIGENCE (AI) ACTIVATION ZONES IN THE CITY OF OAKLAND, BRINGING INNOVATIVE PROGRAMMING TO PUBLIC AND COMMUNITY SPACES; AND (2) AUTHORIZING THE CITY ADMINISTRATOR TO AWARD, NEGOTIATE AND EXECUTE A GRANT AGREEMENT WITH THE OAKLAND FUND FOR PUBLIC INNOVATION IN AN AMOUNT NOT TO EXCEED ONE MILLION DOLLARS (\$1,000,000) TO IMPLEMENT THE TOWN ALIVE PROGRAM FOR A TWO-YEAR TERM FROM NOVEMBER 1, 2025, THROUGH OCTOBER 31, 2027

(B) AN ORDINANCE (1) ADDING CHAPTER 9.54 OF TITLE 9 OF THE OAKLAND MUNICIPAL CODE TO ESTABLISH AND REGULATE ENTERTAINMENT ZONES PURSUANT TO SB 969 (2024) TO PROMOTE ECONOMIC ACTIVATION; (2) MAKING OTHER CONFORMING CHANGES TO SECTIONS 9.08.180 AND 9.08.190 OF THE OAKLAND MUNICIPAL CODE; (3) CLASSIFYING AN ENTERTAINMENT ZONE EVENT AS A TIER TWO OR TIER THREE_SPECIAL EVENT PURSUANT TO CHAPTER 9.52 OF THE OAKLAND MUNICIPAL CODE; AND (4) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

For questions regarding this report, please contact Chiamaka Ogwuegbu, Policy Director for At-Large Councilmember Rowena Brown, at COgwuegbu@oaklandca.gov.

Respectfully submitted,



Rowena Brown
City of Oakland, Councilmember At Large

Attachments (3):

- Attachment A: Entertainment Zone Maps
- Attachment B: Town Alive Program Summary
- Attachment C: City of Oakland AI Equity Statement



BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

IGOR TREGUB
COUNCILMEMBER, DISTRICT 4

02a.07

CONSENT CALENDAR
March 10, 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

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

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 Business <https://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 YouGov¹³ 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.

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

⁸ Artificial Intelligence - Worldwide <https://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>

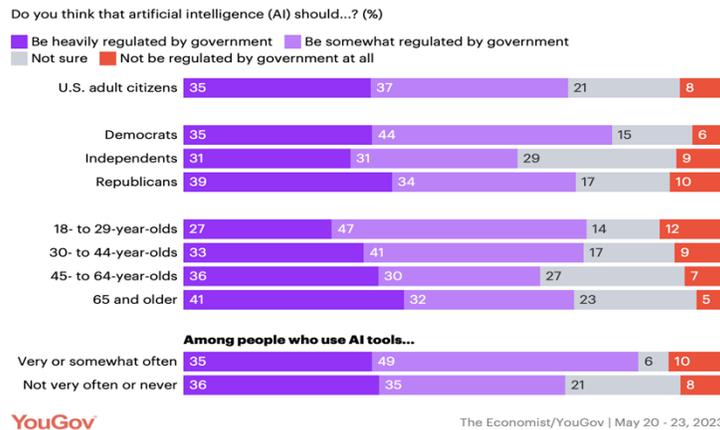
¹⁰ Brookings Institution (2023). The Geography of AI: Which Cities Will Drive the Artificial Intelligence Revolution? <https://www.scirp.org/reference/referencespapers?referenceid=3933815>

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, 2023 <https://today.yougov.com/politics/articles/45747-americans-are-divided-artificial-intelligence-poll>

Most Americans support government regulation of AI



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.

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

¹⁸City 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.^{19,20} 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 2050²³ 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 climate resilience 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

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

[02%20Special%20Item%2001%20Sharing%20the%20Final%20Report%20of%20the%20Mayor.pdf](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§or=&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 as plain-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

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 be 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 community⁴⁰

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 workforce⁴¹

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

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

⁴¹City 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 should operate 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.

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

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

⁴⁴AI 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 allow Berkeley 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.

IV. **Ensure Transparency and Accountability**

The City of Berkeley could consider maintaining a public AI use registry. This registry could present 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 be critical 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 consider pursuing 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/AY6Z5utuMHPCP6K72V2ETpqWhGYOZF7GÉhPtOJPDmkxowc510buEKBjeoFzegHorlARtR4LfcRwbJpbwojXg3yY%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 Jose⁴⁹ 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.

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 and give 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 outlines⁵⁴ a citywide approach for the safe, equitable, and effective use of artificial intelligence in local government. The plan, based on five

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 Principles⁵⁶, 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 Services*: 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.



CONSENT CALENDAR
MARCH 10, 2026

Igor Tregub, Councilmember, District 4

To: Honorable Mayor and Members of the City Council

From: Councilmember Igor Tregub (Author), Councilmember Brent Blackaby (Co-Sponsor)

Subject: Referral: Strengthen Berkeley's Micromobility Regulatory Framework to Improve Public Safety, ADA Accessibility, and Operator Accountability

RECOMMENDATION

Refer to the City Manager and Transportation and Infrastructure Commission the development of recommendations to enhance safety and eliminate or reduce conflicts between shared micromobility devices and pedestrians/wheelchair users on Berkeley's sidewalks.

POLICY COMMITTEE RECOMMENDATION

On February 4, 2026, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action: M/S/C (Humbert/Taplin) To forward the item to Council with a positive recommendation. Vote: All Ayes.

RATIONALE FOR RECOMMENDATION

This item supports a key priority for the District 4 Council office and the City of Berkeley as a whole: ensuring that our public spaces are safe and accessible to all. Following consultation with city staff, various community stakeholders, and micromobility providers, in response to comments from the Facilities, Infrastructure, Transportation, and Environmental Sustainability (FITES) Committee, and in recognition of limited City resources, the recommendation prioritizes the required education of micromobility users

by micromobility companies in safety requirements and protocols to ensure our sidewalks remain safe and accessible to all.

Such recommendations may include:

- Requiring operators to implement rewards and incentive programs based on clear metrics for responsible ridership behavior and to reduce sidewalk obstructions, repeat violations, or unsafe riding behaviors. App-based nudges and targeted outreach can also help to promote safe, equitable practices across the community.
- Requiring operators to provide mandatory certifiable rider safety training with recurring reminders through apps and other means.
 - o Training should cover safe riding practices, proper parking, and the impact on vulnerable populations, including children, seniors, and people with disabilities.

The intent of this recommendation to allow interested council offices and other stakeholders, through relevant committees and with the expertise of applicable commissions, to advise on the development of an education program and make other recommendations to enhance safety and eliminate or reduce conflicts between micromobility devices and pedestrians/wheelchair users on Berkeley's sidewalks. Micromobility companies should be responsible for continuously educating their users on safety practices and enforcing rider requirements. Focus areas of such an education program could include: (1) protocols for proper parking of shared micromobility devices following the conclusion of the ride; (2) prohibitions on micromobility use on public sidewalk; and (3) applicable state law concerning the use of helmets in conjunction with uses of micromobility devices.

We expect micromobility companies to be responsible stewards of their industry and trusted partners in the community, as safe and inclusive micromobility benefits everyone, including the companies themselves. Should these educational efforts be insufficient in and of themselves to affect the abovementioned goal, a range of potential options, outlined in the "Alternative Measures Considered" section of this report, could also be considered as staff capacity and financial resources become available.

FINANCIAL IMPLICATIONS

The goal of implementing the recommendation in this revised referral is to not require additional staffing to support the City's micromobility coordinator (1 full-time equivalent) and can be achieved through partnerships with external stakeholders such as UC Berkeley. The recommendation is intended to leverage ongoing improvements to

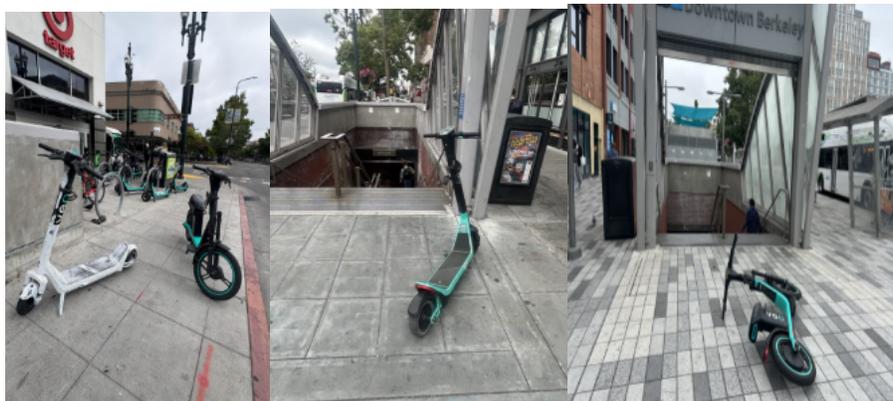
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infrastructure updates the cost of which is intended to be anticipated to be offset through revised fee and penalty structures incorporated into operator contracts. By requiring micromobility companies to contribute to the costs of enforcement, signage, designated parking, and other safety infrastructure, the City of Berkeley is minimizing or obviating additional impacts to the General Fund.

CURRENT SITUATION AND ITS EFFECTS

Micromobility devices including e-scooters, bikes, e-bikes, skateboards, and hoverboards have become an increasingly popular mode of transportation in Berkeley, providing sustainable, low-emission, and convenient first- and last-mile travel options.¹ Currently, Berkeley has approximately 200 Lime scooters and 800 devices, including stand scooters and sit scooters, operated by Veo Micromobility,² reflecting the growing presence of shared micromobility options. However, current regulations and enforcement mechanisms have not kept pace with the challenges posed by their growing use and need to be closer aligned with Vision Zero Action Plan passed by the City in 2018.³

Improperly parked devices routinely block sidewalks, curb ramps, and transit access points, creating hazards for seniors, people with disabilities, and pedestrians. Unsafe riding behaviors including sidewalk riding, speeding, and double riding continue to be reported, yet the city lacks clear, publicly accessible reporting channels specific to micromobility.⁴



¹ U.S. Department of Transportation, Climate Change Center “Shared Micromobility & Micro Transit” <https://www.transportation.gov/sites/dot.gov/files/2025-01/Shared%20Micromobility%20%26%20Microtransit.pdf>

² Kwok, Iris. Berkeleyside. <https://www.berkeleyside.org/2024/07/05/berkeley-fleet-of-lime-rental-e-scooters>

³ Berkeley Vision Zero Action Plan <https://berkeleyca.gov/sites/default/files/2022-02/Vision-Zero-Annual-Report-2020-2021.pdf>

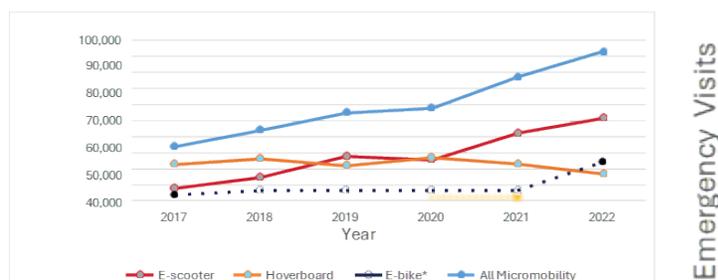
⁴ Berkeley Police Department, “Annual Traffic Safety Report,” 2023 (internal document).

Examples of improperly parked Veo Micromobility and personal micromobility devices on Shattuck Avenue, Berkeley, CA, Summer 2025.

In Berkeley, micromobility vendors have the primary responsibility for enforcing the rules on their customers and to address noncompliance, including through disincentives (e.g., penalties on riders who violate the terms of their agreement with the vendor up to a prohibition on future use of the platform) and physically addressing issues in the field (e.g., picking up and moving poorly parked vehicles for example within a defined timeframe).

The City of Berkeley, particularly the Public Works Transportation Department, has a secondary role in inspecting the streets, document poor behavior, notify device operators, and, when necessary, fine vendors for poor performance of the terms of their contract with the city. The City of Berkeley currently provides detailed information for members of the public to report poor behavior and how to help us monitor and report items to the device operators. Public participation helps expand the reach of our inspection and data collection. While this information is currently concentrated on a single webpage, opportunities exist to disseminate it more broadly beyond providing it through mayor and council newsletters.⁵ Micromobility operators should increase educational requirements in their app and conduct safety outreach at more community events.

The U.S. Consumer Product Safety Commission reports over 50,000 emergency department visits linked to e-scooter use nationwide in recent years, underscoring the urgent need for clear enforcement, public education, and infrastructure improvements to mitigate risks and enhance public safety. Overall emergency department visits associated with micromobility increased significantly from 2017 to 2022.⁶



Emergency Department Visits Associated with Micromobility Devices, 2017-2022

⁵ City of Berkeley, <https://berkeleyca.gov/city-services/getting-around/shared-bikes-and-scooters>

⁶ <https://www.cpsc.gov/s3fs-public/Micromobility-Products-Related-Deaths-Injuries-and-Hazard-Patterns-2017-2022.pdf>

In addition to a documented increase in collisions involving micromobility devices in Berkeley, several of which have tragically led to serious injuries or even fatalities^{7, 8}, the District 4 office routinely receives complaints of shared micromobility devices in the downtown being improperly parked (e.g., blocking sidewalks and points of ingress to crosswalks and BART stations) or users of shared micromobility devices riding on the sidewalk.

