



Fair Campaign Practices Commission  
Open Government Commission

Date: February 15, 2025

To: Honorable Mayor and Members of the City Council

From: Kitt Saginor, Chair

**Subject: Vacancies on the Fair Campaign Practices and Open Government Commissions**

The Fair Campaign Practices Commission (“FCPC”) and Open Government Commission (“OGC”)<sup>1</sup> now have only five of nine seats filled, due in part to members moving out of Berkeley. Both Commissions have quasi-judicial responsibilities in the enforcement of and ensuring compliance with the Berkeley Election Reform Act (BMC Ch. 2.12), the Open Government Ordinance (BMC Ch. 2.06), and the Lobbyist Registration Act (BMC Ch. 2.09). These enforcement responsibilities require the knowledge and hard work of all members. Vacancies impact our ability to deal with election and open governance matters in a timely fashion.

These vacancies also raise concerns for the Commissions regarding Brown Act compliance, as each Commission’s subcommittees typically consist of three members, which now constitute a quorum of the Commission.

We respectfully request that members of the City Council fill these vacancies at their earliest convenience.<sup>2</sup>

Sincerely,

Kitt Saginor  
Chair  
Fair Campaign Practices Commission  
Open Government Commission

cc: Mark Numainville, City Clerk

<sup>1</sup> Pursuant to Berkeley Municipal Code section 2.06.190, the OGC consists of the members of the FCPC. The two commissions typically meet concurrently.

<sup>2</sup> The following seats are vacant: District 2, District 5, District 7, Mayor.



Open Government Commission

PUBLIC HEARING  
XXXX XX, XXXX

To: Honorable Mayor and Members of the City Council  
From: Kitt Saginor, Chair, Open Government Commission  
Submitted by: Samuel Harvey, Secretary, Open Government Commission  
Subject: Amendments to the Commissioners' Manual

RECOMMENDATION

City Council to review and implement the following amendments to the Commissioners' Manual:

TITLE OF THE MANUAL and I.A. PUBLIC PARTICIPATION [p. 17 of 2019 edition]  
Change the title of the Manual to Commissioners' and Board Members' Manual.  
Move this statement: "Throughout this manual, the word "commission" is used to denote all boards, commissions, and committees." from a footnote into the body of the first paragraph.

**Rationale:** The title should reflect the full scope of this document. A member of the public looking for information about Boards should not be expected to know they need a document that appears to pertain only to Commissions.

I. C. COMMISSION TYPES 1) Quasi-Judicial Commissions, [p. 19 in 2019 edition]  
AND  
IV. B. MEETINGS 1) Types of Meetings. Public Hearings [p. 51 in 2019 edition]  
Add Open Government Commission to the list of Quasi-Judicial Commissions and Boards listed in both places

**Rationale:** Chapter 2.09 of the Berkeley Municipal Code assign responsibility for the impartial, effective administration of the chapter to the Open Government Commission

II.C. ACCOMMODATIONS FOR COMMISSIONERS WITH DISABILITIES. [p. 31 in 2019 edition]

## Item 15 - Addendum

Individuals with disabilities who need accommodations to participate at a City of Berkeley meeting should make their requests to the commission secretary who will work with the Disability Compliance Program to evaluate the individual's request and will determine the appropriate method, if any, of accommodation. Individuals must make a disability-related accommodation request at least 72 hours in advance of meetings or with as much advance notice as possible. ~~to ensure that the City has an adequate opportunity~~ The City may not be able to provide reasonable accommodation with less than 72 hours notice.

**Rationale:** A person may experience a disability less than 72 hours in advance of a meeting, but with enough time for the City to provide reasonable accommodation. Example, a person could be in an accident a few days before a meeting, but be stabilized with access to a computer and zoom two days before a meeting that has remote participation capability.

III. A. COORDINATION WITH CITY COUNCIL 3) Communicating to the City Council  
AND VI.C. COMMISSION REPORTS TO COUNCIL 5) Timeline  
[p. 41 and pl 75 in 2019 edition]

III. A. 3) Upon the final vote of a commission to send an item to Council, the secretary submits a completed commission report for the Council agenda to the agenda process no later than five working days ~~three weeks~~ after receiving the final text from the commission.

VI.C. 5) The secretary must submit the commission report into the agenda workflow no later than five working days ~~three weeks~~ following receipt of the final report text.

**Rationale:** A longer delay for transmitting final text is no longer necessary with contemporary electronic communication.

### FISCAL IMPACTS OF RECOMMENDATION

None.

### CURRENT SITUATION AND ITS EFFECTS

The Commissioners' Manual has not had a thorough revision since 2019. The City Council will soon (or has recently) consider amendments prepared by the City Clerk's Office that are limited to correcting inaccuracies in the Manual. The Open Government Commission is not part of the City Clerk's process. The OGC voted to recommend to the Mayor and City Council a few additional changes to the Commissioners' Manual

### BACKGROUND

In the Fall of 2024, the Open Government Commission learned that the City Clerk was working on a draft limited to correcting inaccuracies in the Manual. A small number of additional changes to the Manual that will enhance the goals stated in Berkeley City Code 2.06.010 that:

## **Item 15 - Addendum**

the public have an opportunity to understand the government's activities and to communicate its concerns to its elected and appointed representatives, and that those representatives have an adequate opportunity to consider those concerns and then act effectively and in a timely manner

The Open Government Commission is not part of the City Clerk's process.

### ALTERNATIVE ACTIONS CONSIDERED

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

### RATIONALE FOR RECOMMENDATION

The small changes recommended will improve public access to understanding and participating as appropriate in the Berkeley City Government. The specific rationale is provided about for each recommended change

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### CONTACT PERSON

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