

BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING

MONDAY, SEPTEMBER 28, 2026

2:30 P.M.

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: 165 842 7103**. 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: September 14, 2026**
2. **Review and Approve Draft Agenda:**
 - a. 10/13/2026 – 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**

Unscheduled Items

7. **Review Policy Committees Structure**
8. **Review Boards and Commissions Structure**
9. **Whistleblower Program Special Report: Evaluation of Workplace Relationship Policies**

From: Auditor
Referred: September 15, 2026
Due: February 23, 2027
Recommendation: We recommend that City Council receive this report and direct the City Manager to implement Recommendations 1 and 2 consistent with Management's Response. We further recommend that City Council refer Recommendation 3 to the Agenda and Rules Committee for consideration of whether to pursue adoption of nepotism and cronyism provisions in the Berkeley Municipal Code.
Recommendation 3: To extend relationship conflict safeguards beyond employees, we recommend the City consider adopting both nepotism and cronyism provisions in the Berkeley Municipal Code. These provisions should apply to all City employees, elected officials, charter offices, appointed officials, boards and commissions, ensuring consistent citywide standard.
Financial Implications: See report
Contact: Jenny Wong, Auditor, (510) 981-6750

Items for Future Agendas

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

Adjournment – Next Meeting Tuesday, October 13, 2026

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

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

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

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

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

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

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at ada@berkeleyca.gov, (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

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, September 24, 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.

BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

MONDAY, SEPTEMBER 14, 2026

3:15 P.M.

2180 Milvia Street, Berkeley, CA 94704

Teleconference Location – 1321 Garden Hwy, Sacramento, CA 95833

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: 165 822 7567**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email policycommittee@berkeleyca.gov. All Committee meetings are recorded.

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Roll Call: 3:15 p.m. All present.

Public Comment – 3 speakers

Review of Agendas

1. Approval of Minutes: August 31, 2026

Action: M/S/C (Humbert/Taplin) to approve the minutes of 8/31/2026.

Vote: All Ayes.

2. Review and Approve Draft Agenda:

a. 9/29/2026 – Regular City Council Meeting

Action: M/S/C (Taplin/Humbert) to approve the agenda of 9/29/2026 with the changes noted below.

- *Item Added: Cal Sailing (Taplin) – Mayor Ishii and Councilmember Lunaparra added as co-sponsors; added to Consent Calendar*
- *Item 25 Mural Restoration (Tregub) – revised item submitted*
- *Item 31 Asset Management (Ishii) – scheduled for Consent Calendar*
- *Item 32 Childhood Cancer (Blackaby) – scheduled for Consent Calendar*
- *Item 33 United Against Hate (Blackaby) – Mayor Ishii added as a co-sponsor; scheduled for Consent Calendar*
- *Item 34 Sister City (Humbert) – Councilmembers Blackaby and Lunaparra and Mayor Ishii added as co-sponsors; scheduled for Consent Calendar*

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

7. Discussion of possible changes to the 2027 City Council meeting schedule

Action: 2 speakers. The committee discussed the proposed schedule options and the process for Council to approve. No action taken.

Unscheduled Items

8. Review Policy Committees Structure

9. Review Boards and Commissions Structure

Items for Future Agendas

- None

Adjournment

Action: M/S/C (Taplin/Humbert) to adjourn the meeting.

Vote: All Ayes.

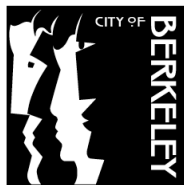
Adjourned at 3:41 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on September 14, 2026.

Mark Numainville, City Clerk

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DRAFT AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, October 13, 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.

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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. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 13, 2026**

From: City Manager

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

Financial Implications: Measure BB Paratransit Fund - \$2,240,000

Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

- 2. Contract No. 31900009 Amendment: Building Opportunities for Self-Sufficiency for McKinley House – 2111 McKinley Avenue, Berkeley, CA 94703**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to execute an amendment to Contract No. 31900009 with Building Opportunities for Self-Sufficiency (BOSS) for property management services at 2111 McKinley Avenue in Berkeley, updating the funding source designation from the Mental Health Services Act (MHSA) to the Behavioral Health Services Act (BHSA) and increasing the contract allocation by \$104,474 to a total amount not to exceed \$1,015,607.
Financial Implications: Behavioral Health Services Act Fund - \$104,474
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
- 3. Cost-Neutral Berkeley Chief Fire Officers Association (BCFOA) Medical Expense Reimbursement Plan (MERP) Side Letter Agreement**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute the Side Letter Agreement between the City of Berkeley and the Berkeley Chief Fire Officers Association (BCFOA) concerning the disposition of eligible unused sick leave conversion value for employees hired before June 30, 2014, and to authorize immediate implementation of the agreement pending Council ratification.
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
- 4. Contract No. 31900122-1 Amendment: Rolling Orange, Inc. Website Maintenance and Support**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900122-1 with Rolling Orange, Inc. for additional website maintenance and support for an amount not-to-exceed \$115,000 over two years, and a total contract value not-to-exceed \$909,300 from March 1, 2019 to June 30, 2028.
Financial Implications: IT Cost Allocation Fund - \$115,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
- 5. Contract No. 32000008 (11012) Amendment: Granicus, Inc. for Video Streaming Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000008 with Granicus, Inc., to continue providing live video streaming, on-demand archival video, podcasting, and web page subscription services, increasing the contract amount by \$72,200 for a total not-to-exceed amount of \$395,146 from July 1, 2017 to June 30, 2027.
Financial Implications: IT Cost Allocation Fund - \$72,000
Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

6. **Contract: Protiviti Government Services Inc (“Protiviti”): Using General Services Administration (“GSA”) Vehicle for Professional Services Purchase Orders**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti for professional services using GSA purchasing vehicle no. GS35F-0280X for an amount not to exceed \$425,000 through June 30, 2027
Financial Implications: IT Cost Allocation Fund - \$425,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
7. **Contract No. 32600093 Amendment: Paymun Building and Development, Inc. for Berkeley Marina K-Dock Restroom Renovation Project**
From: City Manager
Recommendation: Adopt a resolution authorizing the City Manager to execute an amendment to Contract No. 32600093 with Paymun Building and Development, Inc. for the Berkeley Marina K-Dock Restroom Renovation Project, increasing the amount by \$11,000 for an amended total amount not to exceed \$451,000.
Financial Implications: Marina Fund - \$11,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Council Consent Items

8. **BORP Adaptive Sports and Recreation’s 50th Anniversary Celebration: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**
From: Councilmember Taplin (Author), Mayor Ishii (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Tregub (Co-Sponsor)
Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed \$1,000 per councilmember, including \$1,000 from Councilmember Terry Taplin, \$100 from Mayor Adena Ishii, and \$150 from Councilmember Igor Tregub, to support BORP Adaptive Sports and Recreation’s 50th Anniversary Celebration.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Council Consent Items

9. **Creations Berkeley - Creations Dance Group Road to Hollywood Nov 27th through Nov 30th 2026 / Hip Hop Hollywood Dance Tour - Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds From: Councilmember Bartlett (Author)**

Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember, including \$250 from the discretionary Council Office Budget of Councilmember Ben Bartlett, to Creations Berkeley Media & Performing Arts, Inc., to support Creations Dance Group participation in the 2026 Hip Hop Hollywood Dance Tour at Universal Studios Hollywood from November 27-30, 2026. The funds will be allocated to the City's General Fund from the Discretionary Council Office Budget of Councilmember Ben Bartlett and the Discretionary Council Office Budgets of any other Councilmembers who would like to contribute.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

10. **Resolution in Support of Proposition 4, the California Fair Elections Act of 2026, on the November 3, 2026, General Election Ballot**

From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)

Recommendation: Adopt a resolution in support of Proposition 4, the California Fair Elections Act of 2026, on the November 3, 2026, general election ballot, which would repeal the existing prohibition on public funding of candidate election campaigns and allow state and local governments to establish public campaign financing systems subject to specified requirements.

