



Fair Campaign Practices Commission
Open Government Commission

CONCURRENT REGULAR MEETING OF THE FAIR CAMPAIGN PRACTICES COMMISSION AND THE OPEN GOVERNMENT COMMISSION

MEETING AGENDA

April 16, 2026

6:30 p.m.

2180 Milvia St., Berkeley, CA 94704

1st Floor, Cypress Room

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 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

A live broadcast of this meeting will be available at:
<https://cityofberkeley-info.zoomgov.com/j/1614055306>

Public comment will be taken in-person and virtually through the posted link.

Secretary: Stephen Hylas

The Commission may act on any item on this agenda

1. Call to Order 6:30 p.m.
2. Roll Call.
3. Land Acknowledgement: 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.

4. Approval of agenda.
5. Public Comment. *Comments on subjects not on the agenda that are within the Commissions' purview are heard at the beginning of meeting. Speakers may comment on agenda items when the Commission hears those items.*
6. Approval of minutes for February 19, 2025 FCPC-OGC Regular Meeting.

Fair Campaign Practices Commission (FCPC) Agenda

7. Reports
 - a. Report from Chair
 - b. Report from Staff
8. Report from negotiating ad hoc committee; proposed stipulated agreement between Commission and respondent campaign committee: Yes on Measure CC / No on Measure BB; discussion and possible action.
9. Review and revision of FCPC Regulations¹; discussion and possible action.

Open Government Commission (OGC) Agenda

10. Reports.
 - a. Report from Chair
 - b. Report from Staff
11. Public access to hybrid meetings, including policy discussion of topics raised by the public regarding access for persons with temporary or permanent disabilities, handling of written public comment, and the availability of live transcription and recordings; discussion and possible action.
12. Public access to supplemental materials and amendments at City Council meetings, including the timing of presentation of such materials by the Mayor or City Councilmembers, such that the public may comment on them; discussion and possible action.
13. Adjournment

Communications

- Emails from Blair Beekman (Mar. 18, 2026, Mar. 25, 2026 & April 2, 2026)

¹ <https://berkeleyca.gov/sites/default/files/2022-01/FCPC-Regulations.pdf>

- Email from Bonnie Zhu (Mar. 29, 2026)

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information. **SB 343 Disclaimer:** Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the City Attorney's Office at 2180 Milvia St., 4th Fl., Berkeley, CA.



Fair Campaign Practices Commission
Open Government Commission

DRAFT MINUTES

February 19, 2026

**CONCURRENT REGULAR MEETING OF THE FAIR CAMPAIGN PRACTICES
COMMISSION AND THE OPEN GOVERNMENT COMMISSION**

Civic Center
2180 Milvia St.
Berkeley, CA 94704
Cypress Room

Secretaries:
Samuel Harvey
Stephen Hylas
Lauren Packard

Members Present: David Shere, Pajouablai Monica Lee, Janis Ching, Helene Silverberg, Rithwik Sudharsan, Andrew Lazarus, Kyle Haugh, Kitt Saginor

Also present: Sam Harvey, Staff Secretary

1. **Call to Order**

Chair called the meeting to order at 6:32 p.m.

2. **Roll Call**

Roll call taken

3. **Land Acknowledgement**

4. **Approval of agenda**

- a. Public comment: None.
- b. Commission discussion and action

Motion to approve the agenda (M/S/C: Ching/Shere; Ayes: Shere, Lee, Ching, Silverberg, Sudharsan, Lazarus, Haugh, Saginor; Noes: none; Abstain: none; Absent: Soichet)

FCPC / OGC Minutes
 February 19, 2026
 Page 2

5. **Public Comment**

No speakers.

6. **Approval of minutes for January 15, 2026 FCPC-OGC Regular Meeting**

- a. Public comment: none.
- b. Commission discussion and action.

Motion to approve (M/S/C: Haugh/Lee; Ayes: Shere, Lee, Ching, Silverberg, Sudharsan, Lazarus, Haugh, Saginor; Noes: none; Abstain: none; Absent: Soichet)

Fair Campaign Practices Commission (FCPC) Agenda

7. **Reports**

- a. Report from Chair.
- b. Report from Staff.

8. **Report from Negotiating Ad hoc committee: Yes on Measure CC / No on Measure BB**

- a. Public comment: none.
- b. Item continued to March meeting.

9. **Possible review and revision of FCPC Regulations**

- a. Public comment: none.
- b. Commission discussion.

10. **Public financing matching funds disbursement process**

- a. Public comment: none.
- b. Commission discussion.

Open Government Commission (OGC) Agenda

11. **Reports**

- a. Report from Chair.
- b. Report from Staff.

12. **Clerk referral of Non-Filing by Quarterly Lobbyist Filer Alexander Taplin**

- a. Public comment: none.
- b. Commission discussion and action

Motion to find probable cause that the Act has been violated for failure to timely file two quarterly lobbying reports in violation of BMC § 2.09.140 (M/S/C: Ching/Haugh; Ayes: Shere, Lee, Ching, Silverberg, Sudharsan, Haugh, Saginor; Noes: none; Abstain: Lazarus; Absent: Soichet)

Motion to dismiss this matter on the grounds that the two late-filed reports do not show any lobbying activity and therefore the apparent late filings do not appear to have deprived the public of timely information about lobbying activity (M/S/C: Haugh/Sudharsan; Ayes: Shere, Lee, Ching, Silverberg, Sudharsan, Haugh, Saginor; Noes: none; Abstain: Lazarus; Absent: Soichet)

13. **Public access to hybrid meetings, including policy discussion of topics raised by the public regarding access for persons with temporary or permanent disabilities, handling of written public comment, and the availability of live transcription and recordings**

- a. Public comment: none.
- b. Commission discussion and action

Motion to direct our staff to share our chart of the hybrid status of commissions and boards with the City Clerk (M/S/C: Lee/Ching; Ayes: Shere, Lee, Ching, Silverberg, Sudharsan, Lazarus, Haugh, Saginor; Noes: none; Abstain: none; Absent: Soichet)

14. **Complaint of Non-Compliance with Public Records Act (Johlyece Dotson)**

- a. Public comment: none.
- b. Item continued to March meeting.

15. **Public access to supplemental materials and amendments at City Council meetings, including the timing of presentation of such materials by the Mayor or City Councilmembers, such that the public may comment on them**

- a. Public comment: none.
- b. Commission discussion.

16. **Lobbyist Registration Forms and Procedures**

- a. Public comment: none.
- b. Commission discussion.

Joint FCPC-OGC Agenda

17. **Election of Commission Officers**

- a. Public comment: none.
- b. Commission discussion and action

Motion to elect Commissioner Haugh to the office of Chair (M/S/C: Saginor/Silverberg; Ayes: Shere, Lee, Ching, Silverberg, Sudharsan, Lazarus, Haugh, Saginor; Noes: none; Abstain: none; Absent: Soichet)

Motion to elect Commissioner Ching to the office of Vice Chair (M/S/C: Haugh/Saginor; Ayes: Shere, Lee, Ching, Silverberg, Sudharsan, Lazarus, Haugh, Saginor; Noes: none; Abstain: none; Absent: Soichet)

18. **Adjournment**

Motion to adjourn (M/S/C: Ching/Shere; Ayes: Shere, Lee, Ching, Silverberg, Sudharsan, Lazarus, Haugh, Saginor; Noes: none; Abstain: none; Absent: Soichet)

The meeting adjourned at 7:55 p..m.



Fair Campaign Practices Commission

Date: April 16, 2026
 To: Fair Campaign Practices Commission
 From: Stephen Hylas, Commission Secretary
 Subject: **Proposed Stipulation for Yes on CC/No on BB Committee**

On September 28, 2024, a complaint was filed alleging that the “Yes on Measure CC, No on Measure BB, Berkeley Rental Housing Coalition Sponsored by Berkeley Property Owners Association” committee (the “Committee”) violated several provisions of the Berkeley Election Reform Act (“BERA”) (BMC Ch. 2.12). The complainant later filed an amended complaint including several additional allegations.

On November 21, 2024, after reviewing the complaints and the Secretary’s investigation report, the Commission found probable cause to believe that the Committee:

- a) Failed to timely disclose a \$35,000 non-monetary contribution within the 24-hour deadline and instead filed the report 30 days late;
- b) Violated BMC section 2.12.335.A through inclusion of the incorrect committee name on a Facebook and Instagram advertisement; and
- c) Violated BERA through late filing of a Form 460 covering the period from July 1, 2024 to September 21, 2024. However, the Commission voted to dismiss as to this alleged violation because it had only a slight impact on the administration of BERA and further proceeding would be an inefficient use of resources.

The Commission voted to dismiss all other allegations in the complaints. The Commission then empaneled a subcommittee of Commissioner Lazarus and former Commissioner Isselbacher to negotiate a stipulated agreement with the Committee.

Discussions between the ad hoc subcommittee and the Committee have now completed. To resolve this matter without the need for a hearing, the Committee has agreed to sign the attached stipulated agreement, which includes paying a stipulated penalty of \$1,500.

Recommendation

The Secretary recommends that the Commission vote to approve the stipulated agreement.