Based on a number of instances of noncompliance with terms of micromobility contracts with the city (e.g., documented instances of illegally parked scooters not being picked up within the designated time frame required per their contract), the accountability structure appears to be less than adequate. The current City of Berkeley micromobility payment structure is \$1500 per vendor application fee, a \$15,000 Annual Operating Fee per vendor, and a permitting fee of \$64 per vehicle. The penalty structure is \$27 per violation if the City of Berkeley or member of the public submits a violation ticket, and the vendor does not respond within 72 hours. The penalty rises to \$127 per violation if the noncompliance occurs in an ADA zone or the blocking a sidewalk or entrance way. Several jurisdictions with comparable micromobility use cases appear to have a fee and penalty structure that imposes higher fees and penalties than Berkeley.⁹ Public Works Department staff agree that the City of Berkeley's goal should be to revise these fees for next permit cycle.

On September 30, 2025, the City Council unanimously adopted a referral to the City Manager in collaboration with the City Attorney's Office to develop proposed increases to the shared micromobility program fees and return to Council within 120 days. The proposed amendments would evaluate adjustments to the application fee, operating fee, fee per vehicle, and fee per ride.¹⁰

Since this item was first introduced, several positive changes have been observed, including improved organization of micromobility devices within designated areas, indicating that the City's efforts are beginning to pay off. Transportation Division staff have confirmed that the Public Works Parking Services and Traffic Maintenance team did an excellent job expediting the design and rollout of a pilot involving physical infrastructure improvements such as dedicated corrals and designated parking locations

⁷ <https://www.berkeleyscanner.com/2026/01/06/uc-berkeley-crime/berkeley-father-dies-scooter-crash-uc-berkeley/>

⁸ <https://www.berkeleyscanner.com/2025/12/14/traffic-safety/man-dead-berkeley-solo-scooter-crash/>

⁹ City of Berkeley, <https://berkeleyca.gov/sites/default/files/documents/2025-09-30%20Item%2015%20Refer%20to%20the%20City%20Manager%20in%20Collaboration%20with%20the%20CAO.pdf>

¹⁰ *ibid.*

for shared micromobility devices. These improvements have been discussed with micromobility device vendors and are anticipated to be funded through possible future increases in micromobility vendor and/or user fees subject to the abovementioned Council referral.

As part of the pilot, the primary objective remains maintaining clear, continuous, ADA-compliant pedestrian access at all times, with placement prioritized in daylight areas and red-curbed zones where feasible to minimize sidewalk impacts. In many locations, this approach is working well and likely explains some of the improved organization observed; however, there are a few constrained locations where no daylight areas or red curbing are available. In those limited cases, sidewalk placement may be used only where required ADA clearances can be fully maintained, and this is intended to be the exception, not the norm.

In addition to a documented increase in collisions involving micromobility devices in Berkeley, several of which have tragically led to serious injuries or even fatalities, the District 4 office routinely receives complaints of shared micromobility devices in the downtown being improperly parked (e.g., blocking sidewalks and points of ingress to crosswalks and BART stations) or users of shared micromobility devices riding on the sidewalk.

The District 4 office has been in communication with the micromobility vendors regarding other technological advances to help them monitor and modify user behavior in real time, which at least one of the vendors is expecting to roll out in the future. These include geofencing, pavement-sensing speed regulators, and AI guidance to ensure that a ride can only be completed once a shared micromobility device is parked in a designated or acceptable location.

Our office looked at several other local jurisdictions with programs and technologies that improve micromobility use.

San Francisco, CA

- San Francisco's Powered Scooter Share Permit Program requires application and annual permit fees, along with fleet size caps, effectively shifting enforcement costs to operators and ensuring responsible management.¹¹

¹¹ SFMTA, "Powered Scooter Share Permit Program," <https://www.sfmta.com/projects/powered-scooter-share-permit-program>

- San Francisco’s multi-channel outreach includes the “Three Golden Rules” campaign, social media messaging, and community events coordinated with local law enforcement.¹²
- San Francisco uses geofencing to limit speeds and restrict sidewalk riding, empowers parking officers with citation authority, and incentivizes compliant parking through dedicated programs.

Austin, TX

- Austin employs operator limits, fleet caps, and cost recovery mechanisms to fund enforcement and infrastructure improvements.¹³
- Austin enforces nighttime speed limits and deploys “force-park” technology to ensure proper device placement.

Portland, Oregon

- Portland integrates in-app reminders and widespread public education to promote safe riding and proper parking.¹⁴
- Portland mandates secure locking of devices post-trip and rapid removal of improperly parked scooters, supported by centralized 311 reporting.

Chicago, Illinois

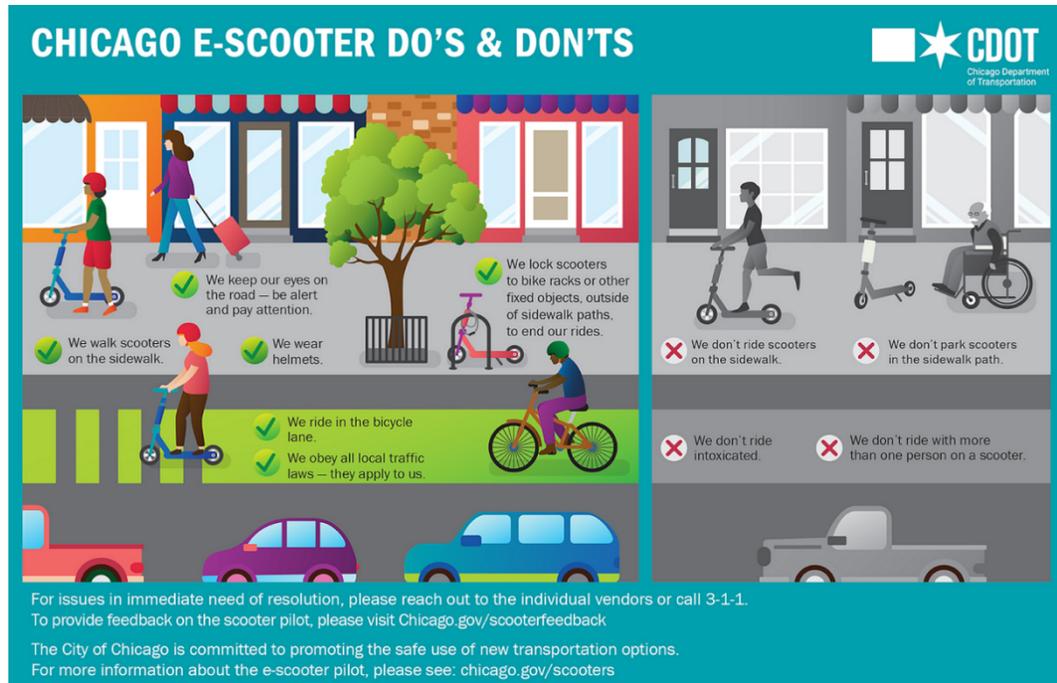
- Chicago developed a sweep of educational campaigns to provide comprehensive and easy to assess and intake resources, including Rider Tips for How to Safely and Properly Use Shared Scooters.¹⁵

¹² SFMTA, “Scooter Safety Campaign 2023,” <https://www.sfmta.com/scooter-safety-campaign-2023>

¹³ City of Austin, “Micromobility Program,” <https://www.austintexas.gov/department/micromobility>

¹⁴ Portland Bureau of Transportation, “Shared Electric Scooter Program,” <https://www.portland.gov/transportation/escooter>

¹⁵ City of Chicago, Rider Tips for How to Safely and Properly Use Shared Scooters https://www.chicago.gov/city/en/depts/cdot/supp_info/escooter-share-pilot-project.html



An example of educational campaign material provided by Chicago, IL around safe use of microbiology devices.

BACKGROUND

Micromobility offers substantial benefits, including reduced greenhouse gas emissions, lower transportation costs, and increased access to transit.¹⁶ A survey in neighboring Oakland found that 37% of e-scooter riders used them to connect to public transportation at least once a week.¹⁷ Micromobility devices are used by a wide range of residents, including students, commuters, seniors, and visitors, offering convenient first- and last-mile connections to transit and local destinations.

Berkeley already has a vast library of materials relevant to the topic of micromobility, including laws, rules and regulations and contracts with operators, including the:

- Draft Plan for the 2025 Berkeley Bike Plan;^{18,19}

¹⁶ California Air Resources Board, “Reducing Greenhouse Gas Emissions from Transportation,” accessed August 2025, <https://ww2.arb.ca.gov/our-work/programs/transportation-sector>

¹⁷ City of Oakland Department of Transportation, “Micromobility Survey Report,” 2023, <https://www.oaklandca.gov/documents/e-scooter-evaluation-report>

¹⁸ City of Berkeley, Draft Plan for the 2025 Berkeley Bike Plan [https://berkeleybikeplan.org/storage/app/media/uploaded-files/draft/DRAFT Berkeley Bike Plan 08072025.pdf](https://berkeleybikeplan.org/storage/app/media/uploaded-files/draft/DRAFT_Berkeley_Bike_Plan_08072025.pdf)

¹⁹ City of Berkeley, This Draft Plan for the 2025 Berkeley Bike Plan Update, <https://berkeleybikeplan.org/#/recommendations>

- Berkeley Electric Bike Equity Project (BEEP) 2025;²⁰
- City of Berkeley, Public Works – Transportation Division; Shared Electric Micromobility Permit Program – Terms, Conditions, and Application 2024;²¹
- City of Berkeley Electric Mobility Roadmap 2020²²

Berkeley has the opportunity to leverage an anticipated increase in shared micromobility vendor fees to further enhance its micromobility framework by drawing on successful approaches from peer cities that integrate safety, accountability, and infrastructure through clear regulations, effective enforcement, and robust public education.

ALTERNATIVE MEASURES CONSIDERED

Following numerous conversations with Transportation Division staff and based on FITES guidance when this referral was discussed in September 2025, the current version of this item prioritizes the development of an education program as a first step but outlines each of the below-referenced recommendations for completeness. Nothing in this section should be construed as precluding staff from implementing the elements below subject to alignment with existing City of Berkeley policy and existing staff resources.

1. Improved Incentives and Enforcement

- a. Provide clear channels for residents, pedestrians, and people with disabilities to report issues quickly and easily.
- b. The enforcement structure should be such that operators would consider progressive accountability measures for individual users (e.g., mandatory classes, increased fines, revoking ridership privileges). To the extent that, per conversations with shared micromobility vendors, these enforcement structures are already implemented, the vendors should be enforcing this directive.
- c. Suggest mechanisms for imposing additional penalties by the city on operators failing to address violations in a timely and effective manner.

²⁰ City of Berkeley, Berkeley Electric Bike Equity Project (BEEP) 2025. <https://berkeleyca.gov/sites/default/files/documents/BEEP%20Data%20Analysis%20Summary%20Report%20February%202025-reduced.pdf>

²¹ City of Berkeley, Shared Electric Micromobility Permit Program (SEMPP) Terms and Conditions Revised 2024. https://berkeleyca.gov/sites/default/files/documents/SEMPP%20T%26C_Revised%202024_0.pdf

²² City of Berkeley, Electric Mobility Roadmap. https://berkeleyca.gov/sites/default/files/2022-01/City%20of%20Berkeley%20Electric%20Mobility%20Roadmap_2020.pdf

- d. Include mechanisms for sharing enforcement data with the public, such as dashboards or annual reports, to increase trust and allow the community to monitor safety and compliance trends.
- e. Enforcement can be more effective when paired with physical or digital infrastructure²³, like clearly marked parking zones, geofenced no-ride areas, and device-locking features when they attempt to ride on the sidewalk or travel at excessive speeds.
- f. Recommend any additional operator-funded city incentive programs that reward evidence-based best operational practices by operators.

2. Cost Recovering Fee and Penalty Structure

- a. Implement an operator-paid fee and penalty schedule that fully covers the city's costs of staff time and enforcement infrastructure.²⁴
- b. On a pilot basis, explore additional infrastructure contributions from operators, such as funding a specified number of parking corrals, bike racks, or signage based on fleet size, following models such as Bay Wheels in San Francisco.²⁵ Such improvements should be subject to an engineering assessment for safety and feasibility.
- c. Explore and negotiate leveraging data collected by micromobility devices for other city use.²⁶
- d. Consider the expansion of the agreed upon fee, incentive, and enforcement model beyond current e-scooter contracts (Veo Micromobility and Lime) to include other current or future micromobility options (e.g., Bay Wheels).

3. Right of Way and Accessibility Enforcement

Research and recommend additional effective and low-cost infrastructure upgrades,²⁷ including standardized markings for appropriate parking zones,

²³ City of Berkeley, Hundreds more e-bikes added to Berkeley's bike share stations, <https://berkeleyca.gov/community-recreation/news/hundreds-more-e-bikes-added-berkeleys-bike-share-stations>

²⁴ City of Berkeley, <https://berkeleyca.gov/sites/default/files/documents/2025-09-30%20Item%2015%20Refer%20to%20the%20City%20Manager%20in%20Collaboration%20with%20the%20CAO.pdf>

²⁵ SFMTA, <https://www.sfmta.com/blog/sfmta-and-bay-wheels-reach-agreement>

²⁶ USDOT, Studying the Use of Low-Cost Sensing Devices to Report Roadway Pavement Conditions, <https://rosap.ntl.bts.gov/view/dot/78991#:~:text=This%20report%20investigates%20the%20application,network%20longevity%20and%20user%20satisfaction>

²⁷ Nestic, Alex. The Medium. <https://alexnesic88.medium.com/parking-compliance-unleashing-the-potential-of-shared-micromobility-d979b1e3c950>

creating parking corrals in daylighted zones to reduce sidewalk obstruction, and improve compliance with the Americans with Disability Act (ADA) (e.g., eliminating or mitigating for instances of micromobility devices impeding public right of way access to those with physical disabilities). Operators should consider enhancing ADA compliance and accessibility by incorporating features such as Braille labels on devices, emergency buttons accessible to wheelchair users, and prominently displayed contact information that is easily visible at all times of day, subject to technological and contractual feasibility. The operator fee should, to the extent possible, incorporate the costs of all such measures.