Financial Implications: Staff time

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

Action Calendar

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

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

Action 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. Revisions to the Approved Environmental Health Fee Schedule

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution: 1. Approving revisions to the fee schedule for the Environmental Health Division (EHD) effective October 13, 2026, and, 2. Rescinding Resolution No. 72,308 N.S. effective October 13, 2026.

Financial Implications: See report

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

12. Amendments to Berkeley Municipal Code (BMC) Section 23.304.100 (Site Features in Residential Districts) to require undergrounding of electrical transformers on private land

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt the first reading of an ordinance amending Berkeley Municipal Code (BMC) Section 23.304.100 (Site Features in Residential Districts) to prohibit the above-ground installation of electrical transformers serving new residential, commercial, and mixed-use projects grade on private property, consistent with the Planning Commission's recommendation.

Financial Implications: See report

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

Action Calendar – New Business

13. Establish 2027 City Council Meeting Schedule

From: City Manager

Recommendation: Review the proposed modifications to the meeting schedule, including options for a shift in the timing of the summer recess, and adopt a Resolution establishing the City Council regular meeting schedule for calendar year 2027, with starting times of 6:00 p.m.

Financial Implications: None

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

Action Calendar – New Business

14a. Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)

From: Commission on Disability

Recommendation: (Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)

The Berkeley City Council shall refer to the City Attorney the requirement to include, in all City of Berkeley contracts that impact the public right-of-way, a clause that obligates City contractors to comply with the Public Right-of-Way Accessibility Guidelines (PROWAG).

Policy Committee Recommendation: Send the item to Council with a Qualified Positive Recommendation to refer the development of the PROWAG guidelines to the City Manager with the input of the Commission on Disability.

Financial Implications: See report

Contact: Thomas Gregory, Commission Secretary, (510) 981-6300

14b. Companion Report: Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)

From: City Manager

Recommendation: (Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)

The City Manager recommends that the Public Right-of Way Accessibilities Guidelines item be referred to the Facilities, Infrastructure, Transportation, Environment and Sustainability Committee for discussion of potential impacts.

Policy Committee Recommendation: Send the item to Council with a Qualified Positive Recommendation to refer the development of the PROWAG guidelines to the City Manager with the input of the Commission on Disability.

Financial Implications: See report

Contact: Jamie Parks, Public Works, (510) 981-6300

Information Reports

15. Homeless Response Team Audit Status Report

From: City Manager

Contact: Peter Radu, City Manager's Office, (510) 981-7000

16. Inclusionary Housing Program Annual Report for Fiscal Year 2026

From: City Manager

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

17. Measure O Impacts on Affordable Housing Development in Berkeley

From: City Manager

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

18. Condominium Conversion Program Annual Report for Fiscal Year 2026

From: City Manager

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

Information Reports

19. Landmark Preservation Ordinance Notice of Decision: 701 University Avenue / #LMSAP2026-0007

From: City Manager

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

Public Comment – Items Not Listed on the Agenda

Adjournment

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

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North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

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BERKELEY CITY COUNCILMEMBER  
**TERRY TAPLIN**  
 DISTRICT 2

02a.08

CONSENT CALENDAR  
 October 13, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author), Mayor Adena Ishii (Cosponsor),  
 Councilmember Ben Bartlett (Cosponsor), and Councilmember Igor Tregub  
 (Cosponsor)

Subject: BORP Adaptive Sports and Recreation's 50th Anniversary Celebration:  
 Relinquishment of Council Office Budget Funds from General Funds and Grant of Such  
 Funds

#### RECOMMENDATION

Adopt a resolution approving the expenditure of an amount not to exceed \$1,000 per councilmember, including \$1,000 from Councilmember Terry Taplin, \$100 from Mayor Adena Ishii, and \$150 from Councilmember Igor Tregub, to support BORP Adaptive Sports and Recreation's 50th Anniversary Celebration.

#### FISCAL IMPACTS OF RECOMMENDATION

There are no impacts to the General Fund. The mayor and councilmembers can each contribute up to \$1,000 from their discretionary office budget.

#### BACKGROUND

BORP began with a University of California, Berkeley class project and a city council that was willing to invest in it. Susan Sygall, a wheelchair user studying at UC Berkeley, saw that even in a city helping lead the independent living movement, people with disabilities had few opportunities to play sports or enjoy the outdoors together. She designed an adaptive recreation program for a class and, at her professor's urging, brought it to the Berkeley City Council. With cofounder Diane Schechter, she turned the idea into BORP. The council funded the proposal, and BORP was incorporated in 1976.

That beginning is central to what BORP is today: an organization built by and for its community. Rooted in Berkeley's disability rights movement, BORP creates places where disabled people can be athletes, teammates, coaches, and leaders—more than 50% of staff have disabilities. One of the first organizations of its kind, BORP has been a nationwide trailblazer and leader in the adaptive recreation space for five decades.

Berkeley has remained BORP's home through five decades of growth. Generations of athletes have practiced at the James Kenney Community Center where BORP teams still gather today. At Aquatic Park, BORP's Adaptive Cycling and Kayaking Center gives people access to the Bay Trail and the water with adaptive equipment and staff support.

Its offices and fitness studio at the Ed Roberts Campus place BORP alongside organizations that continue Berkeley's work for disability access and independence.

Today, BORP serves youth and adults with physical and vision disabilities through more than 20 weekly programs. In the past year, 1,576 people participated, up from 1,400 the year before. Programs include wheelchair basketball and rugby, goalball, adaptive cycling and kayaking, fitness, and outdoor adventures. BORP provides equipment, coaching, and accessible transportation that make participation possible with scholarships available so cost does not keep people out.

On Thursday, October 15, 2026, from 6:00 to 9:00 pm, BORP will celebrate its 50th anniversary at the University Club at California Memorial Stadium. Returning to the UC Berkeley campus brings the celebration back to where BORP's story began. Founders, athletes, alumni, and longtime supporters will gather to recognize the people who built this community and help fund the programs that keep it growing. The evening will include founders' remarks and the premiere of a film spanning BORP's five decades.

As BORP expands into Oakland, San Francisco, and San Jose, Berkeley remains its home and a gathering place for people throughout the Bay Area. The city council helped make BORP possible at its start. Supporting this milestone continues that relationship and helps ensure that even more people can find their way into sports and community.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

#### CONTACT PERSON

Councilmember Terry Taplin, Council District 2, 510-981-7120

Attachments:

1: Resolution

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

AUTHORIZING THE RELINQUISHMENT OF COUNCIL OFFICE BUDGET FUNDS  
FOR BORP ADAPTIVE SPORTS AND RECREATION'S 50TH CELEBRATION

WHEREAS, one of the first organizations of its kind, BORP is rooted in Berkeley's disability rights movement and has been a nationwide trailblazer and leader in the adaptive recreation space since 1976, creating places where disabled people can be athletes, teammates, coaches, and leaders—over 50% of its staff have disabilities; and

WHEREAS, Berkeley has remained BORP's home through five decades of growth: generations of athletes have practiced at the James Kenney Community Center; BORP's Adaptive Cycling and Kayaking Center in Aquatic Park gives people access to the San Francisco Bay Trail and the water with adaptive equipment and staff support; and its offices and fitness studio at the Ed Roberts Campus place BORP alongside organizations that continue Berkeley's work for disability access and independence; and

WHEREAS, in the past year, 1,576 youths and adults with physical and vision disabilities (up from 1,400 the year before) participated in more than 20 weekly BORP programs, including wheelchair basketball and rugby, goalball, adaptive cycling and kayaking, fitness, and outdoor adventures, with BORP providing equipment, coaching, accessible transportation, and scholarships that truly make participation possible; and

WHEREAS, on October 15, 2026, BORP will celebrate its 50th anniversary at the University Club at California Memorial Stadium, returning to UC Berkeley where its story began along with founders, athletes, alumni, and longtime supporters to recognize the people who built this community and help fund the programs that keep it growing; and

WHEREAS, the Berkeley City Council helped make BORP possible at its start, so supporting this milestone continues that relationship and helps ensure that even more people can find their way into sports and community as BORP expands into Oakland, San Francisco, and San Jose—with Berkeley remaining its home and gathering place.