Attachment:

1. Negotiated draft settlement agreement

FARIMAH FAIZ BROWN, City Attorney	SBN 201227
SAMUEL J. HARVEY, Deputy City Attorney	SBN 299112
STEPHEN HYLAS, Deputy City Attorney	SBN 319833
LAUREN PACKARD, Deputy City Attorney	SBN 317774

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FAX: (510) 981-6960

Attorneys for FAIR CAMPAIGN PRACTICES COMMISSION

BEFORE THE FAIR CAMPAIGN PRACTICES COMMISSION

CITY OF BERKELEY

In the matter of

Yes on Measure CC/No on Measure BB,

Respondent.

STIPULATION,

DECISION AND ORDER

This Stipulation, Decision and Order (“Stipulation”) is entered into by and between the Complainant, Fair Campaign Practices Commission (“Commission” or “FCPC”), and Respondent, Yes on Measure CC/No on Measure BB, Sponsored by Coalition of Concerned Housing Providers (“Respondent” or “Committee”), (collectively “Parties”), through its Treasurer, Krista Gulbransen, its Assistant Treasurer, Patricia Mar, and its Principal Officer, Sid Lakireddy.

The following is a true and accurate summary of the facts in this matter:

1. Respondent was initially formed on August 26, 2015 as the Berkeley Rental Housing Coalition Sponsored by Berkeley Property Owners Association.
2. During the November 2024 election, the Committee supported the adoption of Measure CC and opposed the adoption of Measure BB during the November 2024 election in Berkeley, California.

3. On August 27, 2024, the Committee filed an amendment to its Statement of Organization changing its name to Yes on Measure CC, Berkeley Rental Housing Coalition Sponsored by Berkeley Property Owners Association.

4. On August 30, 2024, the Committee received a \$35,000 non-monetary contribution from the National Association of Realtors in the form of polling. The Committee first reported that contribution in a Late Contribution Report (Form 497) filed September 30, 2024.

5. The Berkeley Election Reform Act (“BERA”) (BMC Ch. 2.12) requires that “late contributions of one thousand dollars or more shall be reported to the City Clerk within twenty-four hours of receipt.” (BMC § 2.12.295.) A “late contribution” means “contributions of one thousand dollars or more received within the reporting period specified in California Government Code Section 82036.” (BMC § 2.12.145.) The period specified in Government Code Section 82036 is the 90-day period preceding the election.

6. BMC section 2.12.295 further provides that “late contributions shall be reported on subsequent campaign statements in addition to” the Form 497, meaning the late contribution must also be reported on the Committee’s Form 460 covering the reporting period in which the late contribution occurred.

7. The Committee did not disclose the August 30, 2024 contribution from National Association of Realtors on its original campaign statement (Form 460) covering the period from July 1, 2024 to September 21, 2024, which was filed on September 27, 2024. The Committee filed an amendment to the campaign statement on October 1, 2024 which disclosed the contribution.

8. On September 23, 2024, the Committee filed an amendment to its Statement of Organization changing its name to Yes on Measure CC, No on Measure BB, Berkeley Rental Housing Coalition Sponsored by Berkeley Property Owners Association.

9. On October 18, 2024, the Committee filed an amendment to its Statement of Organization changing its name to Yes on Measure CC/No on Measure BB Sponsored by Coalition of Concerned Housing Providers.

10. BERA requires that a campaign communication including a paid advertisement include the “name of the committee.” (BMC § 2.12.335.A.)

11. The Committee purchased an advertisement on Facebook and Instagram using the name “Yes on Measure CC/No on Measure BB, Berkeley Rental Housing Coalition.”

12. The Committee purchased three runs of the Facebook and Instagram advertisement. First, the advertisement ran from October 18, 2024 to November 6, 2024, during which time it garnered an estimated 40,000 to 45,000 impressions. Next, it ran from October 21, 2024 to November 6, 2024, during which time it garnered an estimated 30,000 to 35,000 impressions. Finally, it ran from October 22, 2024 to November 6, 2024, during which time it garnered an estimated 250,000 to 300,000 impressions. In total, the advertisement garnered an estimated 320,000 to 380,000 impressions.

13. On September 28, 2024, the Commission received a complaint (“Complaint”) alleging that the Committee violated BERA by (1) failing to report a \$35,000 nonmonetary late contribution from the National Association of Realtors and (2) failing to report the same contribution on its pre-election campaign statement for the relevant period. On October 31, 2024, the complainant filed an amended complaint (“Amended Complaint”) (collectively, “Complaints”). The Amended Complaint alleged that the Committee violated BERA when it (1) filed its Form 497 late; (2) failed to disclose the \$35,000 nonmonetary contribution on its first pre-election statement (Form 460); (3) failed to disclose the contribution in its two campaign websites and in one advertisement hyperlinked in the complaint and to one Facebook advertisement hyperlinked in the complaint; and (4) impermissibly changed its name from “Berkeley Rental Housing Coalition – Sponsored by Berkeley Property Owners Association” to

“Yes on Measure CC/No on Measure BB Sponsored by Coalition of Concerned Housing Providers.”

**COMMISSION’S FINDING OF PROBABLE CAUSE
OF A VIOLATION OF SECTION 2.12.530**

14. At its November 21, 2024 regular meeting, the Commission made the following probable cause determinations:

- a. The Commission found probable cause to believe the Committee failed to timely disclose a \$35,000 non-monetary contribution within the 24-hour deadline and instead filed the report 30 days late.
- b. The Commission found probable cause to believe the Committee violated BERA through late filing of the Form 460 covering the period from July 1, 2024 to September 21, 2024. However, the Commission voted to dismiss as to this alleged violation for having only a slight impact on the administration of BERA and the outcome of any election and because further proceeding would be an inefficient use of resources.
- c. The Commission further found that probable cause exists to believe that the Committee violated BMC section 2.12.335.A through inclusion of the incorrect committee name on the Facebook and Instagram advertisement.

15. The Commission voted to dismiss all other allegations in the Complaints.

MITIGATING AND AGGRAVATING FACTORS

16. The \$35,000 non-monetary contribution from the National Association of Realtors is a sizeable contribution and is therefore of significant public interest. By failing to timely disclose receipt of this contribution via a late contribution report (Form 497) and filing the report thirty days late, the Committee deprived the public of timely notice of a significant campaign contribution.

17. The Facebook and Instagram advertisement garnered an estimated 320,000 to 380,000 impressions over the course of 20 days. By failing to include the correct committee

name, the Committee deprived the public of accurate information in hundreds of thousands of instances.

18. One mitigating factor is that the Commission has not found evidence of any intent to deceive or knowingly withhold information.

STIPULATIONS

THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the parties as follows:

1. The Commission found probable cause exists to believe the Committee failed to timely disclose a \$35,000 non-monetary contribution within the 24-hour deadline and instead filed the report 30 days late.

2. The Commission found that probable cause exists to believe that the Committee violated BMC section 2.12.335.A through inclusion of the incorrect committee name on the Facebook advertisement.

3. The Parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this matter and to reach a final disposition without the necessity of holding an administrative hearing to determine the liability of Respondent. Respondent understands and hereby knowingly and voluntarily waives any and all procedural rights under BERA, FCPC Regulations and FCPC Procedures in regard to this matter.

4. The FCPC agrees that if Respondent executes this Stipulation, it will forego any further enforcement action against Respondent related to this matter.

5. Based on the facts, law, and the mitigating and aggravating factors detailed above, the Parties agree that, rather than proceed with an administrative hearing on this matter under BMC section 2.12.230, the Parties will stipulate that Respondent will pay a sum of \$1,500 as a stipulated monetary penalty, payable to the City of Berkeley for deposit into the City's Fair

Elections Fund, no later than thirty (30) days of the Commission’s approval of this stipulated agreement.

6. If approved by the FCPC, this stipulation will resolve all factual and legal issues raised in this matter and will be the final disposition of this matter for purposes of BERA sections 2.12.450, 2.12.455, and 2.12.550. Nothing in this Stipulation shall be read to preclude the Commission’s consideration of any complaint or other action for any false statements stemming from any of Respondent’s representations in this Stipulation.

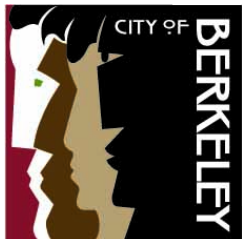
7. The Parties agree that in the event the FCPC refuses to accept this Stipulation, it shall become null and void. Respondent stipulates and agrees that in the event a full evidentiary hearing before the Commission becomes necessary, no member of the Commission or FCPC staff shall be disqualified because of their consideration of this Stipulation and Order.

8. Respondent acknowledges that the FCPC shall retain jurisdiction over the Stipulation if it is signed by all parties and is acting under Section VI.C.1.d of the FCPC procedures, enacted pursuant to the Commission’s authority to enact rules and procedures under BMC section 2.12.210.

Dated: _____
By: _____
FARIMAH FAIZ BROWN, City Attorney
SAMUEL J. HARVEY, Deputy City Attorney
Attorneys for the Fair Campaign Practices Commission

Dated: _____
By: _____
Krista Gulbransen, Treasurer
Yes on CC/No on BB

Dated: _____
By: _____
Sid Lakireddy, Principal Officer
Yes on CC/No on BB



Fair Campaign Practices Commission

Date: February 13, 2026
To: Fair Campaign Practices Commission
From: Sam Harvey, Commission Secretary
Subject: Possible revisions to FCPC Regulations

The Commission has created an ad hoc committee to review and propose possible amendments to the Berkeley Election Reform Act (BMC Ch. 2.12) (“BERA”) and to the Commission’s regulations interpreting BERA. At its January 2026 regular meeting, the Commission approved a number of amendments to BERA, which will go to the City Council on March 10, 2026 for possible adoption.

