

DISASTER AND FIRE SAFETY COMMISSION

REGULAR MEETING

April 22, 2026

7:00 PM

Fire Department Division of Training Classroom – 997 Cedar Street

Mayor's Appointee- Andy Katz

District 1 – Michael Wilson
District 2 – Weldon Bradstreet
District 3 – Todd Darling
District 4 – Robert Kinosian

District 5 – Jacob Dadmun
District 6 – Greg Murphy*
District 7 – Taj Herzer-Baptiste
District 8 – Theo Gordon**

AGENDA

Preliminary Matters

Call to Order

Public Present

Approval of the Agenda

Discussion –

Agenda approved as amended by Acclamation or Vote?

Public Comment on Non-Agenda Matters

Public speakers:

1. Chairperson's Report
2. Fire Department Staff Report

REGULAR AGENDA MATTERS *All Regular Agenda Matters are for discussion and possible action.*

3. **Action/Discussion:** Minutes of March 25, 2026 (Murphy)
Recommendation: Approve the draft minutes of March 25, 2026, regular meeting.
Written Material: DFSC March 25, 2026 Draft Minutes

4. **Discussion/Action:** Budget Reduction Plan (Staff)
Recommendation:
Written Material: PowerPoint Presentation

5. **Discussion:** Street Trauma Prevention Program Intro (Staff)
Recommendation: None
Written Material: Introduction Handout

6. **Discussion/Action:** EMBER Update (Staff)
Recommendation:
Written Material: None

7. **Discussion/Action:** Work Plan FY 26/27 (Murphy)
Recommendation: Review Work Plan and select Work Group To Participate and/or Lead
Written Material: 2026-2027 DFSC Work Plan

8. **Work Group Reports**
Receive reporting on recent activities by the following work groups:
 - Plan & Budget Oversight
 - Neighborhood Fire Resiliency
 - Safe Passages
 - Community Outreach
 - Street Trauma Prevention Program

Future Agenda Items and Next Steps

-

Adjournment

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Keith May, kmay@berkeleyca.gov 510-981-5508.

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 I hereby certify that the agenda for this regular/special meeting of the Berkeley City's Disaster and Fire Safety Commission was posted at the front of the Division of Training, 997 Cedar Street, as well as on the City's website, three days prior to the scheduled Commission meeting.

### SECRETARY SIGNATURE

*Keith May* 4/17/2026

## DFSC Staff Report

April 22, 2026

1. Measure FF Monthly Report
  - a. Budget Overview –
  - b. Quarter 1 (July, August, September) report due in November  
Quarter 2 (October, November, December) report due in February  
Quarter 3 (January, February, March) report due in **May**  
Quarter 4 (April, May, June) End of Year Report due in October
    - i. Program Review
      - **WUI Interns** – The Interns provide Berkeley Fire Department with a trained, mobile and mission-specific workforce that is principally assigned to monitor vegetative hazardous fuel on or near structures, collect data, and identify reduction activities
        - Inspections continue and the Resident Assistance Program (RAP) is being utilized heavily. Eucalyptus understory clean up is mostly completed. The main goal now is establishing contiguous blocks of homes that are resilient through both mesh installation and complete defensible space.
        - Interviews were held for new WUI Interns over the past week.
2. Measure GG Monthly Report
  - a. Budget Overview – No new update
  - b. Quarter 1 (July, August, September) report due in November  
Quarter 2 (October, November, December) report due in February  
Quarter 3 (January, February, March) report due in **May**  
Quarter 4 (April, May, June) End of Year Report due in October
3. Fire Facilities Master Plan (FMP): Berkeley Fire Department stations are undersized, in poor condition and in need of remodels or replacement. The Department initiated a long-term replacement planning process to better understand infrastructure needs. This process will provide the city leaders of today and tomorrow with actionable information ahead of future infrastructure bond measures. (*Measure FF has funded the study only*)
  - a. **Update:** No new updates.
4. Department Activities
  - a. **Fire HQ:** Staff is moving into the new Fire Headquarters at 1250 Ninth Street on April 24<sup>th</sup>. Construction work continues with the Respite Fire Station and the 1249 Eighth Street side of the Administration building where the Fire Prevention and EMS divisions will be located.

## 5. Call Volume Report

| <b>Fire Department Report by California Incident Type</b>                                                                                                                                                   |  |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| <b>March</b>                                                                                                                                                                                                |  |  |
| <b>Fires – including Encampment Fires</b><br>(structures, mobile properties, vegetation, rubbish, equipment, cooking, chimney,                                                                              |  |  |
| <b>Explosion - no fire</b><br>(overpressure ruptures, explosions)                                                                                                                                           |  |  |
| <b>Rescue &amp; EMS</b> (medical assist, vehicle accident                                                                                                                                                   |  |  |
| <b>Hazardous Condition - no fire</b><br>(combustible spills/leaks, chemical release, radioactive condition, electrical wiring problem, biological hazard, potential accident w/ building/aircraft/vehicles) |  |  |
| <b>Service Calls</b> (person in distress, water issue, smoke/odor problem, animal issue, public assist, cover assignment/standby)                                                                           |  |  |
| <b>Good Intent</b> (canceled en-route, wrong location, nothing found, steam mistaken for smoke)                                                                                                             |  |  |
| <b>False Alarm Calls</b> (malicious, malfunction, unintentional, biohazard scare)                                                                                                                           |  |  |

|                                               |  |  |
|-----------------------------------------------|--|--|
| <b>Severe WX</b> (lightening, wind storms)    |  |  |
| <b>Special Incidents</b> (citizen complaints) |  |  |
| <b>TOTAL</b>                                  |  |  |

**Apparatus Count**

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

**DFSC Action Tracker**

| Date of DFSC Action     | Description                                                                                                                                                       | Status                                                                          |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| <b>October 29, 2025</b> | Direct staff to modify and revise the Draft Update to the Bike Plan dated July 29, 2025, to take into consideration recommendations from the DFSC noted in Report | Pulled from 1/27/2026 Agenda. Preliminary scheduled for a future Council Agenda |
| <b>March 25, 2026</b>   | Support Position on SB (Perez) – Insurance Coverage for Fire-safe Homes Act                                                                                       | Submitted to Clerk’s Office to be added to the 4/28/2026 Council Agenda         |
| <b>March 25, 2026</b>   | Support Position on SB 894 (Allen) – the California Wildfire Resilience Loan Program                                                                              | Submitted to the Clerk’s Office to be added to the 4/28/2026 Council Agenda     |

# DISASTER AND FIRE SAFETY COMMISSION

## REGULAR MEETING

March 25, 2026

7:00 PM

Fire Department Division of Training Classroom – 997 Cedar Street

Mayor's Appointee- Andy Katz

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### Minutes

#### Preliminary Matters

##### Call to Order

Meeting called to order at 7:02pm  
Present: Wilson, Bradstreet, Kinosian, Dadmun, Murphy, Herzer-Baptiste  
Late: Darling 7:09pm Katz, 7:11pm  
Absent: Gordon

##### Public Present - 2

##### Approval of the Agenda

*Discussion –*  
*Agenda approved as amended by **Acclamation***

##### Public Comment on Non-Agenda Matters

*Public speakers: 2*

1. Chairperson's Report
2. Fire Department Staff Report

**REGULAR AGENDA MATTERS** *All Regular Agenda Matters are for discussion and possible action.*

3. **Action:** Minutes of February 25, 2026
- Recommendation:** Approve the draft minutes of the February 25, 2026, regular meeting.
- Written Material:** DFSC February 25, 2026 Draft Minutes
- Motion to Approve: Kinosian  
Second: Dadmun  
Vote:  
Ayes: Katz, Wilson, Bradstreet, Darling, Kinosian, Dadmun, Murphy, Herzer-Baptiste
- Nays: 0  
Absent: Gordon