NOW, THEREFORE, BE IT RESOLVED that the Berkeley City Council of the City of Berkeley approves the expenditure of an amount not to exceed \$1,000 from each of their discretionary office budgets to support BORP Adaptive Sports and Recreation's 50th Anniversary Celebration.



**BEN BARTLETT**

CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR

October 13, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett (Author)

Subject: Creations Berkeley - Creations Dance Group Road to Hollywood Nov 27th through Nov 30th 2026 / Hip Hop Hollywood Dance Tour - 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 \$250 per Councilmember, including \$250 from the discretionary Council Office Budget of Councilmember Ben Bartlett, to Creations Berkeley Media & Performing Arts, Inc., to support Creations Dance Group participation in the 2026 Hip Hop Hollywood Dance Tour at Universal Studios Hollywood from November 27-30, 2026. The funds will be allocated to the City's General Fund from the Discretionary Council Office Budget of Councilmember Ben Bartlett and the Discretionary Council Office Budgets of any other Councilmembers who would like to contribute.

BACKGROUND:

Creations Dance Group is an award-winning Berkeley youth performance team serving underserved and historically underrepresented young people. The dancers train in Berkeley and regularly contribute to the City's civic and cultural life through Berkeley Juneteenth, National Night Out, the Berkeley Community Block Party, Berkeley City College's Umoja Day, youth and neighborhood events, and other community celebrations. The group also earned first place at the City of Berkeley and School Funds Talent Show.

From November 27-30, 2026, the dancers can participate in the 2026 Hip Hop Hollywood Dance Tour at Universal Studios Hollywood. Over three days, they will train with professional dance instructors, perform at Universal CityWalk, and film the annual Hollywood Parade for national broadcast on The CW in December 2026.

This is a professional arts-learning opportunity, not simply a trip. Participation requires program fees, transportation, lodging, meals, and required performance expenses - costs that can place this level of training and exposure out of reach for underserved youth. City support directly reduces that barrier so that family income does not determine who can participate in an opportunity the dancers have earned.

The dancers have already represented Berkeley on local stages. This investment helps them carry Berkeley to a national stage while gaining direct exposure to professional rehearsal, live performance, television production, teamwork, discipline, and creative-industry pathways.

Creations Berkeley Media & Performing Arts, Inc. is a Berkeley-based nonprofit providing young people with high-quality dance, media, and performance education. The organization serves more than 150 youth through school, community, and performance-based programming.

Creations Berkeley, the dancers, and participating families are also raising funds through community fundraising, individual donations, business sponsorships, and other grassroots efforts. City support will complement those efforts and directly offset youth participation costs.

Supporting this opportunity advances the municipal public purpose of youth development, arts education, community representation, and equitable access to educational and cultural opportunities for Berkeley youth.

ENVIRONMENTAL SUSTAINABILITY:

No negative impact.

FISCAL IMPACTS OF RECOMMENDATION

There is no General Fund impact; \$250 is available from the discretionary council office budget of Councilmember Ben Bartlett.

CONTACT PERSON:

Councilmember Ben Bartlett  
James Chang

[bbartlett@cityofberkeley.info](mailto:bbartlett@cityofberkeley.info)  
[jchang@cityofberkeley.info](mailto:jchang@cityofberkeley.info)

ATTACHMENTS:

1. Draft Resolution
2. Hip Hop Hollywood Dance Tour Flyers

Attachment 1:

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

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE  
EXPENSE ACCOUNTS OF THE MAYOR AND COUNCIL MEMBERS FOR A  
DONATION TO CREATIONS BERKELEY IN SUPPORT OF THE HIP HOP  
HOLLYWOOD DANCE TOUR

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

**WHEREAS**, Creations Berkeley Media and Performing Arts, Inc., a non-profit  
organization, will receive funds in the amount of \$250 from Councilmember Ben  
Bartlett's office expenditure account; and

**WHEREAS**, Creations Dance Group is an award-winning Berkeley youth performance  
team serving underserved and historically underrepresented young people and  
contributing to Berkeley's civic and cultural life through local performances, including  
Berkeley Juneteenth, National Night Out, the Berkeley Community Block Party,  
Berkeley City College's Umoja Day, and a first-place finish at the City of Berkeley and  
School Friends Talent Show; and

**WHEREAS**, the dancers have the opportunity to participate in the 2026 Hip Hop  
Hollywood Dance Tour at Universal Studios Hollywood from November 27-30, 2026,  
including professional training, a public performance at Universal CityWalk, and filming  
of the annual Hollywood Parade for national broadcast on The CW; and

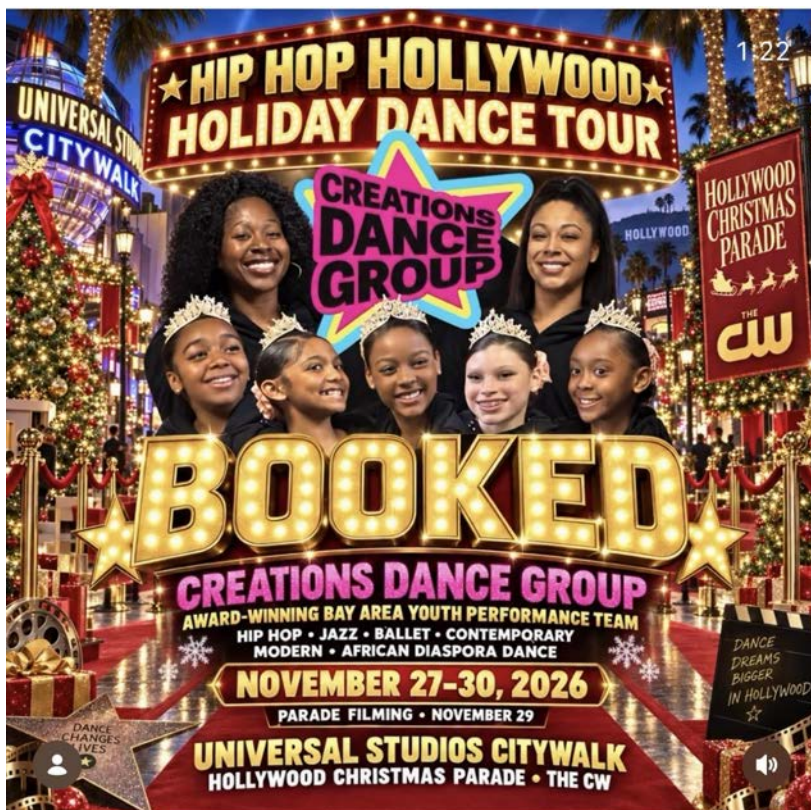
**WHEREAS**, participation requires program, transportation, lodging, meal, and  
performance-related expenses that can create financial barriers for underserved youth,  
and City support will help ensure that access to this earned professional opportunity is  
not determined solely by a family's ability to pay; and

**WHEREAS**, the experience will allow Berkeley youth to represent their community on a  
national stage while gaining exposure to professional rehearsal, live performance,  
television production, discipline, teamwork, and creative-industry pathways; and

**WHEREAS**, the provision of such support fulfills the municipal public purpose of  
promoting youth development, arts education, community representation, and equitable  
access to educational and cultural opportunities in the City of Berkeley;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Berkeley that  
funds relinquished by the Mayor and Councilmembers from their office budgets up to  
\$250 shall be granted to Creations Berkeley Media & Performing Arts, Inc. in support of  
Creations Dance Group participation in the 2026 Hip Hop Hollywood Dance Tour at  
Universal Studios Hollywood from November 27-30, 2026.