The Commission may now wish to consider reviewing the Commission’s regulations for possible amendment. This could include providing direction to the existing ad hoc committee regarding review and possible revision of the regulations. As a courtesy, a copy of the Commission’s regulations is attached.

Attachment:

1. Regulations Adopted by the Fair Campaign Practices Commission (Rev. Jan. 16, 2025)



REGULATIONS ADOPTED BY THE FAIR CAMPAIGN PRACTICES COMMISSION

These Regulations Supplement the Berkeley
Election Reform Act of 1974,
Ordinance 4700-N.S., as amended.

Revised January 16, 2025

FCPC REGULATIONS – TABLE OF CONTENTS

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FCPC REGULATIONS
Amended January 16, 2025

R2.12.025 Verification Requirements

- (a) A report or statement filed by a committee shall be signed and verified by the treasurer, and a report or statement filed by any other organization shall be signed and verified by a responsible officer of the organization or by an attorney or a certified public accountant.
- (b) A candidate shall verify his or her campaign statement and the campaign statement of each committee subject to his or her control. This does not relieve the treasurer of any controlled committee from the obligation to verify each campaign statement filed pursuant to BMC Section 2.12.025.

R2.12.045 Record Retention Requirements

- (a) All persons with filing obligations shall retain copies of all reports, statements and information filed with the City Clerk for a period of at least **four years** from the date upon which it was required to be filed under the terms of the ordinance as required by BMC Section 2.12.045.
- (b) The City Clerk shall retain the originals of all reports, statements and information filed with the City Clerk for a period of at least four years from the date upon which it was required to be filed under the terms of the ordinance. In the event that state law imposes a longer retention period, the requirements of state law must be met.
- (c) The campaign treasurer shall retain all statements of account, canceled checks, records, bills, receipts, vouchers, and other original source documentation for a period of at least **four years** from the date of the final report as required by BMC Sections 2.12.250(D) and (E).

R2.12.095 Contributions by Membership Organizations

(a) Committee Status

A Membership Organization which receives contributions as defined in BMC Section 2.12.100, or makes an Expenditure of \$250 or more as defined in BMC Section 2.12.130, is a Committee as defined in BMC Section 2.12.095 and shall file the Campaign Statements required by BMC Section 2.12.270.

(b) Membership Organization

As used in this Regulation, the term "Membership Organization" shall mean any club, league, trust, unincorporated association in which natural or juridical persons are members, shareholders, associates or the like.

R2.12.100 Extensions of Credit as a form of Contribution; Exceptions.

(a) Except as provided in either subdivision (b) or (c), an extension of credit which consists of a receipt of goods or services pursuant to an agreement between the provider of the goods or services and a candidate or committee, and where payment is not made until a later date, is a contribution as defined under BMC Section 2.12.100 and is subject to the contribution limits of BMC Section 2.12.415 and BMC Section 2.12.440.

(b) An extension of credit is not a contribution made by the provider of the goods or services or a contribution accepted by the candidate or committee if payment is made on or before the later of the following dates, whichever applies:

(1) 60 days after the date of the invoice; or

(2) If no invoice is sent within 30 days of delivery of goods or services, 45 days from the date the goods or services are delivered; or

(3) For services ongoing in nature, 45 days after the date of the invoice, where services are billed no less frequently than on a three-month billing cycle.

In any event, for the extension of credit not to be a contributory payment, it must be made no later than the end date of the reporting period for the Second Semi-Annual/Post Election Campaign Statement (i.e. December 31 for a November general municipal election), even if said date falls before the applicable date under (b) (1), (2) or (3).

(c) An extension of credit is not a contribution made by the provider of the goods or services if all of the requirements of subsections (c)(1) – (5) of this regulation are met:

(1) The credit arrangement is recorded in a written instrument;

(2) It is a regular business of the provider of goods or services to provide similar goods or services;

(3) The provider provides the goods or services in the ordinary course of business and on the same terms and conditions offered to customers generally;

(4) The provider of goods or services enters into the agreement with the intent that the candidate or committee be required to pay in accordance with terms of the agreement and does not have actual knowledge that the candidate or committee would not be able to pay in accordance with those terms; and

(5) The provider of goods or services makes reasonable efforts to collect the full amount of the payment owed within four months of the date that the payment for the goods or services is due under the terms of the agreement. Reasonable efforts to collect the full amount of the payment may be demonstrated even if:

(i) The provider does not exhaust all available legal options; or

(ii) The provider accepts less than the full amount of the payment owed by the candidate or committee.

R2.12.250 Redesignation of Campaign Funds for Future Elections**(a) Defeated Candidates, Individuals Leaving Office**

A defeated candidate or individual leaving office and planning to redesignate campaign funds for a future election shall do so before such funds become surplus. Funds will become surplus upon the 90th day after leaving an elective office, or the 90th day following the end of the postelection reporting period following the defeat of a candidate for elective office, whichever occurs last. (Govt. Code Section 89519[a])

(b) Redesignation to the Same Elective Office

The treasurer shall certify that to his or her knowledge there remains no further outstanding indebtedness in connection with the campaign. A defeated candidate or individual leaving office shall redesignate campaign funds for a future election to the same elective office by filing an amended State Form No. 410 (Statement of Organization) to include the new election year, and an initial State Form No. 501 (Candidate Intention). The defeated candidate or individual leaving office shall also file a statement with the Commission that campaign account funds have been redesignated.

(c) Redesignation to a Different Elective Office

The treasurer shall certify that to his or her knowledge there remains no further outstanding indebtedness in connection with the campaign. A defeated candidate or individual leaving office shall redesignate campaign funds for a future election to a different elective office by closing the existing campaign bank account and opening a new campaign bank account for the new elective office, and shall file initial State Forms No. 410 and 501.

R2.12.260 Statement of Organization

For the purposes of meeting the requirements of Section 2.12.260 for the information required on a statement of organization, the committee shall file both a City of Berkeley Statement of Organization and a State of California Form 410 within 10 days after the committee is formed as a committee under Berkeley Election Reform Act Section 2.12.095.

R2.12.270 Independent Expenditures: Individuals and Organizations Required to File Campaign Disclosure Statements

(a) An individual or organization that does not fall within the definitions of Government Code Section 82013(b) and (c) and that makes independent expenditures of \$250 or more in a calendar year to support or oppose a single Berkeley candidate, single Berkeley measure, or the qualification of a single Berkeley measure shall file a Supplemental Expenditure Form (State Form No. 465) with the City Clerk's Office in accordance with the prescribed campaign disclosure statement filing schedule.

(b) An individual or organization whose only filing obligation is pursuant to this regulation is no longer required to file pursuant to paragraph (a) when it has ceased to make expenditures with regard to campaigns for Berkeley elective office or for measures on the Berkeley ballot totaling

\$250 or more in an ensuing calendar year. A Statement of Termination (State Form No. 410) is not required of such individuals or organizations.

R2.12.270.1 Administrative Termination of Filing Obligations

(a) A candidate's or committee's status and filing obligations pursuant to BMC Chapter 2.12 may be administratively terminated by the Commission, either on its own initiative or upon the candidate's or committee's request.

(b) Factors the Commission will consider in determining administrative termination include the candidate's or committee's:

- (1) aggregate annual reported financial activity;
- (2) reports disclosing minimal or no receipt of contributions and/or expenditures; and
- (3) primary purpose for filing reports confined to disclosure of outstanding debts and obligations.

Any evidence of possible violations of any provisions of BMC Chapter 2.12, other than violations for failure to file one or more outstanding campaign statements, at present, or if administrative termination occurs, will preclude such administrative termination.

(c) The Commission will notify the candidate and committee treasurer of its intent to consider administrative termination and may request that any objections be submitted within a reasonable time.

R2.12.295 Late Contributions

(a) A late contribution means any contribution as defined in BMC Section 2.12.145 and received before the election at which the candidate or measure for which the contribution is intended is to be voted on.

(b) For the purposes of this section, if the deadline to file the late contribution report falls on a Saturday, Sunday or holiday, except for the final Saturday and Sunday before Election Day, a report received by the City Clerk no later than the next business day shall be deemed timely filed.

R2.12.325.1 Mass Mailings; Filing

(a) A mass mailing means any mailing as defined in BMC Section 2.12.150 that has been sent within a calendar month.

(b) Any committee, candidate, officeholder, individual or organization who

- (1) Has local filing requirements pursuant to the BERA, as it may be amended from time to time, and
- (2) Makes expenditures supporting or opposing one or more candidates or ballot measures,

shall file three copies of each mass mailing paid for by expenditures reported therein.

R2.12.325.2 Filing of Mass Mailings - Method of Filing

Three copies of all mailings as defined in BMC Section 2.12.150 shall be filed with the City Clerk's Office no later than one day of the date the mass mailing was first placed in the U.S. mail. Filing shall be made by hand-delivery to the City Clerk's Office no later than one day after the mailing or by depositing three originals addressed to the City Clerk's Office in the U.S. mail on the same day as the first pieces are deposited in the U.S. mail.