4. **Discussion/Action:** BEAR DFSC Recommendation (Herzer-Baptiste)
- Recommendation:** Disaster and Fire Safety Commission (DFSC) recommends that an ad-hoc committee be initiated to evaluate the feasibility, fiscal impact, and operational structure of reviving the Berkeley Emergency Alternative Response (BEAR) program, and to report back with findings and recommendations
- Written Material:** Recommendation DFSC
- Motion to Approve: Kinosian  
Second: Darling  
Vote:  
Ayes: Katz, Wilson, Bradstreet, Darling, Kinosian, Dadmun, Murphy, Herzer-Baptist
- Nays: 0  
Absent: Gordon
- Motion to Approve: Murphy  
Second: Bradstreet  
Vote:  
Ayes: Katz, Wilson, Bradstreet, Darling, Kinosian, Dadmun, Murphy, Herzer-Baptiste

Nays:  
Absent: Gordon

5. **Discussion/Action:** Support Position on SB (Pérez) – Insurance Coverage for Fire-Safe Homes Act. (Katz)

**Recommendation:** Adopt an official Support position on Senate Bill 1076 (Perez), the Insurance Coverage for Fire-safe Homes Act, and authorize and direct the Mayor or City Manager or designee to send letters of support to Senator Sasha Rene Pérez, Senator Jesse Arréquin, representing Berkeley in the California State Senate, and Assemblymember Buffy Wicks

**Written Material:** Draft Report to City Council  
Motion to Approve: Herzer-Baptiste  
Second: Wilson

Vote:  
Ayes: Katz, Wilson, Bradstreet, Darling, Kinosian, Dadmun, Murphy, Herzer-Baptiste

Nays: 0  
Absent: Gordon

6. **Discussion/Action:** Support Position on SB 894 (Allen), the California Wildfire Resilience Loan Program. (Katz),

**Recommendation:** Adopt an official Support position on Senate Bill 894 (Allen), the California Wildfire Resilience Loan Program, and authorize and direct the Mayor or City Manager or designee to send letters of support to Senator Sasha Rene Pérez, Senator Jesse Arréquin, representing Berkeley in the California State Senate, and Assemblymember Buffy Wicks

**Written Material:** Draft Report To City Council  
Motion to Approve: Kinosian  
Second: Dadmun

Vote:  
Ayes: Katz, Wilson, Bradstreet, Darling, Kinosian, Dadmun, Murphy, Herzer-Baptiste

Nays: 0  
Absent: Gordon

## 7. Work Group Reports

Receive reporting on recent activities by the following work groups:

- Plan & Budget Oversight
  -
- Neighborhood Fire Resiliency
  -
- Safe Passages
  -
- Community Outreach
  -
- Street Trauma Prevention Program
  -

Future Agenda Items and Next Steps

- Mega Fire Prevention package
- Work Group

## Adjournment:

Motion to Adjourn Herzer-Baptiste /  
Second Wilson  
Adjourn by Acclamation 8:40 PM

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SECRETARY SIGNATURE

DRAFT



Date: April 22, 2026
To: Disaster and Fire Safety Commission
From: Chief David Sprague
Re: Fire Department Budget Reduction Proposals

Introduction:

Over the past 20 years, Berkeley has changed from a largely suburban city to a taller, denser, more urban environment, bringing greater emergency response demands and a more complex operating environment. At the same time, Fire’s call volume has increased 36 percent, to over 17,500 calls for service in 2025. These cuts will effectively roll the department back 20 plus years and leave it less prepared to meet the urban fire, rescue, EMS, and wildfire risks that continue to grow.

		2015	2016	2017	2018	2019	2020*	2021	2022	2023	2024	2025
Fire & Other	Fires & O	3838	4162	4375	4511	5772	5348	5310	5980	6635	6723	6897
EMS	EMS	8496	9751	10028	10000	9948	8064	8760	10124	10560	10701	10762
Total		12334	13913	14403	14511	15720	13412	14070	16104	17195	17424	17659
% Increase YOY		3.32%	12.80%	3.52%	0.75%	8.33%	-14.68%	4.91%	14.46%	6.77%	1.33%	1.35%
% of EMS calls		69%	70%	70%	69%	63%	60%	62%	63%	61%	61%	61%

This budget reduction proposal will require the department to do more with less, and for Fire, doing less is not an option. When people call 911, the department must respond.

The continuing expansion of the “Fire” Department’s Mission:

As with most fire departments today, extinguishing fires is only a small part of the job. The fire department’s role has been growing for decades, from the introduction of emergency medicine in the 1970s to hazardous materials response in the 1990s and a surge of additional specialties since 2000, often with little infrastructure behind them. Much of this growth is budget-driven, since firefighters are already stationed throughout the city and can reach most properties within minutes, making it seem practical to assign them more responsibilities.



1980	1990s	2000s	2010-2016	2017-2025
Structure Fires (Low Rise)	Structure Fires	Structure Fires	Structure Fires	Structure Fires
Fire Prevention	Fire Prevention	Fire Prevention	Fire Prevention	Fire Prevention
Emergency Medical	Emergency Medical	Emergency Medical	Emergency Medical	Emergency Medical
	Disaster Preparedness	Disaster Preparedness	Disaster Preparedness	Disaster Preparedness
	Hazardous Materials	Hazardous Materials	Hazardous Materials	Hazardous Materials
	Wildland Firefighting	Wildland Firefighting	Wildland Firefighting	Wildland Firefighting
		Weapons of Mass Destruction	Weapons of Mass Destruction	Weapons of Mass Destruction
		Vehicle Extrication	Vehicle Extrication	Vehicle Extrication
		Technical Rescue	Technical Rescue	Technical Rescue
			Active Shooter	Active Shooter
			Water Rescue Swimmer	Water Rescue Swimmers
				Routine Urban Interface Firefighting
				Vocational Education
				Boat Operations
				Pandemic Response
				Community Response Medicine
				EV Fires & Battery Management
				HighRise/Tall Building Firefighting
				Street Trauma Prevention/Vision 0
				Defensible Space Inspection/Zone 0

FY26 Frozen Positions to be Eliminated

As part of the City’s FY26 balancing measures 44 positions were frozen, within Fire this applied to five firefighters and three paramedics. On top of the budget reduction proposals outlined below these positions are proposed to be eliminated to maintain a balanced budget. This shifts the burden to fill these vacant positions to the remaining workforce – doing more with less.

The strain on the department is already significant. Since the pandemic, employee injury leave related to workers’ compensation for physical and mental injury has remained about 6,000 hours higher than pre-pandemic levels. Adopting the proposed staffing reduction plan will not eliminate the work. It will shift more of that workload to voluntary and forced overtime, requiring employees to work even more and likely worsening physical and mental injury rates over time.



Berkeley's Transition to a Dense Urban Center

Recently updated with 2025 Census data, Berkeley remains the second most dense city among the 50 most populated cities in the state, just behind San Francisco, a level of density that means more people, homes, and activity are concentrated into a small area, increasing both the number of emergencies that occur and the demand placed on emergency services responding in congested, complex urban conditions.

Rank by Population	Rank by Density	City	Population	Size (Sq Miles)	Population/Sq Mile
4	1	San Francisco	842,027	46.91	17,949.84
48	2	Berkeley	128,348	10.43	12,305.66
14	3	Santa Ana	315,325	27.34	11,533.47
31	4	Garden Grove	171,492	17.96	9,548.55
7	5	Long Beach	462,561	50.71	9,121.69
1	6	Los Angeles	3,835,263	469.49	8,169.00
8	7	Oakland	426,457	55.93	7,624.83
22	8	Oxnard	198,733	26.53	7,490.88
46	9	Santa Clara	134,587	18.28	7,362.53
35	10	0	159,673	22.08	7,231.57
23	11	Huntington Beach	193,134	27	7,153.11
41	12	Torrance	143,261	20.52	6,981.53
34	13	Salinas	160,645	23.52	6,830.14
10	14	Anaheim	341,773	50.27	6,798.75
38	15	Pomona	153,042	22.99	6,656.89
42	16	Fullerton	141,469	22.42	6,309.95
24	17	Glendale	192,212	30.48	6,306.17
44	18	Pasadena	140,631	22.96	6,125.04
15	19	Chula Vista	281,401	49.64	5,668.84
47	20	Clovis	129,121	23.28	5,546.43

Fire Department Funding

Over the past three decades, three parcel tax measures have been adopted that shifted substantial fire costs off the General Fund while expanding services. Further, numerous smaller historical reductions in General Fund have consistently targeted non-operation functions, resulting in a department that is operationally efficient but administratively thin. As a result, there are minimal resources allocated to discretionary items and **nearly all remaining General Fund expenditures are personnel-driven and operations-critical.**



FIRE DEPARTMENT BUDGET REDUCTION

Reduce One Associate Management Analyst (filled)

This eliminates the department's only staff dedicated to grants and will significantly restrict capacity to apply for, monitor, and manage grants. Reassignment of grant and performance reporting to Administrative and Fiscal Services staff—who already manage Fire and Police budgets and coordinate the City's most complex payrolls—will reduce grant management effectiveness. Effectively the department will likely be forced to seek fewer grant opportunities and will struggle to successfully manage and complete the performance reporting for the current grant portfolio.