4. Stronger Accountability Measures

The City of Berkeley should continue, through contracting tools, to reflect the shared responsibility of operators in ensuring that unsafe behaviors and public nuisances are proactively addressed, as negative perceptions could threaten the long-term viability of these services. Operators should be held accountable to protect the public perception and social acceptance of micromobility.

- a. Revise operator reporting requirements. Expand the currently required frequency of quarterly submission by operators to City staff with the production of biannual (twice per year) reports to the full Council, including, but not limited to detailing moving and parking violations, number of repeat offenders, safety class attendance, warnings issued, penalties applied, and any ridership privileges revoked.
- b. The City of Berkeley can reinforce shared responsibility by holding operators accountable for unsafe behaviors and public nuisances, recognizing that public perception affects the long-term success of micromobility.

5. Community Engagement and Education

- a. Centralize and streamline the city's website to ensure all micromobility program details, rules, safety guidance, maps, and reporting instructions are easy to find and access in one location. The City might explore developing a comprehensive micromobility information hub—either as a standalone site or a robust, dedicated webpage—that consolidates policies, maps, FAQs, safety regulations, ADA requirements, and incident-reporting tools in plain, user-friendly language that could be visible to the public.

- b. Expand operator led education campaigns via signage, classes, media, and social media to increase awareness of proper micromobility use.
- c. All materials should be available in multiple, most used languages in Berkeley and should be designed for varying levels of familiarity, from first-time riders to frequent users, and should include visual guides and real-world examples.
- d. Operators should be required to lead outreach efforts with City support when possible:
 - i. Align public education efforts with in-app onboarding, user prompts, and enforcement tools that are specific to each device type. Public-private partnerships should extend to schools, colleges, community organizations, advocacy groups, and affordable housing providers to ensure equitable, mode-appropriate outreach. Pay special attention to family and youth education. Operators and the City should partner with schools and community groups to equip parents with resources to educate their children on micromobility safety.
- e. The City should consider including outreach requirements in contracts with operators (i.e. tabling at a minimum # of outreach events, minimum # of in-person training classes with community organizations, etc.).

These coordinated approaches could integrate infrastructure improvements, rider safety, enforcement, operator accountability, public education, and rider incentives, providing a framework for a safer, more equitable, and sustainable micromobility system in Berkeley.

COMMUNITY IMPACT

Strengthening Berkeley's micromobility regulations will enhance public safety, protect ADA accessibility, and reduce sidewalk obstructions. Consistent enforcement and updated operator contracts ensure accountability and equity, while expanded public education campaigns and improved infrastructure promote safe, orderly, and sustainable micromobility use.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Well-regulated micromobility directly supports Berkeley's Climate Action Plan by providing low-emission alternatives to short car trips, helping to reduce greenhouse gas emissions, air pollution, and traffic congestion. By investing in safe infrastructure, accessible parking, and public education, the City of Berkeley can encourage more people to adopt micromobility options, increasing the share of sustainable transportation in daily travel.

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CONSENT CALENDAR
March 10, 2026

To: Honorable Mayor and Members of the City Council
From: Councilmember Shoshana O'Keefe (Author) and Councilmember Brent Blackaby (Co-Sponsor)
Subject: Citywide Guidelines on Artificial Intelligence

RECOMMENDATION

Refer to the City Manager to develop official, citywide guidelines for the secure, ethical, and effective use of Artificial Intelligence (AI) tools by City of Berkeley employees. The policy should align with Berkeley's values, promote innovation and progress, and safeguard privacy and public trust.

The City Manager should review policies adopted by other California cities and develop Berkeley-specific principles to guide staff usage of AI. The following principles should form the foundation of Berkeley's policy:

1. Create safeguards against introduction of bias through use of AI systems
2. Protect data privacy and ensure cybersecurity compliance
3. Maintain human oversight and accountability
4. Explore opportunities to integrate AI into operations management
5. Foster collaboration and cross-departmental exchange of AI knowledge
6. Ensure transparency and compliance with Public Records Laws
7. Periodic review and improvement

Developing a clear and responsible AI policy will help the City of Berkeley harness emerging technologies to better serve the community while upholding equity, integrity, and public confidence in city operations and services.

POLICY COMMITTEE RECOMMENDATION

On Wednesday, February 11, 2026 the Health Policy Committee adopted the following action: M/S/C (Taplin/Tregub) to send item to Council with a positive recommendation. Vote: All Ayes.

BACKGROUND

In recent years, the development and adoption of generative artificial intelligence tools – or AI that can generate text, images, and other content based on prompts from a user and the data it

was trained on – has accelerated dramatically. California, specifically, is at a unique juncture as both the birthplace of AI and the home to a majority of top AI companies in the world.¹

The rapid rise of AI provides both an opportunity and a challenge for public and private sector employers and organizations. According to a survey conducted by the National Bureau of Economic Research, “as of late 2024, nearly 40 percent of the U.S. population age 18-64 uses generative AI. 23 percent of employed respondents had used generative AI for work at least once in the previous week, and 9 percent used it every work day.”²

When used responsibly, artificial intelligence can automate repetitive tasks, facilitate efficiency, support decision making and advanced data analysis, and minimize errors. For local governments operating with limited resources and navigating staffing shortages, these tools can assist with communications and the delivery of public goods and services. However, the usage of AI is not without its risks and concerns. The technology also introduces ethical, legal, and operational risks including those related to privacy, cybersecurity, bias in decision making, accuracy, and transparency.

As the usage of AI becomes more common in the workplace, cities and counties across California have developed guidelines for employees including San Francisco³, San Jose,⁴ Long Beach,⁵ and Santa Cruz County.⁶ With no official citywide policy, City of Berkeley employees are left using their best judgement when it comes to the appropriate uses of AI. Therefore, the City must ensure that the use of AI aligns with its values of equity, innovation, and progress. This item proposes the development of guidelines for City of Berkeley staff based on best practices from other jurisdictions, which include the following:

Addressing Bias

City Staff should use caution when procuring or using any artificial intelligence systems that have documented or reasonably identifiable bias, discriminatory outcomes, or fairness concerns. Numerous instances of AI bias have been documented in the law enforcement,

¹ California, S. of. (2025, September 29). Governor Newsom signs SB 53, advancing California’s world-leading artificial intelligence industry. Governor of California. <https://www.gov.ca.gov/2025/09/29/governor-newsom-signs-sb-53-advancing-californias-world-leading-artificial-intelligence-industry/>

² Bick, A., Blandin, A., & Deming, D. (2024). The rapid adoption of Generative AI. National Bureau of Economic Research . <https://doi.org/10.3386/w32966>

³ San Francisco generative AI guidelines. City of San Francisco . (2025, July 8). <https://www.sf.gov/reports--july-2025--san-francisco-generative-ai-guidelines>

⁴San José AI guidelines and policies. City of San José. (2025). <https://www.sanjoseca.gov/your-government/departments-offices/information-technology/itd-generative-ai-guideline>

⁵ Generative AI guidance. City of Long Beach . (n.d.). <https://www.longbeach.gov/smartcity/projects/generative-ai-guidance/>

⁶ County of Santa Cruz Artificial Intelligence Appropriate Use Policy . County of Santa Cruz . (2023, September 13). <https://www2.santacruzcountyca.gov/personnel/vpolandproc/ProceduresManual/PM6476.pdf>

criminal justice, and healthcare industries.⁷⁸⁹ San Francisco's guidelines include monitoring for and manually correcting instances of bias.

Data Protection

The City should develop careful and detailed policies surrounding the input of sensitive, confidential, or legally protected data – such as personally identifiable information, health information, or privileged communications – into AI tools. Though there are AI tools designed to work specifically with private data, all AI usage must comply with City data protection policies, cybersecurity standards, and state and federal privacy laws. Long Beach prohibits the use of certain AI systems that carry serious concerns about privacy, transparency, and security.

Human Oversight

While AI may support human judgement in decision-making, it must never replace human oversight. Staff remain responsible for the content, recommendations, and decisions made with the assistance of AI. Consequential decisions that impact human welfare and stand to have a high-impact – such as those affecting rights, benefits, or public services – must undergo human review and sign-off. In certain cases, the use of AI should be prohibited entirely. Santa Cruz County prohibits the use of AI to make decisions related to hiring, benefits, or other sensitive matters where bias could play a role.

AI Integration in Operations

Incorporating AI into operations management could help improve efficiency, consistency, and service quality. When implemented thoughtfully, AI could help support staff and increase organizational resilience. Other potential positive benefits could include improved service delivery and maximizing the impact of limited public resources.

Cross-Department Collaboration

The City should consider how best to encourage the proactive sharing of insights and best practices across departments. This could include quarterly or annual staff meetings that promote the exchange of information, ensuring refinement over time and continuous innovation.

Public Records Act Compliance

AI-generated materials created or used for official City business are city records and may be subject to the California Public Records Act (PRA). Staff should preserve such records accordingly.

Review and Improvement

⁷ Artificial Intelligence in Predictive Policing Issue Brief. NAACP. (n.d.).

<https://naacp.org/resources/artificial-intelligence-predictive-policing-issue-brief>

⁸ Taylor, J. (n.d.). Code without conscience: How ai discrimination puts black lives at risk. NCNW.

<https://ncnw.org/code-without-conscience-how-ai-discrimination-puts-black-lives-at-risk/>

⁹ Glass, M. (2023, February 23). Algorithms were supposed to reduce bias in criminal justice-do they?. Boston University. <https://www.bu.edu/articles/2023/do-algorithms-reduce-bias-in-criminal-justice/>

The artificial intelligence landscape is quickly evolving. The City should consider reviewing and amending its AI guidelines annually to reflect feedback from staff, changes in state and federal law, and advances in technology.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

While currently the City of Berkeley has not yet adopted a formal policy guiding staff usage of artificial intelligence, it is our understanding that a draft AI Administrative Regulation is under development by the City Manager, and this item is intended to inform that process.

Recognizing the AI sector is ripe for regulation, the State of California recently became the first in the nation to adopt an artificial intelligence transparency and safety law – dubbed the Transparency in Frontier Artificial Intelligence Act. Additionally, the state also recently adopted a new series of regulations, specifically addressing Automated Decision-Making Technology in employment decisions due to concerns over bias.¹⁰ With the state recognizing the impact and consequences of unregulated artificial intelligence, there is also opportunity for local leadership and governance.

ACTIONS/ALTERNATIVES CONSIDERED

While the City may choose not to take action on artificial intelligence, City employees may already be using AI tools to support their work. Without proper guidance and oversight, there could be many consequences to unregulated AI use, including the spread of misinformation, data and privacy risks, poor or biased decision making, and more. Right now, the City has an opportunity to lead by providing its workforce with a guided approach.

Should the City Manager decide not to pursue official guidelines, the City could consider creating risk tiers – based on San Jose’s model – that can help employees understand when additional review is necessary.¹¹

¹⁰California, S. of. (2025a, June 30). Civil Rights Council secures approval for regulations to protect against employment discrimination related to Artificial Intelligence. Civil Rights Department. <https://calcivilrights.ca.gov/2025/06/30/civil-rights-council-secures-approval-for-regulations-to-protect-against-employment-discrimination-related-to-artificial-intelligence/>

¹¹San José AI guidelines and policies . City of San José. (n.d.). <https://www.sanjoseca.gov/your-government/departments-offices/information-technology/itd-generative-ai-guideline>

AI Risk Levels for Generative AI

Risk Level	What It Means	Example Uses
Low Risk	No private info, for internal drafts	Writing internal emails
Medium Risk	Needs careful review, public-facing	Drafting a City memo
High Risk	Could affect people's rights or safety	Hiring decisions, legal info – not allowed without special approval

CONSULTATION/OUTREACH OVERVIEW AND RESULTS

Councilmember O’Keefe’s office consulted with the City Manager’s office on the guidelines and the City Manager expressed interest in pursuing the policy. Councilmember O’Keefe has also consulted with the Office of the City Attorney.

RATIONALE FOR RECOMMENDATION

The City of Berkeley currently has no official citywide policy or guidance for employees who wish to use artificial intelligence to support their work. While a draft AI Administrative Regulation is under development by the City Manager, the City has an opportunity to use this item to help inform and shape that forthcoming guidance. With other cities adopting policies to ensure that AI is used securely, responsibly, and transparently, Berkeley should similarly work toward developing its own framework grounded in best practices.

As AI continues to integrate across all sectors, its role in municipal operations is likely to expand. To keep pace with this evolving technological landscape, the City of Berkeley should proactively advance policy development that safeguards privacy, maintains public trust, and provides clear direction for staff use of AI tools. Consideration of this item by the City Council will help ensure that the final Administrative Regulation reflects both policy priorities and community values.