The three copies of the mass mailing and the certification must be hand delivered or sent by guaranteed overnight delivery to comply with the requirement that they be filed with the City Clerk's Office no later than one day after the date the mass mailing was first placed in the U.S. mail.

Mass mailings may be filed with the City Clerk prior to the date of the actual mailing.

Each mass mailing required to be filed with the City Clerk pursuant to BMC Section 2.12.325 shall be accompanied by a certification of the date the mass mailing was (or will be) deposited in the U.S. mail. The certification shall include the following information:

- (a) The name of the candidate, committee, officeholder, individual or organization with local filing requirements under the BERA responsible for the mass mailing.
- (b) The campaign filing identification number, if any.
- (c) The date that the mass mailing was (or will be) deposited in the U.S. mail.
- (d) The signature of the candidate, committee, officeholder, individual or organization with local filing requirements under the BERA responsible for the mass mailing. Where a committee or organization is responsible for the filing, the certification shall be signed by the committee or organization treasurer.

The certification may be hand- or type-written by the responsible candidate, committee, officeholder, individual or organization with local filing obligations under the BERA either

directly on the mass mailing filed with the City Clerk's Office, or on a separate piece of paper if the piece of paper is attached to the mass mailing by staple. The certification shall be in a form substantially similar to the following:

I, _____, hereby certify under penalty of perjury under the laws of the State of California that 200 or more copies of the document entitled or described as follows: _____, were (or will be) mailed on _____.

Signed: _____ Date: _____

Filing I.D. Number: _____

Dated: _____

The filing of a mass mailing in accordance with this regulation shall satisfy the requirement in BMC Section 2.12.325 that all mass mailings be sent to the Commission.

R2.12.335 Text or Graphic Electronic Media Advertisement

(a) The provisions of BMC section 2.12.335 apply to all campaign committees, including candidate committees that have received contributions or loans over \$250 from the candidate.

(b) The disclosure information in a text or graphic electronic media advertisement must appear in letters at least as large as the majority of the text in the advertisement, or alternatively, if the advertisement is limited in size (e.g., a micro bar, button ad, paid text advertisement that is limited to 500 characters or less in length, or small paid graphic or picture link), the disclosure is displayed via link to a webpage with disclosure information or other technological means that provide the user with disclosure information. In addition, the disclosure information must be visible until the user clicks through the disclosure information, and the disclosure information must appear with a reasonable degree of color contrast between the background and text of the statement as to be legible.

R2.12.415 Allocation of Contributions to Multi-Candidate and Measure Committees

(a) Independent Committees

All contributions received by independent committees formed for the purpose of supporting or opposing one or more candidates or measures shall be allocated equally among all such candidates and measures unless otherwise indicated by the donor in writing.

(b) Controlled Committees

All contributions received by controlled committees formed for the purpose of supporting a candidate for Berkeley elective office and one or more ballot measures shall be allocated equally among the candidate and the ballot measures unless otherwise indicated by the donor in writing.

(c) When Donor Must Specify Allocation

If equal allocation of a contribution would result in exceeding Berkeley's \$250 per candidate contribution limit, the treasurer of the recipient committee shall promptly require the contributor to indicate in writing a preferred allocation so as to comply with the requirements of BMC Section 2.12.415.

R2.12.415.1 Separate Accounting of Candidate Contributions

(a) A committee which receives or makes contributions or makes expenditures in support of or opposition to both any candidate for Berkeley elective office and any non-Berkeley candidate or any measure shall maintain sufficient separate accounting so as to insure that expenditures made on behalf of or against each Berkeley candidate do not exceed contributions made in relation to that candidate. Either a separate candidate campaign account must be established or Commission staff must approve a written explanation of the committee's method of separate accounting.

(b) If a committee establishes a separate candidate campaign account, all contributions received by the committee in support of or opposition to any candidate for Berkeley elective office, and only such contributions, shall be deposited in this account. All disbursements made by the committee in support of or opposition to any candidate for Berkeley elective office shall be made from this account. No contribution received directly or indirectly from a corporation or labor union shall be deposited in a candidate campaign account.

R2.12.415.2 Cumulation of Candidate Contributions

(a) Cumulative Period

Separate four-year cumulative periods for elective offices of staggered four-year terms shall apply for each election for the purpose of administering the \$250 per candidate contribution limitations of BMC Section 2.12.415. The cumulative period will commence on January 1 of the year immediately following the election.

(b) Contributions to Prior Cumulative Period to Help Retire a Campaign Debt

A candidate for Berkeley elective office who has not received the maximum contribution from a particular contributor permitted by BMC Section 2.12.415 for an election may receive a contribution from that contributor intended for other than the current cumulative period only as necessary to retire debt from a previous election, provided, however, that such additional contributions may not be accepted after the end of the second semi-annual filing period (i.e., December 31st) in the next even-numbered year following such election. Unless otherwise stated in writing by the contributor, contributions from that contributor will be deemed received for the current period.

(c) Applicability to Run-Off Elections

For purposes of this regulation, the provisions of subparagraph (b) above, are applicable to the retirement of debt from a run-off election.

R2.12.415.3 Joint Account Contributions

Except as provided in BMC Section 2.12.440 and R2.12.440 with respect to business organizations, a contribution may be made on a joint account. A contribution drawn on a joint account is presumed to come from the person or persons who signed the check or other instrument. When more than one party to the joint account intends to make a contribution using a single check or other instrument, each party to the joint account intending to make the contribution must sign the check or other instrument, or sign a written statement accompanying the check or other instrument indicating that all of the signatories intend to make the contribution. The amount of the contribution shall be allocated equally between or among the signers, unless otherwise indicated by the contributors.

R2.12.440 Candidate Contributions from Certain Organizations and Business Entities Including Corporations and Labor Unions

(a) The campaign treasurer must make all reasonable inquiries concerning, and is responsible for insuring the propriety of, the source of all campaign contributions in support of or opposition to any candidate for Berkeley elective office, especially those obviously not from individuals. If the treasurer knows or should reasonably know that the contribution is from a prohibited source, it must be refunded to the donor promptly.

(b) No proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, including non-profit corporation or labor union may contribute to any candidate or committee supporting or opposing any candidate. A contributor who has received contributions from this type of organization is not precluded from making contributions to candidates for Berkeley elective office or their campaigns provided either:

- (1) the contributor establishes a separate bank account into which monies not contributed by this type of organization are deposited and from which contributions to Berkeley elective office campaigns are made, or
- (2) the contributor maintains reasonable accounting methods so as to demonstrate that any contributions made to Berkeley elective office campaigns originate from sufficient funds not contributed by this type of organization.

(c) The campaign treasurer who receives contributions from a contributor receiving contributions from this type of organization must receive a written statement which indicates that the contributor complies with either (b)(1) or (b)(2), above, before depositing such contributions.

(d) Adequate records and other information shall be maintained and made available for inspection by the Commission, the City Clerk, and the City Attorney upon request. Nothing in this regulation limits the right of any person to make contributions in aid of a ballot measure from any source of funds.

R2.12.500.1 Eligibility for Fair Elections campaign funding

For purposes of the requirement that the Commission certify that a candidate applicant is or is not eligible to be a Participating Candidate at the earliest practicable time under Berkeley Municipal Code section 2.12.500.B, the Commission shall make the certification determination no later than the next regular Commission meeting following the Secretary's receipt of the completed written application, provided that the completed application is received in time to provide copies to the Commission prior to the meeting, and to be placed on the agenda consistent with the Brown Act.

R2.12.500.2 Qualified Contributions

For an election occurring during the period of December 1, 2019 through December 31, 2020, the dollar amounts listed in Berkeley Municipal Code section 2.12.500 are adjusted pursuant to section 2.12.545 as follows:

- (a) Before the close of the qualifying period, a participating candidate must collect and submit at least 30 qualified contributions, from at least 30 unique contributors, of at least ten dollars (\$10), for a total dollar amount of at least five-hundred and forty dollars (\$540).

R2.12.505.1 Fair Elections Fund payments

- (a) A Participating Candidate's initial request for Fair Elections funds shall include all information and documentation required by the City to process electronic payments which may include, but is not limited to, the Vendor Information Form, W-9 Form, Electronic Funds Transfer Form, and Federal Tax ID Number. Disbursement of Fair Elections funds will be made through electronic funds transfers to the Participating Candidate's campaign account.
- (b) Payment is not final determination. A payment of Fair Elections funds to a Participating Candidate does not constitute a final determination of the amount that the candidate is entitled to receive. Post-election review may lead to a determination that payments to the candidate were in excess, in which case the Commission will notify the Participating Candidate. The Participating Candidate must pay back an amount equal to the amount of excess payments to the City's Fair Elections Fund. A Participating Candidate's repayment of excess payments of Fair Elections funds does not limit the Commission's existing authority to administer, investigate potential violations of, enforce, and determine appropriate remedies for violations of the Berkeley Election Reform Act.
- (c) A Participating Candidate's request for a payment of Fair Elections funds in the City's electronic filing system must comply with instructions in the Fair Campaign Practices Commission Campaign Filing Manual and instructions regarding uploading of supporting documentation in the electronic filing system.
- (d) A Participating Candidate who wishes to appeal a determination by the Commission for non-payment of Fair Elections funds must submit a written appeal to the Commission within seven days of receipt of the Commission's determination. The appeal must include a clear,

concise, and accurate statement of the factual basis for the appeal and any evidence or documentation supporting the appeal. Documents that are not based upon personal knowledge shall identify the source of information. The appeal must be signed by the Participating Candidate under penalty of perjury. Appeals that are not signed under penalty of perjury or do not meet the standards for completeness will not be deemed received until such a declaration is made or the appeal is amended to be complete.