Attachment 2:





**Igor Tregub**

**Berkeley City Councilmember  
District 4**

2180 Milvia Street, 5th Floor  
Berkeley, CA 94704  
510-981-7140

[itregub@berkeleyca.gov](mailto:itregub@berkeleyca.gov)

### CONSENT CALENDAR

October 13, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Igor Tregub (Author), Mayor Adena Ishii (Co-Sponsor), Councilmember Mark Humbert (Co-Sponsor), and Councilmember Cecilia Lunaparra (Co-Sponsor)

Subject: Resolution in Support of Proposition 4, the California Fair Elections Act of 2026, on the November 3, 2026, General Election Ballot.

### RECOMMENDATION

Adopt a resolution in support of Proposition 4, the California Fair Elections Act of 2026, on the November 3, 2026, general election ballot, which would repeal the existing prohibition on public funding of candidate election campaigns and allow state and local governments to establish public campaign financing systems subject to specified requirements.

### CURRENT SITUATION AND ITS EFFECTS

Existing California law prohibit a public officer from expending, and a candidate from accepting, public money for the purpose of seeking elective office. Proposition 4, the California Fair Elections Act of 2026<sup>1</sup>, would not establish a public campaign financing program for any particular jurisdiction, it would however repeal the prohibition and allow state and local governments to establish public campaign financing systems subject to specified requirements.

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<sup>1</sup> <https://lao.ca.gov/BallotAnalysis/Proposition?number=4&year=2026>

Proposition 4 would require candidates participating in public campaign financing programs to meet specified criteria, abide by expenditure limits, and restrict how public funds may be used. Public funds could not be used for legal defense fees, fines, or repayment of personal loans to a campaign. If a candidate accepts public funds, they would also be prohibited from using any source of funds to repay a personal campaign loan after the campaign ends.

Public funding statutes, charters, ordinances, and resolutions established under Proposition 4 could not discriminate based on political party or whether a candidate is a challenger or incumbent. Proposition 4 would also change penalties for violations of California's prohibition on certain foreign contributions and expenditures: violators would face a fine of at least the amount contributed or spent and up to three times that amount.

The current ban extends to general law cities, all counties, all districts, and the state government. Charter cities are permitted to establish public campaign finance programs.<sup>2</sup>

Berkeley has existing experience with public campaign financing. Berkeley is one of seven charter cities in California with public campaign financing programs. In two cities, Richmond and Sacramento the program has not been funded and was not available to candidates in the recent elections.

The Berkeley Fair Elections Program was initially available to candidates for City Council and Mayor. In September 2021, the City Council initiated an expansion of the program, and later that year adopted legislation<sup>3</sup> making School Board Director, Rent Stabilization Board Commissioner, and City Auditor candidates eligible to participate<sup>4</sup>.

Proposition 4 would allow state and local governments to establish public campaign financing systems while establishing requirements governing eligibility, expenditure limits, and the use of public funds.

### **FISCAL IMPACTS OF RECOMMENDATION**

Limited staff time is required to communicate the City's position to State representatives.

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<sup>2</sup> Political Reform Act of 1974: public campaign financing: California Fair Elections Act of 2026.

<https://aelc.assembly.ca.gov/system/files/2025-06/sb-42-umberg-17513108230298490.pdf?utm.com>

<sup>3</sup> <https://berkeleyca.gov/your-government/city-council/city-council-agendas/city-council-regular-meeting-agenda-december-14-2021>

<sup>4</sup> <https://berkeleyca.gov/sites/default/files/documents/2021-12-14%20Item%2002%20Amendments%20to%20the%20Berkeley%20Election%20Reform%20Act.pdf?utm.com>

This recommendation does not establish a new public campaign financing program for the City of Berkeley.

### **ENVIRONMENTAL SUSTAINABILITY**

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

### **CONTACT PERSON**

Councilmember Igor Tregub | [itregub@berkeleyca.gov](mailto:itregub@berkeleyca.gov) | 510-981-7140

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

Shamaila Ahmed | Legislative Aide, Council District 4 | [sahmed@berkeleyca.gov](mailto:sahmed@berkeleyca.gov)

Attachments:

1. Resolution

**RESOLUTION NO. ##,###N.S.**

**RESOLUTION IN SUPPORT OF PROPOSITION 4, THE CALIFORNIA FAIR ELECTIONS ACT, ON THE NOVEMBER 2026 GENERAL ELECTION BALLOT**

WHEREAS, Proposition 4, the California Fair Elections Act, will appear on the November 2026, general election ballot; and

WHEREAS, Proposition 4 would repeal California's longstanding ban on public funding of campaigns and allow any city, county, district, or the State of California to establish public campaign financing systems subject to specified requirements; and

WHEREAS, Proposition 4 would not require any city, county, district, or the State of California to establish a public campaign financing program, but would instead give jurisdictions the option to create such systems for their own elections; and

WHEREAS, Proposition 4 would require public funding candidates to abide by expenditure limits and meet certain criteria to qualify for public funds; and

WHEREAS, Proposition 4 would prohibit the use of public funds to pay for legal defense or fines; and

WHEREAS, Proposition 4 would prohibit candidates that receive public funds from repaying personal loans with public funds, or from repaying personal loans with private donations after the campaign ends; and

WHEREAS, Proposition 4 would prohibit public funding systems from discriminating based on political party or against challengers in favor of incumbents; and

WHEREAS, Proposition 4 would triple the maximum fines for illegal foreign campaign contributions and expenditures, strengthening penalties for those who attempt to interfere in California's elections; and

WHEREAS, only charter cities are currently allowed to establish public campaign financing programs; and

WHEREAS, the City of Berkeley is one of seven cities, alongside Long Beach, Los Angeles, Oakland, San Francisco, Richmond and Sacramento that has passed a statute, ordinance, resolution, or charter amendments to create a dedicated fund to extend public funds to candidates seeking elective office; and

WHEREAS, Proposition 4 would allow other cities, counties, districts, and the State of California to establish public campaign financing systems while providing basic requirements for fairness, accountability, and transparency;

NOW, THEREFORE, BE IT RESOLVED, that the Berkeley City Council hereby declares its support for Proposition 4, the California Fair Elections Act, on the November 2026, general election ballot.





Commission on Disability

ACTION CALENDAR  
October 13, 2026

To: Honorable Mayor and Members of the City Council

From: Commission on Disability

Submitted by: Kathi Pugh, Chairperson

Subject: Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)

RECOMMENDATION

The Berkeley City Council shall refer to the City Attorney the requirement to include, in all City of Berkeley contracts that impact the public right-of-way, a clause that obligates City contractors to comply with the Public Right-of-Way Accessibility Guidelines (PROWAG).