ENVIRONMENTAL SUSTAINABILITY

N/A

FISCAL IMPACTS

Staff time.

CONTACT

Shoshana O’Keefe, sokeefe@berkeleyca.gov, 510-981-7150

**02a.10**

CONSENT CALENDAR
March 10, 2026

To: Honorable Members of the City Council

From: Vice Mayor Lunaparra (Author), Councilmember Taplin (cosponsor)

Subject: Berkeley Free Clinic Critical Renovations: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Vice Mayor Lunaparra's discretionary fund, \$500 from Councilmember Taplin's discretionary fund, and funds from any other Councilmembers who would like to contribute, to the Berkeley Free Clinic for critical renovations at its new location at 830 University Avenue, with funds relinquished to the City's general fund for this purpose.

BACKGROUND

Founded in 1969 during the People's Park era, the Berkeley Free Clinic (BFC) has served as a cornerstone of community health for over five decades. Operated as a volunteer-run collective, the BFC provides 100% free acute medical care to anyone in need—regardless of income, insurance, or immigration status. Its services include STI and UTI testing and treatment, HIV linkage and PREP, TB testing, and peer counseling. It also assists clients with benefits enrollment, housing referrals, and access to community resources. The BFC primarily serves unhoused, uninsured, undocumented, and low-income residents who often face the greatest barriers to care. By offering zero-cost services, the BFC reduces pressure on local safety nets and contributes to better public health outcomes across the city.

CURRENT SITUATION AND ITS EFFECTS

After operating for decades at 2339 Durant Avenue in District 7, the BFC was forced to relocate when that building, owned by a local church, was sold and deemed unsuitable for occupation. Its move to 830 University Avenue (formerly the Ann Chandler Public Health Center) allows the BFC to maintain continuity of care in the city it has proudly served for over 50 years. To meet OSHPD standards, the BFC undertook extensive renovations, including demolition, carpentry, plumbing, HVAC, drywall, flooring, and expansion of exam and restroom areas. These upgrades, which cost \$196,809, a major investment for a volunteer-driven organization, were necessary to bring the facility into compliance with OSHPD standards for medical settings and to ensure safe, high-quality care for Berkeley residents. The renovated facility will allow the BFC to expand capacity, extend clinic hours, and continue serving Berkeley's most vulnerable residents in a safe and compliant environment. Financial assistance from the Berkeley City

Council for the renovations would help the BFC maintain its vital role in the local safety net and support equitable healthcare in our community.

ENVIRONMENTAL SUSTAINABILITY

No anticipated impacts.

FISCAL IMPACTS

No General Fund impact. \$500 is available from both Vice Mayor Lunaparra and Councilmember Taplin's office budget discretionary accounts.

Attachments:

1. Resolution

CONTACT PERSON

Vice Mayor Cecilia Lunaparra, (510) 981-7170
Jonah Gottlieb, Chief of Staff

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

SUPPORT FOR CRITICAL RENOVATIONS AT THE BERKELEY FREE CLINIC

WHEREAS, the Berkeley Free Clinic (BFC), a registered 501c(3) nonprofit organization operated as a volunteer-run collective, has provided 100% free acute medical care to anyone in need—regardless of income, insurance, or immigration status—for over five decades; and

WHEREAS, the BFC's services include STI and UTI testing and treatment, HIV linkage and PREP, TB testing, and peer counseling. The BFC also assists clients with benefits enrollment, housing referrals, and access to community resources; and

WHEREAS, the BFC primarily serves unhoused, uninsured, undocumented, and low-income residents who often face the greatest barriers to care. By offering zero-cost services, the BFC reduces pressure on local safety nets and contributes to better public health outcomes across the city; and

WHEREAS, after operating for decades at 2339 Durant Avenue in District 7, the BFC was forced to relocate when that building, owned by a local church, was sold and deemed unsuitable for occupation; and

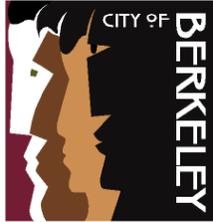
WHEREAS, the BFC's move to 830 University Avenue (formerly the Ann Chandler Public Health Center) allows the BFC to maintain continuity of care in the city it has proudly served for over 50 years; and

WHEREAS, to meet OSHPD standards, the BFC undertook extensive renovations, including demolition, carpentry, plumbing, HVAC, drywall, flooring, and expansion of exam and restroom areas; and

WHEREAS, these upgrades were necessary to bring the facility into compliance with OSHPD standards for medical settings and to ensure safe, high-quality care for Berkeley residents. The renovated facility will allow the BFC to expand capacity, extend clinic hours, and continue serving Berkeley's most vulnerable residents in a safe and compliant environment; and

WHEREAS, the BFC seeks funds in the amount of \$500 from Vice Mayor Lunaparra's office, \$500 from Councilmember Taplin's office, and up to \$500 from each Councilmember to help cover the cost of renovations. Vice Mayor Lunaparra and Councilmember Taplin each have surplus funds in their office expenditure accounts.

NOW THEREFORE, BE IT RESOLVED by the Berkeley City Council that up to \$500 relinquished by Councilmembers – including \$500 from Vice Mayor Lunaparra and \$500 from Councilmember Taplin – shall be granted to the Berkeley Free Clinic to help cover renovations at its new location.



Fair Campaign Practices Commission

PUBLIC HEARING
March 10, 2026

To: Honorable Mayor and Members of the City Council
From: Fair Campaign Practices Commission
Submitted by: Kitt Saginor, Chair, Fair Campaign Practices Commission
Subject: Amendments to the Berkeley Election Reform Act

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt an ordinance amending the Berkeley Election Reform Act, BMC Chapter 2.12.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The proposed amendments to the Berkeley Election Reform Act (BERA) were adopted by the Fair Campaign Practices Commission (FCPC or Commission) at its regular meeting of January 15, 2026.

Action: *Approve the BERA amendments as presented and submit to City Council with cover report for consideration and adoption.*

Vote: M/S/C: Lee/Haugh; Ayes: Lee, Ching, Silverberg, Soichet, Lazarus, Haugh, Saginor ; Noes: none; Absent: Shere, Sudharsen

Pursuant to Berkeley Municipal Code Section 2.12.051, BERA may be amended by the “double green light” process. This process requires that the FCPC adopt the amendments by a two-thirds vote and the City Council hold a public hearing and adopt the amendments by a two-thirds vote.

BACKGROUND

During the 2024 election year, the Commission and Commission staff identified a number of areas for possible amendments to BERA based upon requests received from City candidates regarding their obligations under BERA and the Commission’s experience with administering BERA.

The attached Ordinance (Attachment 1) was adopted by the Commission at its January 15, 2026 regular meeting and would amend BERA in the following ways:

1. Expressly add the “one bank account” rule to BERA

Under state law, all candidate campaign expenditures must be made from the candidate’s campaign committee bank account. (Cal. Gov. Code § 85201.) This includes any of the candidate’s personal funds expended to promote the election of the candidate, with the exception of the candidate’s payment for a filing fee and statement of qualifications. (Id.) This requirement is known as the “one bank account” rule. While BERA currently requires the creation of a campaign checking account, it does not expressly require that all expenditures be made from that account. The attached Ordinance would amend Section 2.12.250.A of BERA to expressly require that all candidate campaign expenditure be made from the bank account, including personal funds of the candidate used to promote the candidate’s election, except for payment for a filing fee and statement of qualifications, which the candidate may pay directly.

Including this language in BERA would provide clear authority for the Commission to enforce the “one bank account” rule in City elections.

2. Revisions to the timeline for returning unspent Fair Elections funds

Under the City’s public financing program, a participating City candidate can receive public matching funds provided the candidate adheres to additional requirements, including being subject to a lower contribution limit. (BMC § 2.12.500.A.7.)

Following the election, the candidate must return to the City all unspent campaign funds up to the total amount of public matching funds received by the candidate. (BMC § 2.12.505.) Currently, the deadline for returning unspent funds is sixty days after the election. As a result, the deadline to return unspent funds for the 2024 election was January 4, 2025.

Because the semi-annual reporting period immediately following the election ends on December 31st, the Committee’s disposition of unspent funds could remain unreported until the reports for the subsequent semi-annual reporting period are filed on July 31st.

Additionally, BERA currently requires the Clerk to “immediately” notify the FCPC if any candidate has not returned unspent funds. This has resulted in the Clerk notifying the Commission that a participating candidate “may” have not returned unspent funds when no funds were returned by the sixty-day deadline. However, candidates may have outstanding debts and expenditures which are not reported until January 31st or even July 31st for which the remaining funds are spent. As a result, it is difficult for the Clerk to effectuate the “immediate” notification required by BERA.

This Ordinance would revise the deadline for a participating candidate to return unspent funds from sixty days after the election to the end of the semi-annual reporting period

immediately following an election (e.g., December 31st). This will mean that unspent funds must be returned a few days sooner (four days sooner in the case of the 2024 election). However, as a result, a participating candidate's obligation to return funds would end with the calendar year and the disposition of any returned funds would be reported on the year-end semi-annual report due January 31st.

The ordinance would also revise the requirement that the Clerk "immediately" notify the FCPC of candidate's failure to return any unspent funds. Instead, the Clerk would be required to refer to the FCPC a candidate who has not returned unspent funds following the reporting deadline for the semi-annual campaign statement occurring immediately after the election (i.e. the report due January 31st covering the period ending December 31st). This would mean that such a referral would only occur after unspent funds were due and the report for that period indicating whether the candidate had any unspent funds was filed.

3. Allowing for the reuse of campaign materials from a prior election

During the 2024 election, the Commission received a request for an opinion from a candidate who asked whether he could reuse plastic yard signs left over from his 2020 campaign. For both elections, the candidate participated in public financing. The Commission concluded that BERA's public financing provisions prohibited the candidate from reusing the leftover 2020 campaign signs in support of his 2024 campaign.

The Commission noted that reuse of the signs would constitute a contribution from the candidate's 2020 committee to his 2024 committee. (See Fair Political Practices Commission, *Menis* Advice Letter I-20-007 (reused campaign signs are in-kind contribution to new committee from prior committee).) BMC Section 2.12.530.B.3.c prohibits a publicly financed campaign committee from making contributions to any other committee, and Section 2.12.500.A prohibits a publicly financed candidate from accepting non-monetary contributions with a fair market value greater than \$60.

This Ordinance would expressly permit the reuse of campaign materials such as signs, mailers, posters, door hangers and similar items provided they were initially purchased with the intention of being used in the previous election. This would be permitted where the materials were either initially purchased with public matching funds or where the candidate is presently participating in public financing.

The Commission has discussed the concern that a candidate who previously participated in public financing would be receiving the benefit of public funds twice through the reuse of campaign materials previously purchased with public matching funds. Likewise, the Commission discussed the concern that a candidate currently participating in public financing would receive an unfair advantage over other participating candidates who would otherwise not be able to circumvent the in-kind contribution limit for publicly financed candidates. As a result, the Ordinance requires the candidate to submit payment for the fair market value of the materials into the City's public financing fund.

4. Cleanup amendment to cost of living adjustment rounding language

A number of dollar amounts in BERA are subject to cost-of-living adjustments in odd-numbered years. This Ordinance would simplify the language in Section 2.12.545 describing how the adjusted amounts are to be rounded to the nearest ten or thousand dollars.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Possible reductions in waste from reuse of campaign materials.

RATIONALE FOR RECOMMENDATION

The proposed amendments provide administrative clarity for the City and campaigns, permit the reuse of campaign materials by publicly financed candidates and simplify BERA language.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Kitt Saginor, Chair, Fair Campaign Practices Commission, 981-6998

Samuel Harvey, Commission Secretary, Fair Campaign Practices Commission, 981-6998

Attachments:

1: Ordinance

ORDINANCE NO. _____

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 2.12

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

Section 1. That Berkeley Municipal Code Section 2.12.250.A is amended to read as follows:

A. A campaign treasurer for each candidate and for each and every committee shall establish and manage a campaign expenditure and contribution checking account for the candidate or committee. All monetary contributions to the candidate, to a person on behalf of the candidate or to a person on behalf of a committee shall be placed in the candidate's or committee's checking account promptly. All campaign expenditures shall be made from the campaign account. Any personal funds of a candidate which will be utilized to promote the election of the candidate shall be deposited in the account prior to expenditure, except for a candidate's payment for a filing fee and statement of qualifications which may be made from the candidate's personal funds.

Section 2. That Berkeley Municipal Code Section 2.12.505 is amended to read as follows:

2.12.505 Fair Elections fund payments.

A. A candidate who is certified as an eligible participating candidate shall receive payment of Fair Elections funds equal to six-hundred percent (600 percent) of the amount of qualified contributions received by the candidate during the election cycle with respect to a single election subject to the aggregate limit on the total amount of Fair Elections funds payments to a candidate specified in Section [2.12.505.B](#).

B. The aggregate amount of Fair Elections funds payments that may be made to a participating candidate during an election cycle may not exceed:

- 1) \$129,000* for a candidate running for the office of Mayor;
- 2) \$43,000* for a candidate running for the office of City Council;
- 3) \$20,000* for a candidate running for the office of Auditor;
- 4) \$20,000* for a candidate running for the office of Board of Education;

5) \$8,000* for a candidate running for the office of Rent Stabilization Board.