Reduce One Temporary Program Manager II (filled)

Eliminating this temporary position, funded through FY 2028, would effectively end the City's Street Trauma Prevention Program and setback Berkeley's Vision Zero efforts. The Fire Department would lose its only dedicated staff capacity for traffic injury prevention, including management of six internships, coordination with Public Works Transportation, and collaboration with community partners. Without this role, most program functions would cease, with only limited reassignment possible, weakening the City's ability to connect emergency response and public health perspectives to transportation safety planning, support targeted safety interventions, sustain cross-departmental coordination, and build the partnerships needed to prevent severe and fatal traffic injuries. At a time when Vision Zero depends on sustained, data-informed, and collaborative action, discontinuing this program would be a significant setback to advancing safer streets in Berkeley.

Reduce One Fire Marshal FTE (vacant)

Consolidating the Wildland Urban Interface and Fire Prevention divisions will shift management responsibility from a Fire Marshal to an Assistant Fire Chief, reducing the level of specialized fire prevention, code enforcement, and fire investigation expertise dedicated to this work. This change is expected to increase the risk of errors and omissions, slow responsiveness for design review and inspections, reduce capacity to support special events, and hamper progress on the EMBER Initiative. It will also limit the department's ability to provide consistent, technically informed oversight in complex prevention and mitigation activities that benefit from specialized subject-matter expertise. While the department will reprioritize work, leverage technology, and provide additional training to help offset these impacts, overall specialized capacity will be reduced, and service levels in prevention-focused functions are likely to decline.

Reduce One Fire Inspector FTE (vacant)

Loss of a Fire Prevention Inspector will reduce the department's capacity to complete annual life-safety inspections of hazardous facilities citywide, delay construction

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inspections, and increase complaints from developers and contractors due to slower turnaround times and reduced responsiveness. Support for special events will also be compromised, further straining the division's ability to meet operational demands. These impacts are especially significant because, over the past five years, the department has only recently right-sized staffing in this division to better align with community need and service demand; eliminating this position would reverse that progress and leave the division less able to sustain expected service levels.

Reduce One Fire Captain FTE (filled)

Eliminating this position weakens oversight of narcotics compliance, critical equipment and supply management, documentation integrity, and infection control in the emergency medical services program. Redistribution of duties to existing staff will reduce oversight frequency and increase risk.

Eliminate Disaster Preparedness Programs & Part-Time CERT Instructor FTEs (Hourly Staff)

Eliminating Disaster Preparedness Programs, including the OES training contract, shelter supply replacement, internships, and conference funding, together with eliminating five part-time CERT Instructor positions, would weaken Berkeley's community preparedness capacity at a time when the City faces significant natural risk. Berkeley's own Local Hazard Mitigation Plan identifies earthquake and wildland-urban interface fire as "likely" hazards with potentially catastrophic impacts, and also highlights risks from extreme heat, poor air quality, landslide, flood, tsunami, sea level rise, and utility interruption.

These reductions would leave staff with fewer external resources for curriculum development, shelter supply maintenance, internship support, and professional training, while also reducing or potentially eliminating the CERT program and ending planned community CPR and fire extinguisher training. Although some limited program elements may be absorbed by remaining staff or volunteers, overall preparedness capacity would decline, reducing the City's ability to train residents, maintain readiness resources, and build the community-level resilience that is essential when disasters occur.

In a city with Berkeley's hazard profile, preparation is not ancillary work; it is a core public safety function that helps residents respond effectively, supports neighborhood self-sufficiency in the early stages of an emergency, and strengthens the City's overall ability to withstand and recover from major incidents.

Eliminate HHCS Funding for FTEs

Savings would initially occur in HHCS, with funds redirected to Fire minimum staffing overtime, lowering General Fund overtime costs. As a result, HHCS's emergency preparedness capacity will be significantly diminished. The Department will not have the

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capacity to coordinate comprehensive city-wide emergency readiness and response initiatives. The loss of this funding results in the elimination of two (2) existing positions (1 filled and 1 vacant) assigned to this work.

Cost-Shift Two Firefighter FTEs from the General Fund to UC Settlement Fund

Reducing components of the Employee Health & Wellness Program would free UC Funds to cover two firefighter positions, but it would do so by scaling back preventive support that help manage some of the most persistent health risks in the fire service. Educational wellness elements focused on physical fitness, sleep, and nutrition would be cut, even though firefighter research and national fire service agencies consistently identify sleep disruption, cardiovascular strain, and chronic disease risk as major occupational concerns. Recent CDC-supported research has found that more than 70% of firefighters report poor sleep quality, and USFA reports that cardiac-related events routinely account for one of the largest shares of on-duty firefighter deaths, including about one-third of line-of-duty deaths. Reducing these wellness and education components may therefore affect day-to-day employee health behaviors and early risk identification, which could contribute over time to higher injury and illness exposure, reduced resilience and recovery, and unfavorable workers' compensation trends. While this reduction would create short-term staffing relief, it would do so at the expense of a preventive program intended to support long-term firefighter health, readiness, and cost containment.

Close Fire Station 4; eliminate 3 Firefighter (filled), 3 Apparatus Operator (filled), and 3 Fire Captain II (filled) FTEs

Over the past three years (2022-2025), the Fire Department, on average, has responded to 17,426 calls for service. Closing Station 4 will significantly degrade response times and first-alarm effectiveness in its service area and adjacent districts. Engine 4 responded to 28 fires, 966 emergency medical incidents (including 17 cardiac arrests), and numerous other emergencies in 2025. Response time standards were not consistently met; closure of Fire Station 4 will force responses from more distant stations, further degrading performance. Delayed emergency response increases risk of fatality and property loss for fires and medical incidents and elevates firefighter risk. Redistribution of calls will increase workload and fatigue at remaining stations, reduce training time, and heighten burnout. Reliance on mutual aid will rise but is unsustainable and delayed multi-unit responses will become more common. These impacts are high-risk, daily, and cannot be fully mitigated.

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Conclusion

The proposed reductions would not simply streamline the Fire Department's budget; they would materially reduce Berkeley's ability to prevent emergencies, respond effectively when they occur, and prepare the community for increasingly complex risks. In a city that has become denser, busier, and more hazard-prone over the past two decades, these cuts would reverse hard-won operational and programmatic gains while placing greater strain on an already stretched workforce. The cumulative effect would be slower response, reduced prevention and inspection capacity, weakened preparedness, diminished support for employee health and resilience, and fewer tools to manage the City's growing public safety demands. While the department will continue to answer every 911 call, this proposal would leave it doing so with less capacity, less flexibility, and greater risk to both the community and the personnel sworn to protect it.