POLICY COMMITTEE RECOMMENDATION

On September 16, 2026, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action: M/S/C (Lunaparra/Humbert) send the item to Council with a Qualified Positive Recommendation to refer the development of the PROWAG guidelines to the City Manager with the input of the Commission on Disability. Vote: All Ayes

FISCAL IMPACTS OF RECOMMENDATION

Examples of PROWAG contract clauses are readily available to the Office of the City Attorney. Adoption of this recommendation should not require significant time or expense.

The City currently has a staff position assigned to investigate, monitor and enforce PROWAG. The job description of the City's ADA Program Coordinator states that "under general supervision" the position is tasked with "implementation of the City's ADA program which includes...receiving and investigating grievance, reviewing projects plans for accessibility, [and] training city staff."

CURRENT SITUATION AND ITS EFFECTS

Both the ADA Program Coordinator and 311 receive complaints when disabled pedestrians and wheelchair users confront hazardous conditions in the public right-of-way. City staff time, significantly by the ADA Program Coordinator, is already used to, in many cases, successfully secure compliance with PROWAG. In some cases, City contractors refuse to comply with accessibility guidelines—because the requirement to comply is not stipulated in their contract. This is often on large, months-long City projects that significantly alter and disrupt the public right-of-way.

Failure to comply with PROWAG creates serious safety hazards for people with disabilities. At times, wheelchair users are forced into busy streets when PROWAG is not followed. In 2024-2025, this occurred repeatedly at projects on Bancroft/Fulton, University and Shattuck Avenues.

In addition, Audible Information Devices that warn blind and low vision individuals about blocked and alternate routes are rarely used by City contractors or private construction companies. When employed, these warning devices are frequently useless. They are, with regularity, incorrectly placed, not operating and inaudible. The routine failure to address accessibility for blind and low vision pedestrians creates manifestly unsafe conditions.

The City of Berkeley Public Works Department must develop proactive and effective educational, monitoring and enforcement systems to ensure that disruptions in the public right-of-way, whether performed by the City, its contractors, or during private construction projects, conform to PROWAG standards. When the City is informed of potential violations, timely investigation and remediation must bring violations into PROWAG compliance.

With the passage of Measure FF and the significant street redesign projects that will result, complying with PROWAG technical standards—in both design and construction—is imperative. Over many years, significant resources will be devoted to improving the condition and safety of Berkeley streets and sidewalks. Attention to PROWAG must be the rule—and included in City contracts. When envisioning Berkeley's future, Safe Streets must include the safety of people with disabilities.

### BACKGROUND

PROWAG defines aspects of the ADA not specified at the time of the groundbreaking law's passage in 1990. The ADA never specifically addressed accessibility in areas deemed the "public right-of-way." To support implementation of the ADA, the U.S. Access Board, a federal agency charged with promoting "equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards" created PROWAG. These accessibility guidelines were developed over the past two decades.

PROWAG was entered into the Federal Register in 2023 and adopted by the U.S. Department of Transportation in 2024. The City of Berkeley's 2020 Pedestrian Plan, Appendix B: Engineering and Design Guidance references PROWAG numerous times. CalTrans uses its technical standards. It is considered best practice. Yet, it does not hold the force of federally-mandated law. Because of this, the City's ADA Program Coordinator has indicated that some City contractors are unwilling to follow PROWAG. This obstacle to securing the rights and safety of people with disabilities can be overcome by including a PROWAG clause in City contracts.

PROWAG will define the access standards expected by the City of Berkeley in the public right-of-way. It will make clear the City's commitment to accessibility guidelines, empower the ADA Program Coordinator to enforce those guidelines and give the City legal recourse should contractors fail to comply with the contract.

Yet a contract clause, without monitoring and enforcement of its obligations, is meaningless. For implementation, this recommendation requires a Public Works Department committed to the principles and technical standards outlined in PROWAG. We expect—and the City should secure—this level of accessibility and safety for the disability community.

The Commission on Disability took the following action at its April 9, 2025 meeting:

Action: Motion(Fischer/Pugh):To approve the recommendation to City Council regarding the enforcement of PROWAG, with the ability to make small edits regarding Caltrans and the City's use of PROWAG.

Votes: Ayes: Walsh, Fischer, Pugh, Sun, Lewkowicz, Mann, and Holloway;.Nays: None  
Abstain: None; Unexcused Absence: None; Leave of Absence: Paz

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

#### RATIONALE FOR RECOMMENDATION

The PROWAG Contract Clause recommendation is a Strategic Plan Priority Project, advancing the City's goals in multiple areas:

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities;
- create a resilient, safe, connected, and prepared city;
- champion and demonstrate social and racial equity.

#### ALTERNATIVE ACTIONS CONSIDERED

No alternative actions have been considered.

#### CITY MANAGER

The City Manager recommends referring this item to the FITES Committee to better understand the potential costs and time impacts of undertaking the recommendation to streetscape projects.

#### CONTACT PERSON

Thomas Gregory, ADA Program Coordinator, Public Works, 510-981-6418



|                                            |  |
|--------------------------------------------|--|
| Upcoming Worksessions and Special Meetings |  |
|--------------------------------------------|--|

|                 |  |
|-----------------|--|
| Scheduled Dates |  |
|-----------------|--|

|                    |                                                      |
|--------------------|------------------------------------------------------|
| September 29 (4pm) | Continued Items from September 15 Meeting (Tear Gas) |
|--------------------|------------------------------------------------------|

|                   |                                                                |
|-------------------|----------------------------------------------------------------|
| November 12 (6pm) | Land Use Appeals: 2700 Shattuck (ZAB) & Elmwood District (LPC) |
|-------------------|----------------------------------------------------------------|

|                                                |
|------------------------------------------------|
| Unscheduled Presentations and Special Meetings |
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| 1. None |
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| Future Information Reports |
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|                                             |
|---------------------------------------------|
| 1. Affordable Housing Fee Feasibility Study |
|---------------------------------------------|

|                                           |
|-------------------------------------------|
| 2. Berkeley Fire Department Annual Report |
|-------------------------------------------|

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|--|----------------------------------------------------------------------------------------------------------|
|  | <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>                                              |                      |                       |                   |
| 1500 University Avenue (add retail sales of beer, wine and distilled spirits) | ZAB                  | 9/28/2026             |                   |
| 2455 Telegraph Ave & 2506 Haste Street (construct 8-story mixed-use building) | ZAB                  | 9/28/2026             |                   |
| 2955 Shattuck Avenue (construct 8-story mixed-use building)                   | ZAB                  | 9/28/2026             |                   |
|                                                                               |                      |                       |                   |
|                                                                               |                      |                       |                   |
| <b>Public Hearings Scheduled</b>                                              |                      |                       |                   |
| Elmwood Commercial Historic District                                          | LPC                  |                       | 11/12/2026        |
| 2700 Shattuck Avenue (construct mixed-use residential development)            | ZAB                  |                       | 11/12/2026        |
|                                                                               |                      |                       |                   |
|                                                                               |                      |                       |                   |
|                                                                               |                      |                       |                   |
| <b>Remanded to ZAB or LPC</b>                                                 |                      |                       |                   |
|                                                                               |                      |                       |                   |
|                                                                               |                      |                       |                   |
|                                                                               |                      |                       |                   |
| <b>Notes</b>                                                                  |                      |                       |                   |
|                                                                               |                      |                       |                   |
| ZAB: Zoning Adjustments Board                                                 |                      |                       |                   |
| LPC: Landmarks Preservation Commission                                        |                      |                       |                   |

9/22/2026





No Material  
Available for  
this Item

There is no material for this item.

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At the September 15, 2026 City Council meeting, Council referred Recommendation 3 to the Agenda and Rules Committee for consideration of whether to pursue adoption of nepotism and cronyism provisions in the Berkeley Municipal Code.