(e) When a committee returns a contribution for which it has received Fair Elections funds, the committee shall not spend the Fair Elections funds received for the returned contribution and shall remit the matching Fair Elections funds to the City within 15 calendar days of returning the contribution. If the matching funds are not repaid by the stated deadline, the committee will be subject to the penalties of BMC section 2.12.550.B.

R2.12.505.2 Fair Elections Fund Payment Amounts

For an election occurring during the period of December 1, 2019 through December 31, 2020, the dollar amounts listed in Berkeley Municipal Code section 2.12.505 are adjusted pursuant to section 2.12.545 as follows:

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

- (1) \$129,000 for a candidate running for the office of Mayor;
- (2) \$43,000 for a candidate running for the office of City Council.

R2.12.530 Use of Fair Elections Funds

For an election occurring during the period of December 1, 2019 through December 31, 2020, the dollar amounts listed in Berkeley Municipal Code section 2.12.530 are adjusted pursuant to section 2.12.545 as follows:

A participating candidate shall not use Fair Elections funds or contributions for indirect campaign purposes, including but not limited to capital assets having a value in excess of five hundred and forty dollars (\$540) and useful life extending beyond the end of the current election period determined in accordance with generally accepted accounting principles.

R2.12.545 Cost of living adjustments

The Commission shall make the cost of living adjustments set forth in Berkeley Municipal Code Section 2.12.545 starting in January 2019 and, thereafter, in January of every odd-numbered year. If the Commission does not have a regularly scheduled meeting in January of an odd-numbered year, the cost of living adjustment shall be made at the Commission's next regularly scheduled meeting.

R2.12.555 Substantial and Minor Violations

(a) A violation is deemed to be substantial if the seriousness of the offense is severe and public harm is significant. Severity and significance will be determined by assessing the following factors:

- (1) the dollar amount of the unreported or misreported violations;
- (2) the presence or lack of intent to deceive the voting public;
- (3) whether the violation appears deliberate, negligent, or inadvertent;
- (4) whether the Respondent demonstrated good faith in consulting with Commission staff during any investigation or made good faith efforts to correct any deficiencies, violations, or errors;
- (5) whether the violation was isolated or was part of a pattern of violations of this chapter by the candidate, either within the same election cycle or in past election cycles;
- (6) the effect of the violation upon the election or upon the administration of the Fair Elections Act.

(b) A violation is deemed to be minor if it is not substantial as provided above, and if the offense is minimal and has resulted in no significant public harm. A violation is minimal if it meets each of the following criteria as applicable:

- (1) the violation is merely technical or clerical in nature and is corrected when discovered. Such an error includes an incorrect contributor name, address, employer or occupation, provided that erroneously including a contribution from a non-Berkeley resident is not a technical or clerical error.
- (2) the dollar amount of the violation is small.
- (3) the violation is capable of being promptly corrected.
- (4) any improperly received funds have been promptly returned.
- (5) the individual seeking or receiving public financing has demonstrated good faith in consulting with Commission staff regarding the violation and has made good faith efforts to correct any deficiencies, violations, or errors.

(c) In the event that City staff is unable to make a determination whether a violation is minor, the issue of the scope of the violation shall promptly be presented to the Commission for its determination, and no public funds will be disbursed until the Commission makes a determination as to whether the violation is minor. In addition to the factors listed as (b)(1) – (5)

above, the following factors will be used by the Commission when reviewing a potentially minor violation:

- (1) the violation has not had any significant impact on the election process, on the fairness of the election, or on other candidates' ability to conduct their campaigns;
and
- (2) the violation does not significantly affect, or undermine, the purposes of the Fair Elections Act or its effective administration.

HISTORY OF FCPC REGULATIONS¹

- R2.12.025 Adopted May 21, 1998, to become effective immediately.
Amended February 14, 2002 to become effective immediately.
- R2.12.045 Adopted January 16, 1997, to become effective immediately.
Amended May 21, 1998, to become effective immediately.
Amended July 15, 2004 to become effective immediately.
- R2.12.095 Adopted February 18, 1993, to become effective immediately.
Amended May 21, 1998, to become effective immediately.
- IR2.2.12.070.1 Adopted June 19, 1990 to become effective immediately. Repealed
March 19, 1992. Added to Berkeley Election Reform Act pursuant
to Ordinance No. 6096-N.S.
- R2.12.100 Adopted August 21, 2008, to become effective immediately.
- R2.12.150 Adopted September 15, 1988 to become effective Jan. 1, 1989.
[Amended former Reg. 83-1, adopted December 15, 1983.]
Amended June 20, 1996 and February 20, 1997. Repealed May 21,
1998.
- R2.12.250 Adopted February 14, 2002 to become effective immediately.
Amended May 16, 2019 to become effective immediately.
- R2.12.260 Adopted May 20, 2010 to become effective immediately.
- IR2.12.270 Adopted September 15, 1988 to become effective Jan. 1, 1989.
[Replaced former Reg. 81-1, adopted Feb. 26, 1981 and amended
Dec. 15, 1983.] Repealed April 17, 1997. Added to Berkeley
Election Reform Act pursuant to Ordinance No. 6329-N.S.
- R2.12.270 Adopted September 15, 1988 to become effective Jan. 1, 1989, and
amended April 19, 1990. Amended February 14, 2002 to become
effective immediately.
- R2.12.270.1 Adopted September 15, 1988 to become effective Jan. 1, 1989.
[Replaced former Reg. 84-2, adopted May 17, 1984.] Amended
January 16, 2025 to become effective immediately.
- R2.12.270.2 Adopted April 19, 1990 to become effective immediately. Repealed
May 21, 1998.
- IR2.12.270.3 Adopted April 19, 1990 to become effective immediately. Repealed
March 19, 1992. Added to Berkeley Election Reform Act pursuant

¹ Regulations designated "IR" are interim regulations.

to Ordinance No. 6096-N.S.

- R2.12.295 Adopted March 21, 1991 to become effective April 20, 1991.
Amended February 14, 2002 to become effective immediately.
Amended July 15, 2004 to become effective immediately.
Amended May 16, 2019 to become effective immediately
- IR2.12.325.1 Adopted June 19, 1990 to become effective immediately. Repealed
March 19, 1992. Added to Berkeley Election Reform Act pursuant
to Ordinance No. 6096-N.S.
- R2.12.325.1 Adopted May 21, 1998, to become effective immediately.
Amended February 14, 2002 to become effective immediately.
Amended July 15, 2004 to become effective immediately.
- R2.12.325.2 Adopted May 21, 1998, to become effective immediately.
Amended July 21, 2016 to become effective immediately.
- R2.12.335 Adopted March 17, 2016, to become effective immediately.
Amended January 21, 2021 effective immediately.
- R2.12.415 Adopted September 15, 1988 to become effective Jan. 1, 1989, and
amended November 30, 1989. [Amended former Reg. 81-6,
adopted March 5, 1981 and amended January 19, 1984.]
- R2.12.415.1 Adopted September 15, 1988 to become effective Jan. 1, 1989.
[Replaced former Reg. 82-1, adopted August 5, 1982.] Amended
July 15, 2004 to become effective immediately.
- R2.12.415.2 Adopted September 15, 1988 to become effective Jan. 1, 1989 and
amended November 30, 1989. [Replaced former Reg. 81-7, adopted
March 5, 1981 and amended May 17, 1984.] Amended April 20,
1995 to become effective immediately. Amended February 17,
2000, to become effective immediately. Amended February 14,
2002 to become effective immediately.
- R2.12.415.3 Adopted September 15, 1988 to become effective Jan.1, 1989.
[Replaced former Reg. 84-3, adopted August 9, 1984.] Amended
May 21, 1998, to become effective immediately.
- R2.12.440 Adopted September 15, 1988 to become effective Jan. 1, 1989.
[Replaced former Reg. 82-3, adopted August 5, 1982.] Amended
April 20, 1995 to become effective immediately.
- IR2.12.440.1 Adopted September 15, 1988 to become effective Jan. 1, 1989.
[Amended former Reg. 81-2, adopted Feb. 26, 1981.] Repealed
March 19, 1992. Added to Berkeley Election Reform Act pursuant
to Ordinance No. 6096-N.S.

- R2.12.500 Adopted September 21, 2017 to become effective immediately.
Added to Berkeley Election Reform Act pursuant to Ordinance No.
7524-NS. Renumbered as R.2.12.500.1 November 21, 2019.
- R2.12.500.1 Adopted November 21, 2019 to become effective immediately.
[Renumbered former R.2.12.500]
- R2.12.500.2 Adopted November 12, 2019 to become effective immediately.
- R2.12.505 Adopted September 21, 2017 to become effective immediately.
Added to Berkeley Election Reform Act pursuant to Ordinance No.
7524-NS. Renumbered as R2.12.505.1 November 21, 2019.
- R2.12.505.1 Adopted November 21, 2019 to become effective immediately.
[Renumbered former R.2.12.505] Amended February 18, 2021
effective immediately.
- R2.12.505.2 Adopted November 21, 2019 to become effective immediately.
- R2.12.530 Adopted November 12, 2019 to become effective immediately.
- R2.12.545 Adopted September 21, 2017 to become effective immediately.
Added to Berkeley Election Reform Act pursuant to Ordinance No.
7524-NS.
- R2.12.555 Adopted May 16, 2019 to become effective immediately.
Amended September 17, 2020 to become effective immediately.