In service,

Fire Department Budget Reduction



The City is addressing a long-term structural deficit

Expenses have outpaced revenue since 2020

- Past budgets relied on one-time actions to close recurring gaps
- The new baseline uses actual recent spending instead of prior adopted numbers
- This budget cycle is intended to set a truly balanced baseline

Fiscal Year	Deficit	Notes
2020-2021	40m	Hiring freeze, no capital spending, used 11m of reserves
2022	27m	\$23m in ARPA funds, 4m in reductions
2023-2024	22m/12m	Increased salary savings, used fund balances, 11m of ARPA
2025-2026	12m	\$11m ARPA, fund balance, Section 115 trust, workers comp allocation, 44 frozen positions

Fire's reduction target is substantial

\$51M

Fire General Fund

12.5%

General Fund reduction direction

\$6.4M

Fire reduction target

- This is large enough to drive changes to operations
- There is limited room to absorb cuts without directly affecting service

Fire has limited General Fund flexibility left

- Earlier citywide reductions already moved substantial costs away from the General Fund
- **Today, most remaining General Fund expenditure is tied to frontline service**
- That leaves little low-impact spending to cut

**Nearly 30%
of the Department's budget
has shifted from the
General Fund to special funds
over the past 30 years**

Most General Fund-supported Fire positions are sworn and operational



Approx. 90% of General Fund-supported employees are sworn staff

- Of 138 total General Fund positions, only 20 are outside operations
- Of those 20, only 12 are non-sworn
- Cuts quickly reach the people who deliver service

**138
positions**

Only 20 are outside
operations

Most of Fire's General Fund is tied to personnel

\$35M

Personnel costs within Fire's
\$51M General Fund

\$33M

Sworn personnel

**Non-personnel
budget has
minimal flexibility**

Additional position cuts increase the pressure on Fire

To balance this year's budget the city froze:

44

positions frozen
citywide

8

Fire positions in that group
(5 firefighters, 3
paramedics)

**All 44 frozen
positions are also
proposed to be cut**

Proposed Fire Department reductions

Program and funding changes

- HHCS Disaster prep. funding shift*
- Reduction in O2X funding (Gary Heron)
- Cost shift 2 firefighters to UC funds
- Eliminate disaster preparedness programs
- Partial cost shift Operations DC
- Reduction in various other non-personnel contracts
- Eliminate part-time CERT instructors

Position reductions

- Assoc. Management Analyst (Cynthia McClellan) — 1 FTE
- Program Manager II (Rania Ahmed) — 1 FTE
- Fire Marshal (vacant) — 1 FTE
- Fire Inspector (vacant) — 1 FTE
- Fire Captain (Joe McCarthy) — 1 FTE
- Communications Specialist (Dafina Dailey) – 1 FTE^*
- Fire Station 4 closure — 9 FTE

FY26 Frozen Positions *ALSO* Proposed to be Cut

Firefighter – 5 FTE

Paramedics – 3FTE

* HHCS Disaster Prep funding results in staffing reductions in HHCS. ^The City Manager's Office is eliminating the Fire Communications Specialist.

A sales tax measure could change the outlook

10.75%

proposed sales tax rate

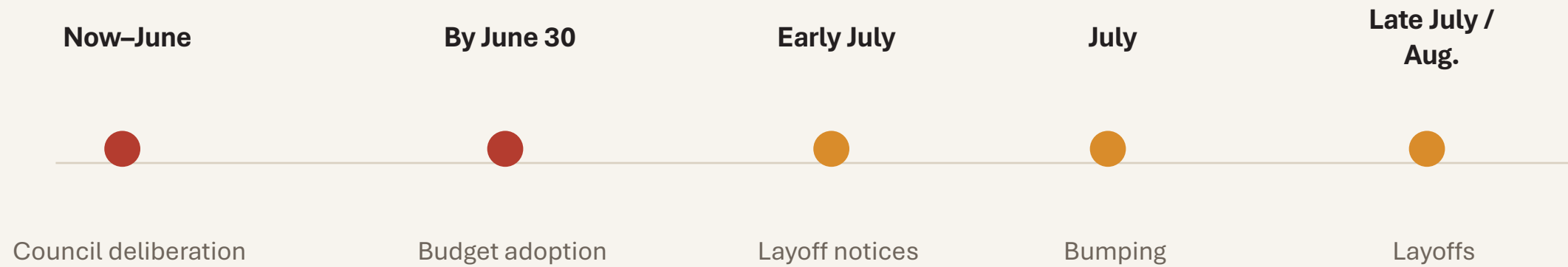
\$9M

estimated annual revenue

**Polling
60%
Support**

Needs 50% to pass

What comes next



Discussion & questions





Street Trauma Prevention Program (STPP)

Report Introduction

In March 2025, BFD launched the Street Trauma Prevention Program (STPP) to bring together data, partner agencies, and community priorities to reconcile two equally important community values: advancing safer streets while maintaining timely emergency response.

In its first 12 months, STPP focused on learning, discovery, and foundation-building. Year 1 was dedicated to understanding the root causes of traffic-related incidents, assessing how internal systems and processes influence outcomes, and identifying gaps and overlaps between street design, data systems, road user behavior, road network, and emergency response. During this period, the program initiated two key partnerships with the University of California, Berkeley, and the University of California, Davis, engaged 11 students in applied research, built relationships and peer learning across five jurisdictions (seven departments), and established a cross-departmental collaborative framework, all to bring a multidisciplinary approach to advancing this effort. This was largely due to understanding that this could not be done with one program manager and recognizing that we were concluding the discovery phase of the program.

Four key findings that emerged from Year 1:

- Street trauma is multi-factorial, requiring multidisciplinary approaches that extend beyond the conventional infrastructure—only solutions.
- BFD cannot advance this work alone; structured collaboration with key departments is a baseline requirement, not an option.
- Existing Fire/EMS data systems are not designed for prevention, limiting our immediate ability to connect incident-level insights to prevention actions. There is more work in this area requiring upgrades on data infrastructure for analysis, which is underway.
- STPP currently operates with funding limited to Program Manager staff time, which restricts the program's ability to transition from planning to action. To address this, STPP is pursuing external funding while remaining mindful of



the City's fiscal constraints. Staff is applying for a significant grant to fund the program's action plan and the program manager.

These learnings and findings have paved the way for the Year 2 work plan with two main milestones: 1) launch an educational and training event to build a shared culture of safety among city staff and the community, and 2) research and proposal development of a low-cost, high-impact, and high-visibility community-driven prevention solution. As Year 1 concluded, STPP has made substantial progress, initiating 12 of its 13 core duties and advancing each with meaningful activities and projects, despite the challenges of launching a new program where no model exists to guide a fire-informed approach to street safety. BFD's program has already inspired other cities to develop a similar program for their city, and we are in partnership sharing initial findings. STPP program staff will be submitting a final report to the DFSC next Wednesday and formally via email for public distribution. Staff will also be present at the next meeting to answer questions. This was already planned before early budget decisions were made.

Action: Amendment and Approval of individual activities proposed in a [2025 2026 – 2026-2027](#) DFSC Work Plan that will then be finalized and submitted to City Council for Approval

Recommendation: The DFSC reviews, amends if necessary and approves the proposed workplan, with the activities and outcomes as detailed below. To the extent possible, commissioners will be selected for each work plan assignment with a designated leader of each work group. The final approved plan will be effective commencing on the date of approval of the new Work Plan for Fiscal Year 2026 by the City Council.

Rationale for Recommendation:

The City Council requires Commissions submit an annual Work Plan. The current Commissioner’s Manual, dated 2019* states:

DEVELOPMENT OF A WORK PLAN

In 2016, the City Council took formal action directing all commissions, except Board of Library Trustees (BOLT), Design Review, and Zoning Adjustments Board (ZAB), to submit an annual work plan at the start of each fiscal year to the Council in the form of an Information Report. A commission work plan should contain the commission’s mission statement, goals, resources, activities, outputs, and desired outcomes. This planning document specifies how and when the commission plans to accomplish its objectives (by specifying outcomes) during the fiscal year. Goal statements explain the nature and scope of the work to be performed, and the time needed to accomplish the goal. Designing yearly work plans or goal statements may be done in conjunction with the development of the relevant departmental work plan so that the work of the department and the commission will complement each other throughout the year. When developing a work plan, commissions should take special care to ensure that they remain within the subject area purview of their enabling legislation.

Written Material:

**Berkeley Disaster and Fire Safety Commission
Proposed WORK PLAN – FY ~~2025-2026~~2026-2027**

Mission Statement The Disaster and Fire Safety Commission serves as the public oversight body for Berkeley’s Measure GG and Measure FF funds, charged with reviewing the budget on a regular basis to ensure that the funds are spent in accordance with the intent of the voter approved measures, recommending the appropriate annual increase to the tax rate, and recommending new programs and policy positions requiring Measure GG and Measure FF funding. The ultimate goal of the Commission is to increase community safety, resilience, and education for community disaster preparedness. The Commission also reviews and makes recommendations on items referred by the City Council or other Commissions.