BERKELEY CITY AUDITOR

CONSENT CALENDAR  
September 15, 2026

**To:** Honorable Mayor and Members of the City Council  
**From:** Jenny Wong, City Auditor *zw*  
**Subject:** Whistleblower Program Special Report: Evaluation of Workplace Relationship Policies

#### RECOMMENDATION

We recommend that City Council receive this report and direct the City Manager to implement Recommendations 1 and 2 consistent with Management's Response. We further recommend that City Council refer Recommendation 3 to the Agenda and Rules Committee for consideration of whether to pursue adoption of nepotism and cronyism provisions in the Berkeley Municipal Code.

#### FISCAL IMPACTS OF RECOMMENDATION

There is no direct fiscal impact associated with receiving this report or referring Recommendation 3 to the Agenda and Rules Committee. Implementation may involve staff time for policy development, meet-and-confer obligations, training, legal review, and administrative process updates.

#### CURRENT SITUATION AND ITS EFFECTS

The City Auditor's Office conducted a policy review following a whistleblower report raising concerns about a workplace relationship involving a supervisor and an employee and the potential for perceived favoritism. While the conduct described was not prohibited under current City policy and the allegation could not be substantiated, the report identified a gap in the City's policy framework.

The review found that current City policies do not address romantic, dating, or cohabiting relationships when those relationships intersect with hiring, supervision, or other employment decisions. As a result, employees are not required to disclose these relationships, and the City does not have a consistent process to manage potential conflicts of interest when they arise.

The review also found that the City's definition of family relationships is narrower than those used in peer jurisdictions, limiting the City's ability to identify and address potential or perceived conflicts of interest. These gaps create a risk of actual or perceived favoritism and may undermine confidence in the fairness and objectivity of employment decisions.

Management reviewed the report and agreed with its findings and recommendations. Management's response commits to reviewing and updating Administrative Regulation 2.12 through the City's policy development and labor relations process and providing guidance and training following implementation. Recommendation 3 concerns whether broader nepotism and cronyism standards should be established in the Berkeley Municipal Code for elected

officials, Charter Officers, appointed officials, boards, commissions, and employees. Because these standards would extend beyond the City Manager's administrative authority, Council consideration is needed.

### BACKGROUND

This review was initiated after the City Auditor's Office received a whistleblower report through the Whistleblower Program raising concerns about workplace relationships and potential favoritism. Because the conduct described was not addressed under current City policy, the Auditor's Office did not open an investigation and instead conducted a policy-focused review.

The review included analysis of Administrative Regulation 2.12 (Employment of Near Relatives) and other relevant City policies, as well as comparison with policies from peer jurisdictions and state-level guidance. This report is issued as part of the City Auditor's Whistleblower Program to identify and address risks related to fraud, waste, and abuse, including gaps in policy that may allow such risks to occur.

### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental sustainability or climate impacts associated with this report.

### RATIONALE FOR RECOMMENDATION

Management has agreed to implement Recommendations 1 and 2 by reviewing Administrative Regulation 2.12 through the City's policy development and labor relations process and providing guidance and training following implementation. These actions will strengthen the City's conflict-of-interest framework related to workplace relationships by addressing a broader range of personal relationships, establishing clear disclosure and recusal expectations, and implementing a consistent conflict-management process.

Recommendation 3 presents a broader governance question regarding whether the City should establish nepotism and cronyism standards in the Berkeley Municipal Code that apply consistently to City employees, elected officials, Charter Officers, appointed officials, boards, and commissions. Referring this recommendation to the Agenda and Rules Committee would allow the Council to consider the appropriate legislative path forward before determining whether amendments to the Municipal Code should be pursued.

### CONTACT PERSON

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

### Attachments:

- 1: Berkeley City Auditor Whistleblower Program Special Report: Evaluation of Workplace Relationship Policies April 2026



Special Report

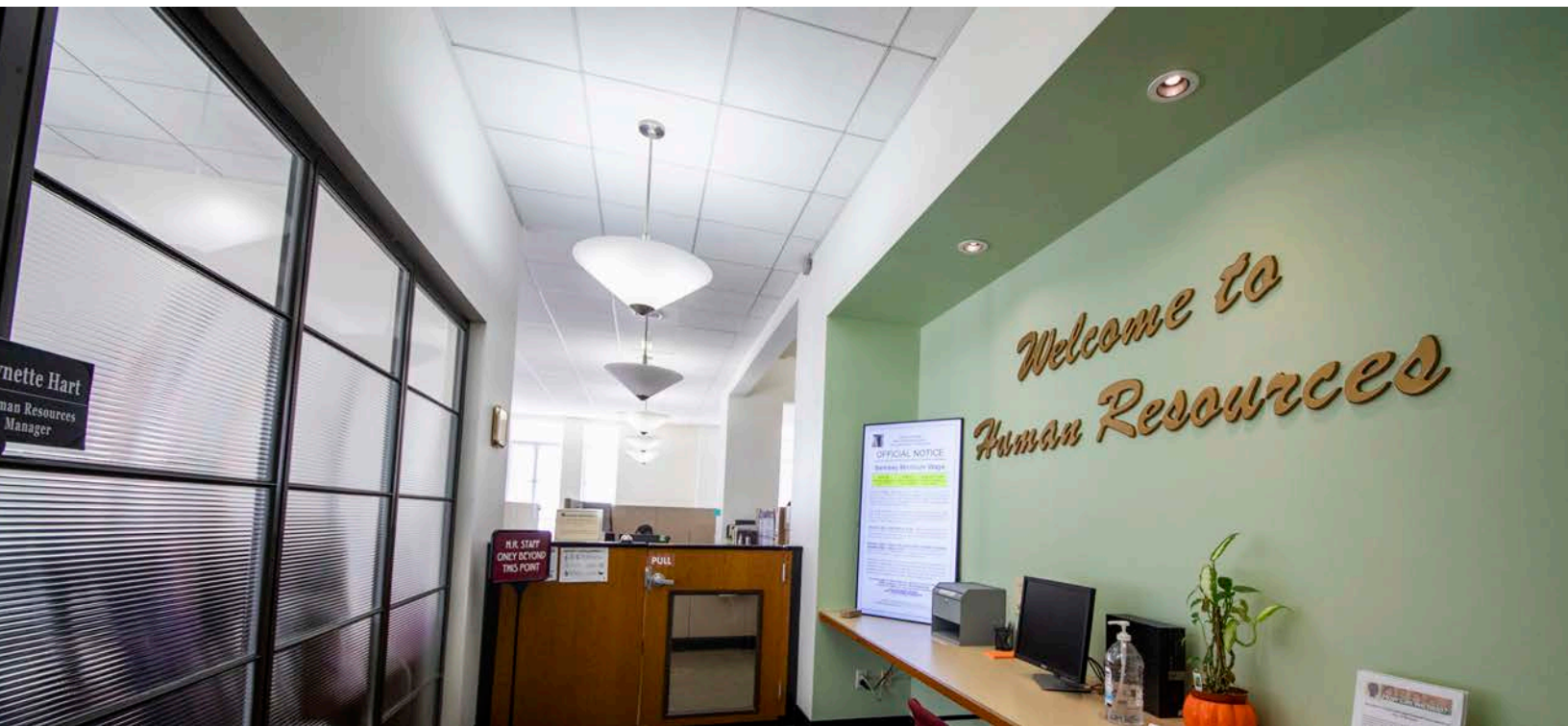
# Whistleblower Program: Evaluation of Workplace Relationship Policies

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August 2026

Jenny Wong, City Auditor

Erin Mullin, Whistleblower Program Manager



Berkeley's current policies do not address romantic, cohabitating, or extended family relationships, creating potential conflicts of interest and undermining fairness in employment decisions. Expanding and updating these policies would align Berkeley with peer jurisdictions and improve transparency.