To: Open Government Commission

From: Commissioner Janis Ching

Subject: **Public access to supplemental materials and amendments at City Council meetings, including the timing of presentation of such materials by the mayor or city councilmembers, such that the public may comment on them**

In the final item of the Jan 20, 2026 City Council meeting, a councilmember intentionally chose to not share her proposed amendments to Item 24 until after the public hearing was closed. The public was therefore prevented from commenting on the significant changes to the staff recommendation that was ultimately passed. Here is a transcription of the exchange that happened at time stamp 5:44, after the staff report on [Item 24](#)

Mayor Ishii: "I'm going to pass it forward to, [inaudible from Kesarwani off mic] are you ready? You don't want to present your supplemental?"

Councilmember Kesarwani: "Madam Mayor, I don't have a supplemental, I have 2 short amendments that I want to make to the ordinance." [There was then a brief Q&A with planning staff] "I think we should close the public hearing and then I can discuss my proposed amendments."

Public comment ensued, the public hearing was closed, then the councilmember presented an amendment that substantially changed the staff proposal. (Instead of requiring projects covered by this ordinance to undergo a single hearing at the Design Review Committee, Kesarwani proposed removing the Design Review process altogether for these projects.)

COMMUNICATIONS

Harvey, Samuel

From: b. beekman <cranberrysauce23@gmail.com>
Sent: Wednesday, March 18, 2026 4:28 PM
Subject: Blair Beekman. Wednesday, March 18, 2026.....Quarterly BAUASI public meeting, Thursday March 19. Best practices, work towards peace, and limit war.

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.

Dear Bay Area local govts & communities,

Hi this is Blair Beekman, with a reminder, that there will be, a quarterly BAUASI public meeting, Thursday March 19, 2026.

This is my first email letter, to local Bay Area govts, since the time of the Bay Area Super Bowl. Since the event, I hope our technology, data collection, and law enforcement concerns, have been trying to return to, more regular Bay Area practices. Sadly, local Bay Area communities, and around the country, must be having a difficult time, in continuing safe community best practices, during serious national security questions, with the ongoing u.s international war efforts, in Venezuela & Iran, at this time.

An important reminder, that we may moving past the era of 9/11, in many ways. And that local u.s. communities, have learned important lessons, in ways that they do not have to follow, the ideas of fear, secrecy, opacity, and endorsing projects of war, that is continually being created, at the national level, in the past 25 years.

Local Bay Area City govts, and local city govts across California, are learning, that with some internal bravery & vigor - to continue their local best practices, of openness, accountability, trust, and good communication, with its everyday public - these are some of the best ways, a local city, can stay safe.

And build good examples, of peace, open democracy & sustainability. These are simply good examples, for the international level, that they want to be learning from, more regularly, when they are in the practices, of continual war.

So I hope this letter, can be a helpful reminder, that even as long term u.s war, with Iran & the middle east, may be slowly growing, at this time - local state of Ca. & u.s. communities, are learning, how they can continually work towards, good reasoning, better ideals, and best practices. As these are ideas, that may be working towards peace, positive sustainability, and limiting u.s. /intl. continual war.

Sincerely,
Blair Beekman

Harvey, Samuel

From: b. beekman <cranberrysauce23@gmail.com>
Sent: Wednesday, March 25, 2026 3:30 PM
Subject: o. Blair Beekman. Wednesday, March 25, 2026.....Thoughts from BAUASI / Approval Authority public meeting. 3.19.26.

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.

Dear BAUASI,

To try to summarize, the BAUASI/Approval Authority public meeting, of March 19, 2026, and that may be reaffirming, some of my previous letters, on these subjects. I will be writing a follow-up letter, to speak more specifically, on current BAUASI issues, by next week.

From the BAUASI/Approval Authority public meeting, of March 19, 2026 - there may be some hopeful signs, that BAUASI leadership, and local Bay Area communities, are beginning to grow more comfortable, in trusting, more open, clear asks, conversations, and a regular dialogue. And how this can create, a safe healing space. And from this, we can be able, to better work together, to more openly question & address, current BAUASI Approval Authority plans & ideas, about the future direction, of BAUASI, BATEP, NCRIC, individual Bay Area projects & procurement, and the BAUASI public meeting process.

Hopefully, we are beginning a time, that BAUASI/Approval Authority, can begin trusting, to more easily explain, and to better share - their own ideas, plans, and goals, on the future of BAUASI streamlining & efficiency practices, when asked or written to, in simple, polite, and professional terms, from local Bay Area govt, from local govt agencies, from everyday community persons, and from myself. To also note, let's hope, this can be a beginning time, local Bay Area govts & communities, can better trust themselves, to simply ask questions.

It has now been, almost 2 years, since the current BAUASI /Approval Authority administration, has ended, the very respected, and very well-liked, previous BAUASI administration. Hopefully we can begin, to more regularly acknowledge - that it sometimes takes, good open dialogue, trust , healing, and time, to better address & work through, such drastic & surprising changes, that the SF Bay Area, is currently going through, with the new BAUASI /Approval Authority administration.

I think current BAUASI/Approval Authority plans, should continue to make the efforts, in how to be more open & accountable, in their current ideas, goals, and plans, for the future of BAUASI. And from this place, current BAUASI/Approval Authority leadership, should be starting, to better trust, how to more clearly listen, and to more openly answer, questions & ideas, from local Bay Area govts, and everyday community persons.

To build an open, cooperative effort, and trusted friendly dialogue, at the Bay Area level, is simply practical & healing, at this time, for Bay Area harmony & morale. I think it is an important concept to consider, how we can all have a role in the Bay Area, to define the future direction of BAUASI. I feel, current BAUASI and Approval Authority leadership, has to be open, in trusting where good questions & ideas, from local Bay Area govts & communities, can lead to.

BAUASI, local SF Bay Area govts & communities, all working together, in more communicative, coordinated, good terms, to define the future direction of BAUASI, at this time, can simply better address, our current local Bay Area disagreements. Building openness, trust, healing good dialogue, and good intentions, at the local level, at this time - can also be creating, a more local, united effort, to address - the subtle, related, and yet serious differences, between new BAUASI plans, of administrative streamlining & efficiency - compared with, possible current federal administration ideas, of long term austerity, for the future of BAUASI, and its funding.

And from all of this, also to be able, to simply ask - Is it possible, we can return to, previous BAUASI administrative practices & ideals.

To also note - as the u.s national level, is basically at continual war, since the events of 9/11/01 - Local communities, from the state of Ca, and of this country, have also been slowly learning & working hard, to better understand ideas, of openness, accountability, trust, open communication, cooperation, and sharing, before wanting to practice, the continual national policies of war, and its needs, of secrecy, opacity, and harm, in policy making. Local Ca communities, are simply creating, more responsible, well reasoned ideas, of peace & sustainability, at the local level, at this time. And that may actually be, important reference points, in helping to limit continual war, at the national level, as well.

As good leadership, is almost always based, on how to be open, to ideas, variations, and changes, to initial plans & long term goals - It should also be an important reminder, that new BAUASI/Approval Authority administration leadership, has to make the efforts, to be open, accountable, and to reach out - to not only explain, the intentions & goals, for the future of the BAUASI. But to also know how, to be adaptable & flexible. And to be open to changes & modifications, if more practical, reasonable ideas,

become more clear, in the ongoing Bay Area community conversations, about the future of BAUASI, in the San Francisco Bay Area.

I hope this can be a time, to better understand ideas, of peace and healing, that can help towards, more safe, open, and trusted dialogue, for all sides, in this fragile time.

sincerely,
blair beekman

Harvey, Samuel

From: b. beekman <cranberrysauce23@gmail.com>
Sent: Thursday, April 2, 2026 2:50 PM
Subject: o.Blair Beekman. Thursday, April 2, 2026.....Review of BAUASI/Approval Authority public meeting 3.19.26....Letter #2.

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.

Dear BAUASI, SF Bay Area local govts, agencies, & communities,

This is my 2nd, recent letter, to try to describe the hopefulness, that I felt, at the most recent, BAUASI/Approval Authority public meeting, of Thursday, March 19, 2026. A feeling may be developing, that all sides, are starting to better trust, more open clear dialogue, to define the future of BAUASI. I hope this 2nd letter, can be a helpful beginning summary, of the March 19, BAUASI/Approval Authority public meeting. And that this letter, can also help add to, some good intentions from everyone, towards openness & dialogue, at this still delicate time, of a new BAUASI administration in transition.

It is important, the new BAUASI/Approval Authority administration, continue their efforts, in how to make more more clear, their current goals. I am now beginning to better understand, that current BAUASI/BATEP training programs - including fire prevention, emergency services, and law enforcement - are all currently meant, to be returned, to local & county control, in training preparedness, policy making & organization. And as in the years, before 9.11.01.