C. A participating candidate's application for Fair Elections funds, including an initial request submitted with an application for certification as a participating candidate, shall be made using a form prescribed by the Commission and shall be accompanied by qualified contribution receipts and any other information the Commission deems necessary. This application shall be accompanied by a signed statement from the candidate indicating that all information on the qualified contribution receipts is complete and accurate to the best of the candidate's knowledge.

1) All Qualified Contributions, of any dollar amount, eligible for matching Fair Elections funds must be publicly disclosed with the contributor information required under Sections [2.12.280](#) and [2.12.283](#).

2) All campaign filings must be current in order for a Participating Candidate to receive a disbursement of Fair Elections funds and the Participating Candidate and a Participating Candidate's controlled committee must not have any outstanding fines related to campaign filings or violations of municipal, state or federal election law. All applications for Fair Elections funds shall include a certification by the Participating Candidate that the Participating Candidate or his or her controlled committee does not have any outstanding fines or penalties related to campaign filings. Upon submission of outstanding campaign filings and payment of any outstanding fines, withheld Fair Elections funds will be disbursed at the next regularly scheduled distribution for that election cycle.

D. The City shall verify that a candidate's qualified contributions meet all of the requirements and restrictions of this Act prior to the disbursement of Fair Elections funds to the candidate. A participating candidate who receives a qualified contribution that is not from the person listed on the qualified contribution receipt shall be liable to pay the Fair Elections Fund the entire amount of the inaccurately identified contribution, in addition to any penalties.

E. The City shall make an initial payment of Fair Elections funds within seven business days of the City's certification of a participating candidate's eligibility, or as soon thereafter as is practicable. City staff shall report a certification or denial to the Commission no later than the Commission's next regular meeting, consistent with the Brown Act.

F. The Commission shall establish a schedule for the submission of Fair Elections funds payment requests, permitting a candidate to submit a Fair Elections funds payment request at least once per month. However, the Commission shall schedule a minimum of

three payment request submission dates within the thirty days prior to an election.

G. The City shall provide each participating candidate with a written determination specifying the basis for any non-payment of Fair Elections funds. The Commission shall provide participating candidates with a process by which they may immediately upon receipt of such determination petition the Commission for reconsideration of any such non-payment and such reconsideration shall occur within seven business days of the filing of such petition. In the event that the Commission denies such petition then it shall immediately notify the candidate of his or her right to seek judicial review of the Commission's denial pursuant to Section [2.12.235](#).

H.

1. Unspent campaign funds of any Participating Candidate who does not qualify as a candidate for the ballot at the election for which the funds were distributed, up to the total amount of funds that the participating candidate received as Fair Election Funds distributions in that election cycle and after accounting for campaign debts and expenditures, must be returned to the City no later than the date of the election for which the funds were distributed. All funds returned under this paragraph must be accompanied by any required supporting documentation. In such cases, the participating candidate must return the unspent funds to the City, up to the total amount of funds that the participating candidate received as Fair Election Funds distributions, prior to refunding any contributions to individual contributors.

2. Any campaign funds that remain unspent by a Participating Candidate following the date of the election for which they were distributed, up to the total amount of funds that the Participating Candidate received as Fair Elections Funds distributions in that elections cycle and after accounting for campaign debts and expenditures, must be returned to the City, no later than the close of the semi-annual reporting period immediately following ~~within sixty (60) days after~~ the date of the election. All funds returned under this paragraph must be accompanied by any required supporting documentation.

3. All unspent campaign funds returned to the City shall be deposited in the Fair Elections Fund pursuant to the City Charter.

4. Following the deadline for filing the semi-annual campaign statement occurring immediately after the election, ~~t~~The City Clerk shall ~~immediately~~ refer to the Commission for enforcement any participating candidate who ~~has not~~does not ~~return~~ed unspent funds as required by this subsection.

5. After the deadline to return unspent funds in [2.12.505.H.2](#), a participating candidate may continue to raise funds in accordance with Article 8 of Chapter 2.12 to pay campaign-related debt from the most recent election. Any such contributions received shall not be eligible for matching funds.

I. Any request by a Participating Candidate for a refund of any amount of unspent campaign funds previously repaid to the City, for a qualified campaign expenditure or other permissible campaign purpose, shall be submitted to the Commission to approve, in whole or in part, or deny. The Commission shall make a final determination on the refund within 45 days of receipt.

J. Requests for matching funds may be submitted no later than 30 days after Election Day for the election at which the participating candidate qualified as a candidate.

K. Upon approval of a participating candidate's Initial Qualifying Request, the candidate is prohibited from withdrawing from the Public Financing Program and receiving contributions pursuant to Section [2.12.415](#) for the same office at the same election for which they are a participating candidate.

Section 3. That Berkeley Municipal Code Section 2.12.530 is amended to read as follows:

2.12.530 Use of Fair Elections funds.

A. A participating candidate shall use Fair Elections funds and contributions only for direct campaign purposes to further the candidate's own campaign for the relevant office and election cycle.

B. A participating candidate shall not use Fair Elections funds or contributions for:

1) Costs of legal defense in any campaign law enforcement proceeding under this Act, or penalties arising from violations of any local, state, or federal campaign laws;

2) The candidate's personal support or compensation to the candidate the candidate's family, or a business in which the candidate or candidate's immediate family member has a ten (10) percent or greater ownership interest;

3) Indirect campaign purposes, including but not limited to:

- a) Any expense that provides a direct personal benefit to the candidate, including clothing and other items related to the candidate's personal appearance;
- b) Capital assets having a value in excess of five hundred dollars (\$500)* and useful life extending beyond the end of the current election period determined in accordance with generally accepted accounting principles;
- c) A contribution or loan to the campaign committee of another candidate or to a party committee or other political committee;
- d) An independent expenditure as defined in Berkeley Municipal Code Section 2.12.142 as may be amended;
- e) Any payment or transfer for which compensating value is not received

C. Notwithstanding any provision of this Chapter, a candidate may use campaign materials, including campaign signs, mailers, posters, door hangers and similar items, purchased by a committee for the same candidate during a previous election so long as the campaign materials were purchased with the intention of being used in the previous campaign, in the following circumstances:

a. A candidate may use campaign materials paid for with Fair Elections funds in a previous election provided that the candidate submits payment to the City in an amount equivalent to the fair market value of such items for deposit in the Fund.

b. A participating candidate may use campaign materials purchased by a committee for the same candidate in a previous election provided that the candidate submits payment to the City in an amount equivalent to the fair market value of such items for deposit in the Fund.

D. For the purposes of subsection C of this section, the fair market value shall be the purchase price of the campaign materials at the time they were initially purchased for the previous campaign minus any cost to affix updated disclaimer language to the campaign materials. All campaign materials must comply with Section 2.12.335 and any other applicable disclaimer requirements.

CE. The term "Contribution" is defined in 2.12.100 and includes "Qualified Contributions" as defined in 2.12.167 and contributions from non-residents of Berkeley as described in 2.12.500.A.7.

DE. The dollar amounts in Section 2.12.530.B.3.b may be adjusted for cost-of-living changes by the Commission through regulation, pursuant to Section 2.12.545.

Section 4. That Berkeley Municipal Code Section 2.12.545 is amended to read as follows:

2.12.545 Cost of living adjustments.

A. The Commission shall adjust the dollar amounts specified in Sections [2.12.167](#), [2.12.271](#), [2.12.335](#), [2.12.500.A.3](#), [2.12.500.A.6](#), [2.12.500.A.7](#), [2.12.500.A.8](#), [2.12.505.B](#) and [2.12.530.B.3.b](#) for cost of living changes pursuant to Section [2.12.075](#) in January of every odd-numbered year following Council implementation. ~~All s~~Such adjustments shall be rounded to the nearest ten dollars (\$10), except for adjustments to the amount specified in Section [2.12.505.B](#), which shall be rounded to the nearest one thousand dollars (\$1,000). ~~with respect to Sections [2.12.167](#), [2.12.500.A.3](#) and [2.12.530.B.3.b](#) and one thousand dollars (\$1,000) with respect to Section [2.12.505.B](#).~~

B. As soon as practicable after adoption of the amendments providing for the adjustment of Sections [2.12.271](#) and [2.12.335](#), but no later than December 31, 2024, the Commission shall perform an initial adjustment of the dollar amounts in those sections.

Section 5. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
AMENDMENTS TO THE BERKELEY ELECTION REFORM ACT**

The Fair Campaign Practices Commission is proposing amendments to the Berkeley Election Reform Act. The hearing will be held on **Tuesday, March 10, 2026 at 6:00PM** in the School District Board Room, 1231 Addison Street.

A copy of the agenda material for this hearing will be available on the City’s website at www.CityofBerkeley.info as of February 26, 2026. For further information, please contact Samuel Harvey, Commission Secretary at 981-6998.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