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## Purpose

A whistleblower report raised concerns about a workplace relationship that intersected with City employment and the potential for perceived favoritism. We reviewed the complaint and found that City policy did not address the conduct described and therefore could not substantiate the allegation. However, the report prompted a review of the City's policies regarding workplace relationships.

Berkeley's primary policy governing workplace relationships is Administrative Regulation 2.12 (Employment of Near Relatives), which is intended to prevent nepotism by requiring disclosure and restricting supervision among certain family members. This report examines whether that framework, together with other related policies adequately address romantic, cohabiting, and related family relationships that may affect, or appear to affect, employment decisions, such as decisions regarding hiring, promotion, transfer, discipline, or termination.

## **Allegation History**

The Berkeley City Auditor's Whistleblower Program received a report concerning a romantic relationship involving a manager and an employee within the same work unit, and the potential for perceived favoritism connected to supervisory influence. The allegation highlighted a category of workplace relationships that is not currently addressed by City policy. The information was used solely to inform a policy review. The Whistleblower Program has also received other reports raising similar concerns involving close personal relationships in the workplace that fall outside current policy coverage, indicating the issue is not isolated and reinforcing the need for policy review.

## **Conclusions**

We found that Berkeley's current policies do not address romantic, dating, or cohabiting relationships in the workplace, leaving the City without a way to identify or manage situations where such personal relationships overlap with hiring, supervision, or other employment decisions. As a result, employees are not required to disclose these relationships, managers may participate in personnel decisions involving a romantic or cohabitating partner, and no formal recusal or conflict-management process applies when supervisory or decision authority is involved. These conditions create a risk of actual or perceived favoritism and can undermine employee confidence in the fairness and objectivity of employment decisions.

We also found that Berkeley's Employment of Near Relatives policy defines family relationships more narrowly than comparable policies in peer jurisdictions. While Berkeley covers core family members, it does not include certain extended family relationships that San Francisco and Oakland address, even though these relationships can present similar conflict-of-interest concerns. This narrower definition creates additional gaps in the City's ability to manage potential or perceived conflicts arising from workplace relationships.

Taken together, these findings indicate that Berkeley's current policies do not fully address the range of personal relationships that may affect, or appear to affect, employment decisions. Updating the City's policy framework to address romantic and cohabiting relationships and to reassess the scope of covered family relationships would strengthen conflict-of-interest controls, align Berkeley with peer jurisdictions, and support transparency and fairness in the City's employment practices.

## Findings

### Current City policy does not address disclosure of romantic or cohabiting relationships in the workplace.

Berkeley's current policies do not address romantic, dating, or cohabiting relationships when those relationships intersect with hiring, supervision, or other employment decisions. As a result, the City lacks a framework to identify or manage conflicts of interest that may arise from these relationships. While the City has policies governing harassment, discrimination, retaliation, financial conflicts of interest, and the employment of near relatives, none require disclosure of romantic or cohabiting relationships, restrict supervisors from participating in employment decisions involving a partner, or provide a mechanism for managing related conflicts of interest.

The table below summarizes how Berkeley's policies compare with peer jurisdictions and state-level guidance with respect to coverage, disclosure requirements, and conflict-management tools related to romantic and cohabiting workplace relationships.

**Table 1: Comparison of Policies Addressing Romantic and Cohabiting Workplace Relationships**

| Key Feature                                                    | Oakland                                    | San Francisco                                     | California State Guidance        | Berkeley                                                                       |
|----------------------------------------------------------------|--------------------------------------------|---------------------------------------------------|----------------------------------|--------------------------------------------------------------------------------|
| Who is covered                                                 | Broad (officers, officials, and employees) | Broad (officials, employees, interns, volunteers) | Agencies determine               | Employees only                                                                 |
| Romantic relationships covered                                 | Yes                                        | Yes                                               | Only if cohabitating             | No                                                                             |
| Cohabiting relationships covered                               | Yes (romantic and non-romantic)            | Romantic only                                     | Romantic only                    | No                                                                             |
| Disclosure required                                            | Yes                                        | Yes                                               | Yes (department policy required) | Yes (near relatives only; not romantic or cohabiting relationships)            |
| Restrictions on hiring or supervision of covered relationships | Yes (direct and indirect)                  | Yes (direct and indirect)                         | Yes (agency-defined)             | Yes (applies only to near relatives; not romantic or cohabiting relationships) |

Note: California state guidance provides recommended practices for state agencies and does not impose requirements on local governments.

Source: Auditor analysis of City of Oakland Municipal Code Chapter 2.40; San Francisco Civil Service Commission Family and Romantic Relationships at Work Policy; California CalHR Nepotism Guidance; and City of Berkeley AR 2.12

Peer jurisdictions, including Oakland and San Francisco, have adopted more comprehensive approaches. These cities require disclosure and active management of romantic and cohabitating relationships when such relationships intersect with employment decisions. State-level guidance for California public agencies similarly recommends managing conflicts of interest arising from romantic, cohabitating relationships through disclosure, recusal, and mitigation to address both actual and perceived conflicts.

Berkeley's existing policy framework focuses on compliance-based risks, such as harassment, discrimination, financial conflicts of interest, and nepotism. Romantic and cohabitating relationships fall outside the scope of these policies and have not been explicitly addressed through an administrative regulation or standalone policy.

Without a policy framework, employees are not required to disclose such relationships, and managers may participate in employment decisions involving a partner without a recusal or conflict-management process. These gaps create a risk of actual or perceived favoritism and can undermine employee trust and confidence in the fairness and objectivity of personnel decisions, even when no misconduct occurs. In the absence of clear disclosure and recusal requirements, the City also lacks a consistent basis for responding to complaints or concerns involving personal relationships that intersect with employment decisions.

### **Berkeley's definition of family relationships is narrower than peer jurisdictions and creates additional coverage gaps.**

In addition to the absence of policies covering romantic or cohabitating relationships, Berkeley's Employment of Near Relatives policy reflects a more limited definition of family relationships than those used by peer jurisdictions like San Francisco and Oakland. While all three cities include core family relationships such as spouses, parents, and siblings, Berkeley does not include certain extended family categories that peer jurisdictions address.

The table below compares how Berkeley and peer jurisdictions define family relationships in employment policies, with emphasis on extended and non-traditional relationships that may present similar conflict-of-interest concerns but are not included in Berkeley's current definition.

**Table 2. Comparison of Family Relationships Definitions**

| Relationship Category                                          | Included in Berkeley | Included in San Francisco | Included in Oakland  |
|----------------------------------------------------------------|----------------------|---------------------------|----------------------|
| <i>Cousin</i>                                                  | X                    | ✓ (First)                 | ✓ (First and Second) |
| <i>In-laws, Step Relations</i>                                 | ✓ (Specific)         | ✓ (Broad)                 | ✓ (Broad)            |
| <i>Foster Relations</i>                                        | X                    | ✓                         | ✓                    |
| <i>Great-grandparent / great-grandchild</i>                    | X                    | X                         | ✓                    |
| <i>Cohabitants (Non-Domestic Partner)</i>                      | X                    | X                         | ✓                    |
| <i>Spouses, domestic partner of any relative or cohabitant</i> | X                    | X                         | ✓                    |

Source: Auditor analysis of City of Oakland Municipal Code Chapter 2.40; San Francisco Civil Service Commission Family and Romantic Relationships at Work Policy; and City of Berkeley AR 2.12

Berkeley does not include certain extended family categories like cousins or foster relationships that San Francisco and Oakland include. These relationships can raise similar conflict-of-interest concerns in hiring and supervisory contexts. While Berkeley includes some in-law and step relationships, it does so through a fixed list rather than a broader categorical definition. As a result, certain relationships, such as a step-grandparent, step-aunt or uncle, or aunt- or uncle-in-law, are not explicitly covered, even though they may present similar risks. By contrast, Oakland defines covered family relationships more expansively by category, extending beyond immediate family to include multiple degrees of relatives, foster relationships, cohabitants, and the spouses or domestic partners of covered individuals. A broader approach allows jurisdictions to identify and manage conflicts of interest across a wider range of familial and household relationships. Berkeley's narrower definition, by comparison, creates gaps in coverage and limits the City's ability to proactively identify and manage potential or perceived conflicts of interest arising from personal relationships.