Summary of ~~2025-2026~~2026-2027 Work Plan Activities

NAME	ACTIVITIES	EXPECTED OUTCOMES	COMMISSIONERS
<p>1. Plan & Budget Oversight</p> <p>BFD Staff Contact: D. Sprague / K. May</p>	<p>a) Review BFD budget materials on a quarterly basis</p> <p>b) Review current presentation materials / dashboards and make possible recommendations for changes or modifications</p> <p>c) Review the percentage of funds earmarked for Fire Zones 3 and 4</p> <p>d) Collaborate with Staff on providing recommendations to obtain additional funding for Vegetation Management and Home Hardening</p>	<p>a) Provide input for quarterly and annual budget; Provide Annual budget recommendation to City Council on FF & GG; Provide City Council on annual GG increases</p> <p>b) Review and Support concentration of FF mitigation funds to Fire Zones 3 & 4 without sacrificing important programs and efforts in remaining fire zones</p> <p>c) Research possible funding resources for Home Hardening and Vegetation Management</p> <p>d) Research possible funding for the Facilities Master Plan</p>	<p>Murphy Gordon KatzTBD</p>
<p>2. Neighborhood Fire Resiliency</p> <p>BFD Staff Contact: C. Arnold</p>	<p>a) Initiate process to monitor EMBER and new Building Code compliance with Staff- including the Fire Marshall and Building Department</p> <p>b) Obtain updates on HH mesh program</p>	<p>a) Review metrics and presentation materials/dashboards provided by Staff on EMBER and HH compliance</p> <p>b) Provide input and recommendations to BFD on expanding and improving the HH program</p>	<p>Murphy Herzer-Baptiste KatzTBD</p>

	<ul style="list-style-type: none"> c) Monitor progress by Berkeley Firesafe Council on Tree removal and clean-up project 	<ul style="list-style-type: none"> c) Reports to full Commission from the Workgroup on a regular basis and requests an annual presentation from BFC 	
<p>3. Safe Passages</p> <p>BFD Staff Contact: C. Arnold / S. Lana</p>	<ul style="list-style-type: none"> a) Review Safe Passage Components to EMBER ordinance, discuss implementation priorities with Staff b) Review Evacuation Study Results with Staff and draft recommendations for implementation c) Coordinate efforts with Vision Zero Workgroup 	<ul style="list-style-type: none"> a) Recommendations for Safe Passages implementation in very high and high Fire Zones b) Provide input to Staff on recommendations and implementation c) Provide a joint report with Street Trauma Prevention Program workgroup to the full commission 	<p>Gordon Wilson Herzer-BaptisteTBD</p>
<p>4. Street Trauma Prevention Program</p> <p>BFD Staff Contact: R. Ahmed (<i>confirm</i>)</p>	<ul style="list-style-type: none"> a. Meet regularly with the STP program manager on priorities, decision-making, internal processes, challenges and other matters. b. Develop policy briefs and recommendations related to street trauma prevention and response. c. Develop a compilation of research findings and best-practices related to street trauma prevention and response and provide, or arrange for, presentations to the DFSC, and, if warranted, to members of Council. d. Collaborate and communicate with other entities, including other City commissions, on the role of the fire service in preventing, and responding to, street trauma incidents. 	<ul style="list-style-type: none"> a. Assist in the development of written STPP goals, methods, and measurement tools. b. Provide ongoing feedback and recommendations to improve the STPP. c. Memoranda and / or referrals for approval from the DFSC for the City Council. d. Presentations and approved recommendations from DFSC to the City Council. e. Presentations for other entities on the STP program and the role of the fire service in both preventing, and responding to, street trauma incidents. f. Written communications and possible special sessions with relevant City Commissions such as Transportation and Infrastructure, Planning, Aging and others. 	<p>Wilson Gordon Herzer-BaptisteTBD</p>

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2026-2026 DFSC WORK PLAN 2026-2027 DFSC WORK PLAN

Internal

<p>5. Community Outreach</p> <p>BFD Staff Contact: S. Lana / J. Albrecht</p>	<p>a) Regular meeting with staff to monitor and assist in ongoing outreach activities</p> <p>b) Confer with Staff regarding current Communications Plan</p> <p>c) Assist in finding resources to implement unfulfilled activities of the Communications plan or other outreach activities</p>	<p>a) Present reports to DFSC on results of meetings</p> <p>b) Provide recommendations to improve or modify the Communications Plan</p> <p>c) Provide recommendations to implement unfulfilled activities or other outreach activities</p>	<p><u>Bradstreet</u> <u>Herzer-Baptiste</u> <u>TBD</u></p>
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* COMMISSIONERS' MANUAL 2019 edition; Amended and officially adopted by Resolution No. 69,063-N.S. (2019)

Alternative Action Considered:

None

From: [DurantSafetyConcern](#)
To: [May, Keith](#)
Cc: [City Clerk](#)
Subject: URGENT CORRESPONDENCE: For Inclusion in DFSC Meeting Packet – March 25, 2026 — Evidence of Fire Code Non-Enforcement (APN 055-1878-00701)
Date: Wednesday, March 18, 2026 1:20:25 AM
Attachments: [DFSC BFD-Formal Refutation APN 055-1878-00701 MARCH 17 2026.pdf](#)
[HCE26-000763-MASTER REGULATORY DEFICIENCY MATRIX-24212425 DURANT-55-1818-00701.pdf](#)

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

**CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED
COMMUNICATION / PROTECTED WHISTLEBLOWER DISCLOSURE
ATTENTION: DFSC SECRETARY / DEPUTY FIRE CHIEF KEITH MAY
MANDATORY REDACTION DIRECTIVE: PURSUANT TO BMC 13.79.060
& CA GOV. CODE § 7922.525**

This communication is a Protected Disclosure under California Labor Code § 1102.5 and the Berkeley Whistleblower Program. To prevent retaliatory administrative or possessory actions (CIV § 1942.5) and to comply with the Tenant Protection Ordinance (BMC 13.79.060), the City is DIRECTED to redact all personal identifiers—including name, email, and phone—before this record is included in any public meeting packet, supplemental communication, or public-facing database.

Dear Secretary May and Members of the Disaster and Fire Safety Commission,

Please find the attached 7-Point Technical Refutation and Master Regulatory Deficiency Matrix for inclusion in the correspondence section of the March 25, 2026, DFSC Meeting Packet.

This evidence documents unmitigated Fire Code impairments and the City's failure to enforce 25 CCR § 42 for the 19 aggregated units over three separate structures on a single contiguous parcel at APN 055-1878-00701.

To protect sensitive whistleblower data, the full 18-Exhibit Evidence is already on file with the Fire Prevention Bureau and City Attorney for internal review and is available to Commissioners upon confidential request to the Secretary. Pursuant to BMC 13.79.060, the City is DIRECTED to redact all personal identifiers from this filing before public posting.

Sincerely,

Whistleblower Program Participant

Protected Disclosure (Labor Code § 1102.5)

**CONFIDENTIAL & PROTECTED RECORD
ATTENTION PUBLIC RECORDS OFFICER:**

This document contains sensitive tenant information, including evidence of ongoing harassment, physical injury, and safety emergencies.

MANDATORY REDACTION REQUEST:

Pursuant to the **Berkeley Tenant Protection Ordinance** and **CA Gov. Code § 7922.525**, the sender formally requests that all personal identifiers (name, phone number, and email) be **REDACTED** from any public-facing version of this record.

The unauthorized disclosure of the whistleblower's identity poses a significant risk of further **Retaliation (CIV § 1942.5)** and **Hostile Environment Harassment (2 CCR § 12120)**.

This cover sheet serves as actual notice of the sensitive nature of the document.