Posted: Thursday, February 26, 2026
Pursuant to Berkeley Municipal Code section 2.12.051

~~~~~  
I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on February 26, 2026.

\_\_\_\_\_  
Mark Numainville, City Clerk





Rashi Kesarwani  
Councilmember, District 1

CONSENT CALENDAR  
March 10, 2026

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Budget Referral to Reissue the Request for Proposal (RFP) to Support Berkeley-Based Non-Profit Food Assistance Providers Serving Food Insecure Households and to Incorporate Food Insecurity as a Funded Category in Future Community Agency Grant Funding Cycles

**RECOMMENDATION**

Refer to the City Manager to reissue and fund a Request for Proposal (RFP) process as a short-term measure to support Berkeley-based non-profit food assistance providers serving food insecure households. Like the RFP that was issued in August 2024<sup>1</sup>, funds are intended for (but not limited to) the following needs:

- Expansion of capacity to service more people experiencing food insecurity, such as purchase of equipment;
- Hiring of additional staff to serve more people; and/or
- Other emerging needs to be determined.

Refer \$300,000 annually in funding to the biennial FY 2026-27 to FY 2027-28 budget process to fund qualified proposals resulting from the RFP.

Further, refer to the City Manager to establish food insecurity as a funded category for the Community Agency RFP process for future funding cycles to ensure city funds are permanently allocated to address this key priority and maximize sustainability for relevant non-profits.

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<sup>1</sup> The RFP was issued as a result of Council's June 25, 2024 action to approve item #59: "Referral for Development of Request for Proposal (RFP) to Support Berkeley-Based Non-Profit Food Assistance Providers Serving Food Insecure Households":  
<https://berkeleyca.gov/sites/default/files/documents/2024-06-25%20Item%2059%20Referral%20for%20Development%20of%20Request%20for%20Proposal%20%28RFP%29.pdf>

## **CURRENT SITUATION AND ITS EFFECTS**

### ***Bay Area Food Prices Continue to Rise Deepening the Food Insecurity Trend...***

Between December 2024 and December 2025 food prices in the San Francisco Area increased by 4.3 percent, higher than any other household expense.<sup>2</sup> As food prices rose, reliance on food assistance became less certain as the federal shut down suspended funding to the Supplemental Nutrition Assistance Program (SNAP) delaying assistance to families. This continued the trend of increasing food insecurity as Federal food assistance had already declined when COVID era emergency food allotments ended, reducing CalFresh benefits (California's food stamps program). A recent November 2025 poll by the Public Policy Institute of California showed that "three in ten Californians, and half of lower-income residents, say that they or someone in their household has reduced meals or cut back on food to save money."<sup>3</sup>

### ***...While the Future of Food Benefits Looks Bleak.***

While Alameda County allocated over \$8 million in October of 2025 to compensate for delayed CalFresh payments during the federal shut down, future access to food assistance is looking even more precarious. The budget reconciliation law H.R. 1, signed in July 2025, implements roughly \$186 billion in cuts to SNAP over the next 10 years. These cuts, the largest to food assistance ever, are estimated to affect most CalFresh households, reducing or eliminating altogether monthly benefits through state financing constraints and new eligibility requirements.<sup>4</sup>

## **BACKGROUND**

***Food Insecurity Impacts One in Five Californians.*** Limited or uncertain access to adequate food and nutrition can have long-term physical and mental health effects on adults and children alike.<sup>5</sup> The number of food insecure individuals and families is steadily climbing and food banks throughout the state are struggling to keep up.

### ***The Previous RFP to Support Food Assistance Providers Allocated Funds for Two Years Only.***

In August of 2024, the Berkeley Food Network (BFN), which provides a large on-site pantry, several neighborhood/community pop-up pantries, and home delivery of grocery boxes to over 130 households, was awarded the full

<sup>2</sup> U.S. Bureau of Labor Statistics, Consumer Price Index, San Francisco Area - December 2025: [https://www.bls.gov/regions/west/news-release/consumerpriceindex\\_sanfrancisco.htm#:~:text=3.0-Food,and%20shelter%20\(+1.7%20percent\)](https://www.bls.gov/regions/west/news-release/consumerpriceindex_sanfrancisco.htm#:~:text=3.0-Food,and%20shelter%20(+1.7%20percent)).

<sup>3</sup> Public Policy Institute of California: Statewide Survey - November 2025, Californians and Their Economic Well-Being: <https://www.ppic.org/publication/ppic-statewide-survey-californians-and-their-economic-well-being-november-2025/>

<sup>4</sup> California Budget and Policy Center: Federal Funding Cuts to SNAP (CalFresh) Will Have Sweeping Impacts on Californians, September, 2025: <https://calbudgetcenter.org/resources/federal-funding-cuts-to-snap-calfresh-will-have-sweeping-impacts-on-californians/>

<sup>5</sup> California Association of Food Banks website: <https://www.cafoodbanks.org/hunger-data-reports/>

amount of funds allocated to support food assistance programs. BFN also works with eligible community members to support their CalFresh application submissions. The RFP covered roughly 20 percent of their overall costs for FY 2024-25 and FY 2025-26. Seventy percent of the funding by year went to program and operations staff directly supporting food sourcing, volunteer coordination, and food assistance program management. Thirty percent of the funding by year went to non-personnel costs, including office and food distribution supplies and equipment, and for subscriptions for core software. These funds will last through June of 2026.

On January 30 2026 the Berkeley Food Pantry, a nonprofit organization providing emergency groceries to over 1,000 Berkeley and Albany households annually, closed its doors for good. This loss will put additional strain on the existing pantries, particularly as the effects of H.R.1 become more deeply felt.

### **RATIONALE FOR THIS REFERRAL**

Overall, the cost of living in California is among the highest in the nation with housing costs and food prices outpacing other states.<sup>6</sup> While the City's RFP process for community agency funding ensures resources are allocated to key priorities such as housing, education and job training, it does not directly address food insecurity. Allocating funds to reissue an RFP for Berkeley-based food assistance programs will ensure food insecure households are more readily served over the next two years. Establishing food insecurity as a permanent funded category for the community agency funding cycle will maximize sustainability for those relevant, and much needed, agencies.

### **FISCAL IMPACT**

\$300,000 annually to fund the RFP process for FY 2026-27 and FY 2027-28 and future years. Additionally, staff time will be required to develop and incorporate the RFP into the funding cycle, as well as review and select qualified proposals for the budget process.

### **ENVIRONMENTAL IMPACTS**

There is no significant environmental impact associated with this referral.

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<sup>6</sup> [LAHomes.com](https://www.lahomes.com/blog/california-cost-of-living-guide/): "California Cost of Living [2025]: How Expensive Is It to Live in California, posted by Courney Korb, April 16, 2025: <https://www.lahomes.com/blog/california-cost-of-living-guide/>

**CONTACT PERSON**

Councilmember Rashi Kesarwani, District 1

(510) 981-7110

Attachments (1):

Referral for Development of Request for Proposal (RFP) to Support  
Berkeley-Based Non-Profit Food Assistance Providers Serving Food Insecure  
Households



Rashi Kesarwani  
Councilmember, District 1

CONSENT CALENDAR

June 25, 2024

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author) and Councilmembers Mark Humbert and Susan Wengraf (Co-Sponsors)

SUBJECT: Referral for Development of Request for Proposal (RFP) to Support Berkeley-Based Non-Profit Food Assistance Providers Serving Food Insecure Households

RECOMMENDATION

Refer to the City Manager to develop and fund a Request for Proposal (RFP) process to support Berkeley-based non-profit food assistance providers serving food insecure households. Funds are intended for (but not limited to) the following needs:

- Expansion of capacity to serve more people experiencing food insecurity, such as one-time purchase of equipment;
- Hiring of additional staff to serve more people; and/or
- Other emerging needs to be determined.

Refer \$200,000 annually in funding to the biennial FY 2024-25 to FY 2025-26 budget process to fund qualified proposals resulting from the RFP.

POLICY COMMITTEE RECOMMENDATION

On May 16, 2024, the Health, Life Enrichment, Equity & Community Committee adopted the following action: M/S/C (Kesarwani/Bartlett) to send the item to the City Council with a positive recommendation and with an added amendment:

- Refer the issue of food assistance to the Community Agency RFP process the next time the RFP is developed.

CURRENT SITUATION AND ITS EFFECTS

**Community Agency RFP Does Not Directly Address Food Insecurity . . .** The RFP process for community agency funding is one of the City’s mechanisms to ensure City funds are allocated to agencies addressing key priorities, such as housing, education, and job training. However, the RFP does not directly address food insecurity.

**. . . But Food Prices Are On the Rise and Federal Pandemic-Related Food Aid Ended Earlier This Year.** From August 2022 through August 2023, food prices in the San

Francisco area increased by 4.5 percent.<sup>1</sup> At the same time, federal food assistance associated with the pandemic ended earlier this year in March 2023. When the pandemic began in 2020, recipients of CalFresh (California’s food stamps program) were allotted the maximum benefit available for their household size, likely contributing to rising enrollment over the last several years. When the emergency allotments ended, CalFresh benefits were reduced, sometimes dramatically. For some single-person households, CalFresh benefits dropped from \$281 to as little as \$23 per month.<sup>2</sup> As a result, food banks throughout the state are seeing increasing numbers of people served.

**Berkeley-Based Non-Profit Food Assistance Providers Report Increasing Demand.**

The Berkeley Food Pantry is a non-profit organization providing emergency groceries to Berkeley and Albany residents four days per week, two hours each day.<sup>3</sup> The Berkeley Food Network (BFN) provides an on-site pantry in addition to mobile pantries throughout the city and distribution to other local pantries like the Berkeley Food Pantry.<sup>4</sup> Both organizations have reported significant increases in the number of households they are serving in recent years, as shown in Exhibit 1.

**Exhibit 1: Growth in Number of Households Served (2021-2023)**

|                                                           | <b>Berkeley Food Pantry<br/>Number of Households<br/>Served</b> | <b>Berkeley Food Network<br/>Number of Households<br/>Served</b> |
|-----------------------------------------------------------|-----------------------------------------------------------------|------------------------------------------------------------------|
| <b>Sept. 2021</b>                                         | <b>766</b>                                                      | <b>1,518</b>                                                     |
| <b>Sept. 2022</b>                                         | <b>1,047</b>                                                    | <b>2,601</b>                                                     |
| <b>Sept. 2023</b>                                         | <b>1,290</b>                                                    | <b>3,182</b>                                                     |
| <b>Overall Percent Growth<br/>(Sept. 2021-Sept. 2023)</b> | <b>68.4%</b>                                                    | <b>109.6%</b>                                                    |

Sources: Berkeley Food Pantry and Berkeley Food Network

**Alameda County Community Food Bank Reports a 52 Percent Increase in Food**

**Distribution.** The Oakland-based Alameda County Community Food Bank (ACCFB), which partners with more than 400 institutions to provide food assistance to Alameda County families and individuals, reports an increase in demand throughout the county. The ACCFB has gone from distributing 38 million pounds of food during pre-COVID years to 58 million pounds of food most recently.<sup>5</sup> As of October 2, 2023, 11.4 percent of Alameda County

<sup>1</sup> U.S. Bureau of Labor Statistics, Consumer Price Index, San Francisco Area - August 2023: [https://docs.google.com/document/d/11ri1T7alsDOPOnwV3Ob\\_OmQXFXKgF36dwlvizbvxtI/edit](https://docs.google.com/document/d/11ri1T7alsDOPOnwV3Ob_OmQXFXKgF36dwlvizbvxtI/edit)

<sup>2</sup> Cal Matters August 8, 2023 article: “How Hungry is California? Millions Struggle to Eat Well in an Abundant State” <https://calmatters.org/explainers/california-hunger-crisis/#2b5159b1-a710-41cb-839b-aac1ea2791e4>

<sup>3</sup> Berkeley Food Pantry’s website for a full description of services provided: <https://www.berkeleyfoodpantry.org/>

<sup>4</sup> Berkeley Food Network’s website for a full description of services and programs provided: <https://www.berkeleyfoodnetwork.org/who-we-are/about/>

<sup>5</sup> Alameda County Community Food Bank website: <https://www.accfb.org/about-us/what-we-do/>

residents are experiencing food insecurity—up three percent from just April 10, 2023, shortly after the federal pandemic-related food assistance ended.<sup>6</sup>

#### BACKGROUND

***Food Insecurity Impacts One in Five Californians.*** Limited or uncertain access to adequate food and nutrition can have long-term physical and mental health effects on adults and children alike.<sup>7</sup> The number of food insecure individuals and families is steadily climbing and food banks throughout the state are struggling to keep up.

***Increasing Demand for Food Assistance Is Impacting the Wider Bay Area.*** The Food Bank of Contra Costa and Solano, for instance, is now serving 350,000 people across the two counties monthly, which is double their pre-pandemic levels of service. The San Francisco-Marin food bank went from serving 32,000 households weekly to more recently serving 56,000 households weekly. Food banks throughout the state are functioning more like supermarkets in terms of peoples' regular food procurement venue rather than sources of emergency aid.<sup>8</sup>

#### FISCAL IMPACT

\$200,000 annually to fund the RFP, and staff time to develop the RFP and review and select qualified proposals.

#### ENVIRONMENTAL IMPACT

There is no significant environmental impact associated with this referral.

#### CONTACT PERSON

Councilmember Rashi Kesarwani, District 1

(510) 981-7110

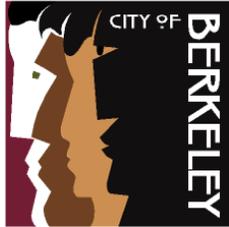
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<sup>6</sup> California Pulse Website for Alameda County: <https://stanford-datalab.github.io/covid-19-ca/alameda/#food-insufficiency>

<sup>7</sup> California Association of Food Banks website: <https://www.cafoodbanks.org/hunger-data-reports/>

<sup>8</sup> Cal Matters June 12, 2023 article: "A Catastrophic Hunger Crisis? California Food Banks are Being Flooded by Families Seeking Help:" <https://calmatters.org/california-divide/2023/06/california-food-banks/>





Igor Tregub  
Councilmember District 4

# 02a.15

## CONSENT CALENDAR

MARCH 10, 2026

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

**From:** Councilmember Tregub

**Subject:** Resolution Opposing Bureau of Land Management Oil and Gas Leasing and Drilling on California Public Lands and Parks

### RECOMMENDATION

Adopt a Resolution opposing the Bureau of Land Management's (BLM) proposed oil and gas leasing and development on approximately 1.6 million acres of California public lands, including areas adjacent to Bay Area parks such as Mount Diablo State Park, Pinnacles National Park, Henry W. Coe State Park, and Black Diamond Mines Regional Preserve; and refer to the City Manager to send a letter to the BLM Central Coast Field Office, the U.S. Secretary of the Interior, and California's Congressional delegation urging withdrawal of the Draft Supplemental Environmental Impact Statements and cessation of all new oil and gas lease sales on California public lands.

### CURRENT SITUATION AND ITS EFFECTS

On January 13, 2026, the Bureau of Land Management (BLM) published a Notice of Availability for the Draft Supplemental Environmental Impact Statement (SEIS) for the Central Coast Field Office Oil and Gas Leasing and Development program. Under this proposal, the BLM would open approximately 683,100 acres of federal mineral estate across 12 counties (Alameda, Contra Costa, Monterey, San Benito, San Mateo, Santa Clara, Santa Cruz, Fresno, Merced, and San Joaquin) to new oil and gas leasing and hydraulic fracturing (fracking). A parallel process through the Bakersfield Field Office covers an additional approximately 800,000 acres in south-central California.

The proposed leasing areas include lands directly adjacent to treasured Bay Area parks and open spaces, including Mount Diablo State Park, Pinnacles National Park, Henry W. Coe State Park, and Black Diamond Mines Regional Preserve. Due to the "split estate" nature of federal mineral rights, where the federal government owns subsurface mineral rights beneath state or locally managed surface lands, drilling operations could be authorized beneath or immediately adjacent to these protected areas, threatening their ecological integrity and recreational value.

This proposal directly threatens Berkeley residents and the broader Bay Area community in several critical ways:

- **Air Quality and Public Health:** Oil and gas extraction and fracking operations release volatile organic compounds, particulate matter, and hazardous air pollutants that degrade regional air quality and endanger public health, particularly for vulnerable populations including children, elderly residents, and those with respiratory conditions.