BAUASI/Approval Authority, may also be starting, to make more clear - that its main future role will be, to simply continue to help provide, federal grant money, procurement, & advice - for local Bay Area govt emergency preparedness projects, and its technology tools. And from this, the new BAUASI/Approval Authority administration, will want to continue, its open public meeting process, for local Bay Area project procurement & technology needs. And to continue, the already well-established good practices, of BAUASI public oversight & public review.

From all of this, I'm still unclear, in what will be the future, of the ongoing working relationship & budgeting of NCRIC, by BAUASI. And how NCRIC, will be participating, in the future, of the BAUASI public meeting process.

I think, honest, open conversations, communication, and dialogue, in safe, trusting spaces, can be the best ways, to work out our current differences, at the local Bay Area level, about the future of BAUASI, at this time. It is important, BAUASI learns, how to more openly address, current Bay Area doubt, confusion, and apathy. BAUASI, and the entire SF Bay Area, can then also begin, to more easily address, the current differences, BAUASI is having, with the federal level & DHS, at this time. In building, beginning local ideas of trust, and more united, coordinated, good faith efforts, at the local Bay Area community level - this can simply help, for more clear, dialogue, with all levels of local, state, & federal govt. And to help, more easily determine, in how much federal funding dollars, may actually be needed, for the future of BAUASI, in 2026-27.

Overall, I am better understanding, the new BAUASI/Approval Authority administration, is trying to develop, a smaller, more streamlined, efficient, and less costly way of working. These are forms of austerity are ways, that the new BAUASI, may also be trying, to better distance itself, from the initial era of 9/11, and continual war. But I worry, the new BAUASI/Approval Authority administration, has to learn, how to make more clear, that they can have, similar austerity & budget efficiency goals, as the federal govt, at this time. And from this, BAUASI/Approval Authority & the SF Bay Area community, should be working closer together, to more openly & regularly highlight the differences, in BAUASI's own austerity planning ideas, at this time. And to then compare this - to similar austerity planning ideas, by the federal govt, and DHS, for the future of BAUASI, at this time, as well.

In times of federal government shutdown, as currently. And as we have returned to a place, of ongoing, u.s. intl. war - there can be difficulties, in long term planning, and open conversation, between the people of govt, govt agencies, and local communities. But an important reminder, good open conversation, and its better reasoning, are usually the ideas of peace, and not war.

From this, it may be an important time, to learn how to more openly ask - What local, state, and federal govt agencies, are supporting & helping, to better develop, the new BAUASI/Approval Authority streamlining & efficiency practices, of the past few years. In comparing this, to current federal austerity questions, about the overall future of BAUASI - different local, state, and federal levels, of govt depts & agencies, have possibly been in, a bit of an overly competitive race, that is sometimes running counter, to each other. It may make for, a more helpful, clear process for everyone - that we take the time, to more clearly understand, initial good intentions, good purpose, and next steps, of where BAUASI ideas of streamlining & efficiency, have initially originated from.

To also note, we simply may be losing, a previously beloved & well-organized BAUASI administration. I hope we can be learning, to more openly acknowledge this together, in the SF Bay Area. It can be an additional good healer. And work towards, more clear & respected, Bay Area decision making.

I feel, other people, may also have, more clear, better ideas, for the future of the BAUASI administration, that I hope can be listened to, and better understood, by BAUASI Approval Authority administration, and the Bay Area community, at this time, as well. In the many ways, to move forward, at this time, with trust, openness, friendship, idea sharing, care, and good healing, at this time - I sincerely hope, the new BAUASI/Approval Authority administration, is learning to trust, that Bay Area local govts, their community voices, and their ideas, can simply add, an important part, in how to develop, the future direction of BAUASI, at this time.

And from this, I also hope, we can all acknowledge & respect, that for as much as, the current BAUASI administration is hoping, local Bay Area govts & communities, can trust, new BAUASI/Approval Authority administration planning goals, at this time - I hope there can be, the same trust, where additional ideas & directions, from local Bay Area govt & communities, may be the best answers, for the future of BAUASI, at this time, as well.

From this, there was an impressive language, that should be noted, from the December 12, 2025, BAUASI meeting minutes, that was within, the March 19, 2026 public meeting agenda. It offered a very helpful, interesting way, to offer public comment, as a more integral, regular part, of public meeting minutes.

These interesting & possibly legally well-reasoned, public comment examples, for previous public meeting minutes, offered good remembrances, of how the previous BAUASI administration, would sometimes work much, to develop good ideas, for the public process. In the very least, it can be, a very good example, in how to safely bring back, the spirit of the previous BAUASI administration. And into, our current lives & decision making. And quite possibly, a very good example, in how current Approval Authority staff, is trying & listening to, Bay Area community ideas. And to continue to work towards, a better future, for the BAUASI public process, at this time.

In some ways, I can respect the current goals, at this time, to develop, a more streamlined, efficient, and smaller BAUASI administration. And as ways, to possibly create more distance, from the era of 9/11. But I also feel, we always have to keep in mind - ways to better organize, and to more openly address, the mismanagement & forced confusion, that led to the day, of 9/11/01. As I also hope, we can be learning, how to better address our lives, and the well-intentioned good roles, there can be, within this country, as we are being forced into continual war, for the past 25 years now.

In ending, the previous BAUASI administration, we are currently giving up, the past 20 years, of a well-organized, open, & coordinated effort, of good Bay Area emergency preparedness, public safety, and in developing, a good public meeting process. I currently feel, it was an overall better system, of communication for people, and for Bay Area emergency preparedness. And in comparison to, Bay Area emergency preparedness practices, before 9.11.01. I hope, we can all be given, more open, clear explanations, on why some people, may feel otherwise, at this time.

All of these, well-meaning, sensitive conversations, are trying to take place, under current new concerns, of national security sensitivity, and with the u.s. federal govt level, re-engaging in possible long term, continual intl. war. The continual threat of war, simply limits, our better human reasoning & potential, in addressing issues & solving problems. As always, a good luck in considering, the better practices of openness, accountability, good dialogue, and negotiation, at the local SF Bay Area level, at this time. As it can simply give good examples, of peace & better reasoning, for the international level, as well.

To try to summarize & address, a more clear, written down list, of some concepts & questions, from this letter, that may have already had, some good beginning dialogue. But that can always have the need, for a bit more clarity, from ourselves -

Is the return, to emergency preparedness & training, to local Bay Area cities & counties - possibly going to have, less regional coordination & communication, between local Bay Area cities, and in Bay Area regional emergency preparedness, overall? And from this, will there be, more of a chance, for errors, miscommunication, and public safety snafus ?

Do we need, a more clear, or a continuing open discussion - If the current ideas & goals, of this new BAUASI administration, is the overall proper route - as how to best address, the always continuing needs, of better organization, coordination, communication, streamlining & efficiency, for the future of Bay Area regional emergency planning, and public safety ?

Can we all be allowed to introduce, possibly more clear, better ideas, of BAUASI organization & communication, at this time. And that can be added, to current new BAUASI/Approval Authority administration plans & goals? And that can even supplant, new BAUASI administration ideas & goals, if agreed upon, by everyone, of the Bay Area community - as appropriately better, for the future, of Bay Area emergency preparedness practices ?

Im hoping, a safe, trusted space, of SF Bay Area consensus building, is how to better ask, these types of questions. As consensus building, is how these agreements, can be answered, more fairly & decently, in the past, present, and future of BAUASI, and the Bay Area community public process.

sincerely,
blair beekman

p.s.

To conclude, at bottom, is a news article, in how to better consider & prepare, for California Senate Bill 707. It states, that starting in July 2026, local California Brown act public meetings, have to begin offering, Zoom and phone call in, for public comment, in Brown Act public meetings. There can be, many Brown act revisions, to consider, within local Ca.Brown Act sponsored public meetings. And that, BAUASI/Approval Authority staff, and local Bay Area communities, should be starting, to better prepare for.

The recent passage, of California Senate Bill 707, is an Important reminder, of how openness, accountability, public accessibility, public oversight, and participatory democracy, may work best, to address & develop, a better human reasoning & positive community sustainability, at this time in history. Ideas, that can actually work, to more easily choose dialogue, negotiation, and not harm, as how to solve issues. And that, these decent good efforts, at the local level, can work to better limit, the ideas & use of continual war, at the national level.

https://calmatters.digitaldemocracy.org/bills/ca_202520260sb707

Harvey, Samuel

From: DurantSafetyConcern <durantsafetyconcern@gmail.com>
Sent: Sunday, March 29, 2026 11:35 PM
To: May, Keith
Cc: andy@andykatz.com; tajtacoma2020@gmail.com; City Clerk; BFD Fire Prevention; Gottlieb, Jonah; Lunaparra, Cecilia; Manager, C; City Attorney's Office; Auditor; FCPC (Fair Campaign Practices Commission); Office of the Director of Police Accountability
Subject: URGENT: Demand for Immediate Upload of Missing Public Records – DFSC March 25 Meeting

NOTICE: PROTECTED WHISTLEBLOWER DISCLOSURE / FORMAL BROWN ACT COMPLIANCE DEMAND

Date: March 29, 2026

To: Keith May kmay@berkeleyca.gov

Cc: [DFSC Chair]; [Commissioner Taj]; clerk@berkeleyca.gov; bfdfireprevention@berkeleyca.gov; Jonah JGottlieb@berkeleyca.gov; [Vice Mayor Lunaparra's Email]; City Manager; City Attorney; City Auditor; FCPC@berkeleyca.gov; dpa@berkeleyca.gov

Dear Deputy Chief May,

I am following up on my formal grievance dated **March 26, 2026**. I write to ensure that the public record accurately reflects the communications submitted for the **March 25 Disaster and Fire Safety Commission (DFSC) meeting**.