MASTER REGULATORY DEFICIENCY MATRIX: 2421/2425 DURANT AVE

Property Address: 2421/2425 Durant Ave | **APN:** 055-1878-00701 (19 Units)

Reference Case: HCE #26-000763 | **BFD Ref:** March 9 Disclosure | **ZP#2024-0162**

CORE SYSTEMIC FAILURE: The intentional evasion of the **25 CCR § 42** Onsite Manager Mandate (16+ units) has created a "**Safety Vacuum**" (**CFC 114**), a building-wide **Substandard Condition** (**HSC § 17920.3(j)**), and **Administrative Fraud** (**BMC 19.40 / 23.326**). This further leads to **documented threat and factual retaliation**.

CATEGORY I: SUBSTANDARD BUILDING CONDITIONS (HSC § 17920.3, 17995.1-5)

Category / Incident	Specific Evidence (18 Exhibits)	Local Code (BMC)	State Code (HSC/CCR/CIV)	Bldg & Fire Stds (Title 24)	Legal Implication
Lack of Onsite Manager	Unit Count Fraud: Owner lied (15 vs 19 units) to evade 25 CCR § 42 . (Exhibit 1, 2, 3, 4) Vacancy since 2022 led to July 2024 infestation. Chronic refuse overflow; Managed Decay (Exhibit 18).	19.40.080 / 13.79.060	25 CCR § 42; HSC § 17920.3(j)17995.3; Measure BB; CIV § 1962, 3480	CFC § 304.1; CBC § 1202.5.2;	Environmental Harassment; Fraudulent Disclosure; Non-Delegable Duty (CIV § 1572).
Defective Gas Equipment (GBI)	Aug 4, 2024 near-fatal injury: Landlord provided secondhand defective stove (leak/broken foot). No emergency protocol; stove toppled onto tenant after a major gas leak (Exhibit 10).	19.40.080 / 13.79.060	HSC § 17995.3, 17920.3(k,f) (GBI); CIV § 1941.1, 1714; 24 CCR 5 (CPC) § 1212.8 / 1212.9	CFC 603.1, 114,303.3 605.2 ; CPC § 1211.0; CMC § 303.0 / 901.1,923.3;	Criminal Negligence; Negligence Per Se; Treble Damages (13.79.060).
Missing CO Detectors	2019–2024 (2,000-Day Gap): Systemic absence across 19 units. Cured only via aggressive tenant advocacy (Exhibit 9).	19.40.080	HSC § 17926; HSC § 17920.3(h)	CFC § 915, 901.6.2; CBC § 915.1	Gross Negligence; Criminal Misdemeanor (HSC § 17995).

Retaliation / Repair Refusal	Aug 2024–Present: Defunct replacements and radio silence for 600+ day following law citations (Exhibit 12,13);	13.79.060	CIV § 1942.5, 1962,	CFC § 901.6, 1032.2;	Demolition Ineligibility (BMC § 23.326); Statutory Retaliation.
	Landlord threat on Aug 8, 2024: "Attorney contact." (Exhibit 11)	19.40.050	HSC § 17920.3	CBC § 1010.2	

CATEGORY II: FIRE & LIFE-SAFETY SYSTEM IMPAIRMENTS (CFC / TITLE 24)
Demolition Ineligibility

Category / Incident	Specific Evidence (Exhibits)	Local Code (BMC)	State Code (HSC/CCR/CIV)	Bldg & Fire Stds (Title 24)	Legal Implication
Emergency Response Failure	Nov 1, 2024 Gas Leak: Disabled senior at risk; zero onsite response. Residents acted as first responders (Exhibit 15).	19.40.050	25 CCR § 42;	CFC § 401.3.8	Gross Negligence; HSC § 13000 Misdemeanor; Cost Recovery, BFD HSC § 13009
		13.79.060	HSC § 17920.3(h)	603.1; CMC § 901.1	
Impairment Coordinator	Vacancy of Role: No onsite manager to handle emergencies. Directly caused Safety Vacuum during multiple gas leaks, near-fatal injury, lockouts, and 9-hour alarm etc.	19.40.050	25 CCR § 42;	CFC § 901.7.1	Strict Liability / HSC § 13114.7; Gross Negligence, Treble Damages (13.79.060)
		19.40.080	HSC § 17920.3(h)	104.12	
Egress Smoke Alarm Failure	Dec 9, 2025: 9-hr unmanaged blast; 90+ day to present corridor absence. Forced tenant "broom action." (Exhibit 14)	19.40.080	HSC § 13113.7,	CFC § 901.6, 901.7, 901.8, 907.8.5	Unsafe Condition (CFC § 114); Nuisance Abatement (BMC § 1.20). Harassment
		13.79.060	17920.3		
Smart Lock Failures	Sept 16, 2023: Lockouts due to battery neglect and forced tenants to DIY with help from neighbors to regain entry (Exhibit 17); maintenance illegally offloaded to tenants. (Exhibit 16) No emergency response.	19.40.050	CIV § 1941.3;	CFC § 1032.2. 1/CBC 1010.2,	Illegal Lockout (CIV § 789.3); \$100/day penalty. Abatement Order (CFC 104.12)
		13.79.060	CIV § 1941.1(a)(8)	1010.2. 14; CIV § 3479	

First Responder Obstruction	Anticipated BFD Destructive Entry: No manager/dead batteries prevent rapid entry; necessitates BFD forcible entry.	19.40.050	25 CCR § 42, HSC § 17920.3(h)	CFC § 506.1; CFC § 901.6	Operational Hazard; Negligence Per Se. Strict Liability for BFD damage
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CATEGORY III: ADMINISTRATIVE & REGULATORY FRAUD (BMC 19.40 / 23.326)

Primary Impact: Demolition Ineligibility & \$8M+ Project Liability

Category / Incident	Specific Evidence (Exhibits)	Local Code (BMC)	State Code (PC/CIV/LC)	Bldg & Fire Stds (Title 24)	Legal Implication
Unit Count Fraud (Scienter)	Scienter: Evasion of manager mandate to maximize profit in ZP#2024-0162 . Claimed 15 vs 19 units (Exhibits 1, 2, 3, 4, 5, 6) .	23.326.030 .A.2	25 CCR § 42; CIV § 1572, 1962	CFC § 104.12 ;CBC § 110.3	Demolition Block (3-5 years); Liability for \$8.45M+ project. BMC 23.326.030. A.2
RHSP Inspection Fraud	2019-2024: Zero RHSP annual safety checks (Exhibit 7). 2025/26: Landlord certified unit "OK" without entry or "toilet check" only (Exhibit 8), despite known 600-day stove hazards.	19.40.080	PC § 115; HSC § 17995	CFC § 901.6.2 , 114 CMC § 923.3	Felony Potential (PC § 115); False Certification to City.
Retaliatory Legal Threats	Aug 8, 2024: Landlord threatened "Attorney contact" to silence tenant citing safety codes (Exhibit 11). Followed by delivery of retaliatory dangerous stoves (Exhibits 13, 14) to present.	13.79.060(C)	CIV § 1942.5; LC § 1102.5	CFC § 114.1.1 ;CMC § 901.1	Treble Damages (13.79.060); Whistleblower Protection.

**CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED COMMUNICATION /
PROTECTED WHISTLEBLOWER DISCLOSURE**

ATTENTION: COMMISSION SECRETARY & PUBLIC RECORDS OFFICER

**MANDATORY REDACTION DIRECTIVE: PURSUANT TO BMC 13.79.060 & CA
GOV. CODE § 7922.525**

This communication is a Protected Disclosure under California Labor Code § 1102.5 and the Berkeley Whistleblower Program. To prevent retaliatory administrative or possessory actions (CIV § 1942.5) and to comply with the Tenant Protection Ordinance (BMC 13.79.060), the City is DIRECTED to REDACT all personal identifiers—including name, email, and phone—before this record is included in any public meeting packet, supplemental communication, or public-facing database.

This cover sheet serves as actual notice of the sensitive nature of the document.