- **Water Resources:** Fracking operations require millions of gallons of water and generate toxic wastewater that risks contaminating groundwater and surface water supplies upon which Bay Area communities depend.
- **Climate Change:** The BLM's own Preferred Alternative (Alternative F) estimates that the Central Coast proposal alone would release approximately 660,977 metric tons of CO<sub>2</sub> equivalent emissions over a 30-year project life, directly undermining California's climate goals and the City of Berkeley's Climate Action Plan.
- **Biodiversity and Habitat:** The proposed leasing areas encompass critical habitat for threatened and endangered species, and drilling operations would fragment wildlife corridors connecting Bay Area open spaces.
- **Conflict with State Law:** California's oil and gas setback law (SB 1137) prohibits new drilling within 3,200 feet of sensitive locations including homes, schools, and parks. The BLM proposal would allow federal lessees to circumvent these state health protections on federal mineral estate.

This item aligns with the City of Berkeley Strategic Plan goals to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment, and to create a resilient, safe, connected, and prepared city.

## **BACKGROUND**

The BLM's effort to open California public lands to new oil and gas leasing originated during the first Trump administration in 2019, when the agency released proposals covering approximately 1.2 million acres under the Bakersfield Field Office and approximately 800,000 acres under the Central Coast Field Office. Environmental organizations, including the Center for Biological Diversity, Sierra Club, and Earthjustice, along with Monterey and Santa Cruz Counties, filed lawsuits alleging that the BLM's environmental reviews failed to adequately assess the impacts of fracking.

In 2020, the administration auctioned 4,000 acres in Kern County, but development was blocked by additional litigation. In December 2022, a federal court approved settlement agreements that suspended all new oil and gas leasing across more than one million acres of California public lands until the BLM produced new, adequate environmental analyses.

The current Draft Supplemental EIS represents the BLM's attempt to satisfy those settlement requirements. However, environmental organizations and public health advocates have stated that the new analyses remain inadequate, noting that the 100-page review's conclusions that environmental and health impacts would be "minimal" fail to account for the cumulative effects of oil and gas development on regional air quality, water resources, and community health.

The public comment period for the Central Coast Field Office Draft SEIS closes on March 13, 2026, with a final decision expected by July 2026.

In 2017, the Berkeley City Council adopted a resolution opposing offshore drilling and fracking off the California coast. The current proposal presents analogous threats to public health, the environment, and community well-being on lands directly adjacent to Bay Area parks and communities.

### **RATIONALE FOR RECOMMENDATION**

A resolution opposing BLM oil and gas leasing on California public lands and directing the City Manager to transmit a formal letter to federal officials is supported by the following considerations:

- The proposal threatens the ecological integrity of regionally significant parks and open spaces that Berkeley residents and Bay Area communities rely upon for recreation, clean air, and quality of life.
- New fossil fuel extraction is inconsistent with the City of Berkeley's Climate Action Plan, its declaration of a climate emergency, and its commitment to environmental justice.
- The BLM's environmental review has been challenged as inadequate by leading environmental organizations and was previously found deficient by federal courts.
- A formal resolution during the public comment period adds the City's voice to the record and strengthens the legal and political case for protecting these lands.
- Numerous municipalities, counties, and community organizations across California have opposed these leasing proposals, and Berkeley's voice as a leader in environmental policy carries significant weight.

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

This resolution directly advances the City's environmental sustainability and climate goals. The proposed BLM leasing program would enable new fossil fuel extraction that is fundamentally incompatible with the City's commitment to addressing climate change. The estimated 660,977 metric tons of CO<sub>2</sub> emissions from the Central Coast proposal alone would work against regional greenhouse gas reduction targets. Additionally, drilling operations adjacent to Bay Area parks would threaten natural habitats,

biodiversity, tree canopy, and watersheds—all of which the City has committed to preserving and protecting. Adoption of this resolution reinforces Berkeley’s leadership in protecting the environment and advancing a just transition away from fossil fuels.

**FINANCIAL IMPLICATIONS**

There are no direct financial implications to the City from adopting this resolution and transmitting the associated letter. Staff time required to transmit the letter is minimal and can be absorbed within existing resources.

**ALTERNATIVE ACTIONS CONSIDERED**

The alternative of taking no action was considered. However, given the urgency of the public comment deadline (originally March 6, and extended to March 13, 2026 due to issues with the BLM’s website), the proximity of the affected areas to Berkeley and the Bay Area, and the potential irreversible environmental harm, taking no action would represent a missed opportunity to formally register the City’s opposition during the critical public comment period.

**CONTACT PERSON**

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

**Attachments:**

1. Resolution Opposing BLM Oil and Gas Leasing on California Public Lands
2. Draft Letter to the Bureau of Land Management and U.S. Secretary of the Interior

**RESOLUTION NO. [REDACTED] - N.S.****OPPOSING THE BUREAU OF LAND MANAGEMENT'S PROPOSED OIL AND GAS LEASING AND DEVELOPMENT ON CALIFORNIA PUBLIC LANDS AND PARKS, AND URGING THE WITHDRAWAL OF THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENTS FOR THE CENTRAL COAST AND BAKERSFIELD FIELD OFFICES**

**WHEREAS**, The Bureau of Land Management (BLM) published on January 13, 2026, a Notice of Availability for the Draft Supplemental Environmental Impact Statement (SEIS) for the Central Coast Field Office Oil and Gas Leasing and Development program, proposing to open approximately 683,100 acres of federal mineral estate across 12 California counties to new oil and gas leasing and hydraulic fracturing; and

**WHEREAS**, A parallel BLM planning process through the Bakersfield Field Office proposes to open approximately 800,000 additional acres in south-central California to oil and gas leasing, bringing the total proposed acreage to approximately 1.6 million acres of California public lands; and

**WHEREAS**, The proposed leasing areas include lands directly adjacent to regionally and nationally significant parks and protected areas, including Mount Diablo State Park, Pinnacles National Park, Henry W. Coe State Park, Black Diamond Mines Regional Preserve, and areas near Los Padres National Forest and the Pacific Crest Trail; and

**WHEREAS**, The "split estate" nature of federal mineral rights means that the federal government may authorize oil and gas extraction beneath or adjacent to state and locally managed parklands, threatening the ecological integrity and recreational value of these protected areas; and

**WHEREAS**, Oil and gas extraction and hydraulic fracturing operations release volatile organic compounds, particulate matter, methane, and other hazardous air pollutants that degrade air quality and endanger public health, with disproportionate impacts on low-income communities and communities of color; and

**WHEREAS**, Fracking operations require millions of gallons of water and produce toxic wastewater that poses risks to groundwater and surface water resources; and

**WHEREAS**, The BLM's Preferred Alternative (Alternative F) for the Central Coast proposal estimates the release of approximately 660,977 metric tons of CO<sub>2</sub> equivalent emissions over the 30-year life of the project, directly undermining California's climate goals and the Paris Agreement targets; and

**WHEREAS**, California enacted SB 1137, establishing health and safety setback zones that prohibit new oil and gas wells within 3,200 feet of homes, schools, parks, and other sensitive receptors, and the BLM proposal would allow federal lessees to circumvent these state health protections; and

**WHEREAS**, In December 2022, a federal court approved settlement agreements suspending all new oil and gas leasing across more than one million acres of California public lands after courts found the BLM's prior environmental reviews inadequate; and

**WHEREAS**, Leading environmental organizations, including the Center for Biological Diversity, Sierra Club, Earthjustice, and the Natural Resources Defense Council, have stated that the current Draft SEIS analyses remain inadequate and fail to account for cumulative impacts on public health and the environment; and

**WHEREAS**, The City of Berkeley has declared a climate emergency and adopted a Climate Action Plan committing to significant greenhouse gas reductions, and new fossil fuel extraction on nearby public lands directly undermines these commitments; and

**WHEREAS**, The City of Berkeley's Strategic Plan includes goals to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment, and to preserve and protect natural habitats, biodiversity, tree canopy, and watersheds; and

**WHEREAS**, In 2017, the Berkeley City Council adopted a resolution opposing offshore drilling and fracking off the California coast, establishing a precedent for the City's opposition to fossil fuel development that threatens California's environment and communities; and

**WHEREAS**, The public comment period for the Central Coast Field Office Draft SEIS closes on March 13, 2026, making timely action by the City Council essential to ensuring Berkeley's voice is included in the public record.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Berkeley that the City of Berkeley strongly opposes the Bureau of Land Management's proposed oil and gas leasing and development on California public lands as set forth in the Draft Supplemental Environmental Impact Statements for the Central Coast Field Office and Bakersfield Field Office, and calls upon the BLM to withdraw these proposals and refrain from holding any new oil and gas lease sales on California public lands.

**BE IT FURTHER RESOLVED** that the City of Berkeley calls upon the BLM to honor the spirit and intent of the 2022 federal court settlement agreements that suspended oil and gas leasing on these lands, and to conduct thorough, adequate environmental review that fully accounts for the cumulative impacts of oil and gas development on public health, air quality, water resources, climate, wildlife, and environmental justice.

**BE IT FURTHER RESOLVED** that the City of Berkeley urges the BLM to respect and not preempt California's health and safety protections, including the setback requirements established by SB 1137, on all oil and gas operations on federal mineral estate within the state.

**BE IT FURTHER RESOLVED** that the City Manager is directed to transmit a letter on behalf of the City Council to the BLM Central Coast Field Office, the BLM Bakersfield Field Office, the U.S. Secretary of the Interior, and California's U.S. Senators and Congressional representatives, conveying the City's opposition and requesting that the

BLM withdraw the Draft Supplemental Environmental Impact Statements and cease all new oil and gas leasing on California public lands.

**BE IT FURTHER RESOLVED** that copies of this Resolution be transmitted to organizations working to protect California public lands from oil and gas development.

Date

Bureau of Land Management  
Central Coast Field Office  
940 2nd Avenue  
Marina, CA 93933

Bureau of Land Management  
Bakersfield Field Office  
3801 Pegasus Drive  
Bakersfield, CA 93308

The Honorable Doug Burgum  
Secretary of the Interior  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

**Re:** Opposition to Proposed Oil and Gas Leasing on California Public Lands — Central Coast Field Office and Bakersfield Field Office Draft Supplemental Environmental Impact Statements

Dear Secretary Burgum and BLM Field Office Managers:

On behalf of the City of Berkeley, California, I write to express our strong opposition to the Bureau of Land Management’s proposed oil and gas leasing and development program as set forth in the Draft Supplemental Environmental Impact Statements (SEIS) for the Central Coast Field Office and Bakersfield Field Office. We respectfully urge the BLM to withdraw these proposals and refrain from holding any new oil and gas lease sales on California public lands.

The Berkeley City Council adopted Resolution No. [REDACTED] on March 10, 2026, unanimously opposing the BLM’s proposal to open approximately 1.6 million acres of California public lands to new oil and gas leasing and hydraulic fracturing. This letter conveys the substance and intent of that Resolution.

**Threat to Bay Area Parks and Protected Lands**

The proposed leasing areas include lands directly adjacent to some of the Bay Area’s most treasured parks and open spaces, including Mount Diablo State Park, Pinnacles National Park, Henry W. Coe State Park, and Black Diamond Mines Regional Preserve. These parks serve millions of visitors annually and provide critical habitat, watershed protection, and recreational opportunities for the residents of Berkeley and the surrounding region. The “split estate” nature of federal mineral rights means that drilling

and fracking could occur beneath or immediately adjacent to these protected lands, causing irreversible harm to their ecological integrity.

### **Public Health and Environmental Concerns**

Oil and gas extraction operations, particularly hydraulic fracturing, release volatile organic compounds, particulate matter, methane, and other hazardous pollutants that degrade air quality and endanger public health. These impacts are borne disproportionately by low-income communities and communities of color, raising serious environmental justice concerns. Furthermore, fracking operations consume millions of gallons of water and generate toxic wastewater that threatens groundwater and surface water resources throughout the region.

### **Climate Impacts**

The BLM's own analysis estimates that the Central Coast proposal alone would generate approximately 660,977 metric tons of CO<sub>2</sub> equivalent emissions over its 30-year lifespan. At a time when the scientific consensus demands rapid decarbonization to avert the worst consequences of climate change, authorizing new fossil fuel extraction on public lands is unconscionable. The City of Berkeley has declared a climate emergency and adopted ambitious greenhouse gas reduction targets; new oil and gas development on nearby public lands directly undermines these efforts and the State of California's climate goals.

### **Inadequacy of Environmental Review**

We note that the BLM's prior environmental reviews for these same leasing proposals were found deficient by federal courts, resulting in the 2022 settlement agreements that suspended leasing on more than one million acres. Leading environmental and public health organizations have stated that the current Draft SEIS analyses remain inadequate, failing to properly assess cumulative impacts on air quality, water resources, public health, and environmental justice communities. We urge the BLM to conduct a thorough, legally adequate environmental review before any leasing decisions are made.

### **Conflict with California Law**

California's SB 1137 establishes health and safety buffer zones prohibiting new oil and gas wells within 3,200 feet of sensitive locations, including homes, schools, and parks. The BLM's proposal would effectively allow federal lessees to circumvent these vital state protections. We urge the BLM to respect California's democratically enacted health and safety laws and to refrain from authorizing operations that would undermine them.

### **Request**

For the foregoing reasons, the City of Berkeley respectfully requests that the Bureau of Land Management:

1. Withdraw the Draft Supplemental Environmental Impact Statements for both the Central Coast Field Office and Bakersfield Field Office oil and gas leasing programs;
2. Refrain from holding any new oil and gas lease sales on California public lands;
3. Honor the intent of the 2022 federal court settlement agreements that recognized the inadequacy of prior environmental review;
4. Conduct thorough, legally adequate environmental analysis that fully accounts for cumulative impacts on public health, air quality, water resources, climate, wildlife, and environmental justice; and
5. Respect and not preempt California's health and safety protections, including the setback requirements established by SB 1137.

We appreciate your consideration of the City of Berkeley's position on this critically important matter. Our community stands with the many municipalities, counties, environmental organizations, and public health advocates across California who are working to protect our public lands, parks, air, water, and climate from the harms of new fossil fuel extraction.

Sincerely,

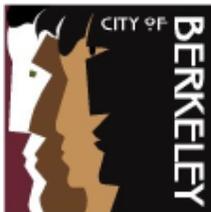
Mayor Adena Ishii and Members of the Berkeley City Council

cc:

U.S. Senator Alex Padilla

U.S. Senator Adam Schiff

U.S. Representative Lateefah Simon



**Berkeley City Councilmember**  
**Mark Humbert, District 8**  
2180 Milvia Street, 5th Floor Berkeley, CA 94704  
mhumbert@cityofberkeley.info  
www.MarkHumbert.com

**02a.16**

ACTION CALENDAR  
January 27 March 10, 2026

To: Members of the Berkeley City Council

From: Councilmember Mark Humbert (Author);  
Mayor Adena Ishii (Co-Author);  
Councilmember Ben Bartlett (Co-Author)

Subject: Project to Increase Telegraph and Claremont Housing (PITCH) Rezoning

RECOMMENDATION

Refer to the City Manager the Project to Increase Telegraph and Claremont Housing (PITCH) as a standalone rezoning effort to proactively and equitably increase housing stock in southeast Berkeley’s high-resource areas. This project would seek to:

1. Rezone the Telegraph Avenue corridor south of Parker Street to the Oakland border at Woolsey Street from the current C-C (Commercial-Corridor) district to the C-T (Telegraph Avenue Commercial) district (or similar), allowing for taller mixed-use housing development, with a goal of base zoning of 8 stories/85 feet.
2. Identify and upzone specific auto-oriented C-N (Neighborhood Commercial) parcels in the Claremont and Ashby area (near Domingo Avenue) from their current 2–3 story limits to 4–6 stories using existing or new zoning districts.
3. Allocate funding from the District 8 office budget to begin required planning and California Environmental Quality Act (CEQA) review for the proposed zoning changes.

SUMMARY

This item proposes a new, targeted rezoning effort to deliver a substantial and equitable increase in zoned housing capacity in District 8 (and limited portions of District 3 along Telegraph). The Project to Increase Telegraph and Claremont Housing (PITCH) focuses on the under-utilized Telegraph Avenue corridor, which offers significant capacity (estimated up to 5,700 new units), excellent transit access, and larger, more easily developable parcels.

By simultaneously applying targeted upzoning to auto-oriented sites in the highest-resource Claremont neighborhood, the project would fulfill Affirmatively Furthering Fair Housing (AFFH) and other Housing Element goals by expanding housing opportunities into the highest-resource parts of Berkeley. This strategic approach ensures a significant and geographically equitable contribution to Berkeley’s housing goals, while potentially relieving pressure on more commercially and architecturally sensitive areas.

## FINANCIAL IMPLICATIONS

The estimated cost to execute the necessary initial planning, staff time, and comprehensive environmental review (CEQA) for PITCH is \$250,000. To ensure the viability and timely commencement of this project, Councilmember Humbert commits to funding:

- ~~\$100,000~~180,000 from his Fiscal Year (FY) 2026 office budget.
- ~~\$50,000~~70,000 from his FY 2027 office budget.

The total contribution of ~~\$4250,000~~ helps make the project viable for immediate launch, allowing ~~the~~any unexpected balance or contingency to be secured from ~~other general City funds~~the City's general fund and/or grant opportunities in FY 2027/2028.

## CURRENT SITUATION AND ITS EFFECTS

Telegraph Avenue, from Parker Street south to the Oakland border, is currently zoned C-C, which sets a base zoning for development of 3-story mixed-use or residential buildings. This represents a severe under-utilization of a key corridor located in a High Resource zone (slated to be upgraded to a Highest Resource area by 2026 TCAC maps) and which features wide street sections (~66' of traffic lanes) and large parcels ideal for higher-density housing.

Furthermore, new housing production has been disproportionately low in the highest-resource neighborhoods of District 8, such as Claremont. Although certain portions of the Claremont area have recently seen their housing capacity increase due to the City's Middle Housing efforts, fire risks and a limited number of underutilized non-residential parcels mean that, absent this project, this area is unlikely to contribute appreciably to the creation of new homes in Berkeley.

## BACKGROUND

The City of Berkeley has a State mandate and made local commitments to increase housing production in high-resource, transit-rich areas. Telegraph Avenue's length, infrastructure, and under-developed parcels present an excellent opportunity for high-density housing. The State of California's new law (SB 79) will already require upzoning near Ashby BART (District 3) and the adjacent Telegraph/Alcatraz area, making a comprehensive upzoning of the entire Telegraph corridor both a logical and proactive step.

## RATIONALE FOR RECOMMENDATION

This project is an effective approach to better meeting Berkeley's housing and equity goals:

- Increasing Housing Capacity on Telegraph: Rezoning Telegraph to C-T (8-stories) is projected to create a zoned housing capacity of up to around 5,700 units—a vital contribution to Berkeley's housing stock.
- Equitable Development:

- The Telegraph corridor is located in a High Resource area and the project will better satisfy Affirmatively Furthering Fair Housing goals.
- Including the Claremont area (targeting auto-oriented uses near Ashby and Domingo) creates new housing opportunities in one of Berkeley's highest resource neighborhoods, diversifying housing options and providing walkable retail access to residents.
- Infrastructure Alignment: The project aligns new development with the City's investment in the Telegraph Multimodal Corridors project, which includes bus lanes and a protected cycletrack to improve transit and cycling infrastructure.

## ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The project promotes environmental sustainability and climate action by increasing housing development along the high-frequency 6-Telegraph AC Transit bus route, which also features good access to jobs, shopping, and other urban amenities. This location encourages car-free or car-lite living and would serve to reduce the carbon footprint associated with auto use relative to housing in other areas of Berkeley and especially outside Berkeley.

Encouraging infill development also has the effect of reducing development pressure on agricultural and wildland areas, helping preserve them as natural and working lands.

Subsequent CEQA review will ensure all environmental impacts are fully assessed and, if necessary, mitigated before zoning changes are enacted.

## POSSIBLE FUTURE ACTION

This referral represents the first step in a longer process that would involve substantial additional staff work, public engagement, subsequent Council input, environmental review, and subsequent Council votes to approve any rezoning and associated CEQA documentation.

## FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The project is made more fiscally viable by the immediate financial commitment from Councilmember Humbert's office. Subsequent fiscal impacts include increased property tax revenue from new housing development, increased sales tax revenue from more residents and subsequent foot traffic, and increased transit ridership on the 6-line, which will help AC Transit address its fiscal shortfall.

## CONTACT PERSON

Councilmember Mark Humbert — mhumbert@berkeleyca.gov, 510-981-7180

## [ATTACHMENTS](#)

[Attachment 1 Preliminary Buildout Analysis](#)

## ATTACHMENT 1 Preliminary Buildout Analysis

### Improving Corridor Upzoning in District 8

Telegraph Avenue is currently zoned C-C and allows for just 3 stories, mixed-use or fully residential. By continuing the C-T zone from the Southside Plan down Telegraph Avenue, District 8 would be making possible thousands of new housing units on a corridor with plentiful underutilized automotive land-use, office properties, drive-thrus, and parking lots, and with streets wide enough for homes taller than 4-6 stories. Telegraph is equal to College Ave. in state resource designation. North of Ashby is High Resource and south of Ashby is Highest Resource.

To estimate the housing unit capacity of a Telegraph Avenue re-zoning, assume 1,000 sqft units with first-floor commercial uses. If a building is 7 stories, then the housing capacity is 6 stories by the number of 1,000 sqft units that fit within the parcel. Telegraph Avenue has more space for much higher-density housing than is being proposed on all the corridors, and has high-density zoning that can be extended from the Southside Plan (C-T zone).

|                        | College (Current D8 proposal)                                                                                                                                       | Telegraph (Proposed)                               |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| Acreage                | 7 acres (only 1.9 acres likely to be developed)                                                                                                                     | 20 acres                                           |
| Zoned Housing Capacity | Proposed C-E up-zoning ( <b>only 130 units are expected, best case</b> , on likely to be developed parcels.):<br><br>4-stories: 615 units<br>6-stories: 1,025 units | C-T Zoning (8 stories/FAR 8.0):<br><br>5,705 units |
|                        |                                                                                                                                                                     |                                                    |

The gas station parcel on the northwest corner at Ashby and Telegraph alone fits 259 units, pre-density bonus, more than the best-case scenario for the entire proposed College Ave. rezoning.

In addition to adding Telegraph Avenue to the Corridors Plan and changing the Elmwood upzoning to a spot-zoning of the least sensitive lots without contingent commercial structures, the Claremont neighborhood has several car-oriented parcels ideal for new housing. Claremont is the Highest Resource neighborhood in Berkeley. Housing on the gas stations and auto shops in the C-N zone around Ashby and Domingo Avenue would provide future residents with walkable retail, a 5-minute walk to Star Grocery, and a local bus line.

The following is a comprehensive table of zoned capacity under the proposed changes to District 8 rezoning.

| Location                                                                  | Current Zoning            | Proposed Zoning                   | Rationale                                                                                                                                                                                                                                                | APN (if applicable)                                           | Dwelling Unit Zoned Capacity                                                                                                                                    |
|---------------------------------------------------------------------------|---------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Telegraph Ave south of Parker Street                                      | <b>C-C</b><br>2-3 stories | <b>C-T</b><br>85 feet (8 stories) | Good transit service, wide street, many suitable sites. 5 minute walk to Elmwood shopping district; Whole Foods, Berkeley Bowl within walking range.                                                                                                     |                                                               | 8 stories w/<br>ground floor retail:<br><br>5,705 units                                                                                                         |
| Claremont & Ashby: two gas stations, a car repair shop, and a parking lot | <b>C-N</b><br>2-3 stories | 4 - 6 stories (Same as Solano)    | Creates new housing in the wealthiest district of Berkeley. 5 min. walk to Star Grocery. Domingo Ave. businesses next door. 12 minutes to BART by bus.<br><br>Gas stations will be obsolete in the near future as the population continues shift to EVs. | '64-4234-3-3'<br>'64-4235-8-4'<br>'64-4236-4',<br>'64-4236-2' | 4 stories w/<br>ground floor retail: 159 units.<br><br>6 stories w/<br>ground floor retail: 265 units.<br><br>4 stories: 212 units<br><br>6 stories: 318 units. |
| Elmwood: 7-11 strip mall, Wells Fargo Lot, and Post Office                | <b>C-E</b><br>2-3 stories | 4 - 6 stories (Same as Solano)    | Rezone three parking lot parcels on College. Would allow building types such as senior or affordable housing, to be added to the Elmwood.                                                                                                                | 52-1567-62-6, 53-1696-15, 52-1567-16                          | 4 stories w/<br>ground floor retail: 84 units.<br><br>6 stories w/<br>ground floor retail: 140 units.                                                           |
| Total Units Zoned Proposed                                                |                           |                                   |                                                                                                                                                                                                                                                          |                                                               | ~6,100 units zoned                                                                                                                                              |

|                    |     |               |                                         |  |                   |
|--------------------|-----|---------------|-----------------------------------------|--|-------------------|
| Current Plan (C-E) | C-E | 4 - 6 stories | Entirety of College commercial re-zoned |  | 615 - 1,025 units |
|--------------------|-----|---------------|-----------------------------------------|--|-------------------|

Additional Notes:

1. The Telegraph Multimodal Corridors project is investing in transportation for future population growth along Telegraph Ave.
2. SB 79 will likely require some rezoning of or near the west side of Telegraph Ave., via Ashby BART in District 3. This is an opportunity to rezone Telegraph comprehensively, rather than rely on the state and a portion of Telegraph and the LeConte neighborhood in District 3, only.

| Upcoming Worksessions and Special Meetings |                                                                                         |
|--------------------------------------------|-----------------------------------------------------------------------------------------|
| Scheduled Dates                            |                                                                                         |
| Feb 23 (6pm)                               | Special Meeting for Land Use Appeals<br>(2425 Durant, 2298 Durant, and 2029 University) |
| Feb 24 (4pm)                               | Community Health Improvement Plan (HHCS)                                                |
| March 10 (4pm)                             | Economic Dashboards (OED)                                                               |
| March 24 (2pm)                             | Community Survey Results (Tentative)                                                    |
| March 24 (4pm)                             | Berkeley Police Department Annual Report                                                |

| Unscheduled Presentations and Special Meetings |
|------------------------------------------------|
| 1. 5-Year Paving Plan & Hopkins Street Paving  |

| Future Information Reports                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Affordable Housing Fee Feasibility Study</li> <li>2. Berkeley Fire Department Annual Report</li> </ol> |

|  |                                                                                                          |
|--|----------------------------------------------------------------------------------------------------------|
|  | <b>City Council Referrals to the Agenda &amp; Rules Committee and Unfinished Business for Scheduling</b> |
|  | None                                                                                                     |

| CITY CLERK DEPARTMENT                                                               |                      |                       |                   |
|-------------------------------------------------------------------------------------|----------------------|-----------------------|-------------------|
| WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS<br>BEFORE THE CITY COUNCIL         |                      |                       |                   |
| Address                                                                             | Board/<br>Commission | Appeal Period<br>Ends | Public<br>Hearing |
| <b>NOD – Notices of Decision</b>                                                    |                      |                       |                   |
|                                                                                     |                      |                       |                   |
|                                                                                     |                      |                       |                   |
|                                                                                     |                      |                       |                   |
|                                                                                     |                      |                       |                   |
| <b>Public Hearings Scheduled</b>                                                    |                      |                       |                   |
| 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         |
|                                                                                     |                      |                       |                   |
| <b>Remanded to ZAB or LPC</b>                                                       |                      |                       |                   |
|                                                                                     |                      |                       |                   |
|                                                                                     |                      |                       |                   |
|                                                                                     |                      |                       |                   |
| <b>Notes</b>                                                                        |                      |                       |                   |
|                                                                                     |                      |                       |                   |
| ZAB: Zoning Adjustments Board                                                       |                      |                       |                   |
| LPC: Landmarks Preservation Commission                                              |                      |                       |                   |

2/19/2026