I. The Ministerial Duty to the Public Record

My correspondence from **March 18 (1:19 AM)**—a 7-point refutation of BFD’s failure to enforce life-safety mandates—remains missing from the City’s Records Online portal. I must reiterate that **transparency is not a discretionary privilege** granted by the Fire Department or your position as its Deputy Fire Chief; it is a **ministerial duty** of you serving as a **DFSC secretary**, mandated by the **Brown Act (Gov. Code § 54957.5)**. The public’s right to inspect these records is not contingent upon your department's agreement with their content.

II. The Subversion of Commission Authority

The events of the March 25th meeting revealed a concerning departure from Berkeley’s democratic processes. While the DFSC is designed as a vehicle for **citizen oversight**, the power dynamic in the room suggested a **reversal of that hierarchy**.

To see a District Commissioner and a public commenter alike **concede to the prohibition of a handout by a staff member**—a BFD Deputy Chief serving as the DFSC Secretary—is to witness the **subversion of the Commission’s independence**. Specifically, when **Commissioner Taj Herzer-Baptiste of District 7** handed back the physical materials to you following your **repeated emphasis on their prohibition until April's meeting**, it signaled an **abdication of the Commission’s autonomous oversight role** to a uniformed staff member.

When a uniformed official assumes the authority to **veto the distribution of public handouts**—material directly related to public comment and submitted nearly eight days prior—it does more than just block a document; it creates a power dynamic that **quivers the very spirit of citizen oversight**. This suppression was twofold: first, you **refused to distribute the electronic copies** to the Commissioners yourself before the meeting; second, you **prohibited the physical distribution** at the meeting, knowing full well that a public commenter has no other channel to reach the Commission. This **double-gatekeeping** chills the very speech the Commission was created to hear.

As a great jurist once suggested, the "**constant pressure**" of power must be met with an unyielding commitment to the rule of law. The eagerness to clear the room and stifle further communication only deepens the appearance of **malfeasance**.

III. The Concrete Reality vs. Administrative Evasion

The BFD Chief's March 26th claim of "no violations" is **factually irreconcilable** with the concrete reality of the **life-safety crisis** facing **19 units of District 7 constituents**. It is further contradicted by **HCE's official NOV's (March 24th)**, which—though incomplete—verify the **missing fire alarm** in the egress corridor. The BFD's attempt to mischaracterize local codes and **evade superseding State laws** does not grant you the right to "gatekeep" the evidence of these failures from the public record.

IV. Formal Demand

I demand that the March 18th submission be **uploaded and indexed** to the DFSC website and Records Online portal immediately. Please confirm compliance by **March 31, 2026**.

Public oversight cannot be "quivered" into silence by the presence of a uniform.

Sincerely,
Durant Safety Concerns, PhD

----- Forwarded message -----

From: **DurantSafetyConcern** <durantsafetyconcern@gmail.com>

Date: Thu, Mar 26, 2026 at 9:28 AM

Subject: FORMAL GRIEVANCE: Deliberate Suppression of Public Record & 100-Day Safety Impairment (2425 Durant) amid Criminal Safety Mandate Noncompliance

To: May, Keith <KMay@berkeleyca.gov>, <bfdfireprevention@berkeleyca.gov>

Cc: <jgottlieb@berkeleyca.gov>, <clunaparra@berkeleyca.gov>, tajtacoma2020@gmail.com <tajtacoma2020@gmail.com>

Dear Deputy Chief May and Fire Prevention Bureau,

I am formally documenting a **Breach of Mandatory Duty** and a failure of administrative transparency regarding the high-priority life-safety impairments at **2425 Durant (APN 055-1878-00701)**.

1. Intentional Suppression of Materials and Handouts vs. Life-Safety Crisis

It is professionally unacceptable that Deputy Chief May, acting as the DFSC Secretary, failed to distribute my materials for the March 25th meeting. While my submission was **79 minutes** past the 8-day deadline for the main agenda packet, Berkeley's standard commission procedures specifically provide for **Supplemental Packets** for precisely this reason.

The choice to exclude this material from the supplemental distribution—and your subsequent refusal to allow the distribution of **physical handouts** during the meeting—constitutes a deliberate effort to shield the BFD from public oversight and block the Commission from reviewing evidence of non-enforcement. This is not a mere "procedural delay"; it is a **denial of the public's right to participate** in the oversight process.

By pushing this to "next month," you are forcing **19 units of District 7 constituents** to wait another 30 days for safety protections that have already been missing for **100 days** amid 2425 Durant's ongoing criminal safety mandate noncompliance.

2. The 100-Day Indicator of Systemic Noncompliance

While the BFD appears concerned with a 79-minute clerical delay, it has remained inert during a **100-day** life-safety crisis. A critical smoke alarm in the primary 1st-floor egress corridor has been missing since Dec 9, 2025.

This specific impairment is merely the **visible tip of an iceberg**; it is an indication of the substantial degree of Fire Code violations resulting from the **Criminal Safety Mandate Noncompliance** at this 19-unit premises, which has been well-documented in my reports and requests for inspections to BFD. This "Safety Vacuum" is a direct result of the owner's evasion of the **25 CCR § 42** manager mandate—a fact BFD has been on actual notice of since **late February**.

3. Accountability and Resource Drain

This procedural "jujitsu" is a massive drain on my time, energy, and resources. I am formally requesting that the **District 7 Council Office** and **Vice Mayor Lunaparrainquire** as to why a Deputy Chief is acting as a "gatekeeper" to block fire safety evidence from a citizen-led commission.

4. Demand for Ministerial Action

I want to ensure that the "jurisdictional jujitsu" used to avoid enforcing the California Fire Code (CFC) is addressed at the Council level.

I formally demand:

- A written justification from BFD for why a 100-day impairment in a critical exit corridor has not resulted in an **Abatement Order**.
- An immediate physical inspection of all 19 units to verify the full scope of the safety violations currently being suppressed, details of which were outlined in the **7-point refutation to Chief Sprague on March 17**.

PRIVACY & CPRA NOTICE:

I formally request that the City **REDACT** all personally identifying information (PII) and health-related details from this communication prior to any public disclosure or posting.

Sincerely,
Durant Safety Concerns

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

On Wed, Mar 25, 2026 at 10:43 AM May, Keith <KMay@berkeleyca.gov> wrote:

Good morning,

The information that you provided will be emailed to the Commission after the March 25, 2026 meeting and will be included as part of the April Agenda packet.

Best,

Keith May

Deputy Fire Chief

Berkeley Fire Department

2100 Martin Luther King Jr. Way

Berkeley, CA 94704

510-981-5508 office

kmay@berkeleyca.gov

From: DurantSafetyConcern <durantsafetyconcern@gmail.com>

Sent: Tuesday, March 24, 2026 10:00 PM

To: May, Keith <KMay@berkeleyca.gov>

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

Dear DFSC Secretary | Deputy Chief May,

Thank you for the clarification. I appreciate your strict adherence to the agenda packet deadlines.

Will these **"Communications to the Commission"** be provided to the members **electronically prior to the March 25th meeting**, or only in the printed April packet?

Given the precision with which you apply these administrative rules, I feel assured that you must apply the same standard of diligence to the **Berkeley Fire Department's** operational duties—

ensuring that safety concerns and inspection requests are addressed with similar promptness rather than being brushed off.

I look forward to your confirmation regarding the electronic distribution for tomorrow's session.

Best Regards,

Durant Safety Concerns

Whistleblower Program Participant

Protected Disclosure (Labor Code § 1102.5)

On Tue, Mar 24, 2026 at 7:14 PM May, Keith <KMay@berkeleyca.gov> wrote:

Good evening,

The documents were not received before the deadline for the March 25, 2026 Agenda Packet. Therefore, the document will be included in the April 22, 2026 Agenda Packet. They will be distributed as "Communication to the Commission" as well.

Best,

Keith May

Deputy Fire Chief

Berkeley Fire Department

2100 Martin Luther King Jr. Way

Berkeley, CA 94704

510-981-5508 office

kmay@berkeleyca.gov

From: DurantSafetyConcern <durantsafetyconcern@gmail.com>

Sent: Tuesday, March 24, 2026 5:00 PM

To: May, Keith <KMay@berkeleyca.gov>

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

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.

Dear DFSC Secretary May ,

I am writing to ensure that the previously attached **7-Point Technical Refutation** and **Master Regulatory Deficiency Matrix** for the **2425 Durant (ZP#2024-0162)** project have been included in the **official correspondence section** of the **March 25, 2026, DFSC** meeting packet.

Please confirm that these documents have been received and distributed to the Committee members for their review.

Best Regards,

Durant Safety Concerns

Whistleblower Program Participant
Protected Disclosure (Labor Code § 1102.5)

On Wed, Mar 18, 2026 at 1:19 AM DurantSafetyConcern <durantsafetyconcern@gmail.com> wrote:

**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)**