Date: March 17, 2026

To: kmay@berkeleyca.gov

CC: clerk@berkeleyca.gov

Subject: URGENT CORRESPONDENCE: For Inclusion in DFSC Meeting Packet – March 25, 2026 — Evidence of Fire Code Non-Enforcement (APN 055-1878-00701)

Dear Secretary May and Members of the Disaster and Fire Safety Commission,

I am a participant in the **City Auditor’s Whistleblower Program** submitting the attached **7-Point Refutation** and **Master Regulatory Deficiency Matrix** for inclusion in the correspondence section of the **March 25, 2026, DFSC Meeting Packet**.

To protect sensitive whistleblower data and prevent further **retaliation (CIV § 1942.5)**, the City is **DIRECTED** to redact all personal identifiers from this record before public posting.

I am submitting this **Formal Refutation** of the Fire Department's recent assertions of "good condition" regarding the **aggregated 19 units on a single contiguous parcel** at **2421/2425 Durant (APN 055-1878-00701)**, formally made by BFD **Fire Chief Sprague** on **March 16, 2026**. This disclosure is provided to ensure the Commission is aware of an unmitigated **96-day life-safety impairment** and systemic Fire Code violations that the Department has failed to cite despite being provided with abundant evidence since **February 26, 2026**.

Because the Department has left critical life-safety questions unanswered—specifically regarding building-wide impairments and the 16-unit threshold mandate—I am providing the following **7-point technical refutation** for the public record. This is submitted to ensure the official life-safety record for this parcel is legally accurate and reconciled with prevailing judicial precedent:

1. Aggregation of Units & 16+ Unit Threshold Applicability (Statutory Precedent: 25 CCR § 42, HSC § 17920, CFC § 907.6.4):

There’s “inapplicability” expressed regarding the 16-unit threshold for three structures on this one parcel, especially from the perspective of fire prevention and **fire code applicability**. Be advised that **State Housing Law** and **Judicial Interpretation** establish that the 16-unit threshold is based on the "**premises**" or "**apartment house**" as a single legal entity:

- **Statutory Definition (HSC § 17920(a)):** An "Apartment house" is defined as any structure *or portion thereof* intended for living. In the context of **25 CCR § 42**, the mandate applies to the "**premises**" — which in California law refers to the entire legal lot/parcel.
- **Administrative Precedent (25 CCR § 42):** The State of California Department of Housing and Community Development (HCD) interprets this mandate to apply to the **total unit count on a single contiguous parcel** under unified ownership. Splitting a 19-unit parcel (**Exhibit 1**) into "separate structures" for safety staffing is a prohibited "piecemeal" enforcement strategy.
- **Fire Code Integration (CFC § 907.6.4):** This section specifically mandates that multiple

buildings on a single property be treated as **individual zones of a single fire protection system**. This codifies the buildings as a single life-safety unit.

- **Judicial Precedent (*Cox v. City of Oakland (2025) 17 Cal.5th 362*):** The California Supreme Court recently affirmed that multiple lots described in a single deed remain a single legal unit unless they have been separately conveyed. This confirms that the City cannot "piece-meal" a single legal parcel into separate structures to bypass administrative safety mandates.

Conclusion: The City—including both BFD and HCE—cannot recognize a 19-unit (Exhibit 1) count to grant lucrative **ZP#2024-0162** entitlements while simultaneously claiming 'inapplicability' to evade the mandatory **onsite safety infrastructure** required for that same unit count. By facilitating this **data discrepancy**, the **BFD** is effectively **enabling** a 'Safety Vacuum' that disables the mandated **Impairment Coordinator (CFC § 901.7.1)** and **Emergency Access (CFC § 506)** protocols required for a 19-unit occupancy.

2. Mandatory Maintenance of Existing Equipment & Factual Verification (CFC § 901.6, 114):

Chief Sprague's statement that the building "is not required to have a fire alarm system" is a technical **non-sequitur** regarding the current violation. Under **CFC § 901.6**, once fire protection systems or **individual devices** — such as the common-area smoke alarms your department verified—are **installed**, they **must be maintained** in an operative condition at all times.

Factual Verification: While the BFD claims "no violations" from an incomplete inspection last week, **Housing Code Enforcement (HCE) formally verified on March 16, 2026, that the mandated smoke alarm in the 1st-floor exit corridor of 2421 Durant is STILL MISSING.**

This marks **96 days of unmitigated impairment**. This is a **Priority 1 Violation** that cannot be ignored simply because a larger "system" is not required; it requires an immediate **Notice of Violation (NOV)**. Relying on an obsolete "clean" record from January 2025 to ignore a visible, documented **Unsafe Condition (CFC § 114)** today constitutes a **Willful Failure to Perform a Mandatory Duty**.

3. Impairment Response Failure (CFC § 901.6, 901.7, 901.8, 907.8, 114) and the "Battery-Powered" Misinterpretation:

The **9-hour unmitigated impairment smoke alarm** blasting late into night on **Dec 9, 2025 (Exhibit 14)**, and its subsequent **96-day absence** from the primary exit corridor prove a total breakdown of the **Impairment Coordination (CFC 901.7)**. The management failed to respond within **4 hours** despite repeated reports in time, forcing a tenant to physically disable the system with a broom, a documented act of **Unauthorized Interference (CFC 901.8)** necessitated by the owner's neglect.

Formal Demand for Citations: The BFD is **mandated** to issue immediate **Notices of Violation (NOVs)** for:

- 1) **CFC § 901.7.1:** Failure to provide a functionally accessible **Impairment Coordinator** to mitigate an active fire protection failure.
- 2) **CFC § 901.8:** Facilitating **Unauthorized Interference** by forcing residents to disable safety systems due to management's 9-hour absence.
- 3) **CFC § 114:** Maintaining an **Unsafe Condition** by allowing a mandated egress safety device to remain vacant for 96 days.

Moreover, I formally request the **exact CFC code sections Deputy Marshal Shaffer-Killey** is utilizing to declare that a mandated safety device in a primary exit corridor is exempt from enforcement because it is battery-powered. Under **CFC § 901.6** and **907.8**, *all* fire protection devices must be maintained in an operative condition. The BFD's "**brush-off**" enables the "**Crying Wolf**" hazard and **lethal resident desensitization**, which goes exactly **against** the purpose of **fire prevention** and constitutes **administrative nonfeasance**.

4. Documented Admission of Access Obstruction & Inspection Failure (CFC § 506.1, 104.12):

Chief Sprague's written admission that a third building was "inaccessible due to an issue with our keys" on March 11, 2026, is a **prima facie admission of a CFC § 506.1 (Rapid Access) violation**.

The Physical Fact: The primary entrance to the parcel and the common areas of **2421 Durant** utilize a **manual punch code**; no physical key is required for entry to the corridor where the Priority 1 smoke alarm impairment exists.

The Failure: If the BFD successfully accessed two buildings but failed to enter the third, it confirms an **incomplete and negligent inspection**. If the BFD lacks the keys for the remaining structures, the owner is in immediate violation of **CFC § 506.1**.

The Mandated Duty: Rather than "scheduling a follow-up" with management, the BFD is **mandated** to issue a **Notice of Violation (NOV)** for any access obstruction that denies entry to first responders. Allowing the landlord to deny fire department access without consequence is a breach of the standard of care and poses an imminent threat to life-safety. By "brushing off" this failure, the BFD is facilitating an active **Unsafe Condition (CFC § 114)** and an active hazard to first responders, an **Obstruction of Emergency Operations**, which constitutes a **Willful Failure to Perform a Mandatory Duty**.

5. Common Area Egress & Systemic Access Obstruction (CFC §§ 1032.2.1, 506.1, 1010.2 / CBC 1010.2.14):

Despite the **March 9, 2026, Formal Inspection Request** — and several reports since Feb 26, 2026 — explicitly flagging the **Electronic Access-Control System (CFC § 1032.2.1)**, the BFD failed to observe the **Laundry Room** lock — a common area within the public realm of the parcel.

The Evidence: This common-area lock utilizes the same **battery-dependent hardware** as the majority of the dwelling units. The owner's documented offloading of battery maintenance to

tenants (**Exhibit 16**) combined with a total lack of 24/7 emergency access constitutes a building-wide failure of **Reliable Access**.