## Peer jurisdictions have adopted broader policy frameworks to manage conflicts arising from personal relationships.

Berkeley's Employment of Near Relatives policy establishes a framework for managing conflicts of interest arising from specified familial relationships. However, the structure and authority of Berkeley's policy limit its reach. The policy applies only to employees and does not apply to elected officials, appointed officers, or other non-employee City officials. It is established through an administrative regulation issued by the City Manager and is confined to the specific relationships listed in the definition of "near relative." As a result, the City has limited authority to address conflicts of interest arising from other personal relationships or to apply consistent standards across elected officials, officers, and other individuals working for the City.

Berkeley's current policy relies primarily on transfer or reassignment authority when a prohibited near-relative supervisory relationship exists. While the City Manager may grant written exceptions to supervisory-relationship prohibitions, the policy does not establish a structured conflict-management plan process for how supervisory conflicts or approved exceptions must be mitigated. In some operational settings, such as small divisions, specialized technical teams, or public safety departments with limited supervisory layers, reassignment alone may not fully remove indirect supervisory relationships. By contrast, San Francisco requires a formal written conflict-management plan when supervisory conflicts cannot be fully removed, and Oakland mandates documented alternate arrangements and mitigation controls through its Personnel Director and City Attorney process.

San Francisco's policy, adopted by its Civil Service Commission, and Oakland's policy, codified in its municipal code, apply to a wider range of individuals, including elected officials and City officers. Oakland also requires annual disclosure of specified personal relationships by City officials and supervisors, reinforcing ongoing accountability rather than one-time reporting.

In addition to disclosure requirements, Oakland's policy explicitly defines and prohibits cronyism, meaning participation in employment decisions involving close personal, professional, political, or commercial relationships that could result in preferential treatment or compromise the appearance of fairness. While this prohibition does not expand disclosure requirements, it establishes broader expectations for individuals covered by the policy to avoid conflicts of interest arising from relationships beyond those specifically identified for disclosure. This approach recognizes that conflicts of interest and the potential for favoritism are not limited to predefined familial relationships.

As a result, the policy provides a clear basis for reviewing and addressing employment decisions influenced by personal relationships that fall outside narrowly defined categories. Oakland's policy also requires the Director of Personnel to provide an annual report to the City Council describing the nature and number of prohibited relationships disclosed and the alternate arrangements implemented. Together, these features provide broader authority, clearer oversight, and more flexible mitigation tools than those currently available under Berkeley's policy framework.

## **Recommendations**

1. To ensure comprehensive conflict-of-interest controls within employment and supervisory contexts, we recommend that the Human Resources Department update AR 2.12 to:
  - require disclosure of romantic, dating, and cohabiting relationships, in addition to near-relative relationships.
  - extend supervisory and decision-making restrictions to romantic and cohabiting relationships that create actual or perceived conflicts of interest.
  - update the definition of "near relative" to better align with peer jurisdictions.
  - incorporate a clear definition and prohibition of cronyism in supervision and employment decisions.
  - establish a documented conflict-management process that clearly defines responsibilities for reviewing relationship disclosures, implementing mitigation measures, maintaining records of all actions taken, and alternate decision authority where needed.

2. To support effective implementation, we recommend the Human Resources Department provide training to supervisors and managers on the updated relationship conflict-of-interest policy.
3. To extend relationship conflict safeguards beyond employees, we recommend the City consider adopting both nepotism and cronyism provisions in the Berkeley Municipal Code. These provisions should apply to all City employees, elected officials, charter offices, appointed officials, boards and commissions, ensuring consistent citywide standard.

## **Implementation Considerations**

Implementation of the recommended policy updates will require coordination among Human Resources, the City Attorney's Office, and City leadership. Relationship disclosures should be limited to information necessary for conflict management and treated as confidential. Clear guidance and documentation standards will be important to ensure consistent application of recusal, conflict-management measures, and exceptions. The City may also wish to consider how updates to AR 2.12 align with existing ethics and conflict-of-interest policies to support clarity and effective administration. Currently, Human Resources maintains relationship disclosures within individual paper-based personnel files, which may present challenges for consistently tracking and managing disclosures as policy coverage expands.

## **Management Response**

Management agrees that the City should review and update its framework for identifying and managing actual or perceived conflicts of interest arising from workplace relationships. Human Resources will work with City leadership to evaluate potential revisions to AR 2.12, including appropriate disclosure requirements, supervisory and decision-making restrictions, definitions of covered relationships, confidentiality safeguards, and conflict-management procedures.

The specific policy provisions recommended in this report should not, however, be understood as predetermined outcomes. Changes of this nature would affect represented employees and may implicate matters within the scope of representation. Accordingly, any proposed policy changes will require extensive notice, consultation, and meet-and-confer with the City's labor organizations. The final scope, definitions, disclosure obligations, mitigation procedures, and implementation requirements will be developed and refined through that process. The City must also carefully consider employee privacy, consistent application across departments, operational feasibility, records management, and compliance with applicable law.

Following completion of the policy-development and labor-relations process, Human Resources will provide appropriate guidance and training to managers and supervisors regarding the final requirements and their responsibilities.

Management also agrees that the City should evaluate whether broader nepotism or cronyism standards are appropriate for elected officials, charter officers, appointed officials, boards, and commissions. Because those individuals may fall outside the scope of an administrative regulation issued by the City Manager, any such expansion would require separate legal and governance review, coordination with affected offices, and possible action by the City Council.

## **Scope and Methodology**

We conducted a policy-focused review to assess whether the City's current policies address romantic and cohabiting relationships that intersect with hiring, supervision, or other employment decisions, and whether the City's definition of family relationships provides sufficient coverage to manage related conflicts of interest.

Specifically, we analyzed Berkeley's relevant policies, including:

- AR 2.12 – Employment of Near Relatives
- AR 1.2 – Conflicts of Interest
- Harassment Prevention Policy
- Equal Employment Opportunity Policy

Reviewed workplace-relationship and conflict of interest policies from peer jurisdictions, including Oakland and San Francisco, as well as state-level guidance applicable to California public agencies.

This review was limited to evaluating policy design and coverage in employment and supervisory context. We did not conduct an investigation related to the reported relationship, did not interview individuals, and did not review personnel files, as the conduct described in the Whistleblower Report is not prohibited under current City policy. Additionally, we only examined one specific aspect of conflict-of-interest risks, those arising in employment and supervisory decisions. Other types of conflicts, such as financial interests in contracting, procurement, or policy decisions, as well as other potential conflicts in governance or personal financial dealings, are governed by separate policies and legal frameworks and were outside the scope of this review.

## Office of the City Auditor

City of Berkeley

## Mission Statement

Promoting transparency and accountability in Berkeley government.

## Report Preparation

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