The Violation: This creates a '**special knowledge or effort**' barrier (**CBC 1010.2.14**) that led to the **Sept 16, 2023, lockout (Exhibit 17)** — where residents were stranded late at night and forced to DIY to regain entry with help from neighbors. This also creates an **Obstruction of Rapid Access (CFC 506.1)** for **emergency personnel**. Under **HSC § 17920.3**, the owner has a **non-delegable duty** to maintain building systems; forcing tenants to manage the power source of their own primary entry points is a breach of the standard of care, a documented life-safety hazard and potentially necessitates forcible entry by fire responders.

Formal Demand for Multiple NOVs: The BFD is mandated to issue separate **Notices of Violation (NOVs)** for:

- 1) **CFC § 1032.2.1:** Failure to maintain the reliability of the **Means of Egress** and access-control hardware.
- 2) **CFC § 506.1:** Maintaining an **Obstruction of Rapid Access** by utilizing an unmanaged, battery-dependent entry system without a functional override or onsite coordinator.
- 3) **CFC § 114:** Facilitating an **Unsafe Condition** by allowing the illegal delegation of life-safety hardware maintenance to untrained tenants.

The Refutation: The BFD cannot claim 'privacy' or 'lack of access' for a common laundry room. Failing to document this visible hazard and to issue **NOVs** — after being provided with **Actual Notice** of its failure—constitutes **Administrative Nonfeasance** and a breach of the mandatory duty to abate an **Unsafe Condition (CFC § 114)**.

6. Failure in Abatement of Unsafe Conditions & Willful Maintenance of Hazardous Appliances (HSC § 17920.3, CFC § 107.2, 603.1, 114, CPC § 1211.7):

The owner maintains a systemic pattern of intentional cost-avoidance, prioritizing uncertified, second-hand appliances across all units over the safety mandates of **CFC § 603.1**.

The Systemic Hazard: The presence of unstable, unmaintained gas appliances (**Exhibit 10, 15**) has transitioned from a private maintenance issue to a **systemic explosion hazard**. A gas leak or explosion in one unit—such as the **Nov 1, 2024 emergency (Exhibit 15)**—directly threatens the entire building.

Willful Neglect: Following the **near-fatal August 4, 2024 toppling incident after a major gas leak (Exhibit 10)**, the owner provided defunct, non-certified units (**Exhibit 12, 13**) and has maintained **600+ days of radio silence** regarding further repairs, as retaliation for the tenant citing laws. Such status of stove constitutes an ongoing "**Substandard Condition**" (**HSC § 17920.3(a)(1)**) and a violation of **CPC § 1211.7 (Hazardous Appliances)**.

The **Nov 1st and Aug 4th gas emergencies** were entirely preventable. Under **CFC § 107.2**, the owner has a mandatory duty to perform safety checks by July 1. By willfully bypassing this requirement (**Exhibit 7**), the owner has maintained a **systemic explosion hazard** in violation of **CFC § 603.1**.

Formal Demand:

I request the BFD exercise its authority under **CFC § 114.1.1** to immediately inspect and abate these hazardous heat-producing appliances to prevent a catastrophic building-wide event.

The **BFD** is **mandated** to issue immediate **Notices of Violation (NOVs)** for the following:

- 1) **CFC § 107.2:** Willful failure to perform the **Mandatory July 1st Safety Check**, which directly resulted in the **August 4** and **November 1, 2024 gas emergencies**.
- 2) **CFC § 603.1:** Systematic maintenance of **hazardous fuel-fired appliances** (stoves) that lack structural stability and certification, creating a building-wide explosion risk.
- 3) **CFC § 114:** Failure to abate an **Unsafe Condition** after receiving **Actual Notice** of near-fatal injuries and recurring gas leaks.

The Refutation: The Deputy Marshal's claim that gas hazards in individual units are "not her jurisdiction" is a direct contradiction of **CFC § 114 (Unsafe Conditions)**, which grants the Fire Code official the authority and **mandatory duty** to abate building-wide threats. The City's failure to issue an **Abatement Order** in the face of documented, life-threatening neglect is a **breach of mandatory duty**. The BFD's refusal to cite this ongoing **Unsafe Condition (CFC § 114)** while claiming 'good condition' based on an obsolete 2025 record is **administrative nonfeasance**.

7. Failure of 'Responsible Person' Infrastructure & Operational Hazard (CFC 114, 401.3.1, 403.10.2, 403.5.3, 901.7.1, 901.8, 1032.2.1, HSC § 17920.3(d) / 25 CCR § 42):

Beyond the 16-unit threshold mandate, the owner's reliance on a remote, text-only "**call-center**" management model (**Exhibit 2, 11**) has created a documented "**Safety Vacuum**." This remote system failed to respond within the mandatory window during the **9-hour smoke alarm blast** on Dec 9, 2025 (**CFC 401.3.1**) and was unreachable during the **August 4, 2024 near-fatal injury and gas leak**, the **Nov 1, 2024 senior-unit gas leak**, and the **Sept 16, 2023 lockouts**.

Functional Accessibility: A "**Responsible Person**" must be reachable and **capable of onsite mitigation**, not merely a "contact number" on a sign — the implementation accepted by **Deputy Marshal Shaffer-Killey**, which ignores the **Functional Accessibility** required by the Fire Code.

Operational Readiness: These sections require that **trained personnel** be available to implement fire safety duties. By having **zero onsite staff**, the owner has made it impossible to fulfill the **mandatory training and response duties** required by **CFC § 403.10.2 & 403.5.3**.

The Systemic Hazard & Administrative Fraud: By substituting a non-local, offshore skeleton crew for mandated onsite infrastructure across a portfolio of over 19 units at this parcel but reaching **200+ Berkeley tenants** (and likely his two other New Jersey and Boston locations) , the owner has effectively **deactivated the building's emergency response capabilities**.

The Management Impairment: Regardless of the unit-aggregation & split-parcel dispute, **CFC**

901.7.1 requires a **Designated Impairment Coordinator** who is capable of onsite mitigation. The resulting **96-day delay** in restoring the alarm system and other preventable life-safety emergencies are proof of an **active Management Impairment**.

Formal Demand:

The **BFD** is **mandated** to issue immediate **Notices of Violation (NOVs)** for the following:

- 1) **CFC § 901.7.1:** Failure to designate and maintain a **functionally accessible Impairment Coordinator** capable of onsite mitigation during various emergencies.
- 2) **CFC § 403.5.3:** Failure to provide **trained onsite personnel** to implement fire safety and evacuation duties, resulting in a permanent state of **non-readiness**.
- 3) **CFC § 114:** Maintaining an **Unsafe Condition** by substituting a remote "text-bot" and non-local skeleton crew for the mandatory onsite safety infrastructure required for a 19-unit high-density parcel.
- 4) **CFC § 401.3.1:** Failure to provide an **immediate response** to fire protection system signals, as evidenced by the unmanaged 9-hour alarm failure on Dec 9, 2025 (**Exhibit 14**)

Conclusion: This is a life-safety emergency requiring an **Abatement Order** to restore the mandatory onsite "**Responsible Person**" required by **25 CCR § 42**. The City cannot permit **forced tenant labor** and **public BFD expenditure** (HSC § 13009) to be used to supplement the owner's intentional cost-avoidance. I formally request that BFD initiate **Cost Recovery** for the Nov 1, 2024, emergency response necessitated by this vacancy.

Service of Evidence & Confidentiality Notice:

The full 18-Exhibit Evidence Packet—detailing the 96-day impairment, gas emergencies, and personal injuries—is already on file with the Fire Prevention Bureau and the City Attorney (submitted starting Feb 26, 2026). These sensitive materials are part of the Active Investigation File for APN 055-1878-00701. To protect whistleblower privacy and prevent retaliation, I have omitted these exhibits from this public filing, but they remain available to Commissioners upon confidential request to the Secretary.

I look forward to the Commission's review of these documented "**Safety Vacuums**" and the resulting municipal liability. I am requesting that the Commission inquire with the Department regarding its **BFC Section 111.1** written determination, which has been formally requested to reconcile these Fire Code mandates with the physical reality of this parcel.

Sincerely,

**Whistleblower Program Participant
Protected Disclosure (Labor Code § 1102.5)**